

309 (3 cases)

2024:PHHC:076643-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CRA-D-107-DB of 2012
Date of Decision: 30.05.2024

Sushil Kumar
Vs.
State of Haryana

...Appellant

...Respondent

2.

CRA-D-336-DB of 2012

Bhajan Lal
Vs.
State of Haryana

...Appellant

...Respondent

3.

CRA-D-338-DB of 2012

Prem Raj
Vs.
State of Haryana

...Appellant

...Respondent

**CORAM: HON’BLE MR. JUSTICE GURVINDER SINGH GILL
HON’BLE MR. JUSTICE N.S.SHEKHAWAT**

Present: Mr. K.B.S. Mann, Advocate
for the appellant in CRA-D-107-DB-2012.

Ms. Sonia G. Singh (Legal Aid Counsel) and
Mr. Balram Singh, Amicus-Curaie
for the appellant in CRA D-336-DB-2012.

Mr. Dinesh Kumar, Legal Aid Counsel
for the appellant in CRA-D-338-DB-2012.

Mr. Munish Sharma, DAG, Haryana.

N.S.SHEKHAWAT, J.

1. The present appeal challenges the impugned judgment dated 24.11.2011 and the order dated 26.11.2011 passed by the Additional Sessions Judge (Fast Track Court), Hisar, whereby, the appellants were held guilty for the commission of offence under Section 460 IPC and were sentenced to undergo imprisonment for life.

2. Since, the impugned judgment and order in all the above-mentioned three appeals are common, consequently, all the three appeals are being disposed off by this Court by passing a common judgment.

3. As per the report under Section 173 Cr.P.C., the FIR Ex.P-9 in the present was got registered by Ishwar son of Amar Nath Pandit. The FIR and the proceedings have been reproduced below:-

“Statement of Ishwer son of Amar Nath, caste Brahaman, r/o Ward No.3, Narnaund, aged 64 years. P. No. 99917-63370.

Stated that I was the resident of the above address and do agricultural work. We were three brothers. The eldest is Ram Bhaj, then myself and younger was Subhash. We three brothers are residing separately. My brother Subhash has constructed house in Ward No.11. Subhash has one son Shiv Charan and one daughter Shiv Shakti, Both are married. Shiv Charan is residing at Barnala with his family and doing private service. Wife of my

brother Subhash had gone to the house of her parents in village Bapora for the last 10/15 days. Toni alias Prem Raj son of Dharam Chand caste Kumhar resident of Kalar Bhaini was residing in the house of my brother Subhash on rent earlier. Yesterday at 9.00 p.m., I and my son Ramesh and Bharmanand son of my nephew Hari Om were present at the house of Subhash, when Toni alias Prem Raj and his friends Sushil Kumhar and Bhajan Lal, Chamar residents of Dhani Peeranwali, who used to visit Toni, had come there. After some time we went to our respective houses. Today in the morning at about 9.30 a.m., my wife Sumitra went to bring the clothes of Subhash for washing and saw the doors of the house were open and the articles of the house were lying scattered and Subhash was lying dead on the floor of the room. On seeing this, my wife being perplexed came to me while running and told the whole story to me, on which, I and my son Ramesh rushed to the spot and saw that my brother Subhash was lying dead on the floor in the room and the doors of the house were lying opened. Almirahs, Sanduck and box of the bed all were opened, on which I gave information to Vidya wife of Subhash, his son Shiv Charan and other relatives. On this information, Vidya Devi reached the house. We asked her to check cash and ornaments. Vidya Devi on checking told that one golden necklace, one gold Tika, one pair of ear Topas of gold, one pair of golden Jhumka, One Nath alongwith chain of gold, two golden lady rings and two golden gents rings, 4 silver coin and Rs.15,000/- cash, one mobile phone Nokia, out of gents rings one ring worn by Subhash, on which S. Nagwan in

English and on the other ring S. Sharma, have been written have been stolen away. I have full suspicion that Toni alias Prem Raj and his friends Sushil and Bhajan Lal together have stolen and on resisting the same Subhash has been murdered. I have got recorded the statement, which I have heard and is correct. Legal action be taken. Sd/-Ishwar. Attested Bani Singh, S.I/S.H.O. Police Station Narnaund dated 20.10.09

Police Proceedings: Today I and ASI Ram Niwas 208, BHC Manohar Lal 405, BHC Raghbir Singh 27, BHC Subhash Chander 973, EASI Rampal, C. Kashmir Singh 1036, in Govt. Vehicle No.HR-39A-2732, driver C. Arjun Dev, were present in connection with patrolling at Old Bus stand Narnaund, when Ishwar son of Amar Nath alongwith Brahmanand son of Hari Om, Caste Brahman, r/o Narnaund met and Ishwar got recorded his aforesaid statement. Whatever, he has got recorded has been reduced into writing word by word and the same has been read over to him. He admitting his statement correct, put his signatures in Hindi script under his statement, to which I attest. From the above statement offence under Section 460 IPC reveals to have been committed. Therefore, the written writing is being sent to the police station through C. Kashmir Singh 1036, for registration of a case. After the registration of the case, its number be intimated. Special report of the case be sent to the Ilaqa Magistrate, Hansi and the senior officers. The FSL Team be arranged to be sent at the spot. I, alongwith the companion officials, with the complainant Ishwar and Brahmanand, proceed to the place of occurrence. At:-Old Bus Stand Narnaund.

SD/-Bani Singh SI, Station House Officer, PS Narnauad, dated 20.10.09. at 4.00 PM. At Police Station:- On receipt of the above writing, case under the said offence has been registered. Copy of the police file alongwith original writing is being sent to the SI/SHO at the spot through the incoming constable. Copies of the FIR have been prepared, which are being sent as special report to the senior officers and the Ilaqa Magistrate, through special messenger, EASI Manohar Lal 54. The FSL Team has been informed through telephone”.

4. After the registration of the FIR, the usual investigation was conducted by the police and the challan was prepared and presented before the Area Magistrate. Since, the offence was triable by the Court of Sessions, consequently, the Area Magistrate committed the case to the Court of Sessions for trial. After taking into consideration the documents appended with the report under Section 173 Cr.P.C., the trial Court ordered framing of charge for commission of the offence under Section 460 IPC against the three appellants/accused, to which, the accused pleaded not guilty and claimed trial.

5. In order to prove the charge against the appellants/accused, the prosecution had examined 13 witnesses in the present case. The prosecution examined PW1 Dr. Jitender Kumar Jakher, who alongwith other doctors conducted the postmortem examination on 21.10.2009. He stated that as per the police papers, the death was due to strangulation. He found that both the eyes were

closed, cornea was hazy and opaque and the mouth was closed. Blood had come out through nostril and mouth. Marbling was present over the root of upper limb. The postmortem staining was present over the dorsal aspect of the body and rigormortis present was in passing of phase. He found the following injuries and stated as under:-

“1. A ligature mark of width 2 c.m. present all around the neck at the level of thyroid cartilage situated 5 c.m. below the chin, 2 c.m. below the left angle of mandible, 4 c.m. below the right angle of mandible, 5 c.m. below the occipital protuberance. On dissection under lying tissues were found ecchymosed. On further dissection wall of the larynx and trachea found congested. Hyoid bone found intact.

2. A reddish contusion of size 3x2 c.m. present over the supra clavicular fossa of right side, on dissection underlying tissue found ecchymosed.

3. A reddish contusion of size 5x3 cm present over the dorsal surface of the right hand in the region of first interdigital space line. On dissection under lying tissue found ecchymosed.

4. A reddish contusion of size 4 x 2 c.m. present over the middle of the dorsal aspect of left hand. On dissection under lying tissue found ecchymosed.

5. A reddish contusion of size 7 x 4.5 cm. present over the left side parietoccipital region situated 5 c.m. posterior of left ear. On dissection under lying tissue found ecchymosed.

On examination, I found that brain was congested, both lungs were congested on cut section. Blood tinged froth

came out. Liver, Spleen, Kidneys were congested. Rest of the viscera were healthy Stomach contained semi digested food material, mucosa was healthy. Small intestines contain digested food material. Large intestines contain fecal matter. After examination, I opined that the cause of death was due to strangulation, by ligature which was antemortem in nature and sufficient to cause death in ordinary course of nature. The probable time that elapsed between death and postmortem examination was 24 to 48 hours.

After postmortem examination, I handed over to police the following:

- 1. A well stitched dead body after autopsy.*
- 2. A copy of Post Mortem Report.*
- 3. Police papers 17 in numbers duly signed by me.*
- 4. A sealed packet bearing five seals containing clothes and belongings.*
- 5. Sample of seal used (Fm).*

Ex.P2 is the correct carbon copy of Postmortem report, which bears my signatures. Ex. P3 is inquest papers which were along with the application Ex. P1 duly signed by me”.

6. As per PW1 Dr. Jitender Kumar Jakher, the death in this case was possible during the night intervening 19/20.10.2009. He stated that it was a case of throttling (manual strangulation). The cause of death was mainly the result of injury No. 1. He further stated that the deceased in this case had taken his last meal about 4/6 hours prior to his death. The prosecution examined PW2 Dr. Tarun, who had referred the dead body to PGIMS Rohtak for postmortem

examination to be conducted by Forensic Experts. PW3 EASI Manohar Lal had delivered the special report to JMIC, Hansi at his residence and to the higher police officers. PW4 Subhash Chander had prepared the scaled site plan in the present case. PW5 Subhash Chander's testimony was formal in nature. PW6 Anil Kumar Photographer had taken the photographs of the place of occurrence on 20.10.2009 and proved the said photos. The prosecution further examined Ishwar Singh, complainant, as PW7, who reiterated the averments made in the FIR. In his cross-examination, he stated that accused Prem Raj remained in the house of Subhash on rent for about 02 years and he left the house about 01 year prior to the present occurrence. He was a resident of village Kalar Bhani. Wife of Prem Raj also used to reside in the house of Subhash for some time. He had only seen once the accused Bhajan Lal and Sushil at the house of Subhash when Prem Raj was resident in that house. He had seen them about 03/04 months prior to leaving the house by Prem Raj. He had no conversation with Prem Raj, Sushil and Bhajan Lal. When he alongwith Ramesh and Brahmanand reached the house of Subhash, he was present in his house. Sushil, Prem Raj and Bhajan Lal, all accused, reached the house of Subhash after about half an hour of their reaching there. They were sitting in the room, which was adjacent to the entrance room, when the accused came there. He and Subhash had no conversation with the accused. He remained there for

about 20 minutes after arrival of the accused. There were two cots and some chairs in the room. Prem Raj @ Tony remained standing near them whereas the other two accused sat on the chair. They had left the house of Subhash at about 10.00 p.m. His wife returned from the house of Subhash at 09.30 a.m. on the next day and informed them about the death of Subhash and they immediately reached the house of Subhash. He informed the police after arrival of the son and wife of the deceased. The police had arrived at the house of Subhash at about 2/2.30 p.m. The prosecution further examined PW8 ASI Bhoop Singh, who tendered his affidavit Ex.P-58. Constable Rajbir Singh was examined as PW9, who was posted as MHC in Police Station Narnaud at the relevant time. The prosecution further examined Shiv Charan son of Subhash Chander as PW10, in whose presence, the accused were interrogated and the recoveries were made from them in pursuance to their respective disclosure statements. The prosecution further examined Vidya Devi wife of Subhash as PW11 who reached at the place of occurrence after murder and checked the almirah and box, where jewellery articles and cash etc. were kept and those were found missing. She had seen the jewellery articles in the Court, which were taken on superdari by her son and they were the same, which were stolen from their almirah. The prosecution further examined PW12 SI Bani Singh, who had initially conducted the investigation in the present case. On 22.10.2009, he arrested Tony @ Prem Raj,

Sushil and Bhajan Lal, all accused, and they were arrested from Dhani Pirawali and village Kaller Bhani. All the accused were interrogated separately and recoveries were made in pursuance to the respective disclosure statements suffered by each of the accused. As per him, Tony @ Prem Raj suffered disclosure statement Ex.P-60 and disclosed that he had kept concealed some jewellery near the back wall of Baba Moni Dass Mandir in village Rajthal and he could get the same recovered. Tony @ Prem Raj took the police party to the disclosed place and got recovered the ornaments, which were taken into possession vide memo Ex.P63. Similarly, Bhajan Lal, accused also suffered a disclosure statement Ex.P62 and he got recovered golden articles, ATM cards and silver coin, which were taken into possession vide memo Ex.P65. Similarly, Sushil, accused also suffered a disclosure statement Ex.P-61 and got recovered golden ornaments, ATM cards and a silver coin, which were concealed by him and were taken into possession by the police vide memo Ex.P64. The ornaments and the stolen articles were released on superdari to the complainant in the present case. After the completion of investigation, he prepared a report under Section 173 Cr.P.C. and presented before the Court. The prosecution further examined PW13 Ramesh son of Ishwar Singh who supported the statement of PW7 Ishwar Singh, complainant.

7. After the prosecution completed its evidence, the

statements of all the three accused were recorded under Section 313 Cr.P.C. Prem Raj @ Tony accused stated that he had been falsely implicated in the present case and nothing has been recovered from him. He and his co-accused were taken into custody at about 3/4.00 p.m. on 20.10.2009, from their houses and were implicated in the present case. Similarly, Sushil Kumar accused stated that he was taken into custody on 3/4.00 p.m. on 20.10.2009 from his house and was falsely involved in the present case. Bhajan Lal accused also made similar statement.

8. The appellants/accused examined DW1 Satbir, Ex. Member Panchayat, who stated that at about 4.30 p.m. on 20.10.2009, the police had taken away all the three accused on the pretext of some interrogation from them. DW2 ASI Kamal Singh had proved on record certain ronnamcha entries from Police Station Narnaund w.e.f. 04.10.2009 to 30.10.2009.

9. Learned counsel appearing on behalf of the appellants vehemently argued that it was a case based on circumstantial evidence and the chain of circumstances against the present appellants was incomplete and the appellants had been wrongly convicted by the trial Court. Learned counsel further relied on ***Hanumant Vs. The State of Madhya Pradesh, 1952 (1) SCR 1091*** and ***Sharad Birdhi Chand Sarda Vs. State of Maharashtra, 1985(1) SCR 88*** to contend that in circumstantial evidence based cases, each incriminating circumstance

must be clearly established by reliable and clinching evidence and the circumstances proved must form a chain of events from which irresistible conclusion of the accused's guilt can be safely drawn and no other hypothesis is possible. They further submitted that in a case depending upon circumstantial evidence, there was a danger that conjectures or suspicion may take place of legal proof and the Court must satisfy itself that the various circumstances in the chain of events have been established clearly. In the present case, the case was based on the testimonies of the interested witnesses, i.e. PW7 Ishwar Singh and PW13 Ramesh and the said witnesses cannot be said to be credible. They further submitted that even the case of the prosecution rests entirely on "last seen theory", which is a weak kind of evidence and the appellants are liable to be acquitted by this Court.

10. On the other hand, learned State counsel vehemently argued that in the present case, the appellants were specifically named by the complainant PW7 Ishwar Singh in the first version itself, which was got registered by him immediately after the occurrence. Still further, the appellants were "last seen" in the company of Subhash (since deceased) by PW7 and other witnesses, immediately, before the commission of the crime by the present appellants and there was no time gap between when the deceased was "last seen" in the company of the accused and the probable time of his death. Even otherwise, the complainant had no reason to falsely involved the

appellants in a false criminal case and the recoveries of jewellery had proved the case against the present appellants.

11. We have heard the learned counsel appearing on behalf of the appellants as well as learned State counsel and have carefully scrutinized the trial Court in the present case.

12. While discussing the principles for appreciating the circumstantial evidence, the Hon'ble Supreme Court in the matter of ***Jaibir and others Vs. The State of Uttarakhand*** 2023(1) R.C.R (Criminal) 884 and 2023 AIR (Supreme Court) 488 as follows:-

“21. A basic principle of criminal jurisprudence is that in circumstantial evidence cases, the prosecution is obliged to prove each circumstance, beyond reasonable doubt, as well the as the links between all circumstances; such circumstances, taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability, the crime was committed by the accused and none else; further, the facts so proved should unerringly point towards the guilt of the accused. The circumstantial evidence, in order to sustain conviction, must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused, and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence.⁵ These were so stated in Sarad Birdichand Sarda (supra) where the court, after quoting from Hanumant, observed that:

“153. A close analysis of this decision would show that the following conditions must be fulfilled before a case

against an Accused can be said to be fully established:

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

*It may be noted here that this Court indicated that the circumstances concerned 'must or should' and not 'may be' established. There is not only a grammatical but a legal distinction between 'may be proved' and "must be or should be proved" as was held by this Court in **Shivaji Sahabrao Bobade v. State of Maharashtra (1973) 2 SCC 793** where the following observations were made: [SCC para 19, p. 807: SCC (Cri.) p. 1047]*

Certainly, it is a primary principle that the Accused must be and not merely may be guilty before a court can convict and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions.

(2) the facts so established should be consistent only with the hypothesis of the guilt of the Accused, that is to say, they should not be explainable on any other hypothesis except that the Accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency,

(4) they should exclude every possible hypothesis except the one to be proved, and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of 5 Ibid 3 the Accused and must show that in all human probability the act must have been done by the Accused.”

154. These five golden principles, if we may say so, constitute the panchsheel of the proof of a case based on

circumstantial evidence.”

These panchsheel precepts, so to say, are now fundamental rules, iterated time and again, and require adherence not only for their precedential weight, but as the only safe bases upon which conviction in circumstantial evidence cases can soundly rest.

13. Applying the said principles of law, to the facts of the instant case, we have to first scrutinize the testimony of PW7 Ishwar Singh, complainant of the present case. PW7 Ishwar Singh, complainant, who is brother of Subhash (since deceased), who had “last seen”, the appellants/accused in the company of Subhash in the present case. Even, at about 10.00 p.m., on the night intervening, 19/20th October 2009, PW7 Ishwar Singh was present at the house of his brother Subhash with his son PW13 Ramesh and Bharmanand. In the meantime, after about half and an hour, Prem Raj, Bhajan Lal and Sushil Kumar, all the three accused also came there. As per him, Prem Raj had stayed in the house of Subhash (since deceased), for about 02 years and had left his house about 01 year ago. Even, he knew other two accused, namely, Sushil Kumar and Bhajan Lal also. PW7 Krishan Singh and PW13 Ramesh left the house of Subhash at about 10.00 a.m. on the night intervening, 19/20.10.2009 and they had left Subhash (since deceased) in the company of three appellants at that time. However, next morning, the dead body of Subhash was recovered from the house in question and the ornaments and other

valuables were found stolen. Still further, in the present case, the postmortem examination was conducted by a team of forensic experts of P.G.I.M.S., Rohtak and out of them, Dr. Jitender Kumar Jakher, as examined as PW1. He stated that in the present case, the death was possible during the night intervening 19/20.10.2009. He also stated that in the present case, the deceased had taken his last meal about 4/6 hours prior to his death. It is a matter of common knowledge that in this part of the country, people take their meals earlier, i.e., at about 8/9.00 p.m. Thus, in view of the opinion rendered by PW1 Dr. Jitender Kumar Jakher, the murder might have been taken place at about mid night of 19.10.2009. It is also apparent that immediately before this Court, PW7 Ishwar Singh and PW13 Ramesh had left all the three appellants in the company of Subhash (since deceased) at about 10.00 p.m. on the night intervening 19/20.10.2009.

14. In fact, the evidence of “last seen” becomes an extremely important piece of evidence in a case of circumstantial evidence, particularly, when there is a close proximity of time gap between when the accused was “last seen” with the deceased and the discovery of body of the deceased in this case the time of death of the deceased. Thus, it does not mean that in cases where there is a long gap between the time of “last seen” and death of the deceased, the “last seen” evidence loses its value. In fact, a very heavy burden is placed upon the prosecution to prove that during this period of “last seen” and the

time of death of the deceased, no other person but the accused could have had an access to the deceased. At the same time, the Court is also conscious of the fact that circumstances of “last seen” alone cannot itself become the basis of the guilt. In the present case, PW7 Ishwar Singh, the star witness of the prosecution had categorically stated that he knew all the three appellants very well and at about 10.00 p.m., on 19th October 2009, all the three appellants were left by them at the house of Subhash (since deceased). Consequently, the approximate gap between the said time and the probable time of death, based on postmortem report, was very narrow. In fact, Pw1, Dr. Jitender Kumar Jakher, Forensic Expert had clearly stated that the deceased had taken his last meal about 4/6 hours prior to his death. Thus, it is apparent that Subhash was murdered at around mid night. In such circumstances, the evidence of “last seen” becomes an important circumstance and the version of PW7 Ishwar Singh and PW13 Ramesh was worth placing reliance in the present case.

15. Still further in the present case, PW7 Ishwar Singh, brother of the deceased stated that Prem Raj @ Tony remained a tenant in the house of Subhash (since deceased), for a period of about 02 years and had left the house about 01 year prior to the occurrence. The wife of Prem Raj @ Tony accused also used to reside in the house of Subhash for some time. Even PW7 Ishwar Singh knew the other two accused, namely, Bhajan Lal and Sushil Kumar and had

seen at the house of Prem Raj @ Tony earlier. PW7 Ishwar Singh, who is brother of the deceased, had no reason to falsely involve Prem Raj @ Tony and his accomplices in a false criminal case. Even, not even a vague suggestion has been given to him with regard to the reason of false implication of the appellants in the present case. Even, in their statements under Section 313 Cr.P.C., all the accused had taken a stand that they had been took by the police from their respective homes in the afternoon on 20.10.2009 and none of the accused had even alleged that PW7 Ishwar Singh had any enmity with them or had any motive to falsely involve them in a criminal case. Even otherwise, Pw7 Ishwar Singh is the brother of the deceased and he had no reason to spare the real culprits and to falsely involve the innocent persons in a criminal case. Still further, another strong circumstance, which connects the appellants with the commission of the crime is the recovery of jewellery and other valuables from all the three appellants in the present case. In fact, Subhash (since deceased) was staying all alone and it has been stated in the first version itself that is the FIR Ex.P-15 that one gold one golden necklace, one gold Tika, one pair of ear rings of gold, one pair of golden Jhumka (ear rings), one nose pin, chain of gold, two golden lady rings, two golden gents rings, 4 silver coins, Rs.15,000/- cash, one mobile phone Nokia, two rings worn by Subhash (since deceased) has been stone on the date of the occurrence. The prosecution examined PW12 SI Bani

Singh, who had conducted the investigation in the present case. He arrested all the three appellants on 22.10.2009 and all three appellants suffered their disclosure statements Ex.P-68 to Ex.P-70. In fact, in pursuance to their respective disclosure statements, the appellants got recovered the jewellery and other valuables, which were stolen by them from the house of Subhash (since deceased). The other articles were duly identified by PW11 Vidya Devi, wife of Subhash, since deceased. PW11 Vidya Devi and Pw12 Bani Singh SI were cross-examined at length by the learned defence counsel. However, the credibility of both the witnesses could not be shaken by him in any manner. Apart from that, the trial Court also discussed the circumstances, which were appearing against the appellants in detail and the facts so established by the prosecution were consistent only with the hypothesis of the guilt of the accused. The circumstances so proved were of conclusive nature and tendency and we concur with the detailed findings recorded by the trial Court.

16. Otherwise also, we have carefully perused the judgment passed by the trial Judge which makes it clear that the trial Court has done a very elaborated exercise of discussing the evidence in great deal. We, therefore, would not burden our judgment with more details and aforesaid points are more than sufficient to come to a conclusion that the prosecution has been able to prove the incriminating circumstances beyond the reasonable doubt and chain of

circumstances is so interlinked to each other that leads to no other conclusion than the guilt of the accused. Consequently, we have no hesitation to hold that the findings recorded by the trial Court are based on correct appreciation of material on record and impugned judgment dated 24.11.2011 and the order dated 26.11.2011 passed by the Additional Sessions Judge (Fast Track Court), Hisar, are ordered to be upheld. The appeal is accordingly dismissed.

17. All pending applications, if any, are disposed off, accordingly.
18. Trial Court record be sent back to the trial Court.
19. All concerned may be intimated.

(GURVINDER SINGH GILL)

JUDGE

(N.S.SHEKHAWAT)

JUDGE

30.05.2024

amit rana

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No