

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.279 of 2010

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Mosaheb Yadav, S/o- Ram Narain Yadav, Resident of village-Sone-Barsa,
P.S.-Siswan, District-Siwan.

... .. Appellant/s

Versus

State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rudra Pratap Singh, *Amicus Curiae*
For the Respondent/s : Mr. Abhay Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
C.A.V. JUDGMENT

Date : 24-03-2026

Heard Mr. Rudra Pratap Singh, learned *Amicus Curiae* and Mr. Abhay Kumar, learned A.P.P. for the State.

2. The present criminal appeal has been preferred against the judgment and conviction dated 23.12.2009 and 24.12.2009 passed in Sessions Trial No. 207/2009 arising out of Siswan P.S. Case No. 09/2008 by the 4th Additional District and Sessions Judge, Siwan, whereby the learned trial court convicted the appellants under Section 304 of the Indian Penal Code and sentenced to the period already undergone in jail by the appellant during the trial and further sentenced with the fine of rupees one lakh out of which rupees seventy five thousand will be paid to the informant, who is the husband of the deceased, and in default of payment of the fine, to further undergo R.I. for five years.



3. The prosecution case, in brief is that the informant got his fardbeyan recorded on 14.01.2008 at about 2:30 A.M. at Sadar Hospital, Siwan, stating that on the same day at about 8:00 A.M., his patidars, namely, Moseheb Yadav, Ram Narayan Yadav, Tetari Devi and Ramajee Yadav, were blocking the drainage of water from his house, and when his wife, Panna Devi, objected, the accused persons started abusing and attempted to assault her; upon this, the informant rushed to intervene but was also threatened, whereafter he concealed himself and witnessed Moseheb Yadav giving a spade blow on the head of Panna Devi, causing her to fall on the ground, and thereafter the other accused persons assaulted her with lathi and danda, rendering her unconscious; on alarm, villagers assembled and the accused fled away, and the injured was taken to P.H.C. Siswan and then referred to Sadar Hospital, Siwan, but she succumbed to her injuries on the way, the occurrence having taken place due to a dispute regarding drainage of house water.

4. After investigation, charge-sheet was submitted under Sections 304 of the IPC, and upon trial in Sessions Trial No. 207/2009 arising out of Siswan P.S. Case No. 09/2008, the learned trial court convicted the appellants by judgment dated 23.12.2009 and order of sentence dated 24.12.2009.



ARGUMENT ON BEHALF OF THE APPELLANTS

5. Learned *Amicus curiae* submitted that the judgment and order passed by the learned trial Court are bad in law, being based on mere surmises and conjectures. It was contended that the learned trial Court failed to consider that two of the prosecution witnesses are interested witnesses and are admittedly on inimical terms with the appellant, and that their testimonies are materially contradictory to each other. It was further submitted that the informant of the case, who claimed to be an eyewitness to the occurrence and is also the husband of the deceased, was not examined in support of the prosecution case, which by itself demolishes the entire prosecution story. Learned counsel also contended that the prosecution failed to examine the Investigating Officer as well as the Medical Officer who conducted the post-mortem examination, and that the post-mortem report does not support the manner in which the alleged assault is said to have been inflicted by the appellant. He submitted that there was no scope of applying Section 304 I.P.C. having not fulfilled the conditions stipulated under Section 300 I.P.C. In support of these submissions, reliance has been placed on the judgment of the Apex Court in ***Nand Lal & Ors. vs. State of Chattisgarh*** reported in ***(2023) 10 SCC 470***. On these grounds, it is submitted that the prosecution has failed to prove



the charges against the appellant beyond reasonable doubt, and therefore, the impugned judgment of conviction and order of sentence are liable to be set aside.

ARGUMENT ON BEHALF OF THE STATE

6. *Per Contra*, Learned APP appearing for the State, while opposing the appeal, submitted that Exhibit-I clearly proves that the deceased, Panna Devi, sustained injuries caused by a spade blow, which ultimately resulted in her death. It was further submitted that both the witnesses, P.W.-1 (Sitaram Yadav) and P.W.-2 (Shiojee Yadav), are independent witnesses who are equally related to both the parties, and therefore, their testimonies are highly reliable. Learned APP further contended that non-examination of the Investigating Officer and the Medical Officer does not in any manner affect the evidentiary value of P.W.-1 and P.W.-2, as, except for the informant, neither the Investigating Officer nor the Medical Officer are eyewitnesses to the occurrence. It was also submitted that the learned trial Court, upon due consideration of the entire evidence on record and the exhibits adduced on behalf of the parties during the course of trial, has rightly convicted the appellant for the said offences, which are serious in nature and constitute cognizable offences.



ANALYSIS AND CONCLUSION

7. Heard the parties.

8. The appellant would take the plea that the evidence of the prosecution witnesses is sketchy and lacks credibility, particularly in the background of the admitted position that there exists prior enmity between the parties on account of drainage passing from the house of the informant. The prosecution's version of events is highly improbable. Alternatively, would submitted that no case under Section 304 of the I.P.C. is made out and, therefore, the order of conviction is bad in law. He would further urged that the Investigating Officer and the doctor have not been examined, thereby causing prejudice to the defence. He would also pointed out that the appellant is about 20 years of age on the date his statement under Section 313 Cr.P.C. is recorded, i.e., on 23.12.2009.

9. I have perused the lower court records and the impugned judgment and also taken note of the arguments canvassed by learned counsel appearing on behalf of the parties.

10. The learned trial court, on the basis of materials as collected during the course of investigation, passed the Judgment and the order of Conviction dated 23.12.2009 and 24.12.2009 respectively holding the appellant convict under



Section 304 of the IPC.

11. During the trial, the prosecution has examined altogether two witnesses, namely:

P.W.-1- Sita Ram Yadav,

P.W.-2 – Sheojee Yadav

12. The prosecution has also relied upon following documents exhibited during the course of trial:-

(i) (Exhibit-1)- Post Mortem report

13. From the perusal of the records the statements of the prosecution witnesses are as under:

(i) P.W.1:(Sita Ram yadav) This witness has deposed in his examination-in-chief that on the day of Makar Sankranti in the year 2008 at about 8:00 A.M., upon hearing noise, he went to the house of Satya Narayan Yadav, where he saw accused Mosaheb Yadav giving a spade blow on the head of Panna Devi. He further stated that accused Ram Narayan Yadav and Ramajee Yadav assaulted her with *lathi*, while Tetari Devi assaulted her with a *danda*, as a result of which she fell down on the ground. He also deposed that the injured was taken to P.H.C. Siswan and thereafter referred to Sadar Hospital, Siwan, but she succumbed to her injuries on the way. According to him, the occurrence took place due to a dispute regarding blockage of



drainage. In cross-examination, he admitted that Satya Narayan and Ram Narayan are his real brothers. however, nothing material could be elicited by the defence to discredit his testimony.

(ii) P.W.2-(Sheoji Yadav): This witness has supported the prosecution case and deposed that on 14.01.2008 at about 8:00 A.M., on hearing noise, he went to the house of Satya Narayan Yadav and saw that a dispute was going on regarding the flow of drain water. He stated that accused Ram Narayan, Mosaheb, Tetari and Ramajee were blocking the drainage, while Satya Narayan and his wife were trying to clear it. In the meantime, Mosaheb Yadav gave a spade blow on the head of Panna Devi, causing bleeding injuries. He further deposed that the injured was taken to P.H.C. Siswan and was immediately referred to Sadar Hospital, Siwan, but she died on the way. In cross-examination, this witness admitted that he is related to both parties and stated that some of the accused persons used to reside at Calcutta. However, his testimony regarding the occurrence remained consistent.

14. On the basis of materials surfaced during the trial, the appellants/accused was examined under Section 313 of the Cr.PC by putting incriminating circumstances/evidences



surfaced against him, which he denied and shows his complete innocence.

15. Now the question arises, whether, there is any evidence on record to differ from the learned trial Court on the basis of factual aspect where the proper provision has been applied to convict the appellant under Section 304 of the I.P.C.

16. The Apex Court in the case of **Ruli Ram & Anr. vs. State of Haryana** reported in (2002) 7 SCC 691 has dealt with Sections 299 and 300 of the I.P.C. which *inter alia* as under:

"9. The academic distinction between "murder" and "culpable homicide not amounting to murder" has always vexed the courts. The confusion is caused, if courts losing sight of the true scope and meaning of the terms used by the legislature in these sections, allow themselves to be drawn into minute abstractions. The safest way of approach to the interpretation and application of these provisions seems to be to keep in focus the key words used in the various clauses of Sections 299 and 300. The following comparative table will be helpful in appreciating the points of distinction between the two offences:

<i>Section 299</i>	<i>Section 300</i>
<i>A person commits culpable homicide if the act by which the death is caused is done—</i>	<i>Subject to certain exceptions culpable homicide is murder if the act by which the death is caused is done—</i>
<i>Intention</i>	
<i>(a) with the intention of causing death; or</i>	<i>(1) with the intention of causing death; or</i>
<i>(b) with the intention of causing such bodily injury as is likely to cause death; or</i>	<i>(2) with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or</i>
	<i>(3) with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of</i>



nature to cause death; or

Knowledge

(c) with the knowledge that the act is likely to cause death.

(4) with the knowledge that the act is so imminently dangerous that it must in all probability cause death or such bodily injury as is likely to cause death, and without any excuse for incurring the risk of causing death or such injury as is mentioned above.

10. Clause (b) of Section 299 corresponds with clauses (2) and (3) of Section 300. The distinguishing feature of the mens rea requisite under clause (2) is the knowledge possessed by the offender regarding the particular victim being in such a peculiar condition or state of health that the internal harm caused to him is likely to be fatal, notwithstanding the fact that such harm would not in the ordinary way of nature be sufficient to cause death of a person in normal health or condition. It is noteworthy that the “intention to cause death” is not an essential requirement of clause (2). Only the intention of causing the bodily injury coupled with the offender's knowledge of the likelihood of such injury causing the death of the particular victim, is sufficient to bring the killing within the ambit of this clause. This aspect of clause (2) is borne out by Illustration (b) appended to Section 300.

11. Clause (b) of Section 299 does not postulate any such knowledge on the part of the offender. Instances of cases falling under clause (2) of Section 300 can be where the assailant causes death by a fist-blow intentionally given knowing that the victim is suffering from an enlarged liver; or enlarged spleen or diseased heart and such blow is likely to cause death of that particular person as a result of the rupture of the liver; or spleen or the failure of the heart, as the case may be. If the assailant had no such knowledge about the disease or special frailty of the victim, nor an intention to cause death or bodily injury sufficient in the ordinary course of nature to cause death, the offence will not be murder, even if the injury which caused the death, was intentionally given. In clause (3) of Section 300, instead of the words “likely to cause death” occurring in the corresponding clause (b) of Section 299, the words “sufficient in the ordinary course of nature” have been used. Obviously, the



distinction lies between a bodily injury likely to cause death and a bodily injury sufficient in the ordinary course of nature to cause death. The distinction is fine but real and if overlooked, may result in miscarriage of justice. The difference between clause (b) of Section 299 and clause (3) of Section 300 is one of degree of probability of death resulting from the intended bodily injury. To put it more broadly, it is the degree of probability of death which determines whether a culpable homicide is of the gravest, medium or the lowest degree. The word "likely" in clause (b) of Section 299 conveys the sense of probable as distinguished from a mere possibility. The words "bodily injury ... sufficient in the ordinary course of nature to cause death" mean that death will be the "most probable" result of the injury, having regard to the ordinary course of nature.

12. For cases to fall within clause (3), it is not necessary that the offender intended to cause death, so long as the death ensues from the intentional bodily injury or injuries sufficient to cause death in the ordinary course of nature. Rajwant v. State of Kerala AIR 1966 SC 1874 is an apt illustration of this point.

13. In Virsa Singh v. State of Punjab AIR 1958 SC 465 Vivian Bose, J. speaking for the Court, explained the meaning and scope of clause (3). It was observed that the prosecution must prove the following facts before it can bring a case under Section 300 "thirdly". First, it must establish quite objectively, that a bodily injury is present; secondly, the nature of the injury must be proved. These are purely objective investigations. Thirdly, it must be proved that there was an intention to inflict that particular injury, that is to say, that it was not accidental or unintentional or that some other kind of injury was intended. Once these three elements are proved to be present, the enquiry proceeds further; and fourthly, it must be proved that the injury of the type just described made up of the three elements set out above was sufficient to cause death in the ordinary course of nature. This part of the enquiry is purely objective and inferential and has nothing to do with the intention of the offender.

14. The ingredients of clause "thirdly" of Section 300 IPC were brought out by the illustrious Judge in his terse language as follows :

"12. To put it shortly, the prosecution must prove the following facts before it can bring a case under Section 300 'thirdly';



First, it must establish, quite objectively, that a bodily injury is present;

Secondly, the nature of the injury must be proved; These are purely objective investigations.

Thirdly, it must be proved that there was an intention to inflict that particular bodily injury, that is to say, that it was not accidental or unintentional, or that some other kind of injury was intended.

Once these three elements are proved to be present, the enquiry proceeds further and,

Fourthly, it must be proved that the injury of the type just described made up of the three elements set out above is sufficient to cause death in the ordinary course of nature. This part of the enquiry is purely objective and inferential and has nothing to do with the intention of the offender.”

17. In the present case, learned trial Court has given its findings as under:

"The case of the prosecution is that the occurrence took place when the accused along with other family members was blocking drainage of house water and victim and others members were forbidding them from such act. As stated earlier Ext. I which is the Post Mortem report of Panna Devi which shows that she has received one incised wound on the back of the head in middle parietal 4 x 1 x Boné deep. Ext. I further shows that the cause of hemorrhage of death due to sharp and hemorrhage which was caused due to antemortem Injury sustained by the deceased. Ext. I further shows that the Post Mortem was conducted on 14-1-2008 at about 4. 15 P.M. and times since death Post Mortem was within 6 Hours, which clearly established the prosecution story that the death was caused by the injuries received through spade blow.

P.W.I has deposed in examination in Chief that on date of Makar Shankranti of 2008 at about 8.00 AM. he was at his door and having heard the noise he went at the door of the Satya Narayan Yadav where he saw that Mosaheb Yadav gave a spade blow to Panna Devi. He further deposed that Ram Narayan and Ramajee assaulted her by Lathi, and Tetari Devi assaulted her with Danda. After



sustaining injury Panna Devi fell down on ground. Panna Devi was brought to Siswan Hospital, from where she was referred to Sadar Hospital, Siwan but in the midway she died. This witness has further deposed that the occurrence took place due to blocking of the drainage. In cross examination this witness has admitted that Satya Narayan and Ram Narayan is his real brother, but defence failed to show any contradictions in the testimony of this witness due to which his testimony can be discarded. P.W.2 Sheoji Yadav have supported the prosecution story and deposed that on 14.01.2008 at about 8:30, he went at the door of the Satya Narayan Yadav on hearing noise where he saw that there was fighting with respect to flow of the water from the drain. Ram Narayan Mosahab, Teteri and Ramajee were blocking the flow of water while Satya Narayan and his wife was trying to open the drain In the meantime Mosaheb gave a spade blow which caused head injury to Panna Devi and bleeding started. Panna Devi was shifted to the P.H.C. Siswan, but immediately she was referred to Sadar Hospital, Siwan and during proceeding to Siwan she died in the midway. This witness is also whether brother of the both parties and this witness has further admitted that Ram Narayan and his family use to reside at Calcutta and Mosaheb was studying at Calcutta. This witness has further admitted that Gandhi Rai son of the Satya Narayan (Informant) was also living in Calcutta with Ram Neravan accused party. This witness has denied that the Ram Naravan and others were blocking the drain, Gandhi had made a spade blow to the accused party, but the Panna Devi came to rescue them due to which Penna Devi sustained injury of the spade blow of Gandhi. Defence council failed to show to any material contradiction in the testimony of this witness due to which it can be disbelieved.

On the basis of the evidence of the P.W.1 & 2 end Ext. I(Post Mortem report) it is well established the deceased Panna Devi has sustained injury caused by spade blow when she was forbidding to accused persons from blocking the drain of the informant and she died, in the midway when she was being carried for her treatment at Sader Hospital, Siwan.

Learned Counsel for the defence submitted that there is no evidence against the accused. Failure of its prosecution to examine the informant Doctor and apparent that there is no evidence et all. Learned Defence counsel further submitted that the actually the injury sustained by



the Panna Devi was caused by her son Gandhi Hot by the accused, though the injury was caused due to I for the defence is by chance. Learned Defence counsel further submitted that the P.W. 1 and 2 both are brother of the informant party, therefore they are interested witnesses and their testimony can not be relied on for proof of the commission of offence against the accused.

As against the submission of the defence counsel learned Addl. P.P. submitted that the Ext. I proved the sustaining of injury by spade blow to the victim Panna Devi which ultimately resulted in her death. Learned Addl. P.P. further submitted that both the witnesses namely P.W.1 Sita Ram Yadav and P.W. 2 Shiojee Yadav are independent witnesses and they are equally related with both the parties. Therefore their testimonies are most reliable and trustworthy. Learned Addl. P.P. further submitted that none examination of the informant Doctor and I.O. will make no effect on the worthiness of the evidence of P.W. 1 and 2 and except the informant I.O. and Doctor are not eye witnesses of the occurrence. Learned Addl. P. submitted that the defence raised by the defence counsels worthless and liable to be ignored. As submitted by the Addl. P.P. I find that 1 and 2 are co-related with informant party and co-accused, therefore their testimonies are appeared to be most independent and truthful and they can not be discarded. So far as none examination of the I.O. & Doctor concerned. They are not the eye witnesses of the occurrence. Moreover since the Ext. I Post Mortem is exhibited U/S 294 of the cr.p.c. on admission of the defence counsel I think that lacuna of none examination of the doctor is fulfilled, So is none examination of the informant is concerned I think that it will also make no effect on the utility of the evidence of the P.W. 1 and P.W. 2. Rather if the informant examined he must liable be treated as interested witness as against the P.W. 1 and 2. Therefore, I find no merit in the defence, read by the Defence counsel hence rejected.

Now the question arise whether the death of Panna Devi was caused by any pre planning of this accused along with other named accused persons over are the death was caused merely as a matter of chance. On perusal of the circumstances of this case as stated by prosecution that there was some dispute with respect to drainage and accused party was blocking the drain of the informant party and informant party was forbidding the accused persons from blocking the drain. During which the injury was sustained by the victim Panna Devi by a blow of spade Rive by the Mosaheb Yadav. In such circumstances in my view it



is apparent the there was no planning of accused party to commit such kind of occurrence whether that was happen it was purely caused as of meter of chance. Therefore, the causing of death of the Panna Devi by Mosaheb Vadav vine spade blow was not intentional, rather it was purely chance. which is an offence of culpable homicide not amounting to murder punishable under section 304 I.P.C. Therefore on basis of discussion stated above I find and hold that the prosecution fail to established the charge under section 302 I.P.C. but the prosecution has prove successfully e lessor offence under section 304 I.P.C.

Accordingly Under the circumstances stated above I find not guilty under section 302 I.P.C. but I find and hold guilty to the accused Mosaheb Yadav under section 304 I.P.C. and for which he is convicted."

18. Based on the above principle as discussed by the Apex Court while interpreting the provisions of Sections 299 and 300 of the I.P.C., now, I proceed to analyse on the basis of the attending circumstances. From the FIR, it appears that the sole eyewitness is the husband of the deceased, who is also the informant, and he has narrated the entire incident as witnessed by him. This witness can be said to be sterling witness and he has not been examined. Now whether, on the basis of the statement of P.W.1 and P.W.2, the case of the prosecution can be disapproved in view of the fact that murder is admitted?

19. The Post-mortem report reveals that the deceased was aged about 65 years. Injury was found on the occipital region of the head, which traced two cutting of the occipital bone middle part. Blood and clots in cranial cavity with laceration of the brain matter. The alleged incidence had taken



place on 14.01.2008 and the post-mortem was conducted on the same day after nearly six hours. Presence of injury shows that there was no quarrel between the parties and the prosecution has put forward the genesis of origin of the enmity. The appellant in his self defence, has denied that he had assaulted the deceased.

20. I find that the prosecution has been able to sufficiently prove on the basis of reasonable probability, the case beyond reasonable doubt. The intention of the appellant to commit murder is absolutely fortified by the conclusion drawn by the learned trial Court but the learned trial Court on the point of sentence, instead of imposing maximum sentence, has erroneously passed order reducing the sentence to the period undergone by the appellant in custody. In this regard, it is well settled that the criminal law adheres in general to the principle of proportionality in prescribing liability according to the culpability of each kind of criminal conduct. It ordinarily allows some significant discretion to the judge in arriving at a sentence in each case, presumably to permit sentence that reflects, which in the present case, don't reflect much suitable consideration of the culpability.

21. In *Sham Sunder vs Puran*, (1990) 4 SCC 731, where the Court reduced the sentence for the offence under



section 304 part I into undergone, the supreme court opined that the sentence needs to be enhanced being inadequate which is as under:

"The court in fixing the punishment for any particular crime should take into consideration the nature of offence, the circumstances in which it was committed, the degree of deliberation shown by the offender. The measure of punishment should be proportionate to the gravity of offence." (emphasis supplied)

22. In ***State of MP vs Najab Khan*** reported in (2013) 9 SCC 509, the Court, while upholding conviction, reduced the sentence of 3 years by already undergone which was only 15 days. The Apex Court restored the sentence awarded by the trial court. Referring to its earlier the judgments passed in the case of ***Jameel vs State of UP*** reported in (2010) 12 SCC 532 and ***Guru Basavraj vs State of Karnatak*** reported in (2012) 8 SCC 734, observed as follows:-

"In operating the sentencing system, law should adopt the corrective machinery or the deterrence based on factual matrix. The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused, the nature of weapons used and all other attending circumstances are relevant facts which would enter into the area of consideration. We also reiterate that undue sympathy to impose inadequate sentence would do more harm to the justice dispensation system to undermine the public confidence in the efficacy of law. It is the duty of court to award proper sentence having regard to the nature of offence and the manner in which it was executed or committed. The courts must not only keep in view the rights of victim of the crime but also the society at large while considering the imposition of appropriate punishment."

23. The Apex Court has laid emphasis on proportional



sentencing by affirming the doctrine of proportionality. In the case of *Shyam Narain vs State (NCT of delhi)* reported in (2013) 7 SCC 77, it was pointed out that sentencing for any offence has a social goal. Sentence is to be imposed with regard being had to the nature of the offence and the manner in which the offence has been committed. The fundamental purpose of imposition of sentence is based on the principle that the accused must realize that the crime committed by him has not only created a dent in the life of the victim but also a concavity in the social fabric. The purpose of just punishment is that the society may not suffer again by such crime. The principle of proportionality between the crime committed and the penalty imposed are to be kept in mind. The impact on the society as a whole has to be seen.

24. In *Ravada Sasikala vs. State of A.P.* reported in *AIR 2017 SC 1166*, the Apex Court has reiterated that in operating the sentencing system, law should adopt corrective machinery or deterrence based on factual matrix. Facts and given circumstances in each case, nature of crime, manner in which it was planned and committed, motive for commission of crime, conduct of accused, nature of weapons used and all other attending circumstances are relevant facts which would enter



into area of consideration. Further, undue sympathy in sentencing would do more harm to justice dispensations and would undermine the public confidence in the efficacy of law. It is the duty of every court to award proper sentence having regard to nature of offence and manner of its commission. The supreme court further said that courts must not only keep in view the right of victim of crime but also society at large. While considering imposition of appropriate punishment, the impact of crime on the society as a whole and rule of law needs to be balanced.

25. I find that the learned trial Court has departed from weighing the proportion between the crime and the punishment by punishing for the serious crime with equal severity, the sentence is interfered. Accordingly, the appellant is hereby convicted under Section 304 of the I.P.C. and sentenced to undergo rigorous imprisonment for a term of ten years.

26. The period of detention already undergone by the appellant during investigation and trial shall be set off against the substantive sentence of imprisonment imposed upon him, in accordance with law.

27. The appellant is directed to be taken into custody forthwith.



28. Accordingly, the present appeal stands dismissed.

29. This Court appreciates Mr. Rudra Pratap Singh, learned *Amicus Curiae*, who has endeavoured to put forth the facts and the evidences meticulously. The Patna High Court, Legal Services Committee is, hereby, directed to pay a sum of Rs. 10,000/- (Rupees Ten Thousand) to Mr. Rudra Pratap Singh, learned *Amicus Curiae*, as consolidated fee, for rendering his valuable professional service for disposal of the present appeal.

30. Office is directed to send back the lower court records along with a copy of the judgment to the learned District Court forthwith.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	A.F.R.
CAV DATE	17.03.2026
Uploading Date	25.03.2026
Transmission Date	25.03.2026

