

FORM-A**IN THE COURT OF THE 2nd ADDITIONAL SESSIONS
JUDGE, BHUBANESWAR.**

PRESENT:

Bandana Kar
2nd Additional Sessions Judge,
Bhubaneswar.
JO CODE OD00258.

Dated Bhubaneswar, the 30th day of July, 2024

C.T. Case No.322 of 2022
(Arising out of Bharatpur P.S. Case No. 237 of 2022
corresponding to CT Case No. 3523 of 2022 of the court of the
learned SDJM, Bhubaneswar)

(Details of FIR/ Crime and Police Station)

Complainant/ Informant	State of Orissa
REPRESENTED BY	Sri S.K. Pradhan, Addl.P.P.
ACCUSED PERSON	Sanjeet Dash @ Banku, aged about 46 yrs, S/o- Late JibanBallav Dash, At Plot No. 1/535, Ghatikia, JB Dash Colony, PS-Bharatpur, Bhubaneswar
IREPRESENTED BY	Sri S.P. Rout, SDC

FORM-B.

Date of occurrence	09.06.2022
Date of FIR	09.06.2022
Date of Charge Sheet	07.10.2022
Date of framing of Charge	06.03.2023
Date of commencement of evidence	28.03.2023
Date on which Judgment is reserved	18.07.2024.
Date of the Judgment	30.07.2024.

Date of the sentencing order, if any	01.08.2024.
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Accused Details:

Rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of Sec.428 CrPC.
A-1	Sanjeet Dash	10.06.2022	Accused is in custody	u/s.302/307/324/326 IPC	Convicted	Sentence to be imposed on 01.08.2024 after hearing of questions of sentence.	Accused is in custody since 10.06.2022

JUDGMENT

The accused stands charged U/s302/307/324/326 of The Indian Penal Code (IPC in short) for committing murder of his wife Saraswati @ Tikili, for attempting to commit murder of his daughter Shree@Pari, for causing hurt by means of a dangerous weapon and for causing grievous hurt to her.

2. The case of the prosecution that surfaced on record is as follows. :

The accused along with his two brothers and his widowed mother resides in the occurrence house which is a three storied building. Theirs' is a family of good repute and affluence. The ground floor is occupied by the younger son Manjit Dash, his family and mother

Kanakalata Dash. The accused, his wife (the deceased), his 6 yr old daughter Pari (injured victim) and a new born baby about 3-4 days old reside in the first floor of the building. The eldest brother RanjitDash and his family live on the top floor. Deceased Saraswati @ Tikili was working as Head Nurse at Sum Hospital, BBSR. 3 to 4 days before the occurrence, she was blessed with her second daughter. On the date of occurrence Kanakalata Dash (PW 4), the mother of the accused at about 11 AM told her younger daughter in law Sujata (PW5) to call the accused to take the food upstairs. Sujata made a phone call to the deceased, but she did not respond. She then went upstairs and knocked the door, but to no avail. She came down and informed her mother in law about the same, who then went upstairs as well. As she was climbing the staircase, she saw the accused coming down. The accused told his mother that he had killed his wife and had slit the throat of his daughter and saying so, he left the place. The mother of the accused told the PW 5 to inform the police. Subsequently, the brother of the deceased Sashikanta Dash(PW 6) was informed about the incident. He came, saw the dead body and then lodged the FIR alleging that the husband and the wife had frequent spats over monetary issues. He narrated in the FIR that when he came to the spot, he saw the dead body of his sister lying inside the room and his niece Pari, whose throat was slit by a sharp knife had been taken to the Hospital.

Motive behind the crime is stated to be financial paucity of the accused and the birth of the second girl child.

Investigation

The FIR was lodged and registered as Bharatpur PS Case No. 237 dtd. 09.06.2022 and the law was set to motion, during the course of which the Investigating Officer (IO in short) examined the complainant and other material witnesses, recorded their statements, visited the spot and prepared the spot map. He availed the services of the scientific team at the spot who visited the occurrence house, collected the physical clues which include the weapon of offence i.e. the knife and many other things such as the blood stains, blood stained clothes, etc. from the spot. The IO seized those articles in presence of the witnesses and prepared the seizure list. Inquest over the dead body was held and it was then sent for Post Mortem examination. The IO went to SUM Hospital to see the injured-minor Pari. He collected the injury report and PM report. He produced the weapon of offence before the doctor and sought for his opinion. IO arrested the accused, seized his wearing apparels and his biological samples. As the chance print was found on the weapon of offence, the IO took the 10 digit finger print of the accused and sent the same to the finger print bureau for comparison and opinion. He effected necessary seizures in connection with the case, examined the witnesses who were aware of the fact of the case and

then sent the exhibits to SFSL through the court for chemical examination. He received the reports from the finger print expert as well as from SFSL Bhubaneswar. After completion of the investigation he submitted charge sheet and hence this case.

The case record having been transferred, this court is in seisin over the matter.

3. Defence Case

The plea of the accused is one of denial. At a belated stage the learned SDC attempted to take a plea that the accused has been trapped by his family members in order to grab his share of property

4. The points for determination are:-

i)whether the accused Sanjit Dash on date 09.06.2022 at about 11am at Ghatikia in his house committed murder by intentionally causing the death of Sarswati Dash by means of a sharp cutting weapon .

ii)whetheron the same date, time and place, the accused cut the neck of his daughter Shree Dash aged about 06 years with such intention or knowledge and under such circumstances that if, by that act, he had caused her death, he would have been guilty of murder.

iii)whether on the same date, time and place the accused voluntarily caused hurt to his daughter namely Pari by means a knife.

iv) whether the accused on the said date, time and place voluntarily caused grievous hurt to his daughter Pari by means of a knife

5. Evidence.

For prosecution

Oral Evidence

In order to substantiate the case, the prosecution examined 15 out of 25 witnesses which were cited by the IO in the list.

PW 1, Tapan Das is the cousin of the accused.

PW 2, Dinesh Biswal is the constable attached to Bharatpur PS and a witness to seizure of biological sample of the accused.

PW 3, Manmath Kumar is a cousin of the deceased. His evidence was expunged at the instance of the prosecution as he did not appear to face the cross examination.

PW 4, Kanaklata Dash is the mother of the accused.

PW 5, Sujata Dash is the sister in law of the accused.

PW 6, Sashikanta Dash is the brother of the deceased and the informant of this case.

PW 7, Sarbeswar Das is a constable attached to Bharatpur PS and is a witness to seizure of biological sample and the wearing apparels of the deceased.

PW 8, Shree Dash is the victim/injured. She is the daughter of the accused and has survived the attack by her father.

PW 9, SushreeSabinaya is the scientific officer,

PW 10, Dr.AkashRanjanBarik had examined the victim at SUM Hospital, Bhubaneswar

PW 11, KodandadharSamal is the witness to seizure of biological sample of the accused and his wearing apparel.

PW 12, Dr.LaxmikantaBehera had conducted Post Mortem on the dead body of the deceased.

PW 13, Rakesh Kumar Sethi is an independent witness.

PW 14, Bijaya Kumar Das is the Investigating officer.

PW 15, JyotiPrakash Dash is a cousin of the accused who had taken the victim to the hospital.

Documentary Evidence

A number of documents such as the inquest report, different seizure lists, FIR, spot visit report, PM report, Medical examination report, query report, the opinion of the finger print expert, the CE report etc. were pressed into service by the prosecution which are marked Ext. P-1 to P-18.

Material Object

The material objects such as the knife (weapon of offence), other physical clues collected from the spot and

the wearing apparels of the deceased and the accused are marked MO 1 to 8.

Defence Evidence

None

6.DISCUSSION

Considering the nature of all the points for determination which are closely intertwined, a discussion of the same together is warranted in order to avoid the repetition of evidence.

Allegation is that Saraswati @ Tikiliwas done to death on 09.06.2022 sometime about 11 AM by none other than her husband in a dastardly manner.

The fact that the death was homicidal is proved by the prosecution by the evidence of the doctor, PW 12. He has stated that on 09.06.2022, he had conducted PM examination on the body of Saraswati Dash, W/o- Sanjit Dash of Ghatikia and found the injuries mentioned below.

“External examination”

- I. *Stab wound of size 3 cm x 2 cm x muscle deep on right thigh anterior aspect*
- II. *Stab wound of size 3 cm x 2 cm x muscle deep on right thigh lateral aspect*
- III. *Stab wound of size 3 cm x 2 cm x muscle deep over right thigh just above the knee joint on anterior aspect*

- IV. Stab wound of size 5 cm x 2 cm x muscle deep over right knee joint on medial aspect*
- V. Cut wound of size 5 cm x 2 cm x joint deep over right knee*
- VI. Cut wound of size 4 cm x 2 cm x muscle deep over right knee lateral aspect*
- VII. Cut wound of size 3 cm x 2 cm x muscle deep over right thigh medial aspect*
- VIII. Cut wound of size 6 cm x 3 cm x bone deep over right forearm flexor aspect*
- IX. Stab wound of size 3 cm x 2 cm x muscle deep over right forearm lateral aspect*
- X. Stab wound of size 3 cm x 2 cm x muscle deep over right elbow joint*
- XI. Stab wound of size 3 cm x 2 cm x muscle deep over right shoulder*
- XII. Stab wound of size 3 cm x 2 cm x muscle deep over right hand extensor aspect*
- XIII. Stab wound of size 3 cm x 2 cm x muscle deep over right thigh on lateral aspect*
- XIV. Stab wound of size 3 cm x 2 cm x muscle deep over right wrist extensor aspect*

- XV. Stab wound of size 3 cm x 2 cm x muscle deep over right forearm just below tip of elbow joint*
- XVI. Stab wound of size 3 cm x 2 cm x muscle deep over right arm on lateral aspect*
- XVII. 4 Nos. of Stab wounds of size 3 cm x 2 cm x abdominal cavity over front of lower abdomen in an area of 12 cm x 12 cm*
- XVIII. 2 Nos. of stab wounds of size 3 cm x 2 cm x abdominal cavity over front of upper abdomen in an area of 8 cm x 8 cm*
- XIX. 2 Nos. of stab wounds of size 3 cm x 2 cm x sternum deep over front of chest in an area of 5 cm x 5 cm*
- XX. 3 Nos. of stab wounds of size 3 cm x 2 cm x muscle deep over left forearm on extensor aspect in an area of 10 cm x 10 cm*
- XXI. 4 Nos. of stab wounds of size 3 cm x 2 cm x muscle deep over left elbow joint on lateral aspect in an area of 10 cm x 10 cm*
- XXII. 3 Nos. of stab wounds of size 3 cm x 2 cm x abdominal cavity deep over left side lower abdominal wall in an area of 12 cm x 12 cm*

- XXIII. 3 Nos. of stab wounds of size 3 cm x 2 cm x thoracic cavity deep over front of left side chest wall in an area of 12 cm x 8 cm
- XXIV. Stab wounds of size 3 cm x 2 cm x muscle deep over left thigh interior aspect
- XXV. Stab wounds of size 3 cm x 2 cm x muscle deep over left thigh lateral aspect
- XXVI. Stab wounds of size 3 cm x 2 cm x muscle deep over right side lower back
- XXVII. Stab wounds of size 3 cm x 2 cm x muscle deep over lower back
- XXVIII. Stab wounds of size 3 cm x 2 cm x muscle deep over right gluteal area
- XXIX. Stab wounds of size 3 cm x 2 cm x muscle deep over left thigh on medial aspect
- XXX. Stab wounds of size 3 cm x 2 cm x thoracic cavity deep over left breast
- XXXI. Stab wounds of size 3 cm x 2 cm x muscle deep over right thigh on posterior aspect
- XXXII. 3 Nos. of stab wounds of size 3 cm x 2 cm x muscle deep over right side lower back in an area of 8 cm x 9 cm.

XXXIII. Stab wounds of size 3 cm x 2 cm x muscle deep over mid back

The doctor opined that the injuries were ante-mortem and would have been caused by a sharp cutting weapon like knife and is homicidal in nature. The death of the deceased according to the doctor was due to haemorrhage and shock as a result of the injury mentioned above. The time since death was within 12-24 hours of his examination at 4.45 PM. He had prepared the report marked Ext. P-9.

The IO had conducted inquest over the dead body and he had prepared the report marked Ext. P-1. The document shows that the relatives of the deceased had noticed injury on various parts of the body which were caused by a knife.

A knife with a black handle was found by the scientific officer, PW 9 on the spot during her visit. It was collected by her along with other physical clues which in turn was seized by the IO (PW14) vide seizure list Ext.P6. The knife was produced before the PW 12, the doctor along with a query (Ext. P-10). The doctor PW12 verified the same and furnished his opinion vide Ext. P-10¹. The deposition of the doctor at Para 4 of his examination in chief shows that he had described the dimension of the knife which was 32 cm long, the metallic part of which was 21 cm and its breadth was 4 cm. The metallic part had a pointed edge and one cutting

edge. It was a metallic knife with black plastic handle which was produced before him in sealed and labelled condition. The doctor testifies that the injuries noticed on the dead body are possible by the knife produced before him and the injuries caused by the knife were sufficient to cause death in ordinary course. The injuries found in the report correspond to the size of the knife. The knife was identified by the doctor in the court which was marked MO-1. The doctor was cross examined at length. On perusal of his evidence, it appears that the learned counsel had asked him about the protocol involved while conducting the post mortem examination. The doctor withstood the cross examination and had satisfactorily answered all the questions put during the cross examination, giving this court the reasons to be satisfied that there has been no flaw on his part at any point while discharging his official duty to conduct the PM examination or to furnish the opinion. The defence has not been able to bring out the possibility of manipulation of any kind. Though it has been suggested to the doctor that the post mortem was not scientific, but the claim could not be substantiated by any material evidence. So, the fact on record shows that the injuries on Saraswati@ Tikili was caused by 33 numbers of successive knife blows which led to her death. The evidence of the doctor palpably shows that the death was homicidal.

Not only the deceased Saraswati was murdered on 09.06.2022 at 10.30 to 11 AM ,but her 6 yr old daughter Shree Das @ Pari was also the victim in the same incident. Prosecution levels the allegation that the death of the daughter was also contemplated and accordingly, an attempt was made to kill her by slitting her throat by means of the same knife, MO-1. She was immediately taken to SUM Hospital by her relatives where the doctor AkashRanjanBarik, PW 10 attended her and examined her.

The doctor, PW 10 has stated that on 09.06.2022 while he was the medical officer at SUM hospital at 12.15 PM when he examined Shree Dash, aged about 6 yr , daughter of Sanjit Dash resident of Ghatikia and found the following injuries-:

- I) Multiple linear laceration at chin of size 3 to 4 cm with bleeding.*
- II) An incised injury on throat of size 8-9 cm and the larynx was exposed.*

According to the doctor, the injury No. II was grievous in nature and the same might have been caused by a sharp cutting weapon and the time of injury is within 6 hours of examination. He was specific that the injury might have been inflicted at about 11 AM. He says that subsequently he received requisition from Bharatpur PS to issue an injury report and referring to the MLC No. 1964 dtd. 09.06.2022, he prepared the report Ext. P-

7. He has opined that the injury he noticed is sufficient to cause death in ordinary course.

The cross examination of the PW10 appears to have aimed only to prove that the victim was not treated by the doctor on 09.06.2022 and that the injuries happened due to falling on a glass piece. The cross examination of the witness PW 10 reveals that it was his maiden evidence in any court. He appeared to be confused at some point while being posed with the questions by the defence. But nothing material was elicited from his answer which could have proved that the victim child did not have any grievous incision on her throat exposing the larynx or for that matter the injury was not sufficient to cause death in ordinary course.

Thus, it has also been proved by the prosecution that Shree Dash @Pari had sustained grievous injury on 09.06.2022 which might have been caused by a sharp cutting weapon and the injury was sufficient to cause death in ordinary course.

The victim Parialsohad another injury ie multiple linear laceration at chin of size 3 to 4 cm with bleeding.

7. Having come to the finding as above, it is to be examined if the death of Saraswati @ Tikili and injury of Shree @ Pari is attributable to the act of the accused. To prove the allegation that the accused is the perpetrator of the crime, prosecution has relied on the evidence of the

victim child PW 8 and some of the circumstances such as-:

I. The accused was together with the deceased and the victim child in the occurrence room just before the occurrence.

II. The mother of the accused saw him coming downstairs immediately after the incident.

III. The extra judicial confession of the accused before his mother and his sister in law.

IV. His abscondence from the spot immediately after the occurrence.

V. Collection of physical clues including the weapon of offence by the scientific officer from the spot showing the involvement of the accused .

VI. The matching of the chance finger print on the weapon of offence with that of the 10 digit finger print of the accused.

VII. Presence of the blood group of the deceased in the wearing apparel as well as the hand of the accused.

VIII. Motive

PW8, Shree Dash @ Pari is the star witness of the prosecution on whom heavy reliance is placed. She is a witness to the occurrence. She was allegedly in the

occurrence room at the time of commission of crime. Learned SDC vehemently objected her evidence as not admissible. In a decision reported in **2013 CRLJ2658** in **case of Jagadevappa and ors v. St of Karnatak and ors** Hon'ble Apex court have held that court can rely upon the testimony of a child witness and it can form the basis of conviction if the same is credible, truthful and corroborated by other evidence brought on record.

The child witness Pari, PW8 here is a girl aged 7 yrs on the date of her deposition in the court and was only 6 yrs old at the time of occurrence. Her evidence which was taken by the court after verifying her competence to give rational answers is reproduced below for better appreciation.

“I am otherwise known as Pari, the accused Sanjit Dash is my father, Saraswati Dash is my mother, who is now dead. My mother Saraswati died one year back. My mother was working as nurse in Sum Hospital. My father killed my mother with knife. My father has also slit my throat(the witness showed the cut portion of her neck). I had also sustained injury on the right side end of my right eye. My father had slit my throat with a knife. Tina aunty and Likuna Uncle had taken me to hospital for treatment.”

At the cost of repetition, it is stated here that the competence of the witness was tested and she was examined. The cross examination of the child goes to

show that only the questions regarding the occupation of different floors of the occurrence house has been asked to the child. Nothing was brought from her mouth to disbelieve her evidence or to come to a conclusion that she was tutored. Even on perusal of the cross examination it is found that she has answered all the questions like a matured person. The evidence of the child witness is admissible U/s 118 of the Indian Evidence Act and it is admissible unless the court considers that the witness is prevented from understanding the questions put to him/her. There are a catena of decisions of the Hon'ble Apex Court in which it has been held that child witnesses are dangerous witnesses as they are pliable and liable to be influenced easily and moulded. Nothing of this sort has been brought from her mouth to hold that she was tutored to speak in a particular manner or to prove that she was influenced in any way. One must not lose sight of the fact that the child was staying with her paternal grandmother, uncles and the aunts who are the family members of the accused. So by no stretch of imagination it can be stated that she was tutored by any of them at all. Neither has such a case been brought by the defence. Her evidence is found to be of sterling value which cannot be discarded for any reasons. In **State of U.P. v. Krishna Master and Ors., (2010) 12 SCC 324**, Hon'ble Court held that *"there is no principle of law that it is inconceivable that a child of tender age would not be*

able to recapitulate the facts in his memory. A child is always receptive to abnormal events which take place in his life and would never forget those events for the rest of his life. The child may be able to recapitulate carefully and exactly when asked about the same in the future. In case the child explains the relevant events of the crime and the same inspire confidence of the Court, his deposition does not require any corroboration whatsoever. The child at a tender age is incapable of having any malice or ill will against any person. Therefore, there must be something on record to satisfy the Court that something had gone wrong between the date of incident and recording evidence of the child witness due to which the witness wanted to implicate the accused falsely in a case of a serious nature.”

It must not further be forgotten that, PW8, Parisi is not only a child witness who has seen the occurrence of the crime but an injured witness too. The significance of the evidence of an injured witness has time and again been described in many a decisions of Hon'ble Apex court. Their evidence not only provide the first-hand account of events, but guarantees the factum of their presence at the spot at the time of occurrence. The court may in such a case presume that occurrence had really happened in the manner it has been described. In this case, no apparent reason seems to have been brought as to why the child, PW8 should lie. She has stated in her cross examination that her father loves her. So the

argument of Learned SDC that it is dangerous to accept her evidence is absolutely without any basis.

Reliance is placed on decisions reported in **(2017)68OCR 612 in the case of Upendra Magar &ors v. St of Orissa,(2010) 47 OCR(SC)562 in the case of Abdul Sayeed v. St of M.P** in which the importance of evidence of an injured witness has been emphasized.

It is argued by the learned counsel that in her statement recorded by the IO U/s 161 CrPC she has not stated about the murder of her mother by her father. True it is that the statement of the injured recorded U/S161 CrPC does not reveal that she has stated about the same in her statement ,but then, this part of her evidence has neither been contradicted nor been confronted to the IO. The attention of the witness was not drawn to this part of her evidence. So, the defence cannot take the advantage of the same here at this stage. (Ref: **Sarathi Gomango v. St of Odisha (2003) 89OCR693,BanamaliJani v. St of Orissa 2020(1)OLR CUT 78 and inTara Singh v. State reported in 1951 SCR 729**) It is pertinent to mention here that, the defence has filed a number of petitions to recall the witness for various reasons which are allowed by the court. But this witness was never recalled by the defence to prove the omission in her statement before the police. It is also argued by the learned counsel for the accused

that the child was examined by the IO on 15.08.2022 i.e. after about 2 months of the occurrence. So, chance of manipulation is there. However, the IO in his evidence at para 6 had stated that the daughter of the accused who was also a victim of the crime had already been shifted to IMS and SUM Hospital and he went to SUM Hospital and tried to examine the daughter of the accused, a child aged 6 yr but he could not record her statement as her condition was critical and the doctor did not allow him to communicate with the child. This explanation of the IO is sufficient to hold that the child was not in a position to give statement before the police which is why she was examined subsequently. In the forgoing paragraph the injury on her neck and face and the opinion of the doctor on those injuries has been discussed. The opinion of the doctor shows that the injury on her neck was grievous. No question apparently has been asked to the doctor regarding the time that would have been taken to heal the wound. Defence has cleverly avoided to bring this from the evidence of the doctor lest the answer would harm him. It seems that the child(PW8) had shown her injury to the court on the date of her examination on 24/07/2023 after more than a year of occurrence which indicates the gravity and the nature of injury. So, the examination of child PW8 by the police two months after the occurrence does not affect the case. As such the defence has not brought any evidence on record to hold that there was any chance of manipulation of the child to

speak against her father. So, the argument of the learned state defence counsel as regards the rejection of the evidence of this witness is not accepted for want of any valid reason. Concurrence along the same lines has been found in a decision reported in **(2018)70 OCR918 in case Pramod kr. Nayak v.State of Orissa**, where it was held by the Hon'ble Lordships that a motherless child is not supposed to falsely implicate his father.

Apart from the PW 8 no other witnesses have seen the commission of crime. However the circumstances as described above are required to be appreciated for finding out if the evidence of the child has any ring of truth.

8. Discussion on circumstances

Circumstance No I&II.

I. The accused was together with the deceased and the victim in the occurrence room just before the occurrence.

II. His mother saw the accused coming downstairs immediately after the incident.

The accused was with the deceased and the child victim before the occurrence in the same room. This fact not only has been proved by the evidence of the daughter of the accused but by the evidence of his mother PW 4 and sister in law PW 5. As per the version of the PW4, the mother of the accused, *“on the date of occurrence at*

about 11.30 AM as the meals was ready, she told Sujata(PW5) her younger daughter in law to make call to Sanjit Dash to take meals and that when Sujata made call nobody answered and that thereafter Sujata went to the house of Sanjit and knocked the door, but nobody answered. “She has further stated that “she has 3 sons, elder one is Ranjit Dash who with his wife Rashmi Dash and family stays on the second floor and that SanjitDas(accused) is her second son who with his wife Saraswati and family resides in the first floor and that he has 2 daughters namely Shree Dash, 6 yrand the younger daughter 3 days old at the time of incident. As Saraswati had given birth to a daughter 3 days back, she was not able to cook food for which her younger daughter in law was cooking and providing food to them and that the youngest son Manjit Dash, his wife Sujata and his family were staying with her in the ground floor.” PW4 again states that **“the deceased was working as Head Nurse in SUM Hospital and that on the date of occurrence when she was going upstairs, she found the accused Sanjit getting down.”**

The PW 5 corroborates the evidence of mother of the accused stating that as the deceased had given birth to a girl child 3 days prior to the incident, she was providing them food from her house and that on the same day at about 11 AM she made phone call to the deceased , but she did not respond and she reported the matter to her mother in law, who directed her to go

*upstairs and call them and that she went upstairs and knocked the door and nobody responded and that **she got down and informed the matter to her mother in law who while going upstairs found the accused coming on the stair case.***

The evidence of both the witnesses is explicit enough to hold that the accused was with the deceased at the time of occurrence. While answering the incriminating circumstances, U/s 313 CrPC the accused at question No. 8 has admitted that he was with his wife at the time of occurrence. The answer of the accused coupled with the evidence of the witnesses reveal the true state of affair.

At the time of advancing the argument, learned state defence counsel takes a plea of alibi which has not been proved. Law is well settled that to prove the plea of alibi there must be elements which are typically required to be proved by the accused. To list some-:

- (1)**specificity** regarding the exact location of the accused at the relevant time,
- (2)**corroboration** by credible evidence,
- (3)**plausibility** of the plea,
- (4)**consistency** of the story,
- (5)**timeliness** i.e it should have been taken at the earliest opportunity etc.

These elements should have been proved by the accused by adducing sufficient evidence to raise a reasonable doubt. Although plea of alibi is a robust way to challenge the prosecution's case creating a reasonable doubt, the accused here, has proved none of the above elements to be merit worthy of the claim.

On the contrary, the prosecution having proved the fact that the accused was with the deceased and the injured just before the occurrence, has forced the accused to discharge the burden on him placed in terms of section 106 of the Indian Evidence Act. Neither has the accused proved that he was not in a position to commit the alleged crime nor was an alternative theory explaining the death of his wife and fatal injury on his daughter been suggested by him. It is also not the case of the defence that a third party might have been involved in this case. The defence's assertion at one point that there could have been a possibility of entry of other person seems stretched as a piece of assumption, since on being questioned by the learned counsel about the possibility of someone else entering the occurrence room, the PW6 at para 8 of his cross examination answered "one cannot say who enters into the building at what time". The court cannot be blinded by assumptions ignoring the facts those have been proved not only by ocular evidence but by circumstances also and again by the admission of the accused in his statement recorded U/S 313 CrPC at question no 8. To encapsulate thus, the accused has

failed to show that he was elsewhere at the time of occurrence.

So the fact on record remains that the accused, the deceased and the injured were together in the occurrence house at the relevant time and the court may presume that the accused had committed the crime. It is for the accused to prove that he did not commit the crime. Of course the accused is not required to prove his innocence beyond reasonable doubt. He has to provide an explanation which may be plausible and reasonable. The accused in this case although admits that he was with his wife (deceased) and the daughter (injured), he has failed to explain the circumstance under which his wife died and his daughter got the throat cut which was sufficient to cause death in ordinary course. The circumstances unambiguously point to the fact which was within the special knowledge of the accused. Failure to explain the same is a telling and an additional circumstance which weighs heavily against him. While dealing with a similar situation in the case of **Santosh Kumar Patro & ors vs. State of Orissa reported in (2010)45 OCR 31** it was held *that the accused owes a duty to explain how a homicidal death happened in their house, failing which an adverse inference can be drawn.* Prosecution relies on the decision of Hon'ble Apex Court reported in **(2015)61 OCR(SC)167 Das in Bai@ Shanti Bai v. St of Chattisgarh and on (2016)64OCR725 Ratan Janiv.St of Orissa. In Gajanan Dash rath Kharate V. State Of**

Maharashtra (2016) 2 SCC (Cri) 436 also failure of the accused to explain such a circumstance has been discussed and along with other circumstances the accused's conviction was confirmed by the Summit Court .

Circumstance No. III

III. The extra judicial confession of the accused before his mother and his sister in law.

Hon'ble Apex court have laid down several guidelines for accepting extra-judicial confession as evidence in criminal cases.

(1)voluntariness

(2)corroboration

(3)credibility

(4)proximity

(5)consistency

An extra judicial confession, if voluntary, true and made in fit state of mind, can be relied upon by the court. It is required to be proved like any other fact keeping in mind the above guidelines and like any other evidence, it depends on the veracity of the witness to whom it has been made.

Sanjit Dash, the accused, allegedly confessed that he has committed murder of Saraswati and has slit the

throat of his daughter Pari before none other than his mother (PW4) in presence of his sister in law(Pw5). Prosecution places heavy reliance on this circumstance. Both the witnesses have testified about the same in their respective evidence.

PW4 deposed as under:-

“while I was going to upstairs, I found accused Sanjit is getting down. On the staircase I told him that the lunch is ready and take the food to your house. On this the accused told me that he has killed Saraswati @Tikili and that he has also slit the neck of the elder daughter but the elder daughter is alive and requested me to call police. I requested Sujata to make phone call to Rasmi and accordingly Sujata called her and Rasmi informed the matter to her husband Ranjit Dash. Ranjit Dash called police. My nephew Likuna and niece Teena took Shree to Sum hospital”

Testimony of the PW5 lends support to the above evidence. She on oath said that her mother in law while going upstairs found the accused coming on the staircase and that he informed that he had killed his wife and slit the neck of his elder daughter Pari and that she was standing near her mother in law.

Both the witnesses were cross examined but the defence has absolutely failed to prove that the said confession was not voluntary and is the outcome of some sort of inducement. The accused has not taken a plea of

false implication initially but only at the time of argument. As such plea would have become highly improbable because apart from PW6 all those have deposed about the occurrence are the family members of accused. Learned SDC Sri Rout would argue that the family members of the accused have hatched a conspiracy against him to grab his share of property. The fact that the accused belongs to a family of good repute and affluence has been admitted by the witnesses. But that cannot be a ground to abruptly come to a conclusion of false implication by the family members of the accused. It must not be lost sight of the fact that the accused has two daughters who have their legitimate share in the property. It is the family members of the accused who took the injured to hospital and got her treated. Had there been any conspiracy by them to grab the share of the accused, they would not have tried to save his injured daughter. At the time of argument it was conceded by the counsels of both the sides that the daughters of the accused are being reared by their paternal grandmother(PW4). So the argument of false implication does not at all stand to reason. The plea of false implication has not been proved by the defence. It is also not their case that there was property dispute amongst the brothers. Enormous evidence is placed on record by the prosecution to hold that the confession of the accused before his mother in presence of the PW5

was voluntary and true. It is also nobody's case that the accused was not in a fit state of mind.

It has time and again been held by the Hon'ble Apex Court that *"an extra judicial confession, if voluntary and true and made in a fit state of mind, can be relied upon by the Court. The confession will have to be proved like any other fact. The value of the evidence as to confession, like any other evidence, depends upon the veracity of the witness to whom it has been made. The value of the evidence as to the confession depends on the reliability of the witness who gives the evidence. It is not open to any Court to start with a presumption that extra judicial confession is a weak type of evidence. It would depend on the nature of the circumstances, the time when the confession was made and the credibility of the witnesses who speak to such a confession. Such a confession can be relied upon and conviction can be founded thereon if the evidence about the confession comes from the mouth of witnesses who appear to be unbiased, not even remotely inimical to the accused and in respect of whom nothing is brought out which may tend to indicate that he may have a motive for attributing an untruthful statement to the accused, the words spoken to by the witness are clear, unambiguous and unmistakably convey that the accused is the perpetrator of the crime and nothing is omitted by the witness which may militate against it. After subjecting the evidence of the witness to a rigorous test on the touchstone of*

credibility, the extra judicial confession can be accepted and can be the basis of a conviction if it passes the test of credibility.”(Ref:- Mohd. Azad @ Samin v. State of West Bengal; 2009 AIR SCW 752)

The evidence regarding the confession comes from none other than the mother and sister in law of the accused who by no imagination can be stated to be biased or inimical. They have shown the highest degree of courage to speak out the truth with a view to give justice not only to the deceased but the child victim also. To have a mother admitting his son murdering his wife and slitting open the throat of his daughter probably aware of the punishments usually awarded, is unheard of and deserves to be cited as higher embodiment of moral responsibility. This kind of evidence is a rarity. In a way it also gives this court to understand that the deceased certainly was a duty bound member of the family and was liked by all. It goes without saying that deposing against the accused would by no probable means bring any advantage to PW 4&5 as they now also have to bear the responsibility of rearing the children of the deceased.

Learned Addl.PP relies on a decision reported in **2011 AIR SCW 2867 in the case of BhagwanDass v state(NCT)of Delhi** in which the statement of the accused to his mother was held to be an extra judicial confession and was also held admissible.

Hence, this circumstance is also held to have been proved by the prosecution by leading the evidence which inspires the confidence of the court.

When confronted with these circumstances that while he(the accused) was coming downstairs, his mother saw him coming and the accused told her that he killed his wife in the presence of PW5 (Question no 6 and 10 u/s 313 CrPC), the accused pleaded ignorance. Since, he has already admitted his presence in the occurrence room at the relevant time, pleading ignorance to these questions amounts to a false explanation.

Circumstance No IV.

IV. His(accused) abscondence from the spot immediately after the occurrence.

There are a slew of decisions in which Hon'ble Summit Court and also other High courts have held that absconding of the accused can be a piece of circumstantial evidence, which, when combined with other evidence can establish the guilt of the accused.

In AmritLal Someshwara Joshi vs. State of Maharashtra, AIR 1994 SC 2516, the appellant, was found absconding after her death. It was held that his having threatened the deceased and his absconding immediately after the death of the deceased by violence, lent very strong support to the case of the prosecution.

In Ram @ Ram Dassvs State of Delhi, 2010 VII AD (Delhi) 83, where also *the accused was absconding from his house after murder of his wife and he was not able to give any plausible explanation for his not being found in the house before he was arrested by the police. This was one of the circumstance which went against the accused.*

Again, in MangatRai vs. State of Punjab, (1997) 7 SCC 507 also it was observed that *the conduct of the accused in absconding from the scene of offence for a couple of days till he was ultimately arrested, which conduct though by itself, might not be conclusive, but, becomes a clinching circumstance and point an accusing finger at the appellant.*

It is in the evidence of the IO at para 8 that he got information that the accused is roaming near Vipul Garden road and he apprehended him on the same day. It is also substantiated by the testimony of the Pw5 that after confessing about the commission of crime, the accused left the place. The conduct of the accused leaving the place of occurrence is relevant u/s 8 of the Indian Evidence Act. It is a significant circumstance indicating guilt and consciousness of guilt and is a flight away from justice implying the accused's involvement in the crime. The abscondence of the accused in the case at hand gives rise to an inference that he was not only conscious of his guilt, but has intended the death of his

daughter whom he left with the injuries on her throat caused by him. The injured child was taken to hospital by one Likuna (Pw15) and Tina (not examined) as deposed by PW4 and the PW5 and also concurred by the child victim. PW15 also has stated that he and Tina took Pari to the hospital. The accused was given an opportunity to explain about the same at Question Nos. 10 and 45, u/s 313 CrPC, but he again pleaded ignorance. Thus, this circumstance has also been proved to the hilt by the prosecution.

In Ganeshlal vs. State of Maharashtra, [(1992) 3 SCC 106 : 1993 SCC (Cri) 435] the appellant was prosecuted for the murder of his wife which took place inside his house. It was observed that *when the death had occurred in his custody, the appellant is under an obligation to give a plausible explanation for the cause of her death in his statement under section 313 Cr.P.C. The mere denial of the prosecution case coupled with absence of any explanation was held to be inconsistent with the innocence of the accused, but consistent with the hypothesis that the appellant is a prime accused in the commission of murder of his wife.*

So mere abscondence of the accused from the crime spot immediately after the occurrence itself although cannot establish his guilt but it can constitute a relevant piece of evidence along with other circumstances.

Circumstance Nos. V,VI & VII

V. Collection of physical clues including the weapon of offence by the scientific officer from the spot showing the involvement of the accused.

VI. The matching of the chance finger print on the weapon of offence with that of the 10 digit finger print of the accused.

VII. Presence of the blood group of the deceased in the wearing apparel of the accused.

The PW 9 has stated that on 09.06.2022 while working as SO, DFSL, BBSR she received the telephonic requisition from IIC, Bharatpur PS regarding spot visit in connection with PS Case No. 237 dtd. 9.6.2022 and accordingly she proceeded to the spot which is at Ghatikia , BBSR. It is a three storied building and the incident occurred at first floor of it which was guarded by police staff. She has also described in her evidence regarding the condition of the occurrence house and the same is reproduced here in below to depict the condition of the spot at the time of her visit.

“The spot floor consisted of one drawing hall, one dining hall, three bed rooms, one study room, one kitchen, two toilets, one Puja room and one utility space. Inside the house, the dead body of one Saraswati Das was found in the north west bed room of the house. Near

the dead body, pool of blood was noticed. Inside the room, there was an mattress with orange printed bed sheet on it lying on the floor. There was also one three seater and one single seater wooden sofa aligned near the south wall of the room. Another single seater sofa was on the north-east side of the room, appearing to be partially displaced and beneath it the upperpart of the dead body was present. There was suspected blood stain on the floor and on the wall near the body and also towards the entrance of the room further leading towards drawing-dining area. There were blood stains on the floor of the dining hall which were mostly spherical in shape and some of them were partially smudged. One wash basin was in the dining hall where the blood stain knife was kept and the basin was also stained with blood. Near to the wash basin, there was a washing machine where two blood stain towels were found lying on the floor close to the washing machine. The main bed room was located to the south-west of the dining hall. Inside the main bed room one wooden large single bed was found in disturbed condition with the bed sheet displaced on the outer side of the head portion. Blood stains were found on the maroon colour mattress on the bed and also blood stains were found on the other bedding articles like mosquito net, bed sheet, pillow etc. Few blood droplets were found on the floor near the bed appearing to be dribbling from the bed. One small table was kept near to the entrance door of the room over

which one blood soaked towel was found. On the south-east side of the dining hall was the kitchen, where few blood droplets were noticed.

2. The dead body was lying in supine condition with head towards north-east direction. The upper part of the body i.e. from head to hip was on the floor beneath the single seater sofa and the remaining part i.e the legs were resting on the mattress. After removal of the chair the body was examined and it was found that both eyes were semi-opened, teeth visible to outside, right hand folded from elbow extending outwards, left hand straight extending outwards, both legs were straight and wide apart. There were multiple numbers of stab wounds and cut wound on different parts of the dead body appearing to be inflicted by some sharp edged weapon. The location of the injuries have been marked in the rough body outline given in Annexure-I of my report. The dead body was wearing only one black panty containing of menstrual pad. The spot was digitally photographed. I collected blood sample from (i) the north-west bed room near the body marked as A, (ii) the north-west bed room near the entrance marked as A-1 (iii) drawing-dining hall floor marked as B and B-1, (iv) the basin top in the drawing- dining hall marked as B-2, (v) from the south-west bed room floor marked as C (vi) the bed situates in the south-west bed room marked as Ext.C-1, (vii) the floor of the kitchen marked as Ext.D and D-1, (viii) the knife marked as E-1. I also collected the blood stain

knife having black plastic handle from the basin marked as E. I also marked sample gauge cloth as F. The above physical clues like blood samples and blood stain knife were packed and sealed. Two chance finger prints were also found on the blood stain knife which were photographed after obtaining signatures from IO and witnesses.”

Her spot verification report is marked Ext P-5 having two Annexures, one is the injury marked in the rough body outline”Annexure-1” and the another is the spot map “Annexure-II”. She has also stated that the physical clue so collected from the spot was seized by the IO vide Ext. P-6. The investigating officer PW 14 has also stated of availing the services of scientific team to the spot and also regarding the seizure of the physical clues which the scientific officer obtained from the spot vide Ext. P6. The physical clues which the PW9,SO collected from the spot includes the blood sample from north west bed room near the body marked “A”, the north west bed room near the entrance marked “A1”, drawing dining hall floor marked as “B and B1” the basin top in the drawing dining hall marked as B2, from the south west bed room flood marked as “C”, the bed situated in the south west bred room marked C1, the floor of the kitchen marked D and D1, the knife marked Ext. E1. She found chance finger print on the blood stained knife which were photographed. She has stated in her evidence that the spot was digitally photographed. It

is not out of place to mention that the order sheet dtd. 05.08.2023 shows that an envelope containing finger print report along with photographs received from the IIC, Bharatpur PS and the same was tagged with the case record. The photographs were not proved in this case by the prosecution for the reasons best known to it. However, the court cannot close its eyes to take judicial note of the fact presented in the photographs. On perusal of the photographs a disturbed view can very well be noticed in which the deceased lady is found lying in a pool of blood. A number of injuries are seen on her body including on her stomach from which the intestine is protruding out. The deceased is lying in a naked condition simply wearing a panty with menstrual pad. (It is the case of prosecution that the second daughter of the deceased was born just three days back.) The same has also been corroborated by the witnesses including the Scientific officer, PW9. The spattered blood, the disturbed orientation of the furniture and the position of the deceased undeniably indicate the amount of struggle she would have had to put to resist the gruesome assault leading to her death on the spot. Similarly the photograph of the injured Pari Dash also shows the injury on her neck, chin and below the right eye. The evidence of the doctor regarding the injuries on the person on the deceased as well as the minor injured gives a spine chilling picture of the crime scene. At the cost of repetition it is stated here that the scientific officer

handed over all the physical clues which she had collected from the spot to the IO and the later had also vouched the same. The IO in his examination in chief states that after apprehension of the accused, he availed the service of the finger print expert and took finger print of the accused. He had also seized his wearing apparels and biological samples of the accused from Kodandadhara Samal(PW11) in presence of Dinesh Biswal(PW2).Both the witnesses have stated about the seizure without any defect. The finger print report furnished by the Director of State Finger Print Bureau, BBSR shows that the chance print marked "X" said to have been detected on the steel knife is identical with the specimen print mark as "A" said to be the right thumb finger print of the accused Sanjit Dash. The report is marked Ext. 15 and Ext. 16. Both are the same documents sent to Inspector In charge, Bharatpur PS and Deputy Commissioner of Police, BBSR, UPD separately. It may further be mentioned that the photograph of the chance finger print as well as the 10 digit finger print of the accused finds place in the case record. The report is annexed with the reasons for arriving at the opinion by the expert. The prosecution's allegation is that the accused successively stabbed the deceased at 33 places of her body and had also slit the throat of his daughter Pari by means of the knife which is identified in the court by the doctor, who had verified the same while furnishing his opinion. Learned SDC would argue that

the dimension of the seized knife has been mentioned differently by the witnesses. He draws the attention of the court to the answer of the PW 9 at para 5 where she has answered that the handle of the knife was 5.5 inch long. The evidence of the doctor PW 12 at para 4 shows that the total length of the knife was 32 cm and the length of the metallic part was 21 cm and maximum breadth of metallic part was 4 cm. It was marked MO1 without objection. No question disputing the size of the knife has been asked either to the PW9,PW12 or to the IO PW14. The doctor as well as the Scientific officer both have drawn the picture of the weapon of offence in their respective reports which appears to be same in shape, That apart, nowhere the accused has taken a plea that the MO 1 is not the weapon of offence used for commission of the crime. The attention of the accused was drawn about the presence of his finger print on the weapon of offence at questions No. 51 and 52, but he did not explain anything about the same. He has admitted at question No. 46 that his finger prints were taken by the expert. He did not explain as to how his fingerprint was found on the knife. It is not the case of the accused that the knife was being used by him in his kitchen or was used for any other purpose. The presence of chance print and tallying the same with the finger print of the accused gives rise to an inference that he had committed murder of the deceased by means of that knife. It is apposite to mention here that the knife also had blood like stains

on it. The seizure list Ext. 6 reveals so. The IO in his evidence has stated that he has sent the exhibits to the SFSL through the court. The forwarding letter of the IO is marked Ext. P-14. The chemical examination report which is marked Ext. P-18 shows that human blood stain of group A was detected in exhibits marked as A, A1, B, B1, B2, C, C1, D, D1, E, E1, G, G1, L, M, N., P,Q,S and V with respect to ABO Blood grouping system. The PW9,SO had collected the blood sample from the spot which she had marked A, A1, B, B1, B2, C, C2, D, D1, E1. IO had seized the blood soaked gauge of the deceased Saraswati Das on production by Giridhari Martha C/628 in presence of PW 7. He (PW 7) has stated about the said seizure and also about the seizure list Ext. P-4. The vial containing the blood of the deceased Saraswati Dash is marked Ext. H. The panty which the deceased was wearing was seized and marked Ext. L. A red and white striped napkin, a violate white striped napkin, white turkis towel and a red yellow black cloth was seized by the IO from the spot which were marked Ext. L, M, N,P.Q respectively. It goes without saying that the blood collected from the spot and on the wearing apparels of the deceased belongs to her. The CE report shows that all those Exhibits contained blood group A. But then the blood sample of the accused which was marked Ext. V and a black yellow blue printed half pant of the accused seized by the IO marked Ext. S also contained the same blood group A. The saline extract of

blood in gauze cloth was collected from the right hand of the accused marked Ext. G and from his left thumb marked G1. The report of the chemical examiner at SFSL, BBSR (Ext P18) goes to show that the blood group A was found on the hand of the accused so also in his half pant. The blood sample of the accused shows his blood group is A. The deceased has also has the same blood group. A. This evidence which has been collected by the prosecution was put to the accused U/s 313 CrPC at question. no. 55 and he has admitted that both of them have A group blood. In absence of the evidence to the effect that the accused had any bleeding injury on his person, it can very well be held that all the blood stain found in his right hand left thumb and also in his pant belongs to the deceased. The accused has not explained as to how his half pant contained the blood stains. He also pleads ignorance about the taking of the blood extract from his hand and thumb. So the scientific evidence in terms of the report of the finger print bureau Ext. P15 & 16 as well as the CE report Ext P18 unerringly prove that it was none other than the accused who had committed the crime. Prosecution relies on a decision reported in **(2013)54 OCR 178 in case of Chaitanya Pradhan v. State of Orissa** where in non explanation of presence of human blood on the wearing apparels of the accused was considered to be a circumstance against the accused.

Circumstance No VIII

VIII.Motive

Prosecution has attributed the “scarcity of money and the birth of the second girl child” as the motive for commission of crime. Learned SDC argues vehemently that the prosecution has failed to prove the motive behind the crime. The PW5 at para 3 testified that for financial issue, there was frequent quarrel between the deceased and the accused and her mother in law pacifies the matter. This evidence has been challenged by the defence which the witness has denied. Learned Addl.PP relies on the decisions reported in **Banamali Jani v. St of Orissa 2020(1)OLR CUT 78** stating that absence of motive in any case does not make the prosecution case vulnerable where the case has been proved by clinching evidence otherwise. The affluence of the accused family is not a guarantee of the fact that he did not have quarrel with his wife on monetary issues.

PW6 has deposed that the accused killed his wife for scarcity of money and birth of second girl child. The cross examination of the witness shows that this evidence has not been demolished although a suggestion was put regarding the income of the accused which has been denied. But the evidence that the accused was unhappy with the birth of second girl child had not even been challenged.

So this court concurs with the prosecution argument that the motive behind the killing of his wife is

the birth of second girl child and that was the reason for which the accused attempted to commit the murder of his daughter also. Similarly, the dispute between the couple on monetary issue was also a motive behind the crime which has been proved by the Prosecution.

Learned SDC argues that the investigation does not reveal the whereabouts of the newborn child and also that it has not explained as to why the deceased was lying in a naked condition. True it is that some of these questions still remain in mystery but the same has not affected the case of prosecution.

The evidence of the witnesses are found to be consistent, credible and are beyond any doubt.

All the circumstances taken together irresistibly point not only towards the guilt of the accused but rule out the possibility of his innocence. None of the circumstances have been explained by him. The circumstances coupled with the oral evidence of the injured PW 8 speak volumes regarding the involvement of the accused in the crime. The circumstances thus prove that the evidence of child witness is unalloyed. Though there is no reason to discard the evidence of the child witness, still minus her evidence also the prosecution has been able to connect the accused with the crime on the basis of the circumstantial evidence by following the golden principles in the landmark decision of Hon'ble apex court **reported in (1984) SCC Page-116 in the matter of Sharad Birdhichanda Sarda Vrs.**

State of Maharashtra. and also on the decisions reported in. 1. 1994(3) SCC 381 Laxman Naik Vrs. State of Orissa 2.2002(1) SCC 731 Ganesh LalVrs. State of Rajastan.

The PW 2 and the PW15, the cousins of the accused are the post occurrence witnesses, PW 1 arrived at the spot after receiving a phone call from his paternal uncle. PW 15 went to the occurrence place being told about the occurrence by the mother of the accused. He had taken the injured to the hospital. The brother of the deceased, the informant of the case reached the occurrence place hearing about the incident. PW13 is an independent witness who hearing about the incident at 3PM on the same day went to the spot and saw a lady lying in a pool of blood. He also heard that the daughter of the deceased being injured was shifted to hospital. In the presence of said witness, the IO seized MOs 2,3,4&5 from the spot. These material objects i.e. MOs 2,3,4&5 are the blood soaked napkins and the clothes lying on the spot. PW13 has not been cross examined. All of them have stated that the accused committed murder of his wife and had slit the throat of his daughter. All of them were cross examined but nothing was elicited from their evidence to disbelieve them. Their evidence forming the part of the same transaction is relevant u/s 6 of the Evidence act. It is argued by the learned SDC that the evidence of the PW 1 is contradictory in as much as he had not stated before the IO about accused committing murder of his

wife and also about the slitting the throat of Shree Dash and that the intestine of the deceased had come out and also that he had noticed injury on cheek, thigh and hand. That part of the evidence was confronted to the IO and he has stated that the witness has not specifically stated about the fact that his uncle had informed him about the occurrence and also about the fact that intestine of the deceased had come out and he noticed injury on the cheek, thy and hand. But then the fact that the accused has committed the murder of his wife and tried to slit the throat of the child has been stated and it was recorded U/S161 CRPC by him(IO). Similarly some other contradictions which do not at all hit at the root of the case were brought from the evidence of the witnesses. Those are not material.**In Kurai and Anr.v. State of Rajasthan (2012) 10 SCC 433**, it was observed as under:-

"This Court has repeatedly taken the view that the discrepancies or improvements which do not materially affect the case of the prosecution and are insignificant cannot be made the basis for doubting the case of the prosecution. The courts may not concentrate too much on such discrepancies or improvements. The purpose is to primarily and clearly sift the chaff from the grain and find out the truth from the testimony of the witnesses. Where it does not affect the core of the prosecution case, such discrepancy should not be attached undue significance. The normal course of human conduct

would be that while narrating a particular incident, there may occur minor discrepancy. Such discrepancies may even in law render credential to the depositions."

So the contradictions or the discrepancies in the evidence of witnesses can be ignored safely.

The evidence on record thus reveal that the witnesses have very categorically stated about the commission of murder of Saraswati by the accused so also about the murderous assault on his daughter. Material on record also is available abundantly to hold that the accused has attempted to commit murder of his daughter Pari and in the process he caused her a grievous hurt and also has voluntarily caused hurt to her by means of a knife which is a dangerous weapon. The evidence of the doctor PW12 regarding the time of death so also the evidence of other doctor PW10 regarding the time/age of injury are in sync with the evidence of PW1,4,5,6 and 15 regarding the time of death. The circumstances appearing from the fact of the case clearly rules out the possibility of innocence of the accused. The evidence of the witnesses could not be impeached by the defence. The burden rest on him could not be discharged. He did not explain the incriminating circumstances appearing against him. The material placed on record doesnot also disclose that the act was done on a sudden provocation or in a hit of anger.

The prosecution has thus proved the offence u/s 302,324,326and 307 of the IPC against the accused by leading clear,cogent and plausible evidence.

Hence, this is court of view that the prosecution has become successful to bring home the charge against the accused beyond reasonable doubt and the accused is found guilty U/s 302,324,326 and 307 of IPC for committing murder of his wife Saraswati @ Tikili and attempting to commit murder,for voluntarily causing grievous hurt and for voluntarily causing hurt to his daughter Pari @ Shree.. Hence, he is convicted there under in consonance with Sec. 235(2) of Cr.P.C.

Keeping in view the facts deposed by the witnesses, the circumstances of the case and other materials placed on record and proved by the prosecution to the hilt, clearly delineating the macabre manner of execution of crime, I am compelled to not extend the benefit of probation to the convict. He is to be heard on the question of sentence.

Hearing on question of sentence shall take place on 1.08.2024.

2nd Addl. Sessions Judge,
Bhubaneswar

The Judgment is pronounced in the open Court on this, the 30th day of July, 2024 under my hand and seal of the Court, after it was typed to my dictation and corrected by me.

2nd Addl. Sessions Judge,
Bhubaneswar

HEARING ON QUESTION OF SENTENCE
(dt.01/08/2024).

Convict is produced from jail custody. Learned State defence counsel and the convict pray for a leniency in award of punishment keeping in view that he is a youthful offender having no criminal antecedent.

The learned Addl. PP would submit for award of maximum punishment prescribed under the law as the convict had committed the act in a most ghastly and gruesome manner.

Heard the submissions from both the sides.

It has been set at rest the punishment should reflect the gravity of the offence. Proportion between crime and punishment is the goal respected in principle and it remains a strong influence in the determination of sentences. Anything less than a penalty of greatest and severest for any serious crime is thought to be a measure of toleration that is unwarranted and unwise. Undue sympathy to impose inadequate sentence would do more harm to the justice delivery system to undermine the public confidence. Keeping this principle in mind, this court, thus is charged with the duty to award sentence which commensurate with the severity of the crime.

The convict is found guilty U/Ss 302,307,326 and U/S 324 of IPC.

In **Bachan Singh v. St of Punjab (AIR 1980 SC 898)** Hon'ble Apex court while interpreting S354(3) and

235(2)Crpc elaborated two aspects, firstly that the extreme penalty can be inflicted only in gravest cases of extreme culpability and secondly, in making the choice of sentence due regard must be paid to the circumstances of the offender also.

In **Machhi singh v. St of Punjab[(1983)3 SCC 470]** The Hon'ble Apex Court recollected the principles laid down in Bachan Singh and supplemented them with a few more elaborate guidelines regarding the test of 'rarest of rare' case as given below:

“(i) the extreme penalty of death need not be inflicted except in gravest cases of extreme culpability;

(ii) Before opting for the death penalty the circumstances of the 'offender' also require to be taken into consideration along with the circumstances of the 'crime'.

(iii) Life imprisonment is the rule and death sentence is an exception. In other words death sentence must be imposed only when life imprisonment appears to be an altogether inadequate punishment having regard to the relevant circumstances of the crime, and provided, and only provided the option to impose sentence of imprisonment for life cannot be conscientiously exercised having regard to the nature and circumstances of the crime and all the relevant circumstances.

(iv) A balance sheet of aggravating and mitigating circumstances has to be drawn up and in doing so the mitigating circumstances has to be accorded full weightage and a just balance has to be struck between the aggravating and the mitigating circumstances before the option is exercised.

In order to apply these guidelines inter-alia the following questions may be asked and answered:

(a) Is there something uncommon about the crime which renders sentence of imprisonment for life inadequate and calls for a death sentence?

(b) Are the circumstances of the crime such that there is no alternative but to impose death sentence even after according maximum weightage to the mitigating circumstances which speak in favour of the offender ?

If upon taking an overall global view of all the circumstances in the light of the aforesaid proposition and taking into account the answers to the questions posed here in above, the circumstances of the case are such that death sentence is warranted, the court would proceed to do so.”

“Hon’ble Supreme Court in **Ramnaresh v. State of Chhattisgarh (2012)4 SCC 257** have laid down a list of aggravating and mitigating circumstances follows:

“Aggravating circumstances

(1) The offences relating to the commission of heinous crimes like murder, rape, armed dacoity, kidnapping, etc. by the accused with a prior record of conviction for capital felony or offences committed by the person having a substantial history of serious assaults and criminal convictions.

(2) The offence was committed while the offender was engaged in the commission of another serious offence

(3) The offence was committed with the intention to create a fear psychosis in the public at large and was

committed in a public place by a weapon or device which clearly could be hazardous to the life of more than one person.

(4) The offence of murder was committed for ransom or like offences to receive money or monetary benefits.

(5) Hired killings.

(6) The offence was committed outrageously for want only while involving inhumane treatment and torture to the victim.

(7) The offence was committed by a person while in lawful custody.

(8) The murder or the offence was committed to prevent a person lawfully carrying out his duty like arrest or custody in a place of lawful confinement of himself or another. For instance, murder is of a person who had acted in lawful discharge of his duty under Section 43 of the Code of Criminal Procedure. When the crime is enormous in proportion like making an attempt of murder of the entire family or members of a particular community. When the victim is innocent, helpless or a person relies upon the trust of relationship and social norms, like a child, helpless woman, a daughter or a niece staying with a father/uncle and is inflicted with the crime by such a trusted person.

(9) When murder is committed for a motive which evidences total depravity and meanness.

(10) When there is a cold-blooded murder without provocation.

(11) The crime is committed so brutally that it pricks or shocks not only the judicial conscience but even the conscience of the society. Mitigating circumstances

(1) The manner and circumstances in and under which the offence was committed, for example, extreme mental or emotional disturbance or extreme provocation in contradistinction to all these situations in normal course.

(2) The age of the accused is a relevant consideration but not a determinative factor by itself.

(3) The chances of the accused of not indulging in commission of the crime again and the probability of the accused being reformed and rehabilitated.

(4) The condition of the accused shows that he was mentally defective and the defect impaired his capacity to appreciate the circumstances of his criminal conduct.

(5) The circumstances which, in normal course of life, would render such a behaviour possible and could have the effect of giving rise to mental imbalance in that given situation like persistent harassment or, in fact, leading to such a peak of human behaviour that, in the facts and circumstances of the case, the accused believed that he was morally justified in committing the offence.

(6) Where the court upon proper appreciation of evidence is of the view that the crime was not committed in a preordained manner and that the death resulted in the course of commission of another crime and that there was a possibility of it being construed as consequences to the commission of the primary crime.

(7) Where it is absolutely unsafe to rely upon the testimony of a sole eyewitness though the prosecution has brought home the guilt of the accused."

Learned SDC enumerated following mitigating circumstances:-

- I)The convict is a first offender.
- II)The convict is in his youth.
- III)The convict has to rear his children.

Learned Addl.PP whereas would state that:-

- I)The act was committed in most gruesome manner.
- II)There has been no extenuating circumstance.
- III)The convict being the husband of the deceased and the father of 6 yrs old daughter had breached their trust.
- IV)The convict has no remorse for the crime he committed.
- V)The conduct of the convict post commission of crime.

Before hearing the question of sentence a report was called from the Probation/welfare officer and the Superintended Of Special Jail Jharpada, Bhubaneswar

where the convict is lodged regarding his socio economic back ground, psychiatric, psychological evaluation report, additional information regarding his conduct and behaviour, work done if any ,activities he has been doing etc in order to verify the mitigating circumstances. Likewise the State has also been asked to furnish details of the convict regarding his age, his early and present family background, type and level of his education, his socio economic background, criminal antecedent, income and employment and other social behaviour, mental ailment if any etc along the guidelines of Hon'ble Apex court **in Manoj & ors v State. of M.P reported in 2022 Live Law(SC) 510 ,(2022)87 OCR(SC) 571.**

The convict was given an opportunity to adduce rebuttal evidence on the reports submitted by the Probation Officer, Superintendent ,Special Jail, Jharpada and the State through Addl. PP. He denied to adduce any evidence.

A meticulously reading of the reports submitted as stated above and after going through the evidence placed on record, it seems that, the reports triangulate unidirectionally that the aggravating circumstances substantially outnumber the mitigating circumstances. This merits a deliberative discussion on the hearing on question of sentence.

“33(XXXIII)”. What may seem as a mere number is the number of times the deceased was stabbed, the

number of times she would have to witness death again and again, for the atrocity she had to go through was committed by none other than the one who was supposed to shield her from the brutish world. Each stab would have brought her moments of intense pain, fear, and betrayal, inflicted by someone she once trusted and loved. The sheer number of wounds are sufficient to appal us of the prolonged suffering of the deceased, where every second would have felt like an eternity of agony. The convict has not only assaulted her physically but has also violated her dignity and humanity. As she would have endured this savage attack, the deceased would have been overwhelmed by a flood of emotions: the shock of the unexpected violence, the terror of realizing her life was in imminent danger, the fear of dangers her children could face in the future and the deep sorrow of understanding that the person committing this atrocity was her own husband. Her home, which should have been a sanctuary of safety and love, had for her turned into a scene of her last despair. True that, the physical pain of each stab would have been excruciating, but the emotional and psychological torment would have been equally unbearable. The betrayal by her husband, someone she likely shared her life, dreams, and perhaps children with, would have added a layer of profound emotional suffering.

However, the viciousness of the crime does not merely lie in the injuries that had been inflicted upon the

deceased and the child victim. It is rather a crime on the consciousness of the society, one which holds the bond of a father mother and a child as sacred. The convict must have barbarously tried to pounce over the deceased fatally injuring her, an act merely reading about which can send shivers in one's spine. Not only that, the child victim who would have witnessed the gruesome murder would have to live the rest of her life with the unnatural death that her mother had to face on account of her father. The child whom The Indian System of Law doesn't not even permit to watch such monstrosity in films would have had to live it on her own eyes. The little girl of 6 who would have proudly sung "Vande Mataram" had her larynx brutally cut open by her own father, the girl who would perhaps relish little pleasures of watching "Chhota Bheem" and "Doraemon" had to rather witness the ghastly killing of her mother by her father. One cannot but take cognizance of the profound ordeal of the child victim who had to witness the murder of her own mother by her father. Hers is a harrowing tragedy that leaves deep emotional scars. This young soul, once innocent and carefree, is abruptly forced into a nightmarish reality where the pillars of her world have crumbled before her eyes. Her home which was her safe haven has now become a scene of unimaginable horror, shattering her sense of security and trust. It cannot be forgotten that, the vivid, haunting memories of that traumatic event will be forever seared

into her mind, replaying in her thoughts with relentless cruelty and every aspect of her life will be somehow tainted by the horrific act she has had to witness. Being a little child, she will have to grapple with overwhelming feelings of fear, confusion, and betrayal, for the very people meant to protect and nurture her are now forever altered in her perception: her mother, a symbol of love and comfort, violently torn away; her father, a figure of safety, transformed into the source of her deepest trauma. She now is unfortunately thrust into an emotional labyrinth where grief intertwines with anger and bewilderment. As she grows up, the impact of the day of occurrence of the crime may also cast a long shadow over her development. Psychologists have enumerated that for such children trust becomes a fragile, elusive entity, and relationships are fraught with anxiety and suspicion. The Learned here can very well fathom the ache of loss which for the child victim is compounded by a sense of isolation, as she struggles with the stigma and complexities of her family's dark legacy.

Immensely apposite is to mention here an oft narrated Sanskrit verse:

नास्तिमातृसमाछायानास्तिमातृसमागतिः।

नास्तिमातृसमंत्राणंनास्तिमातृसमाप्रपा।।

Nāsti māṛsamā chāyā, nāsti māṛsamā gatiḥ।

Nāsti māṛsamam trāṇam, nāsti māṛsamā prāpa।।

Translation

There is no shade like a mother, no resort-like a mother, no security like a mother, no other ever-giving fountain of life.

It must not be forgotten here, that the deceased at the time of crime had recently given birth to a daughter who was hardly 3 days old and the convict has also robbed the infant of her mother. The birth of a newborn girl into a world where her mother has been murdered by her own father is unfathomable. From the very beginning, this innocent child is plunged into a dark and unforgiving reality, stripped of the comforting embrace, tender whispers, and protective love that only a mother could have provided. The agony of such a loss is unimaginable, as she will have to grow up in the shadow of a horrific act which she cannot even comprehend but which will inevitably shape her entire existence. Her life is immediately marked by an indelible scar, a cruel legacy of violence and betrayal, as she will have to grapple with the loss of her primary caregiver, her mother and the betrayal of her father. Without the guidance and support of her mother, she will have to navigate life's complexities while dealing with the emotional weight of a familial betrayal that has severed her most vital bond before she even had a chance to experience it. Each milestone she will reach, each birthday and achievement, will be tinged with the profound absence of the mother who should have been there to cheer her on, to kiss her

goodnight, and to hold her close during storms both literal and metaphorical. Not only that, but she will also have to come to terms with the emotional turmoil of a fractured family, the stigma of her origins, and the haunting question of why her mother was taken from her so soon.

The tragedy and the fate of both the girl children cannot be comprehended. Definitely, a nation which aims to send her girl child to create milestones with podium finishes at Olympics, swim at the vast sea of the unknowns in the space can barely achieve this dream when its children are traumatised with the brutality of such fiendish nature.

It is thus quite clear, that the society has nary a place for the convict since the crime committed is of an exceptionally grisly and brutal nature. The convict has not only murdered his wife but has done so in the presence of their child, subjecting her to immense psychological trauma. Subsequently, he has inflicted further unspeakable violence by slitting the throat of his own daughter open. Such acts demonstrate a complete disregard for human life and a level of savagery that this society cannot and should not tolerate. The actions of the convict also show clear signs of premeditation and malice. This was not a crime of passion or a momentary lapse in judgment; it was a calculated and deliberate act meant to cause maximum harm and suffering. The intent to inflict such grievous harm on his own family

highlights an extreme moral corruption and a threat to the fabric of society, a society which has from time immemorial championed the rights and equality of women. By doing so, the convict has violated the most sacred trust and duty a husband and a father has the responsibility to protect and nurture his family. Instead, he himself has become the perpetrator of the most horrific violence against his own family. This profound breach of trust is particularly egregious and demands the severest possible response to uphold societal norms and the sanctity of familial bonds. It is pertinent to mention here that the impacts of the crime that has been committed by him extends beyond the mere physical act of murder. The psychological and emotional damage inflicted on the daughter, not just the one who has witnessed the murder of her mother and has survived the attack on her but also the infant, would have been profound and lifelong. Witnessing the murder of her mother and experiencing such severe violence herself would result in unimaginable trauma, likely leading to severe mental health issues. The community must recognize and address the severity of this harm. Imposing the death penalty therefore, for such rarest of rare crime would serve as a deterrent to others who might contemplate similar heinous acts. A strong message needs to be sent that such egregious violations of human rights and familial trust will not be tolerated in this civil society and will be definitely met with the

severest consequences. Extremely pivotal therefore, is to underscore the severity of this particular crime and the societal imperative to protect the most vulnerable among us.

With this sentence the court hopes that, a measure of justice for the victims—both the mother and the daughters are served. It acknowledges the profound wrong done to them and their right to have the crime met with a punishment commensurate with its severity. This act of justice therefore, is also essential for the community's sense of moral order and the victims' dignity.

Yet, amid the pain, there is hope for resilience. The court today cannot be under blinds and hopes that with the right support and understanding, the children start healing, finding strength in their vulnerabilities and courage in their survival. Through therapy, love, and patience and proper support from family and the society including the court, they can slowly rebuild their sense of self, learning to navigate a world that once betrayed them in the most brutal way. The court acknowledges that this journey will be the one of profound sorrow, but also one of incredible bravery and the potential for healing and transformation. The court also hopes that the daughters may find within them a fierce determination to rise above their tragic beginnings and forge a path of love, compassion, and hope in their future, honouring the memory of the mother they have lost far too soon.

Regard being had thus to the facts and circumstance of the case and the guidelines of the Hon'ble Apex Court, the convict is sentenced as follows:

Sentence U/S 302 IPC

After weighing the aggravating and extenuating circumstances this court comes to a conclusion that the aggravating circumstances outweigh the mitigating circumstances. No leniency thus should be shown to the convict. The monstrosity of the crime categorises the act of the convict as "rarest of rare". Hence, this court awards death sentence to the convict for committing offence U/S 302 IPC. He is to be hanged by neck till his death subject to confirmation from the Hon'ble High Court Of Orissa, Cuttack.

Sentence U/S 307 IPC

Considering the fact and circumstances of the case, the convict is sentenced to undergo imprisonment for life for committing offence U/S 307 IPC.

Sentence U/S 326 IPC

The fact and circumstance of the case warrants that the convict to be awarded maximum punishment provided under law. Accordingly, he is sentenced to undergo imprisonment for life being found guilty U/S 326 IPC.

Sentence U/S 324 IPC

The convict is sentenced to undergo R.I for 3 years for committing offence U/S 324 IPC.

Sentences to run concurrently subject to modification/commutation/remission or pardon granted to the convict.

Entitlement to the set off of UTP period in terms of s.428 Crpc is also subject to modification of death sentence and invocation of the provision of Sec.433/433-A of the Crpc.

The entire proceedings of the case be submitted the Hon'ble High Court immediately.

The convict is apprised of the fact that he has a right to go on appeal against the judgment and order of this court and in this regard he can also seek the help of District Legal Services Authority, if required.

A free copy of this judgment be supplied to the convict.

For considering the victim compensation to the minor daughters of the deceased, a copy of the judgement be sent to the Secretary DLSA Khorda.

The seized articles and the Material Objects be disposed of in accordance with the directions of the Hon'ble High Court

2nd Additional Sessions Judge,
Bhubaneswar

The hearing on question of sentence is typed to my dictation, corrected by me and pronounced in the open Court on this, the 1st day of August, 2024 under my hand and seal of the Court.

2nd Additional Sessions Judge,
Bhubaneswar

FORM-C

LIST OF PROSECUTION/ DEFENCE / COURT WITNESSES		
A. Prosecution witnesses		
RANK.	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W.1	Tapan Dash	Cousin brother of the accused
P.W.2	Dinesh Biswal	Police witness.
P.W.3.	Expunged	
P.W.4.	Kanakalata Das	Mother of the accused
P.W.5.	Sujata Dash	Family member of the accused
P.W.6.	Sashikanta Das	Informant
P.W.7	Sarbeswar Das	Seizure witness
P.W.8	Shree Dash	Daughter of the deceased
P.W.9	Sushree Sabinaya	Scientific Officer
P.w.10	Dr. Akash Ranjan barik	Doctor who treated Shree Dash
P.W.11	Kodandadhar Samal	Seizure witness
P.W.12	Dr. Laxmikanta Behera	Doctor who conducted PM
P.W.13	Rakesh Sethy	Independent witness
P.W.14	Bijay Kumar Das	IO
P.W.15	Jyoti Prakash Dash	Cousin of the deceased
B. Defence Witness, if any:		
RANK.	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	None	

C. Court witnesses, if any		
RANK.	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE

		WITNESS, WITNESS, WITNESS, WITNESS, WITNESS)	EXPERT MEDICAL PANCH OTHER
	None.		
LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS			
A. Prosecution Exhibits.			
Sl.No.	Exhibit Number.	Description.	
1	Ext.P-1	Inquest report	
2	Ext.P-1/a	Signature of PW.1 on Ext. P-1	
3	Ext.P-2	Seizure list	
4	Ext.P-2/a	Signature of PW.2 on Ext. P-2	
5	Ext.P-1/b	Signature of PW 3 on Ext. P-1	
6	Ext.P-3	FIR	
7	Ext.P-3/a	Signature of PW 6 on Ext. P-3	
8	Ext.P-1/c	Signature of PW 6 on Ext. P-1	
9	Ext.P-4	Seizure list.	
10	Ext.P-4/a	Signature of PW 7 on Ext. P-4	
11	Ext.P-5	Spot visit report	
12	Ext.P-5/a.	Signature of PW 9 on Ext. P-5	
13	Ext.P-5/b	Body outline vide Annexure-I	
14	Ext.P-5/c	Signature of PW 9 on Ext. P-5/a	
15	Ext.P5/d	Spot map vide annexure-II	
16	Ext.P-5/e	Signature of PW 9 on Ext. P-5/d	
17	Ext.P-6	Seizure list	
18	Ext.P-6/a	Signature of PW 9 on Ext. P-9	
19	Ext.P-7	Medical examination report	
20	Ext.P-7 ¹	Signature of PW 10 on Ext. P-7	
21	Ext. P-2 ²	Signature of PW 11 on Ext. P-2	
22	Ext. P-8	Seizure list	
23	Ext.P-8 ¹	Signature of PW 11 on Ext. P-8	
24	Ext.P-9	Post mortem report	
25	Ext.P-9 ¹ to 9 ⁴	Signature of PW 12 on Ext. P-9	
26	Ext.P-10	Query requisition	
27	Ext.P-10 ¹ .	Query opinion	
28	Ext.P-10 ²	Pictorial representation of knife	
29	Ext.P-10 ³	Signature of PW 12 on Ext. P-10 ¹	
30	Ext.P-11	Seizure list	
31	Ext.P-11 ¹	Signature of PW 13 on Ext. P-11	

32	Ext.P-11 ²	Signature of Rashmiranjan Sahoo on Ext. P-11
33	Ext.P-3 ²	Signature along with endorsement of the IIC, Bharatpur PS on Ext. P-3
34	Ext.P-3 ³	Formal FIR
35	Ext.P-1 ⁴	Signature of PW 14 on Ext. P-1
36	Ext.P-12	Dead body challan
37	Ext.P-12 ¹	Signature of PW 14 on Ext. P-12
38	Ext.P-11 ³	Signature of PW 14 on Ext. P-11
39	Ext.P-13	Spot map
40	Ext.P-13 ¹	Signature of PW 14 on Ext. P-13
41	Ext.P-7 ²	Injury requisition
42	Ext.P-7 ³	Signature of PW 14 on Ext. P-7 ²
43	Ext.P-4 ²	Signature of PW 14 on Ext. P-4
44	Ext.P-4 ³	Signature of constable Giridhari Martha on Ext. P-4
45	Ext.P-6 ²	Signature of PW 14 on Ext. P-6
46	Ext.P-6 ³	Signature of Kedarnath Mahanty on Ext. P-6
47	Ext.P-6 ⁴	Signature of Sarat Madhi on Ext. P-6
48	Ext.P-2 ³	Signature of PW 14 on Ext. P-2
49	Ext.P-8 ²	Signature of PW 14 on Ext. P-8
50	Ext.P-8 ³	Signature of accused on Ext. P-8
51	Ext.P-10 ⁴	Signature of PW 14 on Ext. P-10
52	Ext.P-14	Forwarding letter of exhibits of SFSL, BBSR
53	Ext.P-14 ¹	Signature of PW 14 on Ext. P-14
54	Ext.P-15	Finger print report
55	Ext.P-16	Chance finger print report
56	Ext.P-17 and P-17 ¹	CDs received from SFSL
57	Ext.P-18	Chemical examination report

B. Defence Exhibits, if any		
Sl.No.	Exhibit Number	Description.
	Nil.	

C. Court Exhibits, if any		
Sl.No.	Exhibit Number	Description.
	Nil.	

D. Material Objects.		
Sl.No.	Material object Number	Description.
1	M.O.1.	Seized Knife
2	M.O.2	Red gamucha with white stripes
3	M.O.3	Violet gamucha with white stripes
4	M.O.4	White Turkish
5	M.O. 5	Red, yellow and black cloth
6	M.O.6	Torn chadi of the deceased
7	M.O.7	Pant/Baramunda of accused
8	M.O.8	Shirt of the accused

2nd Additional Sessions Judge,
Bhubaneswar