

**IN THE COURT OF THE ADDITIONAL SESSIONS  
JUDGE, ATHMALLIK.**

Present:-

**Sri Laxminarayan Ray Choudhury, OSJS,  
Addl. Sessions Judge, Athmallik.  
Judicial Officer Code No.OD00243**

Dated, this the 27<sup>th</sup> day of Sept., 2024.

Date of argument: - 11.09.2024

Date of judgment: - 27.09.2024

**C.T.(S) No.16 of 2018**

*(Arising out of G.R Case No.355/2017 of the court of S.D.J.M,  
Athmallik)*

S t a t e

-Versus-

1.Prakash Behera, aged about 45 years,

S/o. Panchunath Behera.

Village- Kalapaternali, P.S- Thakurgarh, Dist- Angul.

2.Nandakishore Sethi, aged about 37 years,

S/o. Late Bhagaban Sethi.

Village- Gambharimaliha, P.S- Kishorenagar,

Dist- Angul.

..... Accused person.

Status of the accused persons: Accused persons are UTP and produced from custody.

**Offences U/s.302/449/363/364/394/201/34 of IPC r/w Sec.25  
& 27 Arms Act.**

Counsel for the State :-P.P., Angul (Sri Pradeep Ku. Das).  
Counsel for the accused:-Adv. Sri P.Pradhan, SDC

**J U D G M E N T**

The accused person namely Prakash Behera and Nandakishore Sethi stand charged for the offence U/s.302/449/363/364/394/201/34 of IPC r/w Sec.25 & 27 Arms Act.

2. The brief case of the prosecution is that:-

On 10.10.2017 at about 11.15 am complainant Susanta Nayak (P.W.9) lodged a report that on 09.10.2017 night at about 8 pm his brother, sister-in-law(bhauja) and his nephew were in their house. On 10.10.2017 at about 8 am he found that his sister-in-law(bhauja) is lying dead with throat cut injury and the whereabouts of his brother and nephew could not be traced. After knowing the above facts, he lodged the FIR at Kishroenaga p.s at 11.15 am.

Basing on the FIR, police registered Kishorenagar p.s case no.91 dtd.10.10.2017 U/s.302 IPC against unknown person and after completion of investigation, submitted charge

sheet vide C.S no.05 dtd.30.01.2018 for the offence U/s.302/449/363/364/394/201/34 of IPC r/w Sec.25 & 27 Arms Act against the accused persons namely, Prakash Behera and Nandakishore Sethi. After charge sheet, court of SDJM committed the case record to this court for the trial of the accused persons. Hence, this case.

3. The defence plea of the accused Prakash Behera is that he has been falsely implicated by the Thakurgarh police after taking his signature on some blank papers. In this connection accused Nandakishore Sethi only submitted that he has been falsely implicated in this case without his involvement.

4. The points for determination in this case are:-

i. Whether on 09/10.10.2017 at three different places, these two accused persons had committed murder of Biranchi Nayak, his wife Tarani Nayak and their son Naba @ Ekalabya Nayak in furtherance of their common intention?

ii. Whether on alleged date and time, the accused persons has trespassed in to the house of Biranchi Nayak with intention to get the loan amount which Biranchi received from Maa Maheswari SHG group?

iii. Whether the accused persons committed robbery in the house of Biranchi Nayak to take cash and household articles in furtherance of their common intention?

iv. Whether on alleged date and time, the accused persons had abducted /kidnapped Biranchi Nayak and his son Naba @ Ekalabya Nayak with intention to commit murder in furtherance of their common intention?

iv. Whether on alleged date and time, accused persons had destroyed the prosecution evidence in order to escape from criminal liability in furtherance of their common intention?

v. Whether on the alleged date and time, accused persons has illegally possessing one sharp edged Katari and had used the said weapon for the commission of murder of three deceased persons?

5. To prove the case of prosecution, the prosecution has examined as many as 41 numbers of witnesses. In whom, P.W.9 is the informant, P.W.28 is the wife of informant, P.W.36 one of the inmates in the house of deceased Biranchi Nayak, P.W.41 is the I.O of this case, P.W.40 is the scientific officer (SO, DFSL, Dhenkanal), P.Ws.5, 6 & 12 are the doctors who had performed P.M examination on the dead bodies of three deceased persons. P.W.34 is the Branch Manager, SBI, Dimirimunda, Kishorenagar branch. P.W.36 is the witness to the motive of accused, P.W.11 & 35 are the witnesses to the confessional statement of accused persons

which was recorded U/s.27 of Evidence Act. P.W.37 is the witness who had last seen these two accused persons with Biranchi Nayak. P.Ws.8, 9, 10, 13, 14, 21, 22, 24 are the witnesses to the inquest. P.Ws.8 & P.W.38 (police) are the witnesses to the seizure list marked as Ext.22, 29, 30, 31, 32. P.Ws.23, 25 are the police witnesses for seizure, P.W.26 is the police witness who had guard the dead body of deceased. All other witnesses are the independent witnesses examined in this case. In this connection prosecution has exhibited 62 nos. of documents and marked 24 nos. of material objects. On the other hand, defence examined only one witness such as accused Ranjan @ Nandakishore Sethi as D.W.1 and exhibited no such document in support of his defense.

6. Now coming to the part of murder, it is to be proved that:-

(i)Death of a human was being caused;

(ii)Such death was caused by or in consequence of the act of the accused;

(iii)Such act was done:-

(a)with the intention of causing death, or

(b)that the accused knew it to be likely to cause death,

or

(c)that the injury was sufficient in the ordinary course of nature to cause death.

**6. i)Death of a human was being caused;**

Now coming to the part of death of a human being. It is found from the inquest report marked as Ext.12 (for Biranchi), Ext.13(for Naba @ Ekalabaya) and Ext.15 (for Tarani Nayak). During the inquest witnesses namely, Susanta Nayak (P.W.9) Agasti Naak (P.W.8), Suramanni Nayak (P.W.12) and Mahargaa Nayak (P.W.24) were present during the inquest of Biranchi and Ekalabya Nayak and they identified the dead bodies of Biranchi and Ekalabya. Similarly, during inquest of Tarani Nayak, Susanta Nayak, Santosh Nayak (P.W.21), Atmaram Patro (P.W.14), Chandra Nayak (P.W.13), Dillip Sethi (P.W.10) and Suramani Nayaka were present. They identified the dead body of Tarani Nayak before the police. In this connection police also sent the dead body with dead body challan vide Ext.47 (for Tarani), Ext.49 (for Biranchi) and Ext.25 (for Naba @ Ekalabya) with prayer for PM examination. For the three dead bodies, three different doctors performed autopsy on the dead bodies. Doctor Pragnya Paramita Pradhan (P.W.5) had performed autopsy on the dead body of Naba @ Ekalabya and submitted her PM report vide Ext.5 and also submitted query report vide Ext.6. During course of her evidence, she deposed that death of Naba @ Ekalabya, aged about 07 years, S/o. Late Biranchi Nayak died due to deep sharp cut injuries of throat. In her evidence at para-2 she opined that injuries found on the dead body of deceased Naba @ Ekalabya is possible by said weapon of

offence (MO-6) and cause death of a human being in ordinary course of nature. Similarly, Dr. A.K.Dey (P.W.6) performed autopsy on the dead body of Biranchi Nayak and opined that death was due to deep sharp cut injury of throat. Further he opined that death of deceased is homicidal in nature and the injuries found on his body was ante mortem in nature and which might have been caused by sharp and hard object. In the query requisition question was asked to him whether the injuries found on the body of Biranchi is possible to MO-6 and in that respect he answered it affirmatively and accordingly submitted his query report vide Ext.8. In this case Dr. Debasis Bhanja performed autopsy on the dead body of Tarani Nayak and found that all the injuries are ante mortem in nature and cause of death is due to deep sharp cut injury of throat. In this evidence he further deposed that injuries are sufficient to cause death of human being and accordingly he submitted his PM report vide Ext.20. During course of autopsy, weapon of offence (MO-6) was produced before him by the IO and on examination he opined that the injuries noted in the PM examination of deceased Tarani can be possible by seized weapon of offence (Katuri) MO-6. From the above inquest report of police and coupled with PM examination report, there is no room to disbelieve that there was death of three human being namely, Biranchi Nayak, Tarani Nayak and Ekalabya Nayak.

**6. ii)Such death was caused by or in consequence of the act of the accused:**

In criminal jurisprudence it is well settled that there can not be commission of any crime without any intention. In that regard a latin maxim popularly used in Indian Crl. Jurisprudence which is “*actus non facit reum nisi mens sit rea*”. As per the said maxim commission of any crime without criminal intention is not an offence. So to find out a criminal liability of the accused it is the duty of the prosecution to bring that they have committed the offence with criminal intention in order to justify their ulterior motive. We know for commission of each crime following steps usually takes place such as: 1)**criminal intention**, 2)**preparation**, 3)**attempt**, 4)**commission** and 5) **fulfillment of motive**.

In the present case, deceased Bianchi had received a loan from Maa Maheswari SHG group to which accused Ranja was repeatedly inquiring. From the evidence of P.W.36 it is very clear that on 07.10.2017 Ranja Sethi had come to the residence of Biranchi asking him as *bhanaja (odia)* and inquired about loan amount received from Arnapura group. In this connection, Biranchi disclosed to Ranja Sethi that he had received the loan money but same has been kept by one of the member of the Arnapura group (at para-3 of P.W.36). P.W.36 in his further evidence deposed that on 08.10.2017 at about 7 pm accused Ranja again visited to the house of



Biranchi and then accused Ranja along with Biranchi Nayak left the house for the purpose of mobile charging and moved to the house of one Dillip Sethi. On 09.10.2017 accused Ranja came to the house of accused Biranchi called as *bhanja...bhanja(Odia)* and hearing the same wife of Biranchi namely, Tarani (deceased) came and informed that her husband is not present. At that time accused Ranja asked Tarani regarding purchase of motor cycle after receipt of money and she replied that her husband already gone to Kishroenagar to repay the loan and she does not know regarding the purchase of motor cycle (at para-4 & 5 of P.W.36). From the above version of P.W.36, it is crystal clear there was clear intention to snatch away cash from Biranchi Nayak to which he has received from Maa Maheswari SHG group on loan.

In this case, murder of Biranchi, Tarani and Ekalabya not seen by anybody and the entire case rests on **circumstantial evidence**. In this case circumstance are; **1)last seen theory** and **2) DNA report** which says about presence of blood stained on the wearing apparels of both the accused persons including the weapon of offence. As per the evidence of P.W.37(Girish Ku. Sahu) a grocery shop owner, he had seen the accused persons with the deceased Biranchi Nayak on 09.10.2017 (Monday) at about 9 pm to 9.30 pm and on the next day morning, dead body of Biranchi found near the

Pokanda bridge. **The very question was asked to the accused persons for their explanation but they could not give any reply in that respect. In Tomaso Bruno v. State of U.P (2015) 7 SCC 178** it was held in the reported judgment that The principle underlying Sec. 106 of the Evidence Act is that *“The burden to establish those facts, which are within his personal knowledge is cast on the person concerned, and if he fails to establish or explain those facts, an adverse inference may be drawn against him.”* Rather in this case, P.W.37 deposed that they have purchased liquor from a foreign liquor shop and thereafter came to his shop to purchase water pouch, three use & threw glass and mixture. They consumed liquor in front of him and they stayed at his shop for about 10 to 12 minutes. At that time they were asking to Biranchi to go Kalapatanli to see melodi as the melodi is not good at Thakurgarh (*Thakurgarh re melodi bhala heuni*) in Odia. Then all the three persons moved with a red motor cycle. In this further evidence, he deposed that said Pokanda bridge (where dead body of Biranchi was lying) comes on the way to Kalapatanali. From above evidence of P.W.37 it is very clear that with intention to murder Biranchi, Ranja took the assistance of Prakash and they both moved through a motor cycle and purchased liquor in order to commit murder of Biranchi in a pre-planned manner. So very portion of evidence

clearly justifies their criminal intention, preparation and commission of murder of Biranchi.

In this connection, police recovered incriminating Katuri along with blood stained wearing apparel of both the accused persons after recording their confessional statement in the presence of P.W.11 (Dillip Sethi) & P.W.35 (Girish Ch. Nayak). From the evidence of P.W.11 it is found that Prakash Behera and Nandaksihore Sethi confessed their guilty and accused Prakash Behera stated before them that deceased Biranchi Nayak had obtained loan of Rs.1,75,000/- and therefore both the accused persons had planned to rob the deceased. In his further evidence, he deposed that accused Nandakishore Sethi and deceased Biranchi went together where throat of deceased Biranchi was cut by means of a Chopper. Thereafter, they killed the wife of Biranchi by the said Chopper and then they took the son of deceased and killed him near Pokanda jungle. After commission of above murder, concealed the said Chopper along with a blood stained towel near a bush. In this connection P.W.35 examined and deposed that on asking these two accused persons confessed their guilty for commission of murder of Biranchi Nayak, his son and wife and hiding of blood stained gamucha along with Katuri at a distance of 100 meters from the place of confession. Similarly accused Babuli confessed that he had kept in hiding his blood stained pant and shirt at Brahamanapada nala and he will give

the recovery of offensive weapon used by him so also the blood stained cloth with includes gamucha, one pant and one shirt. Both the witnesses proved the confessional statement as Ext.18 and their signature on the said confessional statement as Ext.18/1(P.W.11) and Ext.18/2(P.W.35) and also proved the seizure list marked as Ext.19 and their signatures as Ext.19/1 (P.W.11), Ext.19/2(P.W.35) and signature of accused Babuli @ Prakash Berhera as Ext.19/3 and Ext.19/4 is the signature of accused Ranja Sethi to which he is acquainted as they had put their signatures in their presence. In the evidence of P.W.35 it is disclosed that place of confession situates at a distance of 200 meter from the place of recovery and which also situates at a distance of 25 ft away from the road. However, law is well settled in the judgment in **2007(1)SCC CrI. 582** passed by the Hon'ble SC it is held that U/s.27 of Facts discovered also includes mental fact such as place from which the object is produced and knowledge of accused and that **portion of the information which relates to the fact discovered is admissible.** Privy council in **Pulukuri Kottaya** it was held that..... if a fact was actually discovered in consequence of the information given by such an accused persons, such fact should me made admissible in evidence, the reason being that it afford some guarantee to the truth of the information relating to the fact.

So in view of the above it is very clear that the entire confessional statement of accuse is not admissible in the eye of law rather the **portion of confessional statement of accused persons disclosed for leading to discovery is only admissible**. So far as the signature of accused persons on the seizure list is also not admissible in the eye of law. Law is well settled that each and every accused persons are presumed to be innocent and for which prosecution is duty bound to prove the case against the accused persons beyond all reasonable doubt. In our constitution **Doctrine of self incrimination** was upheld in a case of **Nandini Satpathy vrs. P.L. Dani**. In that case it was held that no accused can give evidence against himself and if at all anything taken by force is not admissible in the eye of law. So signatures of accused persons as marked on the seizure list as Ext.19/3 (Babuli @ Prakash Behera), Ext.19/4 (Ranja Sethi) has no meaning.

In this connection, for clarity it is worthwhile to note the Sec.27 of Evidence Act which reads as under.

**Sec. 27 How much of information received from accused may be proved.**

*Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether; it amounts to a*

*confession or not, as relates distinctly to the fact thereby discovered, may be proved.*

As per the above provision, the confessional statement of accused persons as recorded U/s.27 of Evidence Act for leading to discovery of incriminating material is admissible in the eye of law. Such as; recovery of blood stained Katari, blood stained napkin and blood stained wearing apparel of Prakash Behera which were kept in hiding.

**Observation in DNA report(Ext/59):**

**At para-5:** The alleles in the genetic profile generated from Exhibit marked-O (cut piece from napkin of accused Babuli @ Prakash Behera) is of a human male origin with dropout at DYS391 locus (Reference: Journal of Forensic Sciences, July 2004, Vol.49 No.4, Chung et al pp 733-740). At 23 numbers of loci the alleles in the genetic profile generated from Exhibit M1 (cut piece from shirt of deceased Naba @ Ekalalbya Nayak) are matching with corresponding alleles in the genetic profile generated from Exhibit marked-O. Table IV.

**At para-6:** The alleles in the genetic profile generated from Exhibit marked-Q (cut piece from full pant of accused Ranja @ Nanda Kishore Sethi) is of a human male origin and matching with the corresponding alleles in the genetic profile generated from Exhibit L1 (cut piece from banion of deceased Biranchi Nayak) Table V.

**At para-7:** The alleles in the genetic profile generated from Exhibit marked-H(cut piece from hand gloves from road side of Pokanda Bridge) is of a human male origin and is matching with the corresponding alleles in the genetic profile generated from Exhibit-M-1(cut piece from shirt of deceased Naba @ Ekalabya Nayak)Table VI.

**Conclusion report of scientific officer:**

**At para-3:** The DNA profile generated from Exhibit-C (stained earth collected from Pokanda bridge where dead body of Biranchi Nayak was lying) is of a human male origin with a single allele dropout (allele-11) at locus CSF1PO at serial no.4( Reference: journal of forensic Science, July, 2004, Vo.49 No.4, Chung et al pp 733- 740) and matching with the DNA No.4 profile generated from Exhibit L1 (cut piece from banion of deceased Biranchi Nayak) Table-1.

**At para-5:** The DNA profile generated from Exhibit marked-N(S.E from Katuri is of a human male origin and is matching with DNA profile generated from Exhibit-M1(cut piece from shirt of deceased Naba @ Ekalabya Nayak )Table III.

**At para-6:** The DNA profile generated from Exhibit marked-O (cut piece from napkin of accused Babuli @ Prakash Behera) with dropout at DYS391 locus (Reference: Journal of Forensic Sciences, July 2004, Vo.49 No.4, Chung et al pp 733-740) is of a human male origin. At 23 numbers of

loci the DNA profile of Exhibit M1 (cut piece from shirt of deceased Naba @ Ekalabaya Nayak) is matching with DNA profile generated from Exhibit marked-O. Table IV.

**At para-7:** The DNA generated from Exhibit marked-Q (cut piece from full pant of accused Raja @ Nanda Kishore Sethi) is of a human male origin and matching with DNA profile of Exhibit L1 (cut piece from banion of deceased Biranchi Nayak)Table V.

From the above observation of DNA report it is found that blood stained found on Katuri (MO-6) is of a human male origin and which matched with cut piece from shirt of deceased Naba @ Ekalabya Nayak. Similarly, the blood stained found on the cut piece of napkin of accused Babuli @ Prakash Behera is of a human male origin which matched with blood stained found in the cut piece of shirt of deceased Naba @ Ekalabaya Nayak. Similarly, blood stained found in the cut piece form full pant of accused Ranja @ Nandakishore Sethi is of human male origin and matching with blood stained in cut piece from banion of deceased Biranchi Nayak. From the above scientific analysis of DNA report it is crystal clea rthat both the accused persons has the involvement in the alleged murder of deceased Biranchi Nayak and Naba @ Ekalabya Nayak.

However, in the prosecution trial so many witnesses are examined but it is not excepted that almost all witnesses will



support the case of prosecution as out of them some of the witnesses either gained over or terrorized before their evidence. At the same time, human brain describes the similar fact differently as per their own language and understanding. So, the same matter may be described differently by the different person can not be interrupted as a contradiction. So on the whole in each and every criminal trial, contradiction bound to occur but when it is not affecting the very root of the prosecution is not to be counted. In this connection, it is also worthwhile to note down a latin version which is “**falsus in uno, falsus in omnibus**” which says false in one thing, false is everything, but the said principle is not applicable in criminal jurisprudence which also upheld by many of the judgment of Hon’ble SC.

*In this regard Hon’ble Apex Court observe in **Ram Udagar Singh Vr. State of Bihar, (2004) 10 supreme Court cases, 443**, “ In essence, prayer is to apply the principle of “falsus in uno, falsus in omnibus” (false in one thing, false in everything). This plea is clearly untenable. Even if a major portion of evidence is found to be deficient, in case the residue is sufficient to prove the guilt of an accused, notwithstanding acquittal of a number of other co-accused persons, his conviction can be maintained. It is the duty of the Court to separate the grain from the chaff. Where the chaff can be separated from the grain, it would be open to the court*

*to convict an accused notwithstanding the fact that the evidence has been found to be deficient to prove the guilt of other accused persons. Falsity of particular material witness or material particular would not ruin it from the beginning to end. The maxim “falsus in uno, falsus in omnibus” has no application in India and the witnesses can not be branded as liars. The maxim “falsus in uno, falsus in omnibus” has not received general acceptance nor has this maxim come to occupy the status of rule of law. It is merely a rule of caution. All that it amounts to is that in such cases testimony may be disregarded, and not that it must be discarded. The doctrine merely involves the question of weight of evidence which a court may apply in given set of circumstances, but it is not what may be called “a mandatory rule of evidence.” The above said judgment was followed in another judgment of the Hon’ble S.C in case titled as “**Jaya Seelan V. State of Tamilnadu**” **Criminal Appeal no.456 of 2002** decided on 11.02.2009.*

*It is open to any court to sift the deposition of any witness and accept apart thereof while rejecting the other part. Thus evidence of the witness can not be disbelieved completely.*

#### Principles of Circumstantial evidence.

For the use of circumstantial evidence five golden principles has been upheld by Hon;ble SC of India, while

deciding a case reported in **Sharat Birdhichand Sarada V. State of Maharashtra (1984) 4 SCC 116**. The said five golden principle is also known as a “**Panchsheel**” is used for proof of a case based on circumstantial evidence. Those principles are as under:-

1)The circumstances from which the conclusion of guilt is to be drawn should be fully established. There is not only a grammatical but a legal distinction between ‘may be proved’ and ‘must be or should be proved’. It is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between ‘may be’ and ‘must be’ is long and divides vague conjectures from sure conclusions.

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

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

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

5)there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all

human probability the act must have been done by the accused.

Having gone through the above golden principle of circumstantial evidence it is worthwhile to note down the circumstances of the present case and how the entire circumstances linked into a one chain without leaving any gap to find any other interpretation than the involvement of any other accused persons of the commission of present crime.

1) Motive of accused to grab huge loan amount from Biranchi.

2) Preparation to call Biranchi for melodi.

3) Purchase of liquor water pouch and mixture for the commission of murder.

4) No explanation by the accused persons for last seen with the deceased Biranchi on 09.10.2017 (Monday at 9 pm to 9.30 pm).

5) Taking of Biranchi to Kalapatnali to see melodi as the melodi of Thakurgarh is not good.

6) Dead body of Biranchi found near the Pokanda bridge which comes on the way to grocery shop to Kalapatnali.

7) Blood stained found on the Katari (MO-6) is of human origin of Naba @ Ekalabya Nayak.

8) Blood stained of cut piece of shirt of deceased Naba @ Ekalabaya matched with blood stained found in napkin of accused Babuli @ Prakash Behera.

9) Blood stained found in cut piece of banion of deceased Biranchi Nayak matched with blood stained found in cut piece of full pant of accused Ranja @ Naba Kishore Sethi.

From the above circumstance, a complete chain of motive- preparation- commission of crime established and leaves no room to disbelieve that these accused persons committed murder of three deceased persons. Accordingly, it is proved that death of three deceased was caused by or in consequence of the act of the accused.

6. **(iii) Such act was done:-**

**(a) with the intention of causing death, or**

**(b) that the accused knew it to be likely to cause death, or**

**(c) that the injury was sufficient in the ordinary course of nature to cause death.**

As per the earlier discussion, it is already discussed that there was clear **intention** with the accused persons for the commission of murder of three deceased namely, Biranchi Nayak, Tarani Nayak and Naba @ Ekalabaya Nayak to grab the loan money to which he was received from Maa Maheswari SHG group. From PM report which are marked as

Ext.5, 7 & 20 it is found that there was deep throat cut injury which is the main cause of death as opined by the doctor and everybody knows that if the throat will be cut, the trachea found in the neck along with huge blood vessels will be cut and there will be instant death. Since the accused persons interested to kill the three deceased persons and knowingly very well they have cut their throat identically in each of the deceased persons. In this connection, doctor those who conducted autopsy on the dead body examined as P.Ws. 5, 6 & 12 respectively gave their opinion that deep throat cut injury is sufficient to cause death in ordinary course. Accordingly, the above three ingredients are proved against the accused persons.

**7. Now coming to the part of house-trespass and commission of robbery:**

It is found from the evidence of I.O that on the relevant day of occurrence accused persons had come to the house of Biranchi where his wife Tarani Nayak, his son Naba @ Ekalabaya Nayak were present and the accused persons asked money from Tarani for the treatment of Biranchi Nayak pretending his accident. At that time when Tarani Nayak saw blood stained cloth of accused persons she cleverly trying to move outside and at that time accused persons without giving any time cut her throat but with that cutting throat Tarani Nayak ran to outside and fell inside their *haradakiari* (odia)

and died. In the mean time these accused persons started searching of cash after breaking open the boxes and almirah to find out the cash. In the mean time when the son of Biranchi got up who was sleeping inside the room asked for his mother and seeing the situation accused persons found that son of Biranchi identified them and for which it is necessary to kill him or else there is no way to escape for commission of murder. However in this regard though stories of house trespass available from the evidence of I.O, at the same time no such independent witnesses had given their statement in this regard to establish that accused persons had trespassed into the house of Biranchi to take the loan amount from his house and thereby committed murder of Tarani and her son Naba @ Ekalabaya. So in view of the prosecution failed to establish the fact of house trespass and commission of robbery by accused persons in the house of Biranchi Nayak (deceased).

8. Now coming to the part of kidnapping and abduction.

In this case, there is no direct evidence available except the last seen theory wherefrom it is found that accused Biranchi was moving through a motor cycle of accused persons to see melodi on 09.10.2017 at 9 pm to 9.30 pm and they consumed liquor in front of the grocery shop of P.W.37. So moving with consent to see melodi by the accused persons can not be considered that he has been taken forcefully and accordingly the fact of abduction could not be proved. So far

as the dead body of Ekalabya Nayak found inside the jungle after taking from his house clearly establishes the fact kidnapping of minor from lawful custody of parents and subsequently commission of murder inside the jungle clearly established the fact of kidnapping. Accordingly, prosecution successfully proved the fact of kidnapping of Naba @ Ekalabaya from the circumstantial evidence.

**9. Now coming to the part of disappearance of evidence.**

It is found from the circumstantial evidence that after commission of murder they have dragged the dead body of Birancihi Nayak from Pokanda bridge and then threw it from the Pokanda bridge in order to destroy the material prosecution evidence. Similarly from the circumstantial evidence it is also established that to destroy the prosecution evidence, they have thrown the dead body of Naba @ Ekalabaya inside the Gothamundia jungle after cutting his throat. It is also established from the confessional statement of accused persons recorded U/s.27 of Evidence Act that after commission of crime they took steps to hide the incriminating weapon i.e Katari and their blood stained cloth in order to destroy the prosecution evidence. So considering the above circumstantial evidence it is crystal clear that accused persons are taken steps for disappearance of prosecution evidence in order to protect themselves from the criminal liabilities.



**10. Now coming to the part sell and possession of arms and ammunition and use of arms and ammunition in contravention of Sec.5 of Arms Act (Sec. 25 & 27 Arms Act).**

It is defined U/s. 2(c) of Arms Act that “arms” means articles of any description designed or adapted as weapons for offences, or defence, and includes firearms, **sharp-edged and other deadly weapons**, and parts of, and machinery for manufacturing arms, but does not include articles designed solely for domestic or agricultural uses such as a lathi or an ordinary walking stick and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapons.

Herein the instant case MO-6 is a Katari having sharp edged used to killing of deceased persons. So far as the license of accusation is concerned it is well defined U/s.3 of the Act, which clearly says for the license and accusation of firearms and ammunition. MO-6 is neither coming under definition of firearm and ammunition as defined U/s.2(b) of the Arms Act. Sec.5 of the Arms Act clearly says for license for manufacture and sell of arms and ammunition. As per the Sec.5 of the Arms Act, no license is necessary for keeping of a Katari and the Katari is kept by the accused persons was neither meant of manufactures, sells, transfers, converts, repairs, tests etc. as contemplated U/s.25 of the Arms Act. Similarly, Sec.27

clearly says about the punishment for the use of arms and ammunition in contravention of Sec.5 shall be punishable. Accordingly prosecution failed to prove its case U/s.25 & 27 Arms Act.

11. In view of the above discussion, prosecution has proved the case U/s. 302/364/201/34 IPC against the accused persons beyond all reasonable doubt and accordingly accused persons are found guilty of above offence and they are found not guilty U/s. 363/ 394/34 IPC and Sec. 25 & 27 Arms Act.

12. The age of the convict namely, Babuli @ Prakash Behera is 45 years and accused Ranja @ Nanda Kishroe Sethi is aged about 37 years. The convicts had committed murder of the deceased in a preplanned manner in order to grab the loan amount from the house of Biranchi and killed the Biranchi at Pokanda bridge taking him to show a melodi party and thereafter entered into the house of Biranchi and killed his wife Tarani followed by his minor son Naba @ Ekalabaya in a brutal manner by cutting their throats using a Katari (MO-6) and tried to disappearance of prosecution evidence in order to escape from criminal liabilities. Such type of colorful murder usually nowhere seen without enmity. Rather in a friendly manner the accused persons committed murder in a colourable way to get the huge cash received on loan by deceased Biranchi. The sentence in offence U/s.302 IPC prescribes punishment for death or imprisonment for life and **fine**,

U/s.364 IPC prescribes imprisonment for life or RI of 10 years and **fine** and Sec.201 IPC prescribes punishment for 07 years and **fine**.

Looking into the gravity and seriousness of the offence, the convicts are not entitled to be considered under the benevolent provisions of Probation of Offenders Act, 1958.

Pronounced the judgment, in the open court on this the 27<sup>th</sup>Sept., 2024 under my seal and signature.

**Addl. Sessions Judge, Athmallik.**

**HEARING OF THE QUESTION OF SENTENCE.**

The learned counsel for the convicts prayed to take lenient view while awarding sentence to the convict as he is the first time offender. The accused Babuli @ Prakash Behera is married boy aged about 45 years and accused Ranja @ Nanda Kishore Sethi is aged about 37 years. He also submitted not to impose the extreme penalty of death on the ground that it is not a rarest of the rare case. On the other hand, learned P.P urged for harsh punishment to convict as it would make the person of likeminded to think before committing such type of offence. On the other hand, this is a triple murder case which comes under the purview of rarest of rare case and accordingly death sentence is the only punishment which will justify the magnitude of offence committed by the accused

persons. In that respect learned public prosecutor drew the attention of the court the historic case of Hon'ble SC **Macchi Singh Vrs. State of Punjab** where court laid down certain criteria for assessing when a case could fall under the ambit of rarest of rare. The criteria are analysed as below:

1. Manner of commission of murder when the murder is committed in an extremely brutal, ridiculous, diabolical, revolting or reprehensible manner so as to awaken intense and extreme indignation of the community, for instance,

a. when the victim house is set on fire with the intention to bake him alive.

b. When the victim is tortured to inhuman acts in order to bring about his/her death.

c. When the body of the victim is mutilated or cut in pieces in a brutal manner.

2. Motive of the commission of murder when total depravity and cruelty are the motives behind a murder, for instance,

a. A hired killer committing murder merely for the sake of a monetary reward.

b. A **cold blooded murder incorporating a thoughtful design in order to get control to inherit property or for any other selfish gains.**

3. Socially abhorrent nature of the crime when a murder of a person belonging to one of the backward classes is

committed. Cases of bride burning, famously known as dowry deaths, are also covered in this.

4. magnitude of the crime when the preparation of crime is massive, for instance, in **cases of multiple murders**.

5. Personality of victim of murder when the murder victim is an **innocent child, a helpless woman** or person (due to old age or infirmity), a public figure, etc.

Taking essence of doctrine of rarest of rare case it is found that this present case falling under so many categories such as :**1.commission of murder of innocent child,**

**2.commission of murder of helpless woman and**

**3.case of multiple murder,**

**4.cold blooded murder incorporating a thoughtful design in order to get control to inherit property or for any other selfish gains .**

### **S E N T E N C E D**

So in view of the above this is a fit case and which comes under the purview of **rarest of rare case** and accordingly **accused persons are sentenced** for death and for which they shall be hanged by neck till they found dead and fine of Rs.1,00,000/- i.d to undergo R.I for one year for offence **U/s.302 IPC**, sentenced for life and fine of Rs.50,000/- i.d to undergo RI for six months for the offence **U/s.364 IPC** and sentenced for 07 years and fine of

Rs.25,000/- i.d RI for two months for the offence **U/s.201 IPC.**

**Death sentence is subject to of order of Hon'ble High Court.**

The UTP period of accused persons be set up accordingly. All the sentences shall run concurrently.

The zimanama if any be cancelled, seized weapon of offence i.e **Katari** be confiscated to the state and seized wearing apparels, if any be destroyed after four months of expiry of appeal period, if no appeal is preferred and in case of an appeal, the disposal of the same shall be made as per the order of the Appellate Court.

#### **VICTIM COMPENSATION**

Since this is a case of **triple murder**, accordingly compensation of Rs.30,00,000/- (Rupees thirty lakh) be awarded under Odisha Victim Scheme, 2017 to minor daughter **Saina** D/o.Biranchi Nayak(deceased) and who was then one and half year in the year 2017 after due inquiry by the DLSA, Angul.

#### **COMPENSATION FROM FINE**

Fine amount if any be realized also be given to the dependent of the deceased.

#### **REWARD FOR THE PROSECUTION**

The Home Department in govt. of Odisha be informed about the success of prosecution in **triple murder case** and accordingly reward may be given to the prosecution agency for taking pain for the protection of social interest.

**Addl. Sessions Judge, Athmallik.**

The judgment is computerized to my dictation, corrected by me and pronounced in the open court given under my hand and seal of this court this day of 27th September, 2024.

**Addl. Sessions Judge, Athmallik.**

<b>Date of offence</b>	09.10.2017
<b>Date of FIR</b>	10.10.2017
<b>Date of Charge sheet</b>	30.01.2018
<b>Date of Framing of Charges</b>	14.03.2018
<b>Date of commencement of evidence</b>	19.07.2018
<b>Date on which judgment is reserved</b>	11.09.2024
<b>Date of Judgment</b>	27.09.2024
<b>Date of the Sentencing order, if any</b>	NA

**Accused persons Details**

02	01	01	02
Nandkishore Sethi	Prakash Behera		
12.10.2017	12.10.2017		
UTP	UTP		
U/s.302/449/363/364/394/201 /34 of IPC r/w Sec.25 & 27 Arms Act.	U/s.302/449/363/364/394/201 /34 of IPC r/w Sec.25 & 27 Arms Act.		
Convicted	Convicted		
The sentence in offence U/s.302 IPC prescribes punishment for death or imprisonment for life and <b>fine</b> , U/s.364 IPC prescribes imprisonment for life or RI of 10 years and <b>fine</b> and Sec.201 IPC prescribes punishment for 07 years and	The sentence in offence U/s.302 IPC prescribes punishment for death or imprisonment for life and <b>fine</b> , U/s.364 IPC prescribes imprisonment for life or RI of 10 years and <b>fine</b> and Sec.201 IPC prescribes punishment for 07 years and <b>fine</b> .		
Six years 11 months 15 days.	Six years 11 months 15 days.		

List of Prosecution/Defence/Court witnesses		
A. Prosecution Witnesses.		
Rank	Name	Nature of evidence (Eye Witness, Police



		<b>witness, Expert witness, medical witness, Panch witness, other witness)</b>
P.W.1	Jitendra Kumar Pradhan	Seizure witness.
P.W.2	Prasanta Ku. Pradhan	Seizure witness.
P.W.3	Babula Naik	Other witness.
P.W.4	Krushna Chandra Naik	Seizure witness.
P.W.5	Dr. Prangya Paramita Pradhan	Medical witness.
P.W.6	Dr. Anil Kumar Dey	Medical witness.
P.W.7	Bibhuti Bhusan Pradhan	Police/seizure witness.
P.W.8	Agasti Nayak	Inquest witness.
P.W.9	Susanta Nayak	Informant.
P.W.10	Dillip Sethi	Seizure witness.
P.W.11	Bipin Bihari Nayak	Seizure witness.
P.W.12	Dr. Debasis Bhanja	Medical witness
P.W.13	Chanda Nayak	Inquest witness
P.W.14	Atmaram Patra	Inquest witness
P.W.15	Israil Sahu	Seizure witness
P.W.16	Sanjeeb Kumar Sahu	Other witness
P.W.17	Shanti Nayak	Other witness
P.W.18	Abani Nayak	Other witness
P.W.19	Kumari Nayak	Other witness
P.W.20	Sasmita Nayak	Other witness
P.W.21	Santosh Majhi	Inquest witness
P.W.22	Suramani Nayak	Inquest witness
P.W.23	Gobardhan Dehury	Police /seizure

		witness
P.W.24	Maharga Nayak	Inquest witness
P.W.25	Amruti Pradhan	Police /seizure witness.
P.W.26	Rashmiranjan Bagh	Police/seizure witness
P.W.27	Abhimanyu Nayak	Other witness
P.W.28	Somitri Nayak	Other witness
P.W.29	Madanmohan Nayak	Other witness
P.W.30	Kumar Nayak	Material witness
P.W.31	Achyuttananda Nayak	Other witness
P.W.32	Sanjaya Nayak	Other witness
P.W.33	Saroj Kumar Nayak	Police/seizure witness
P.W.34	Samarendra Kumar Sethi	Other witness
P.W.35	Girish Ch. Nayak	Seizure witness
P.W.36	Subarna Pradhan	Other witness
P.W.37	Girish Ku. Sahoo	Other witness
P.W.38	Patro Oram	Police/ seizure witness
P.W.39	Bhabini Nayak	Other witness
P.W.40	Prasanta Kumar Pradhan	Expert witness/ Scientific officer
P.W.41	Premananda Lenka	IO
<b>B. Defence Witnesses, if any:</b>		
D.W.1	Ranja @ Nandakishore Sethi	Accused.

<b>C. Court Witnesses, if any</b>		
<b>Rank</b>	<b>Name</b>	<b>Nature of Evidence. (Eye Witness, Police witness, Expert witness, medical witness, Panch witness, other witness)</b>
None		
<b>List of Prosecution /Defence/Court Exhibits</b>		
<b>A. Prosecution Exhibits.</b>		
<b>SI No.</b>	<b>Exhibit Number</b>	<b>Description.</b>
1.	Ext.1	Signature of P.W.1 in seizure list
2.	Ext.1/1	Signature of P.W.2 in seizure list
3.	Ext.1/2	Seizure list.
4.	Ext.1/3	Signature of P.W.41.
5.	Ext.1/4	Signature of Nandakishore Sethy.
6.	Ext.2	Arrest Memo
7.	Ext.2/1	Signature of P.W 3.
8.	Ext.3	Arrest Memo
9.	Ext.3/1	Signature of P.W 3.
10.	Ext.4	Seizure list.
11.	Ext.4/1	Signature of P.W 4.
12.	Ext.4/2	Signature of P.W.10.

13.	Ext.4/3	Signature of P.W.41.
14.	Ext.5	Postmortem report
15.	Ext.5/1	Signature of P.W. 5.
16.	Ext.6	Query report
17.	Ext.6/1	Signature of P.W 5.
18.	Ext.6/2	Query requisition
19.	Ext.6/3	Signature of P.W.41.
20.	Ext.7	Postmortem report
21.	Ext.7/1	Signature of P.W 6.
22.	Ext.8	Report
23.	Ext.8/1	Signature of P.W 6.
24.	Ext.8/2	Query requisition.
25.	Ext.8/3	Signature of P.W.41.
26.	Ext.9	Seizure list
27.	Ext.9/1	Signature of P.W.7 on Ext.9.
28.	Ext.9/2	Signature of P.W.38.
29.	Ext.9/3	Signature of R. Nayak.
30.	Ext.9/4	Signature of P.W.41.
31.	Ext.10	Seizure list
32.	Ext.10/1	Signature of P.W.7 on Ext.10.
33.	Ext.10/2	Signature of P.W.26.
34.	Ext.10/3	Signature of P.W.38.

35.	Ext.10/4	Signature of P.W.41.
36.	Ext.11	Seizure list.
37.	Ext.11/1	Signature of P.W.7 on Ext.11.
38.	Ext.11/2	Signature of P.W.33.
39.	Ext.11/3	Signature of P.W.38.
40.	Ext.11/4	Signature of P.W.41.
41.	Ext.12	Inquest report
42.	Ext.12/1	Signature of P.W.8 on Ext.12.
43.	Ext.12/2	Signature of P.W.9.
44.	Ext.12/3	Signature of P.W.22.
45.	Ext.12/4	Signature of P.W.41.
46.	Ext.13	Inquest report
47.	Ext.13/1	Signature of P.W.8 on Ext.13.
48.	Ext.13/2	Signature of P.W.9.
49.	Ext.13/3	Signature of P.W.22.
50.	Ext.13/4	Signature of P.W.41.
51.	Ext.14	F.I.R
52.	Ext.14/1	Signature of P.W. 9.
53.	Ext.14/2	Signature of P.W.41.
54.	Ext.14/3	Formal F.I.R.
55.	Ext.14/4	Signature of P.W.41.

56.	Ext.14/5	Signature of informant.
57.	Ext.15	Inquest report
58.	Ext.15/1	Signature of P.W.9.
59.	Ext.15/2	Signature of P.W.10.
60.	Ext.15/3	Signature of P.W.13.
61.	Ext.15/4	Signature of P.W.14.
62.	Ext.15/5	Signature of P.W.21.
63.	Ext.15/6	Signature of P.W.22.
64.	Ext.15/7	Signature of P.W.41.
65.	Ext.16	Zimanama
66.	Ext.16/1	Signature of P.W.9.
67.	Ext.16/2	Signature of P.W.41.
68.	Ext.17	Zimanama.
69.	Ext.17/1	Signature of P.W.9.
70.	Ext.17/2	Signature of P.W.41.
71.	Ext.18	Confessional statement.
72.	Ext.18/1	Signature of P.W.11.
73.	Ext.18/2	Signature of P.W.35.
74.	Ext.18/3	Signature of accused Prakash Behera.
75.	Ext.18/4	Relevant portion of confessional statement.
76.	Ext.18/5	Signature of P.W.41.
77.	Ext.19	Seizure list

78.	Ext.19/1	Signature of P.W.11.
79.	Ext.19/2	Signature of P.W.35.
80.	Ext.19/3	Signature of accused Prakash Behera.
81.	Ext.19/4	Signature of accused Ranja Sethi.
82.	Ext.19/5	Signature of P.W.41.
83.	Ext.20	PM report
84.	Ext.20/1	Signature of P.W.12.
85.	Ext.21	Seizure list
86.	Ext.21/1	Signature of P.W.15.
87.	Ext.21/2	Signature of P.W.41.
88.	Ext.21/3	Signature of accused Prakash Behera.
89.	Ext.21/4	Signature of Suramani Pradhan.
90.	Ext.22	Seizure list
91.	Ext.22/1	Signature of P.W.23.
92.	Ext.22/2	Signature of P.W.24.
93.	Ext.22/3	Signature of P.W.26.
94.	Ext.22/4	Signature of P.W.41.
95.	Ext.23	Command certificate
96.	Ext.23/1	Signature of P.W.26.
97.	Ext.24	Command certificate

98.	Ext.24/1	Signature of P.W.33.
99.	Ext.25	Dead body challan
100.	Ext.25/1	Signature of P.W.33.
101.	Ext.26	Account details
102.	Ext.26/1	Signature of P.W.34.
103.	Ext.27	Paper slip.
104.	Ext.27/1	Signature of P.W.35.
105.	Ext.27/2	Signature of Bipin Bihari Nayak.
106.	Ext.27/3	Signature of accused Prakash Behera.
107.	Ext.27/4	Signature of P.W.41.
108.	Ext.28	Paper slip.
109.	Ext.28/1	Signature of P.W.35.
110.	Ext.28/2	Signature of Bipin Bihari Nayak.
111.	Ext.28/3	Signature of accused Prakash Behera.
112.	Ext.28/4	Signature of P.W.41.
113.	Ext.29	Seizure list.
114.	Ext.29/1	Signature of P.W.38.
115.	Ext.29/2	Signature of SO P.K.Pradhan.
116.	Ext.29/3	Signature of P.W.41.



117.	Ext.29/4	Signature of P.W.8.
118.	Ext.30	Seizure list.
119.	Ext.30/1	Signature of P.W.38.
120.	Ext.30/2	Signature of SO P.K.Pradhan.
121.	Ext.30/3	Signature of P.W.41.
122.	Ext.30/4	Signature of P.W.8.
123.	Ext.31	Seizure list.
124.	Ext.31/1	Signature of P.W.38.
125.	Ext.31/2	Signature of SO P.K.Pradhan.
126.	Ext.31/3	Signature of P.W.41.
127.	Ext.31/4	Signature of P.W.8.
128.	Ext.32	Seizure list.
129.	Ext.32/1	Signature of P.W.38.
130.	Ext.32/2	Signature of SO P.K.Pradhan.
131.	Ext.32/3	Signature of P.W.8.
132.	Ext.32/3	Signature of P.W.41.
133.	Ext.33	Sticker on sealed packet.
134.	Ext.33/1	Signature of P.W.38.
135.	Ext.33/2	Signature of P.W.7.
136.	Ext.33/3	Signature of P.W.41.

137.	Ext.34.	Sticker on sealed packet.
138.	Ext.34/1	Signature of P.W.38.
139.	Ext.34/2	Signature of P.W.7.
140.	Ext.34/3	Signature of P.W.41.
141.	Ext.35	Sticker on sealed packet.
142.	Ext.35/1	Signature of P.W.38.
143.	Ext.35/2	Signature of P.W.7.
144.	Ext.35/3	Signature of P.W.41.
145.	Ext.36	Sticker on sealed packet.
146.	Ext.36/1	Signature of P.W.38.
147.	Ext.36/2	Signature of P.W.7.
148.	Ext.36/3	Signature of P.W.41.
149.	Ext.37	Sticker on sealed packet.
150.	Ext.37/1	Signature of P.W.38.
151.	Ext.37/2	Signature of P.W.7.
152.	Ext.37/3	Signature of P.W.41.
153.	Ext.38	Sticker on sealed packet.
154.	Ext.38/1	Signature of P.W.38.
155.	Ext.38/2	Signature of P.W.7.
156.	Ext.38/3	Signature of P.W.41.
157.	Ext.39	Sticker on sealed packet.
158.	Ext.39/1	Signature of P.W.38.
159.	Ext.39/2	Signature of P.W.41.
160.	Ext.39/3	Signature of P.W.7.

161.	Ext.40	Sticker on sealed packet.
162.	Ext.40/1	Signature of P.W.38.
163.	Ext.40/2	Signature of P.W.41.
164.	Ext.40/3	Signature of P.W.7.
165.	Ext.41	Sticker on sealed packet.
166.	Ext.41/1	Signature of P.W.38.
167.	Ext.41/2	Signature of P.W.41.
168.	Ext.41/3	Signature of P.W.7.
169.	Ext.42	Command certificate
170.	Ext.43 (Three sheets)	Spot visit report.
171.	Ext.43/1	Signature of P.W.40.
172.	Ext.43/2	Signature of P.W.40.
173.	Ext.43/3	Signature of P.W.41.
174.	Ext.44 (On MO-15)	Signature of P.W.40.
175.	Ext.45	Spot map.
176.	Ext.45/1	Signature of P.W.41.
177.	Ext.45/2	Signature of P.W.41.
178.	Ext.46	Seizure list.
179.	Ext.46/1	Signature of P.W.41.
180.	Ext.47	Dead body challan of Tarani Nayak
181.	Ext.47/1	Signature of P.W.41.

182.	Ext.48	Spot map.
183.	Ext.48/1	Signature of P.W.41.
184.	Ext.49	Dead body challan
185.	Ext.49/1	Signature of P.W.41.
186.	Ext.50	Spot map.
187.	Ext.50/1	Signature of P.W.41.
188.	Ext.51	Dead body challan.
189.	Ext.51/1	Signature of P.W.41.
190.	Ext.52	Sticker on MO-2.
191.	Ext.52/1	Signature of Suramani Pradhan.
192.	Ext.52/2	Signature of Israil Sahu.
193.	Ext.52/3	Signature of accused Babula @ Nandakishore Sethy.
194.	Ext.53	Paper slip on MO-1.
195.	Ext.53/1	Signature of P.W.41.
196.	Ext.54	Paper slip on MO-23.
197.	Ext.54/1	Signature of P.W.41.
198.	Ext.54/2	Signature of accused.
199.	Ext.54/3	Signature of P.W.1.
200.	Ext.54/4	Signature of P.W.2.
201.	Ext.55	Paper slip on MO-24.
202.	Ext.55/1	Signature of P.W.41.

203.	Ext.55/2	Signature of accused.
204.	Ext.55/3	Signature of P.W.4.
205.	Ext.55/4	Signature of P.W.10.
206.	Ext.56	Query requisition.
207.	Ext.56/1	Signature of P.W.12.
208.	Ext.56/2	Query report given by P.W-12.
209.	Ext.56/3	Signature of P.W.12.
210.	Ext.57	Forwarding of Mal item.
211.	Ext.57/1	Signature of Pratima Majhi.
212.	Ext.58	Sanction order.
213.	Ext.59	Report of SFSL.
214.	Ext.60	Portion of 161 Statement of P.W.1.
215.	Ext.61	Portion of 161 Statement of P.W.2.
216.	Ext.62	Portion of 161 Statement of P.W.18.
<b>B.Defence Exhibits, if any</b>		
Nil		
<b>C.Courts, Exhibits, if any</b>		
Nil.		
<b>D.Material Objects.</b>		
<b>SI No.</b>	<b>Exhibit Number</b>	<b>Description.</b>
1	<b>MO-1</b>	Blood stain shirt

2	<b>MO-2</b>	Jean pant
3	<b>MO-3</b>	Jean pant of deceased Biranchi Nayak
4	<b>MO-4</b>	Chadi of deceased Biranchi Nayak
5	<b>MO-5</b>	Ganji of deceased Biranchi Nayak
6	<b>MO-6</b>	Katara
7	<b>MO-7</b>	Gamucha
8	<b>MO-8</b>	Half pant of deceased
9	<b>MO-9</b>	Half shirt of deceased
10	<b>MO-10</b>	Red colour Suta
11	<b>MO-11</b>	Blood stained saree of deceased Tarani Nayak
12	<b>MO-12</b>	Blood stained Saya of deceased Tarani Nayak
13	<b>MO-13</b>	Blood stained blouse of deceased Tarani Nayak
14	<b>MO-14</b>	Gloves
15	<b>MO-15</b>	Paper kham containing signature of SO, DFSL.
16	<b>MO-16</b>	Blood stained locket.

17	<b>MO-17</b>	Plastic rope
18	<b>MO-18</b>	Plastic rope
19	<b>MO-19</b>	Paper kham containing signature of P.W.40
20	<b>MO-20</b>	Paper kham containing signature of P.W.40 (blood stained earth.
21	<b>MO-21</b>	Paper kham containing signature of P.W.40
22	<b>MO-22</b>	Sample earth
23	<b>MO-23</b>	Black colour pant of Nandakishore Sethi
24	<b>MO-24</b>	Shirt of accused Nandakishore Sethi

**Addl. Sessions Judge, Athmallik.**

