

A.F.R.

Judgement Reserved On 13.02.2024

Judgement Delivered on 12.08.2024

Neutral Citation No. - 2024:AHC:130112-DB

Court No. 47

Case :- CRIMINAL APPEAL No. - 241 of 2007

Appellant :- Sunil

Respondent :- State of U.P.

**Counsel for Appellant :- R.K. Singh, Ajay Vashistha, Ashok Kumar
Tripathi, Noor Mohammad, Yogesh Srivastava**

Counsel for Respondent :- Govt. Advocate

Hon'ble Rajiv Gupta J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

(Per: Hon'ble Mohd. Azhar Husain Idrisi, J.)

1. Present criminal appeal, under Section 374(2) Cr.P.C., has been preferred before this Court, on behalf of appellant, Sunil, challenging the judgement and order dated 29.11.2006, passed by Additional District and Sessions Judge, Court No.3, Bulandshahar, Sessions Trial No.972 of 2006 (State Versus Sunil) in Case Crime No.117 of 2006, u/s 452 and 449 I.P.C., Police Station Khurja, District Bulandshahar, wherein the accused/appellant has been convicted under Sections 302 and 449 I.P.C. and sentenced to undergo life imprisonment with fine of Rs.5,000/- for the offence punishable under Section 302 I.P.C., and to serve out seven years imprisonment with fine of Rs.3,000/- for the offence punishable under Section 449 I.P.C. In default of payment of fine, the appellant was directed to undergo additional simple imprisonment of one year for the offence punishable under Section 302 I.P.C. and six months' additional simple imprisonment for the offence punishable under Section 449 I.P.C. Both the sentences were directed to run concurrently.

2. Succinctly, the prosecution story, as projected in F.I.R., undisputed facts and other material on record, is that on 15.07.2006 at about

9.30 p.m. complainant Vinod Kumar s/o Natthi Singh, R/o Mobarikpur, Police Station Khurja Dehat, District Bulandshahar, presented a Tehrir, scribed by Jai Prakash Singh and signed by the complainant, in Police Station Khurja, in respect of an incident, alleged to have occurred on 15.07.2006 at about 7.30 p.m., unravelling therein the fact that on the fateful day he had gone to Khurja at about 3.00 p.m. to collect his wages. At about 7.30, in the evening, when he returned at his home, he saw that Sunil s/o Badam Singh, hailing from Village Bagrai Khurd, after flinging his wife Kunti Devi, down on the ground, inside the house, was inflicting blows on her head and face, with a brick. His co-villagers Heera Lal and Ved Ram are brothers-in-law of the father of Sunil. Hence he used to visit their house frequently. Sunil had done to death his wife Kunti, by causing injuries on her head and face. On her shriek and wailing, Devkaran, Sukhdeo and several others, of his vicinity gathered on the spot. Looking to the gathering of people and his insipid position, the accused- Sunil disappeared from the place of occurrence, giving a push to the complainant. There was no animus and animosity between Sunil, as well as with his family members and complainant. Sunil had struck severely with brick on the head and face of his deceased wife Kunti Devi on account of some abrupt wrangling over some issue.

3. On the basis of aforesaid Tehrir (Ext. Ka-1), Criminal Case Crime No. 117 of 2006 under Section 304 and 452 I.P.C. was registered at the Police Station Khurja Dehat, against accused Sunil. The entries were drawn in Kaimi G.D. No. 39 dated 15.07.2006, at 21.30 hours and simultaneously Chik F.I.R. (Ext. Ka-12), was prepared. Initially the investigation was entrusted to Sub Inspector, Daya Chand Satsangi.

4. Thus, the investigation set into motion. The Investigating Officer proceeded to place of occurrence in association with Station Officer, Karan Singh Chauhan, C- Iqbal Khan, C- Suresh Pal, etc. He recorded statements of witnesses under Section 161 Cr.P.C. and prepared site-plan. After nominating the witnesses, the Investigating Officer launched the inquest proceeding, of the dead body of the deceased, at about 9.30 p.m. on the same day. In the opinion of panches, the deceased Kunti Devi died due to the injuries sustained by her. It is also mentioned in the inquest report that the

deceased had a pregnancy of eight months. However, they opined that in order to ascertain the real cause of death, postmortem may be got done. The Investigating Officer subscribed to the opinion of the inquest witnesses. Therefore, the Investigating Officer prepared formal papers, photo lash, report to the R.I., request for postmortem to Chief Medical Officer and challan lash. Corpse of the deceased was wrapped in cloth and sealed. Specimen of the seal was also prepared. The dead body was handed over to C- Iqbal Khan and C- Suresh Pal along with papers, to take it to the mortuary at District Hospital, where autopsy of the dead body of deceased Kunti Devi was conducted by Dr. B.P. Singh Kalyani on 16.01.2006 at about 4.00 p.m.

5. The Investigating Officer collected blood saturated brick, plain and blood stained earth from the place of occurrence in the presence of witnesses Manoj Kumar, Shyam Shanker Sharma and Station Officer Ratan Lal Sharma, which were kept in a polythene bag in separate boxes and sealed. He also prepared the recovery memo (Ext. Ka-8) of the same over which signature of the witnesses were obtained. A bloodstained underwear (Ext. Ka-10) was also taken into possession by the Investigating Offer which were sent to Forensic Science Laboratory for chemical examination.

6. The accused-appellant was arrested on 19.07.2006 at 18.05 hours from Old G.T. Road, Bichhona Curve. After due investigation and collection of credible and clinching material and evidence showing the complicity of the accused-appellant submitted charge-sheet under Sections 304 and 452 LPC. against accused Sunil, in the court of Chief Judicial Magistrate, Bulandshahar, who took the cognizance of the case. Since the case was exclusively triable by the court of sessions, learned Chief Judicial Magistrate vide his order dated 31.08.2006, committed it to the Court of Sessions, wherein it was registered as Sessions Trial No.972 of 2006, Learned sessions judge in turn, transferred it to the court of Additional District and Sessions Judge, Court No.3, Bulandshahar for trial.

7. Learned trial court, after hearing both the parties, framed charges against the accused / appellant Sunil under Sections 302 and 449 I.P.C. The accused/ appellant renounced the charges, pleaded not guilty and claimed to be tried.

8. During the course of trial, the prosecution in order to appreciate the charges levelled against the accused-appellant examined following witnesses in ocular evidence:

Sl. No.	Name of witness	PW no.	Remarks
i	ii	iii	iv
1.	Dr B.P. Singh Kalyani	PW-1	Dr. postmortem
2.	Vinod Kumar (nephew of PW- 3)	PW- 2	Complainant,
3.	Sukhdeo	PW-3	Uncle of PW-2
4.	C-1263 Suresh Pal	PW-4	Inquest witness
5.	S.I. Daya Chand Satsangi	PW-5	I.O.
6.	H.C.P.-19 Subhash Chandra	PW-6.	Chik and G.D. writer

9. Besides, aforesaid ocular evidence, the prosecution has adduced following documentary evidence:

Sl. No.	Particulars	Ext Nos.	Proved by
i	ii	iii	iv
1.	Tehrir	Ext. Ka-1	PW-2
2.	Inquest Report	Ext. Ka-2	PW-5
3.	Challan lash	Ext. Ka-3	PW-5
4.	Letter to RI	Ext. Ka-4	PW-5
5.	Request to CMO	Ext. Ka-5	PW-5
6.	Photo lash	Ext. Ka-6	PW-5
7.	Memo of plain and blood stained earth	Ext. Ka-7	PW-5
8.	Memo of Blood saturated brick	Ext. Ka-8	PW-5
9.	Site-plan	Ext. Ka-9	PW-5
10.	Memo of the blood soaked underwear	Ext.Ka10	PW-5
11.	Charge-sheet	Ext.Ka11	PW-5
12.	Chik F.I.R.	Ext.Ka12	PW-6
13.	Kaimi G.D	Ext.Ka13	PW-6
14.	Postmortem Report,	Ext.Ka14	PW-1

10. In further corroboration of its case, the prosecution has also adduced following material objects in evidence: (1) Blood saturated brick and (2) blood-stained vest of the accused-appellant (Ext. Nos. 1 and 2).

Sl.No.	Material Ext.	Ext Nos.	Proved by
i	ii	iii	iv
1	Blood saturated bricks	Ext.-1	PW- 5

2	Plain and blood stained earth	Ext.-2-5	PW- 5
3.	Blood soaked underwear	Ext. 6	PW- 5
4.	Vaginal slide report	Ext. 7	PW- 5

11. After conclusion of the prosecution evidence, the accused was afforded an opportunity under Section 313 for offering his explanation/rebuttal of the prosecution evidence/charges against him. His statement under Section 313 Cr.P.C. was recorded in question-answer form. In his statement he denied his presence on the spot, on the day of occurrence. He also denied the prosecution allegations and charges. He negated and renounced prosecution evidence as wrong.

12. Accused/ appellant did not adduce any defence evidence, oral or documentary.

13. Learned trial court, after examining the entire material on record, testimonies of the witnesses, undisputed facts scrutinized and evaluating it, came to the conclusion that there is a complete chain of the evidence, showing the complicity of the accused-appellant in commission of the crime conducted that prosecution has proved its case beyond reasonable doubts, convicted the accused/ appellant, accordingly, under Sections 302 and 499 I.P.C. and sentenced him as stated above, vide its judgement and order dated 29.11.2006. Felt aggrieved, accused- appellant preferred the present appeal.

14. We have heard Sri Ashok Kumar Tripathi, learned Amicus Curiae appearing for the appellant, learned A.G.A. for the State, in extenso and have been taken through the entire material on record.

15. Learned counsel for the appellant assailed the impugned judgement of conviction and sentence on various grounds and advanced several arguments in this respect. Let us examine analyse and scrutinize the contentions, advanced by the learned counsel for the appellant on the touch stone of the evidence adduced by the prosecution, the undisputed facts and circumstances and entire material on record of the case. This opens door for us to enter into the prosecution evidence on record.

16. Prosecution in substantiation of its case, examined PW- 1 Dr. B.P. Singh Kalyani, who deposed that on 16.07.2006, during his posting in the District Hospital Bulandshahr, he had conducted the autopsy of the body of deceased Smt. Kunti, at about 4.00 a.m., which was brought by the C-1265 Suresh Pal and C-224 Iqbal Khan. The said corpse was identified by them.

(I)- **External Examination:** The deceased was an average built lady, aged about 22 years. Eyes of the deceased were closed. There was no injury on the breasts, hip waist, thighs and vagina. Rigor mortis passed in upper limb extremities, but present in the lower limbs of her person. There was no injury on the breasts, hip, waist, thighs and vagina. Brain membrane and brain were torn. She died one day before the postmortem.

Ante-mortem Injuries: During dissection the doctor found the following ante-mortem injuries on the person of the deceased:-

(i)- Lacerated wound 5.00 c.m. x 2.00 c.m. x bone deep on right side of head. 5 c.m. above right ear. On exploration haematoma present underlying. Parietal bone was found fractured.

(ii)- Lacerated wound 4 c.m. x 1.5 c.m. x bone deep on left side head. 8 c.m. above left ear.

(iii)- Lacerated wound 5 c.m. x 3 c.m. x bone deep on right side of forehead just above middle of right eye-brow.

On exploration frontal bone on right side found fractured.

(iv)- Lacerated wound 1 c.m. x 1 c.m. x muscle deep on front and middle part of nose.

(v)- Lacerated wound 4 c.m. x 2 c.m. buccal cavity deep on right side of face just below right angle of mouth. Mandible on right side was found fractured.

(vi)- Lacerated wound 2 c.m. x 1 c.m. x muscle deep on right face just below right eye.

(II)- **Internal Examination:** On internal examination of the body of deceased about 60 ml. blood present in cardinal cavity. About 200 grams semi digested food was found in the stomach. Doctor also observed that deceased Kunti was gravid. Her uterus was 36 cm. in length carrying a male foetus in the womb. He further proved that there was possibility of causing these injuries by inflicting with brick and were sufficient to cause her death. Doctor proved autopsy report as Ext. Ka-14, by stating that it is in his writing and signature. Doctor further averred that two slides of vaginal smears were collected to ascertain the presence of spermatozoa. He found 13 items on the dead body of the deceased, which were handed over to the police personnel, who brought the dead body, the slides were also sent to P.S. concerned for pathological examination. Generally, these injuries were sufficient to cause death of the victim and these were possible to come on 15.07.2006 at about 7.30 p.m.

(III)- **Cause of death:-** Doctor has opined that death of the deceased Kunti was caused due to shock and haemorrhage, as a result of ante mortem injuries and excessive bleeding.

17. PW- 1 Dr. B.P. Singh Kalyani, has averred in his cross examination that all the injuries suffered by the victim were in the form of lacerated wound and could not be caused by hitting her with danda etc. All the injuries were caused by hard and blunt object. These injuries could not be received on falling down of the victim. However, the head injury could be received, if the victim falls on the floor, but such a number of injuries cannot be received as a result of fall on the earth. The doctor negated the suggestion by saying that if there is a fight between two persons, it is not possible to get these injuries, even in a scuffle. These injuries can also not be received if someone fling the victim by fastening his/ her holding him by his waist. These injuries can be inflicted by a single man. Injuries of the victim were one day old. The doctor further denied the suggestion that these injuries were not caused by one person, in stead three or four persons caused the injuries. There was no mark of injury over other parts of the dead body, except on the face and head. These injuries are not possible to be self

inflicted.

18. PW- 2 Vinod Kumar is the complainant of the incident and husband of the deceased Kunti Devi. In his examination-in-chief he deposed that Sunil is the resident of village Bagrai, which is 15-16 km. away from his village. His two Bua (father's sister) are married in his village. The house of one is situated in front of his house. Sunil used to visit his Bua frequently. A hand-pipe is installed in his house. Neighbouring people used to take water from it. About three and half months ago he went for his work at about 3.00 p.m. in the noon to Khurja and returned at about 7.30 p.m. therefrom. On entering in his house, he saw that in his room near the bed, Sunil had thrown his wife on the ground and was crushing her head with a brick, sitting on the top of her. He made shriek, but Sunil pushed him aside and ran away from there. On shrill and shriek, his co-villegers Shukdev and Devkaran reached on the spot. They also saw Sunil coming out from his house. He chased Sunil, but passing through the houses of Harveer and Kunwer Pal, jumping over the wall, he escaped and could not be arrested. His wife died on the spot. Then he got scribed a tehrir of the incident by dictating it to Jay Prakash, and signed. He proved the written scribe as Ext. Ka- 1. At the time of incident his wife was gravid of 7 months. On the fateful evening, he had gone to Khurja to take his due wages from Rajkumar. The house of Hiralal, Fufa of Sunil is situated in front of his house. 2-4 days before the incident, there happened to be a dispute between his wife and wife of Hiralal regarding taking of water from the hand pump. On the day of the incident, Hiralal's daughter Renu came to our house, for bathing, but she restrained her to do so. Renu had made a complaint of it, in her house. Sunil was staying with uncle Hiralal for last 7-8 days, of the occurrence. Sunil murdered his wife on the issue of using hand pump. The witness has also been put under cross-examination.

19. PW- 3 Sukhdev has averred that he know accused Sunil. He is the son of the brother-in-law, of his co-villeger Hira Lal and Ved Ram. One of his father's sister (bua) is married to Hira Lal and other is married to Ved Ram. Vinod is his real nephew. Vinod and his wife Kunti were residing together in the house, Vinod's father had already expired. His mother had gone to her maika and his only brother resides in his sasural at Gram Kile.

Vinod has a sister also, who is already married. On the fateful day, Vinod and his wife were alone in their house. Sunil used to visit his Fufa's house frequently. Vinod had no child. Incident had taken place about three and half month earlier. It was 7.30 p.m. On hearing shriek and lamentation, he reached towards the house of Vinod. He saw Sunil, pushing Vinod, was coming out of his house. He saw Sunil coming out through gallery of his house. He jumped in the house of Kunwer Pal and fled away, towards the village Bichaula. His hands were ensanguine with blood. Two-three days before the incident, there was an altercation between Kunti and Sunil's aunt Kamlesh, over the use of hand pipe, which is situated in the house of Vinod. On the day of occurrence Renu D/o Heera Lal had gone to take bath on the hand pipe, to which Kunti opposed. At the relevant time, Sunil murdered Kunti on this issue. Sun was setting but it was not complete sunset and there was sufficient visibility at that time. The witness was thoroughly cross examined also by the defence.

20. PW-4 Constable Suresh Pal has stated on oath that on 15.07.2006 he was posted at the police station Khurja Dehat. On that day he reached at the house of Vinod kumar, where the dead body of the deceased Kunti was lying, alongwith S.I. D.C. Satsangi, C- Iqbal Khan, S.O. Karan Singh Chauhan and other Police personnels. S.I. D.C. Satsangi conducted the Inquest proceeding of the dead body of the deceased Kunti, at about 23.50 p.m. He prepared the other papers also. The dead body of the deceased Kunti was wrapped in a cloth and sealed. He prepared specification of the seal also. The sealed dead body was handed over to him and C-Iqbal khan with direction that no one should be allowed to touch or disturb the dead body, till the postmortem proceeding are over, which we adhered to. After the postmortem, the dead body was handed over to the family member of the deceased Kunti and sealed bundle of the cloths and two envelopes, one containing two slides and one P.M. Report given by the doctor to them, were submitted at the police station.

21. In his cross examination the witness deposed that he was called to the police station at about 09.30 p.m. C-Iqbal Khan was present there. Both of them reached the police station through their cycles and set out for the place of occurrence, they entered their departure (Ravangi) in G.D. also. It

took about 45 minutes to reach there. 2-4 family member of the deceased Kunti and 2-4 other people, were present near the dead body. Panchayatnama of the corpse was prepared in his presence, over which five witnesses put their signature as panch. They brought the dead body of Kunti, through tractor trolley up to Khurja and from there through tempo, and reached at the mortuary. He do not remember the name of the owner of the tractor. The dead body was not flicked anywhere, while being carried one tractor or the tempo. The road was plain and smooth.

22. PW-5 S.I. Daya Chand Satsangi, is investigating officer. He has stated that on 15.07.2006 instant Criminal Case No. 117/2006 under sections 304, 452 IPC was registered at the police station Khurja dehat and he was entrusted the investigation of the case. He recorded the statement of witnesses and proceeded to the place of occurrence, i.e. house of Vinod, situate in the village Mubarikpur, through Jeep along with H.M. Subhash Chandra Verma, S.O. Karan Singh Chauhan, C- Iqbal Kahn, C- Suresh Pal and other police personnels. They saw the dead body of deceased Kunti lying on the floor in a room. He nominated witnesses of inquest (Panches) and launched inquest proceedings of the corpse of deceased Kunti Devi and prepared the report in the presence of witnesses and obtained their signatures on the inquest report. He proved inquest report as Ext. Ka- 2. In the opinion of the witnesses deceased died due to injuries on the face and head, but to ascertain real cause, post-mortem be got done. He also subscribed to the opinion of witnesses. So, he prepared challan lash, letter to R.I., letter to C.M.O., photo lash sealed the dead body and the specimen seal was prepared, and body was handed over along with the papers to C- Suresh Pal and C- Iqbal khan, to take it to mortuary. They were instructed that no one should be accorded opportunity to touch and disturb the sealed dead body, till the postmortem was over. The witness proved inquest report as Ext Ka-2. Challan lash as Ext Ka-3. Letter to R.I. as Ext. Ka- 4, request to C.M.O. as Ext. Ka- 5, Photo lash as Ext. Ka- 6. The witnesses stated that he collected plain and blood stained earth, which was sealed in two separate boxes in the presence of the witnesses and prepared memo for the same in his writing and signature, singnatures of witness were also obtained. He proved it as Ext. Ka- 7. He also collected a blood saturated bricks from the spot which was

sealed and recovery memo for the same was prepared by him in his hand-writing and signature of the witnesses were obtained over it. He proved the memo as Ext. Ka- 8. On 16.07.2006 he also recorded the statement of tehrir scribe Jay Prakash and prepared site plan at the instance of the complainant. He proved site plan as Ext. Ka- 9. He also recorded the statement of Harviri and on her instance collected a blood stained underwear from the place where the accused had jumped over the wall. The recovery memo for the same was prepared in the presence of the witnesses in his hand-writing and signature. He proved it as Ext. Ka- 10. On 19.07.2006 he arrested accused Sunil at about 18.05 hours and recovered a country-made pistol from him. For which separate criminal case was registered against him. On 29.07.2006 he received two slides, sent by the autopsy surgeon, sent for test. The report of the same was received from the lab after photological examination. He also recorded the statement of C- Suresh Pal and C- Iqbal Khan and the statements of the inquest report. After completion of the investigation he submitted a charge-sheet against the accused Sunil in his writing and signature. The witness proved the charge-sheet as Ext. Ka- 11. The witness also identified the brick which he has collected from near the dead body on 15.07.2006 and also proved it as the material Ext. 1 to 7. I.O. was also put to several queries in his cross-examination.

23. PW-6 H.C. 19 Subhas Chandra is the police personnel who on 15.11.2006 has registered Case Crime No. 117/2006, under Section 452, 304 I.P.C. against accused Sunil, on the basis of the tehrir Ext. Ka- 1 of complainant Vinod Kumar and drawn chik and entries in kaimi G.D. No. 39 at 9.30 p.m. dated 15.07.2006 in his writing and signature. He proved chik FIR as Ext. Ka- 12 and kaimi G.D. as Ext. Ka- 13.

24. In his cross-examination PW- 6 has stated that complainant came along with Shyam Sunder, Manoj and Jay Prakash to the police station to lodge FIR. At that time S.I. D.C. Satsangi was present at and he made his signature on chik. He has written Section 304, 452 I.P.C. on the chik. The copy of the same were given to I.O. who proceeded for the spot immediately, when he returned, he was not on duty. He do not know when I.O. returned at the police station. He has not sent any special report because there is no need to send special report regarding the occurrence under

Section 304 I.P.C. He do not know that paper of the tehrir is taken from a note book or not. On 15.07.2006 no FIR was registered about any cognizable offence prior or afterward to this case. He declined the suggestion that he registered the case after I.O. returned from investigation.

25. Learned Amicus Curiae, appearing for the appellant, has assiduously argued that in the present case FIR is ante timed and has been lodged after a long deliberation and confabulation. So it is the creature of afterthought, which shrouded the veracity and probity of prosecution story in serious doubt. Learned A.G.A. dispelled the contention of the learned counsel for the appellant. In view of the rival submissions of the parties it is pertinent to have an bird's eye view of legal scenario, in this behalf.

26. In **Jay Prakash Singh Vs. State of Bihar and Anr. (2012) 4 SCC 379**, it is held by the Hon'ble Apex Court:-

“12. The FIR in a criminal case is a vital and valuable piece of evidence though may not be substantive piece of evidence. The object of insisting upon prompt lodging of the FIR in respect of the commission of an offence is to obtain early information regarding the circumstances in which the crime was committed, the names of the actual culprits and the part played by them as well as the names of the eyewitnesses present at the scene of occurrence. If there is a delay in lodging the FIR, it loses the advantage of spontaneity, danger creeps in of the introduction of colored version, exaggerated account or concocted story as a result of large number of consultations / deliberations. Undoubtedly, the promptness in lodging the FIR is an assurance regarding truth of the informant's version. A promptly lodged FIR reflects the first hand account of what has actually happened, and who was responsible for the offence in question.”

27. We may refer with profit a passage from **State Of Himachal Pradesh vs Gian Chand**, AIR 2001 S.C. 2075, also:-

“Delay in lodging the FIR cannot be used as a ritualistic formula for doubting the prosecution case and discarding the same solely on the ground of delay in lodging the first information report. Delay has the effect of putting the Court in its guard to search if any explanation has been offered for the delay, and if offered, whether it is satisfactory or not. If the prosecution fails to satisfactorily explain

the delay and there is possibility of embellishment in prosecution version on account of such delay, the delay would be fatal to the prosecution. However, if the delay is explained to the satisfaction of the court, the delay cannot by itself be a ground for disbelieving and discarding the entire prosecution case.”

28. In **Om Prakash vs State Of Haryana** 2014 Cr. L.J.2567 (SC), followed in **Mange Ram vs State Of Haryana And Ors**, Hon’ble Supreme Court has held that :-

That apart, it is settled in law that mere delay in lodging the first information report cannot by itself be regarded as fatal to the prosecution case. True it is, the court has a duty to take notice of the delay and examine the same in the backdrop of the factual score, whether there has been any acceptable explanation offered by the prosecution and whether the same deserves acceptation being satisfactory, but when delay is satisfactorily explained, no adverse inference is to be drawn. It is to be seen whether there has been possibility of embellishment in the prosecution version on account of such delay. These principles have been stated in [Meharaj Singh v. State of U.P.](#) (1994) 5 SCC 188, [State of H.P. v. Gian Chand](#) (2001) 6 SCC 71, [Ramdas and others v. State of Maharashtra](#) (2007) 2 SCC 170, [Kilakkatha Parambath Sasi and others v. State of Kerala](#) (2011) 4 SCC 552 and [Kanhaiya Lal and others v. State of Rajasthan](#) (2013) 5 SCC 655.

29. In, **Meharaj Singh** (supra) the Apex court has enunciated some checks about the ante timed FIR. One of the checks pointed out is regarding the receipt of the copy of FIR by the local Magistrate. If it is sent late it will give rise to an inference that FIR is not lodged within reasonable time. Further sending of the copy of the FIR with the dead body for autopsy along with inquest report, will lead the inference that FIR is in time. The absence of those details indicate the facts that the prosecution story was still in an embryo state and it has come to be recorded later on, after due deliberation and consultation. **Maharaj Singh** (Supra) has been followed by the Apex Court in **Mohammad Muslim Vs. State of U.P.** 2023 live law (SC) 489 also.

30. In, **Ram Das and others vs State of Maharastra** 2007 (2) SCC

170 the Apex Court has observed the law as under:-

“In the ultimate analysis, what is the effect of delay in lodging the report with the police is a matter of appreciation of evidence, and the court must consider the delay in the background of the facts and circumstances of each case. Different cases have different facts and it is the totality of evidence and the impact that it has on the mind of the court that is important. No strait jacket formula can be evolved in such matters, and each case must rest on its own facts. It is settled law that however similar the circumstances, facts in one case cannot be used as a precedent to determine the conclusion on the facts in another. (See AIR 1956 SC 216 : Pandurang and others vs. State of Hyderabad). Thus mere delay in lodging of the report may not by itself be fatal to the case of the prosecution, but the delay has to be considered in the background of the facts and circumstances in each case and appreciation of evidence by the court of fact.”

31. Hon’ble Supreme Court has reiterated the same principle in **Latesh alias Dadu Baburao Kerleka vs. State of Maharashtra** 2018 AIR SC 659. The Apex Court has observed as follows:-

“The value to be attached to the FIR depends upon facts and circumstances of each case. When a person gives a statement to the police officer, basing on which the FIR is registered. The capacity of reproducing the things differs from person to person. Some people may have the ability to reproduce the things as it is, some may lack the ability to do so. Some times in the state of shock, they may miss the important details, because people tend to react differently when they come across a violent act. Merely because the names of the accused are not stated and their names are not specified in the FIR that may not be a ground to doubt the contents of the FIR and the case of the prosecution cannot be thrown out on this count.”

32. Thus, law is well settled that even if there is delay in lodging of FIR but delay stands well explained, then it would have absolutely no adverse effect on the case of prosecution. Even if the delay remain unexplained, the case of prosecution cannot be thrown away out rightly on this score alone, but in that case a duty is cast upon the court to scrutinize prosecution evidence with extra care and caution and then to reach the

conclusion.

33. In present case, as per tehrir (Ext Ka-1) and chik FIR (Ext Ka-12), the incident is alleged to have taken place on 15.07.2006 at about 07.30 p.m. Complainant Vinod Kumar gave the tehrir about the incident at the police station on 15.07.2006 at 21.30 p.m., which has been entered in Kaimi GD (Ext. Ka-13), No. 39, dated 15.07.2006 at 21.30 p.m. and the Case Crime No. 117 of 2006 was registered against accused Sunil under sections 452 and 304 IPC. The distance between the Police Station and place of occurrence situated in village Mubarikpur, is 17 Kms. towards south. Thus, there is a delay of about 2 hours in lodging of FIR. Keeping in view the nature of the crime occurred, prima facie, two hours delay in the circumstances of the case did not appear to be inordinate delay in lodging the FIR, rather it is too prompt to lodge it. However, referring to the statement of PW- 6 H.C. 19 Subhash Chandra, learned counsel for the appellant has urged that there is a serious doubt that FIR has been lodged on the day of occurrence i.e. on 15.07.2006 so it is ante time. Learned A.G.A. has refuted the contention of the learned counsel appearing for the appellant.

34. In view of the rival contentions of learned counsels for the parties following facts may be mentioned:-

(i)- PW- 6 H.C. 19 Subhash Chandra has deposed that he received the tehrir on 15.04.2006 and drawn the chik Ext. Ka- 12, on the same day at 21.30 hours in his hand-writing and signature and registered Case Crime No. 117/06, under Sections 452, 304 I.P.C. In his cross-examination he verified that he draw the chik Ext. Ka- 12 at the time when tehrir was given by the complainant. Thus, according to PW- 6 he received the tehrir Ext. Ka- 1 on 15.04.2006 and registered the criminal case against the accused on the same day. It indicate that FIR was prepared ante dated.

(ii)- PW- 6 H.C. 19 Subhash Chandra has admitted that the case against the accused was registered under Section 304, 452 I.P.C. but he has not sent the special report of the case to the higher authorities, because it was not a case of cognizable

nature. It may be observed that offence u/s 304 I.P.C. has been categorized as cognizable offences in Cr.P.C. Sending of special report of such grievous cases to higher authorities promptly, may prove a safeguard that FIR was lodged without unreasonable delay. Omission of such an action on the part of the Police, casts doubt about the fact that FIR was lodged ante time.

(iii)- FIR is alleged to have been sent by the police station to Local Magistrate, having jurisdiction, for perusal and necessary information. As per rules, it should be sent to the CJM, having local jurisdiction, within 24 hours of the lodging of the FIR. In this case although chik FIR has been sent to CJM but on what date it was sent, is not mentioned therein, CJM has seen it Ext. Ka- 12 but marked no date or time below his signature. This non-compliance of the mandatory provision of law, also indicates doubt about the prompt lodging of FIR in the case.

(iv)- PW- 1 Dr. B.P. Singh Kalyani has nowhere mentioned in his post-mortem report, Ext. Ka- 14, Case No., papers sent to him by the police and sections of the crime in Indian Penal Code and other descriptions of the matter. It further indicates that FIR was not in existence till the post-mortem was over.

(v)- This apart, the evidence on record will also suggest that FIR has been prepared after due deliberations and concoction. So it is the result of afterthought leaving ample time to twist and turn the real facts. For instance, PW-3 Sukhdev has admitted in his cross-examination that Jay Prakash, who is his son, scribed the tehrir Ext. Ka- 1. At the time of scribing tehrir, four-six persons were present there. Report was prepared with the deliberation and advice of all them. Scriber, Jay Prakash has not been examined by the prosecution, for the reasons best known to it. Thus, an adverse inference may be drawn against prosecution that FIR in the case is the result of deliberation and a result of an afterthought.

(vi)- Another highlighted circumstance requires mention here. The P.M.R. reveals the fact, admitted by PW- 1 Vinod Kumar, that his wife was gravid of eight months. Admittedly complainant had no issue at the relevant time of incident. In such a situation it was more important to rescue his wife, but he has not mentioned the fact that his wife was gravid of eight months, either in the tehrir nor in his statement under Section 161 Cr.P.C. to I.O. Why such an important fact is not mentioned there, is not explained. It was for the first time he admitted this fact in his deposition in the court, which seems to be a kind of improvement in his statement and cast doubt about the truthfulness of his testimony and also about the FIR.

35. In view of the above discussion FIR in this case appears to be ante timed, but it would not be safe to throw over board the entire prosecution case on this score only.

36. Learned counsel for the appellant has vehemently argued that the entire prosecution story is the product of fabrication with an oblique object of wreaking vengeance. Witnesses produced by the prosecution are partisan, inimical to the appellants and interested witnesses and not independent witness. They are unreliable witnesses and as such no credence can be attached to their testimony and their deposition is not reliable and deserves to be discarded. Learned A.G.A. refuted the contention of the learned counsel for the appellant. He submitted that ordinarily a close relative would not spare the real culprit who has caused the death and implicate an innocent person. It will be beneficial to discuss law on the issue and evaluation of testimonies prosecution witnesses.

37. In case of **State of Rajasthan Vs. Smt. Kalki and Anr.** (1981) 2 SCC 752 the Hon'ble Supreme Court distinguished between the "related" and "interested" witness. It held that 'Related' witness is not equivalent to 'interested' witness. A witness may be called 'interested' only when he or she derives some benefit from the result of a litigation; in a decree of a civil case, or in seeing an accused person punished. A witness who is a natural one and is the only possible eye witness in the circumstances of the case, cannot be said to be 'interested'. In the present case the witnesses produced have nothing to gain if

the appellant is convicted or acquitted. There is not even an iota of evidence that any of these witnesses will get some benefit out of litigation between complainant and the accused. They are eye witnesses. So, they are not interested witnesses.

38. The aforesaid submission of the learned counsel for the appellant that prosecution witnesses are partisan and inimical to appellant, was thoroughly considered by the Hon'ble Apex Court in case of **Daleep Singh Vs. State of Punjab AIR 1953 SC 364** and enunciated the following principles:-

"26. A witness is normally to be considered independent unless he or she springs from sources which are likely to be tainted and that usually means unless the witness has cause, such as enmity against the accused, to wish to implicate him falsely ordinarily, a close relative would be the last to screen the real culprit and falsely implicate an innocent person. It is true, when feelings run high and there is personal cause for enmity, that there is a tendency to drag in an innocent person against whom a witness has a grudge along with the guilty, but foundation must be laid for such a criticism and the mere fact of relationship far from being a foundation is often a sure guarantee of truth."

39. In a three Judges Bench of the Supreme Court of India in **Hari Obula Reddy Vs. State of A.P. (1981) 3 SCC 675** observed as under:-

"13. ...it is well settled that interested evidence is not necessarily unreliable evidence. Even partisanship by itself is not a valid ground for discrediting or rejecting sworn testimony. Nor can it be laid down as an invariable rule that interested evidence can never form the basis of conviction unless corroborated to a material extent in material particulars by independent evidence. All that is necessary is that the evidence of interested witnesses should be subjected to careful scrutiny and accepted with caution. If on such scrutiny, the interested testimony is found to be intrinsically reliable or inherently probable, it may, by itself, be sufficient, in the circumstances of the particular case, to base a conviction thereon."

40. Again, in **S. Sudershan Reddy and others Vs. State of A.P (2006) 10 SCC 163**, the Hon'ble Supreme Court has held as under:-

"12. We shall first deal with the contention regarding interests of the witnesses for furthering the prosecution version. Relationship is not a factor to affect the credibility of a witness. It is more often than not that a relation would not conceal the actual culprit and make allegations against an innocent person. Foundation has to be laid if plea of false implication is made. In such cases, the court has to adopt a careful approach and analyze evidence to find out whether it is cogent and credible.

15. We may also observe that the ground that the witness being a close relative and consequently being a partisan witness, should not be relied upon, has no substance. This theory was repelled by this Court as early as in Dilip Singh case in which surprise was expressed over the impression which prevailed in the minds of the Members of the Bar that relatives

were not independent witnesses."

41. It is well known that there may be three kinds of witnesses:-
- (i) Wholly reliable,
 - (ii) Wholly unreliable,
 - (iii) Partly reliable and partly unreliable,

There is no problem to evaluate testimony of wholly reliable or wholly unreliable witnesses, but it is different to deal with the witness, who are partly reliable and partly unreliable. The court has to be very careful in evaluation of such kind of witnesses.

42. The testimony of a reliable witness must be of sterling quality, on which implicit reliance can be placed for convicting the appellants. The Apex Court in **Rai Sandeep v. State (NCT of Delhi), (2012) 8 SCC 21** has very vividly describe describe the characteristics of a sterling witness as under:

“22. In our considered opinion, the “sterling witness” should be of a very high quality and calibre whose version should, therefore, be unassailable. The court considering the version of such witness should be in a position to accept it for its face value without any hesitation. To test the quality of such a witness, the status of the witness would be immaterial and what would be relevant is the truthfulness of the statement made by such a witness. What would be more relevant would be the consistency of the statement right from the starting point till the end, namely, at the time when the witness makes the initial statement and ultimately before the court. It should be natural and consistent with the case of the prosecution qua the accused. There should not be any prevarication in the version of such a witness. The witness should be in a position to withstand the cross-examination of any length and howsoever strenuous it may be and under no circumstance should give room for any doubt as to the factum of the occurrence, the persons involved, as well as the sequence of it. Such a version should have co- relation with each and every one of other supporting material such as the recoveries made, the weapons used, the manner of offence committed, the scientific evidence and the expert opinion. The said version should consistently match with the version of every other witness. It can even be stated that it should be akin to the test applied in the case of circumstantial evidence where there should not be any missing link in the chain of circumstances to hold the accused guilty of the offence alleged against him. Only if the version of such a witness qualifies the above test as well as all other such similar tests to be applied, can it be held that such a witness can be called as a “sterling witness” whose version can be accepted by the court without any corroboration and based on which the guilty can be punished. To be more precise, the version of the said witness on the core spectrum of the crime should remain intact while all other attendant materials, namely, oral, documentary and material objects should match the said version in material particulars in order to enable the court

trying the offence to rely on the core version to sieve the other supporting materials for holding the offender guilty of the charge alleged.”

43. Thus, Hon'ble Apex Court in its enumerable decisions has categorically held that if evidence of an eye-witness, is found truthful, it can not be discarded simply because the witnesses were relatives of the deceased. The only caveat is that the evidence of relative witnesses should be subjected to careful scrutiny and accepted with caution.

44. It is germane to point out here that admittedly at the time of occurrence, 10-12 people had gathered at the spot according to PW- 3 Sukhdev there were Gajay Singh, Devi Singh and Devi Ram, had reached at the place of occurrence at the time of incident. However, prosecution has examined only two witnesses of facts. PW- 2 Vinod Kumar, who is the complainant of the case and husband of the deceased Smt. Kunti Devi and PW- 3 Sukhdev who is the uncle of Vinod Kumar, so they are related witnesses. One may call them interested witness. However, they claimed to be eye witnesses. As per law discussed above, therefore, their testimony be scrutinized and evaluated with extra care and caution and then their credibility and reliability be weighed.

Presence of the examined witnesses at the place of occurrence

45. Now it is pertinent to see that whether the prosecution witnesses were present at the scene of occurrence at the relevant time. Following facts give the impression that the witnesses were not present the scene of occurrence and they have not seen the actual incident committing by the accused / appellant.

(i)- PW-1 Vinod Kumar has stated in his examination that he is a mason. On the fateful day at about 3.00 p.m. he had gone to Khurja to take his due wages from Rajkumar, when he returned at his home, by bicycle, at about 7.30, p.m. he saw the occurrence. Khurja is about four and half k.m. from his village. It takes half an hour to reach there from his residence. In Khurja he went to the office of Rajkumar, which is situated about 10 km. from his village. He halted in the office of Rajkumar and had made conversation/ discussion with him, as he wanted to get constructed some building by him. After sometime at about 6.05 p.m., he returned from Khurja. There is a big question mark regarding the truthfulness of his statement. In the facts of the case, is it really possible for him to return to his house in the nick of the time mentioned by him through bicycle and could witness the occurrence at 07.30 p.m.

(ii) On reaching at his house, he saw that in his room, near the bed Sunil flinged his wife Kunti Devi down on the ground and was sitting over top of her, crushing her head and face with a brick. He tried to apprehend him and made shrieks, but he pushed him aside and ran away therefrom. In his cross-examination he has stated that when he returned from Khurja it was 7.30 p.m. He saw that his dead wife's feet and back were towards the door of the room. On his reaching at the spot, Sunil pushed him aside and fled away. He chased, but could not apprehended him. It was a little dark at 7.30 p.m. He also stated that his house is pakka. There is no pakka floor in his room. There is a gate in the the gallery, which remains closed and open also. There is a room, kitchen, yard and a gallery in his house. The room exist in front of the main road and towards gallery.

(iii) In the backdrop of the circumstances and the statement of PW-1 Vinod Kumar it is clear that at the time of occurrence in fact he was not present at the spot. When he reached at 7.30 p.m. on the scene of occurrence, he saw accused sitting over the top of his wife, flinging her down on the ground and crushing her head and face by a brick. On his reaching, accused pushed him away and ran away from the place of occurrence. As per site plan Ext Ka-9 one could reach in the bed room of the deceased from, main gate through the gallery. In the process of reaching in the room some noise was bound to happen/ occur, providing sufficient time to the accused to make his escape good, which in fact the culprit did. This witness might have seen him running away but possibly could not see accused / appellant committing gruesome murder of the deceased Kunti Devi. It may be mentioned that PW-3 Sukhdev saw accused fleeing with ensanguine hands. If PW- 1 Vinod Kumar, who is the husband of the deceased has reached at the place of occurrence and saw accused committing the crime, he would have strived to save and rescued the deceased, from the ire of the accused. and in that process he was bound to receive some blood stains on his clothes/ person. But no such blood stains were found on his clothes or person by the investigating officer and no cloth of the complainant was recovered and taken into possession for examination by I.O.

(iv) The P.M.R. Ext Ka-14 reveals the fact, admitted by PW- 1 Vinod Kumar, that his wife was gravid of eight months. Admittedly complainant had no issue at the relevant time of incident. In such a situation it was more important to rescue his wife. But he has not mentioned this fact either in tehrir Ext Ka-1 or in his statement under Section 161 Cr.P.C. Why such an important fact is not mentioned there, is not explained. It was for the first time he admitted this fact in his deposition

in the court, which seems to be a kind of improvement in his statement and cast doubt about truthfulness on the veracity of his testimony. Had he been present at the scene of occurrence he would have desperately tried to rescue his wife. But strangely there in no such attempt made by the PW-2. IO has not found any blood stain on his cloth or even a scratch of injury on his body. This further indicate that PW-2 was not present on the scene of occurrence and he has not actually witnessed accused appellant committing the crime.

(v) It is also note worthy that in FIR it is mentioned that the accused was crushing his wife on face and head with brick. There is no mention of the fact that accused was sitting over the top of the deceased and committing the crime. It is for the first time in his deposition he introduced this facts. It may be observed that the deceased was gravid of eight months at the time of occurrence, so it was an important fact, as it may be dangerous to life of the deceased in itself. Therefore, it should have been mentioned in FIR. On adding this fact by way of improvement in his deposition, an inference may be drawn about his absence, at the time of occurrence.

(vi) The incident took place at the time of at 07.30 p.m. in the bedroom situated in side the house of the complainant. Admittedly at that time it was partially dark. No source of light is mentioned in the room. In the absence of any light, a complete darkness in the room may be presumed. In such a condition, it is difficult to witness the culprit committing the crime. That too when he is said to have swiftly fled away. This fact also indicate that there was no possibility for PW-3 to see the incident of crime.

(vii)- PW-3 Shukhdev has very clearly admitted in his cross examination that on hearing wail and shriek he reached towards the house of Vinod Kumar. He saw Sunil fleeing through gallery in the house of Vinod Kumar. He ran towards south. Thus, the witness has admitted that he has not seen Sunil committing the crime. Thus, the credibility of his testimony is not reliable at all.

46. On the basis of the above discussion, it may be inferred that PW-2 Vinod Kumar and PW-3 Shukhdev, were not present at the spot, at the relevant time of occurrence and they are not the eye witnesses. Their presence on the spot at the time of incident is highly doubtful. Therefore, their testimony is not credible and reliable. It is to be discarded accordingly.

47. Learned Amicus Curiae for the appellant has argued that no

motive has been imputed to the appellant and it has failed to adduce any evidence to establish motive for the commission of offence. Learned A.G.A. has refuted the argument by saying that the appellant committed the crime owing to a dispute over the use the hand-pump, where Renu the daughter Heera Lal, had gone to take bath, before the incident and to which deceased Kunti Devi had prevented her. This caused ire and anger to the accused appellant and he committed the incident.

48. It is a established canon of law of criminal justice that motive is sine qua none of a criminal act. It is an important element of committing a crime. In, a plethora of cases including in **Badam Singh vs State Of Madhya Pradesh** 2004 CRILJ 22 the Apex Court has observed -

"20.....Even though existence of motive loses significance when there is reliable ocular testimony, in a case where the ocular testimony appears to be suspect the existence or absence of motive acquires some significance regarding the probability of the prosecution case....."

49. Thus, Where there is direct and credible evidence, motive occupies a back seat. However, where the ocular testimony appears to be suspected the existence or absence of motive, acquires some significance. In the present case there is no direct evidence. Even presence of so called eye witnesses, is doubtful. Therefore motive assumes some importance. Appellant is said to have committed the crime because of dispute between the deceased and Kamlesh, wife of his neighbor Heera Lal. Its is alleged that there is a hand pipe in the courtyard of the deceased house from where people used to take water. Renu daughter of neighbor of the complainant, Heera Lal, went to take bath on the hand pipe 2-3 days before the incident. Deceased Kunti restrained her. Renu had complained of it, in her house. Heera Lal is Phufa of Sunil and he was residing with Heera Lal for last 7-8 days, Sunil, out of ire and anguish, committed the alleged crime. However the motive attributed for committing the crime by Sunil does not inspire confidence, because firstly, there is no evidence, regarding the said motive, on record. So it is not proved. Secondly if prosecution story, regarding motive, is accepted, even then restraining Renu from taking bath, on the hand pipe would cause much ire and anguish to Heera Lal against the

deceased and there is a remote possibility that it would cause such ire and anguish to prompt the appellant to commit the crime who is an outsider and on a short visit at the house of Heera Lal. Prosecution could have brought Heera Lal in the witness box to establish existence of any motive towards appellant. Thus, prosecution has failed to establish any motive of committing the crime to the accused/ appellant and this further renders the prosecution case doubtful.

50. The learned Amicus Curiae for appellant has submitted that prosecution did not obtain any report from FSL regarding the material Exhibit-1, the brick, which appellant is alleged to have used in the commission of crime. PW-5 S.I. Daya Chand Satsangi, the I.O. of the case, has stated that he has collected a blood saturated piece of brick which is alleged to have been used by the appellant Sunil, in commission of the crime to crush the head and face of the deceased. There is a memo of recovery, Ext Ka-8, duly proved by PW-5 I.O. Daya Chand Satsangi, on record. But there is no evidence that the same was sent to FSL for Chemical examination, to ensure blood of human body and that too of the deceased Kunti Devi on the blood saturated piece of brick. Thus, the prosecution has miserably failed to establish its story that appellant had crushed the head and face of deceased Kunti Devi by brick. It renders the prosecution story wholly doubtful and untrustworthy.

51. Besides, there are several contradictions and discrepancies in the statement of the prosecution witnesses, which shake the very edifice of prosecution version but the same is not of much significance or material or prejudicial to appellant which could be mentioned here.

52. In the light of prolix and verbose discussion made herein above and also regard being had to the entire fact and circumstances of the case, we are of the considered opinion that findings arrived at the trial court is perverse and erroneous. There is no eye witnesses of the occurrence. Therefore it is a case of circumstantial evidence, which requires that there should be a complete chain of evidence pointing towards guilt of the appellant that deceased was inflicted serious injuries with brick, by the accused / appellant. Prosecution has not examined any independent witness, despite their availability and presence at the spot, to corroborate, testimonies

of PW-2 Vinod Kumar and PW-3 Shukhdev. In view of non-presence of PW-2 and PW-3 on the spot at the relevant time, of occurrence witnessing the actual incident, non-examination of independent witnesses is fatal to the prosecution case. The absence of any such witness the entire prosecution story is disproved. The chain of evidence of the circumstances is not complete in toto. It conclusively, fails to establish that appellant is the only perpetrator of dreadful crime. The learned Trial Judge misevaluated and misappreciated the entire evidence in convicting and sentencing the appellant in aforesaid crime. The circumstances from which the conclusion of guilt is to be drawn is not fully established. Prosecution has failed to show that in all human probability the act must have been done by the appellant. Thus prosecution has miserably failed to establish the allegations beyond reasonable doubt, pointing unerringly towards the guilt of the appellant. The learned trial court has not appreciated the prosecution evidence in right perspective and has illegally recorded the finding of conviction against the appellant which we reversed.

53. Resultantly, the judgment and order of learned trial court is set aside and appeal is **allowed**. Appellant is on bail. He need not surrender. His bail bonds are cancelled and sureties are discharged.

54. Let the trial court record be remitted back immediately, for necessary compliance.

Order Date:- 12.08.2024

Israr

Case :- CRIMINAL APPEAL No. - 241 of 2007

Appellant :- Sunil

Respondent :- State of U.P.

Counsel for Appellant :- R.K. Singh, Ajay Vashistha, Ashok Kumar Tripathi, Noor Mohammad, Yogesh Srivastava

Counsel for Respondent :- Govt. Advocate

Hon'ble Rajiv Gupta J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Shri Ashok Kumar Tripathi, Advocate was appointed an Amicus Curiae in the instant case. He has rendered valuable assistance to the Court. The Court quantifies Rs.10,000/- to be paid to Shri Ashok Kumar Tripathi, Advocate towards fee for the able assistance provided by him in hearing of the instant criminal appeal. The said payment shall be made to Shri Ashok Kumar Tripathi, Advocate by the Registry of this Court within one month from today.

Order Date:- 12.08.2024

Israr