

inderjit Singh Vs. Inderjit Singh

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Court : Punjab and Haryana

Decided On : May-07-2014

Appellant : nderjit Singh

Respondent : nderjit Singh

Judgement :

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH Crl. A.
No.D-489-DB of 2010 DATE OF DECISION :

07. 05.2014 Inderjit Singh APPELLANT Versus State of Punjab
RESPONDENT CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE KULDIP SINGH Present: Mr. Harkesh Manuja, Advocate,
for the appellant. Mr. P.P.S. Thethi, Addl. A.G., Punjab. *** SATISH KUMAR
MITTAL , J.

1. Appellant Inderjit Singh has filed this appeal against the judgment dated 17.12.2009 and the order dated 18.12.2009, passed by the court of Sessions Judge, Amritsar, whereby he has been convicted and sentenced to undergo imprisonment for life and to pay a fine of ` 5,000/-, in default of payment of fine to further undergo rigorous imprisonment for six months, under Section 302 IPC for committing the murder of his wife Rajni.

2. The prosecution was launched against the appellant on the basis of statement (Ex.PA) made by Satpal Singh (PW.1), brother of deceased Rajni, before

Inspector Jagat Preet (PW.9), SHO Police Station C Division, Amritsar, on 15.9.2006 at 12.15 PM at Chowk Chintpurni. He stated that Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document Crl. A. No.D-489-DB of 2010 -2- they were four brothers and four sisters. The second marriage of his younger sister, Rajni, was performed with the appellant in the year 1997. It was also the second marriage of the appellant, who was having one son, namely Prince, from his previous marriage. Three children, namely Jaideep Singh, Dapinder alias Ginni and Simran, were born to Rajni from her wedlock with the appellant. The complainant alleged that after some time of the marriage, the appellant started beating and harassing Rajni. On previous occasion, in the year 1992, he gave beatings to her and tried to kill her. Regarding that incident a Panchayat was convened, where the appellant felt sorry and the matter was compromised. On 15.9.2006, at about 5.30 AM, the complainant received a telephone call from some unknown person that on the previous night, the appellant had quarreled with Rajni, therefore, he should come. Thereupon, the complainant along with his brother Kulwant Singh (PW.3) reached the house of his sister Rajni at about 6.00 AM. After climbing the stairs of the house, when they entered into the room of their sister, they saw that the appellant was besmeared with blood. On seeing them, he ran away from the spot. When the complainant and his brother Kulwant Singh saw their sister, they found that she was in pool of blood and was lying on the floor. She was dead. The complainant further stated that his sister was murdered by the appellant. After leaving his brother Kulwant Singh near the dead body of his sister Rajni, the complainant proceeded to lodge report with the police.

3. On the basis of the aforesaid statement, FIR (Ex.PA/2) was Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document Crl. A. No.D-489-DB of 2010 -3- registered on 15.9.2006 at 12.30 PM and the special report was delivered to the Judicial Magistrate Ist Class, Amritsar, on the same day at 4.30 PM.

4. After recording the aforesaid statement, Inspector Jagat Preet Singh inspected the place of occurrence and prepared rough site plan (Ex.PH). The blood stained handle of small sword (kirpan), lying near the dead body of Rajni, was converted into a parcel, which was duly sealed by Inspector Jagat Preet Singh with his seal

JPS, and was taken into possession vide memo Ex.PJ.

Its sketch (Ex.PK) was prepared. Similarly, two blood stained pillows, one blood stained nylon cover of gatra (a small kirpan), a comb and one blood stained piece of cloth meant for tying the beard, were lifted from the place of occurrence, converted into another parcel, which was also duly sealed with the seal JPS and was taken into possession vide separate memo Ex.PL. The blood lying near the dead body of Rajni was lifted with cotton swab, which was converted into a parcel, and after duly sealing it with the seal JPS, it was taken into possession vide memo Ex.PM. The inquest report (Ex.PN) was prepared. Thereafter, vide application (Ex.PO), the dead body was sent to Medical College, Amritsar, through HC Anil Kumar (PW.2) and Constable Jaspal Singh, for post mortem examination.

5. In the evening of the day of occurrence itself, the appellant surrendered before Inspector Jagat Preet Singh and he was arrested vide memo Ex.PP. Vide another memo Ex.PQ, Swaran Kaur (mother of the appellant) was intimated regarding the arrest of her son. Personal search Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document Crl. A. No.D-489-DB of 2010 -4- memo (Ex.PR) of the appellant was prepared.

6. On 16.9.2006 at 12.20 PM, Dr. Kirpal Singh (PW.4) conducted the post mortem on the dead body of Rajni. The following injuries were found on her body :

1. Incised stab wound 7.8 x 3.1 cm on right side of face extending to lateral side of neck below the mandible. On dissection, it was parotid gland deep, gaping was present, tailing was present on lateral side of neck, clotted blood was present.

2) Incised wound 9.1 x 0.7 cm on right side of neck, 3 cm distal to injury No.1, gaping present, clotted blood was present.

3) Incised wound 1.7 x 0.2 cm, 1.2 cm distal to injury No.2.

4) Incised wound 2.3 x 0.2 cm, 1.3 cm distal to injury No.3, muscle deep, clotted blood was present. 4-A) Multiple reddish brown abrasion

(8) size varying from 1 x 0.2 cm to 4 x 0.6 cm on front of neck, one linear abrasion present.

5) Incised wound 1 x 0.2 cm on right side of face, 1 cm lateral to upper lip, muscle deep, clotted blood present.

6) 0.8 x 0.2 cm incised wound on area above upper lip, clotted blood present.

7) Incised wound 2 x 0.2 cm on right side of face, 1 cm below injury No.6 and muscle deep, clotted blood present.

8) Reddish blue contusion on right side of chin, 2 x 2 cm.

9) Incised wound 7.1 x 0.3 cm on left side of face obliquely present running upward with tailing 2 cm distal to ear, muscle deep as placed, clotted blood present.

10) Incised wound 3 x 0.5 cm on left side of face 4.2 cm distal to injury No.9, tailing present, 9 cm distal to ear, was muscle deep, clotted blood present. Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document
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11) Incised wound 9 x 1.2 cm on left side of neck, muscle deep, clotted blood present.

12) Incised wound 3 x 1.5 cm on neck 1.8 cm distal to injury No.11, muscle deep, clotted blood present.

13) Reddish blue contusion 1.1 x 1 cm on left shoulder area.

14) Reddish blue contusion 2 x 1 cm on left deltoid area.

15) Incised wound 2.5 x 2 cm on left side of chest 2 cm distal to injury No.13, skin deep. Clotted blood present.

16) Incised wound 2 x 1.2 cm on left side of chest, skin deep, clotted blood present.

17) Incised wound 4.7 x 0.2 cm on left side of hypochondrial region, 11.3 cm from umbilicus, clotted blood present.

18) Contusion 2 x 1.3 cm, was reddish blue on left arm 2.4 cm proximal to elbow.

19) Incised wound 2.2 x 0.4 cm on medial end of left forearm, skin deep, clotted blood present.

20) Incised wound 0.4 x 0.2 cm on palmer aspect of right thumb, little finger (0.8 x 0.2 cm), lacerated wounds on terminal phalynx 0.9 x 0.1 cm of ring finger, 0.2 x 0.2 on middle of middle finger, all were skin deep, clotted blood present.

21) Multiple lacerated wounds

(4) size varying 0.3 x 0.2 cm to 1.2 x 1 cm on left hand in ring, middle, index finger, clotted blood present.

22) Incised stab wound 4.2 x 2 x 2.4 cm on back of chest 3.8 cm distal to right axilla, clotted blood present.

23) Incised wound 2.4 x 2 cm on back of abdomen, 4.2 cm distal to injury No.22, muscle deep, clotted blood present.

24) Blue contusion 2.2 cm on posterior part of right arm 2 cm proximal to elbow.

25) Blue contusion 4.1 x 2 cm on anterio lateral part of right arm 1 cm distal to elbow. Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document Crl. A. No.D-489-DB of 2010 -6-

26) Incised wounds 0.2 x 0.1 cm to 0.4 x 0.2 cm on dorsum of right thumb in proximal, middle, terminal phalynx area, on middle of middle phalynx, posterior part was 0.4 x 0.2 cm, distal phalynx of ring finger area, all were skin deep, clotted blood was present.

27) Lacerated wound 1 x 0.5 cm on left gluteal region.

28) Reddish blue contusion 2.8 x 2 cm on medial side of right popliteal fossa.

29) Reddish blue contusion 5 x 3 cm on right leg in its back 5 cm above ankle. On dissection of injuries No.1 and 2, it was found that femoral vessels were cut, 7 x 1.6 cm chhuri present in muscles, was running upward and backward, clotted blood was present. It was opined that the cause of death in this case was haemorrhage and shock, which was sufficient to cause death in the ordinary course of nature.

7. On 16.9.2006 itself, after getting the post mortem examination conducted on the dead body of the deceased, HC Anil Kumar and Constable Jaspal Singh produced the wearing apparels of the deceased before Inspector Jagat Preet Singh, which were converted into a parcel and after duly sealing it with his seal JPS, the same was taken into possession vide memo Ex.PS. A parcel, duly sealed by the Doctor with his seal, containing blade of the small sword recovered by the Doctor from the body of the deceased, was also produced before Inspector Jagat Preet Singh, which was also sealed by him with his seal JPS and it was taken into possession vide memo Ex.PT. The post mortem examination conducted on the dead body was got video filmed by the Doctor and the parcel, duly sealed by the Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document Crl. A. No.D-489-DB of 2010 -7- Doctor with his seal, containing cassette of the said video film, was also produced before Inspector Jagat Preet Singh, who after sealing it with his seal JPS took the same into possession vide memo Ex.PU. The ornaments found on the dead body of the deceased were converted into another parcel, duly sealed with the seal JPS, and were taken into possession vide memo Ex.PV. The case property was deposited with MHC Parduman Kumar.

8. On 18.9.2006, during interrogation, the appellant suffered disclosure statement Ex.PW that after the occurrence on 15.9.2006, he went to Sakatri Bagh, took bath from the tap and after washing the blood stained Kachhehra, Banyan (vest) and Keski, worn by him at the time of the occurrence, he had kept concealed the same in the hole of a Pippal tree, which was in his exclusive knowledge. In pursuance of his said disclosure statement, the appellant got recovered his aforesaid clothes from the disclosed place, which were converted into a parcel, duly sealed with seal JPS, and were taken into possession vide memo Ex.PX. Rough site plan (Ex.PY) of the place of recovery was prepared. On return to the Police Station, the case

property was deposited with MHC Parduman Kumar.

9. On 27.9.2006, the six parcels of the case property were sent to the Forensic Science Laboratory, Punjab, Chandigarh. The scaled site plan (Ex.PD) of the place of occurrence was got prepared from Rishi Ram, Draftsman (PW.6), which was taken into possession on 4.10.2006 vide memo Ex.PZ.

10. After completion of investigation, challan was filed and charge Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document Crl. A. No.D-489-DB of 2010 -8- under Section 302 IPC was framed against the appellant, to which he did not plead guilty and claimed trial.

11. It is pertinent to mention here that after registration of the FIR against the appellant and after performance of last rites of deceased Rajni, the complainant came to know from residents of the Mohalla that Swaran Kaur (mother-in-law of the deceased) and Prince son of the appellant from his previous wife, also participated in the murder of Rajni. In this regard, a news was also got published in the news paper Dainik Jagran. dated 25.9.2006. The residents of the Mohalla also sent a telegram dated 6.10.2006 requesting for inquiry into the matter. The complainant also approached this Court by filing a petition (Crl. Misc. No.60040-M of 2006) under Section 482 Cr.P.C., seeking directions to the SSP, Amritsar, to take action against Swaran Kaur and Prince. It is the further case of the complainant that on 18.10.2006, the police recorded the statements of Pritam Dass son of Potu Ram and Rani wife of Pritam Dass, neighbours of the deceased. From the statements of both these witnesses, it was clear that Swaran Kaur and Prince, who were living in the same house with Rajni, had also taken active participation in the commission of the crime, but the police did not take any action against them. Therefore, the complainant filed a private complaint against the appellant as well as Swaran Kaur and Prince. It was further alleged that the appellant was a Tantrik. and he had already murdered his tenant, namely Naresh, in June, 2006.

12. After recording preliminary evidence in the said complaint Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document Crl. A. No.D-489-DB of 2010 -9- case, all the three accused, i.e. the appellant, Swaran

Kaur and Prince, were summoned to face trial. On their appearance, they were charge sheeted for the offence under Section 302 read with Section 34 IPC, to which they did not plead guilty and claimed trial.

13. The FIR case and the complaint case were tried simultaneously and were disposed of by the common judgment.

14. In the FIR case, in support of its case, the prosecution examined nine witnesses.

15. PW.1 Satpal Singh (complainant) and PW.3 Kulwant Singh, brothers of the deceased, are the material witnesses. They have consistently deposed that after some time of the marriage of their sister Rajni with the appellant, the appellant started beating and harassing her. On 15.9.2006, at about 5.30 AM, the complainant received a telephone call from some unknown person that the appellant was severely beating Rajni, upon which both these witnesses reached the house of their sister Rajni at about 6.00 AM. When they entered into the room of their sister, they noticed that the appellant was drenched with blood. On seeing them, he ran away from the spot. When they saw their sister, she had already died. PW.1 Satpal Singh also proved his statement (Ex.PA) made to the police. He also stated regarding his version given in the complaint that after the dead body of his sister was cremated, he came to know that Swaran Kaur and Prince also participated in the crime, but the police did not take any action against them. Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document Crl. A. No.D-489-DB of 2010 -10- 16. PW.2 HC Anil Kumar, who along with Constable Jaspal Singh took the dead body of Rajni to Hospital and got conducted the post mortem examination on the dead body conducted, is a formal witness.

17. PW.4 Dr. Kirpal Singh, who conducted post mortem examination on the dead body of Rajni, proved the Post Mortem Report (Ex.PC) and the pictorial diagram (Ex.PC/1) showing the seats of injuries.

18. PW.5 Kapil Kishore, Photographer, who took the photographs of the dead body at the spot, PW.6 Rishi Ram, Draftsman, who prepared the scaled site plan of the place of occurrence, PW.7 HC Harbans Singh, who delivered special

reports to the Illaqa Magistrate and other higher officers and PW.8 LC Lal Bahadur, who took the case property from the MHC and deposited the same in an intact condition in the office of the Director, Science Laboratory, Chandigarh, are the formal witnesses.

19. PW.9 Inspector Jagat Preet Singh, the Investigating Officer of this case, proved all the documents prepared during the investigation, conducted by him. He also proved reports of the Forensic Science Laboratory, Punjab, (Ex.PAA and Ex.PBB).

20. In his statement recorded under Section 313 Cr.P.C., the appellant denied all the incriminating evidence appearing against him in the prosecution evidence and pleaded his innocence and false implication in the case. He took the plea that some unidentified persons killed his wife Rajni. He was not present in the house and was away to Gurdwara. His son informed him about the death of Rajni. He further stated that when he went Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document Crl. A. No.D-489-DB of 2010 -11- to inform the police about the murder of his wife, he was taken into custody and was falsely implicated in this case at the instance of the complainant. Even the FDRs of his children were got encashed by the complainant, fraudulently.

21. In defence, the appellant examined one witnesses, namely DW.1 Lakhwinder Singh, SDE, BSNL, Amritsar, who proved the computerised statement (Ex.D1) of the in-coming calls of the day of occurrence, i.e. 15.9.2006, pertaining to landline No.0183-2524585.

22. In the complaint case, the complainant examined seven witnesses to prove his case against the appellant as well as Swaran Kaur and Prince.

23. In their statements recorded under Section 313 Cr.P.C., the appellant, Swaran Kaur and Prince, denied all the incriminating evidence appearing against them in the prosecution evidence. They simply pleaded their innocence and false implication in the case. They stated that Rajni was killed by some unidentified persons during night time. However, in their defence, they did not lead any evidence.

24. After hearing learned counsel for the parties, while relying upon the statements of PW.1 Satpal Singh and PW.3 Kulwant Singh, the medical evidence and other connecting evidence, and while disbelieving the defence version that some unidentified person had killed Rajni, the trial court vide the impugned judgment and order convicted and sentenced the appellant, as indicated in the first para of this judgment. However, while Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document Crl. A. No.D-489-DB of 2010 -12- holding that statements of PW.3 Pritam Dass and PW.5 Rani, examined by the complainant in the complaint filed by him, are not reliable and disbelieving the version given in the complaint, the trial court acquitted Swaran Kaur and Prince, while observing that the prosecution/complainant has failed to prove on record beyond doubt that accused Swaran Kaur and Prince had played any part in the commission of offence of murder of Rajni.

25. Against his conviction and sentence, the appellant has filed the instant appeal. However, no appeal has been filed by the complainant challenging the acquittal of Swaran Kaur and Prince.

26. Learned counsel for the appellant argued that it is a case of blind murder and no body has seen the appellant causing injuries to his wife Rajni. He further argued that the presence of complainant Satpal Singh (PW.1) and his brother Kulwant Singh (PW.3) at the place of occurrence on 15.9.2006 at 6.00 AM, is highly doubtful, and the deceased was murdered by some unidentified persons. In this regard, learned counsel submits that the computerised statement (Ex.D1) regarding the in-coming calls of the day of occurrence, i.e. 15.9.2006, pertaining to landline No.0183-2524585, installed at the residence of the complainant, shows that on the day of occurrence, the first call on the said phone was received by the complainant only at 9.41 AM. Learned counsel further argued that there is delay of more than 6 hours in reporting the matter to the police, which was used by the prosecution to concoct a false story after due deliberations and consultations at the instance of the complainant to implicate the appellant. Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document Crl. A. No.D-489-DB of 2010 -13- 27. On the other hand, learned Additional Advocate General, Punjab, argued that the trial court has rightly convicted and sentenced

the appellant on the basis of the reliable and trust-worthy evidence led by the prosecution.

28. We have considered the submissions made by learned counsel for the appellant as well as the learned Additional Advocate General, Punjab, and have carefully perused the record of the case.

29. A perusal of the Post Mortem Report (Ex.PC) and the pictorial diagram showing the seats of injuries (Ex.PC/1), which have been proved by PW.4 Dr. Kirpal Singh, reveals that the deceased was given 29 injuries. Most of the injuries were incised wounds and were caused on the vital parts of the body. Even blade of the small sword was recovered by the Doctor from the body of the deceased. The broken handle of the said small sword was recovered from the place of occurrence. The medical evidence indicates that the deceased was brutally murdered by causing multiple injuries, which were sufficient to cause death in the ordinary course of nature. Thus, the prosecution has clearly established that Rajni was brutally murdered in her bed room during the night time. Now, the question arises as to whether the appellant committed the murder, as alleged by the prosecution, or whether it was committed by some unknown persons, as stated by the appellant in his defence. But the death of Rajni in her bed room has not been disputed.

30. As per the version given by PW.1 Satpal Singh (complainant) and PW.3 Kulwant Singh, who are real brothers of the deceased, on Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document Crl. A. No.D-489-DB of 2010 -14- 15.9.2006 at about 6.00 AM, when they reached the house of their sister, they saw that the appellant, drenched with blood, was present there and on seeing them, he had slipped away from the house. During investigation, the blood stained handle of small sword (kirpan), two blood stained pillows, one blood stained nylon cover of gatra (small kirpan), a comb and one blood stained piece of cloth meant for tying the beard, lying at the place of occurrence, were taken into possession. The blood lying near the dead body of Rajni was lifted with cotton swab, and it was also taken into possession. On the next day, after the post-mortem examination of the body, the wearing apparels of

the deceased were handed over by the Doctor to the police, which were also taken into possession. Subsequently, on 18.9.2006, during interrogation, on the basis of the disclosure statement (Ex.PW) made by the appellant, Kachhehra, Banyan (vest) and Keski, worn by him at the time of the occurrence, were recovered. After the occurrence, the appellant took bath, washed his clothes and then concealed the same in the hole of a Pippal tree. As per the report (Ex.PAA) given by the Forensic Science Laboratory, Punjab, Chandigarh, the handle of small sword (kirpan), two pillows, comb, piece of cloth meant for tying the beard, the blood lifted with cotton swab from the place of occurrence, the wearing apparels of the deceased and Keski of the appellant were stained with human blood. The Banyan (vest) of the appellant was found to be stained with blood, but the result regarding its origin was inconclusive and no demonstrable blood was detected on the Kachhehra of the appellant. Thus, the prosecution has Dass Narotam 2014.05.14 17:25 I attest to the accuracy and integrity of this document Crl. A. No.D-489-DB of 2010 -15- proved that the deceased was caused 29 injuries with gatra (a small kirpan), which is usually worn by an Amritdhari Sikh. From the pictorial diagram (Ex.PC/1) showing the seats of injuries, it appears that the deceased had struggled and that is why, clothes of the appellant were smudged with blood. This is one piece of evidence, which points finger of accusation towards the appellant.

31. The second important evidence against the appellant is that PW.1 Satpal Singh and PW.3 Kulwant Singh have deposed that on receiving the telephone call, they reached the house of their sister, where they found that the appellant was drenched with blood and on seeing them, he slipped away from his house. This version given by both the witnesses cannot be disbelieved merely on the ground that they are the interested witnesses and the prosecution did not prove that PW.1 SatpalSingh had received the telephone call on his landline phone, or on the ground that there was delay of more than 6 hours in reporting the matter to the police. These witnesses have nowhere stated that they had received the information on their landline phone. It has been simply stated that on 15.9.2006 at about 5.30 AM, Satpal Singh had received a telephone call from some unknown person, upon which he and his brother Kulwant Singh reached the house of their sister at about 6.00 AM. This conduct of real brothers of the deceased is natural one. Within half hour of receiving the information, they reached the house of their

sister. They found their sister lying in the pool of blood in her bed room and her husband (the appellant), who was drenched with blood, was standing there. The testimonies of these witnesses are consistent and trustworthy and cannot be discarded on flimsy grounds. In our opinion, the trial court has rightly relied upon their statements and convicted the appellant for committing the murder of his wife.

32. If we examine the stand taken by the appellant in his defence, the same is found to be unreliable. In his statement under Section 313 Cr.P.C., the appellant had stated that on the day of occurrence, in the morning, when he had gone to Gurdwara, some unidentified person killed his wife Rajni and when he went to inform the police about the murder of his wife, he was taken into custody and was falsely implicated in this case at the instance of the complainant. It does not stand to reason at all that why some unknown person will brutally cause injuries to a lady. It is neither the defence of the appellant nor there is any evidence available on record, which indicates that this act of killing was done by some thief or a robber. It is pertinent to mention here that bed room of the deceased, where the dead body was lying, is situated on the first floor of the house. No sign of forced entry in the house or burgling of the house was found at the spot. Therefore, the defence taken by the appellant that some unknown persons had committed the murder of his wife Rajni is after-thought. The stand of the appellant that he had gone to inform the police about the murder of his wife by some unidentified persons is also not trustworthy, as according to the evidence available on record, he was arrested in the evening of the day of occurrence and before that he had gone to Sakatri Bagh, where he took bath and washed his blood stained clothes, which were worn by him at the time of occurrence, he had kept concealed the same in the hole of a Pippal tree. These clothes were recovered on the basis of disclosure statement. This fact also indicates towards guilt of the appellant.

33. In view of the above, we are of the opinion that in the facts and circumstances of the case, the trial court has rightly convicted and sentenced the appellant for the

offence punishable under Section 302 IPC.

34. The appeal is, accordingly, dismissed. (SATISH KUMAR MITTAL) JUDGE
May 07, 2014 (KULDIP SINGH) ndj JUDGE Dass Narotam 2014.05.14 17:25 I
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