

**Asif @ Shabbu Vs. State**

**Asif @ Shabbu Vs. State**

**SooperKanoon Citation :** [sooperkanoon.com/1170826](http://sooperkanoon.com/1170826)

**Court :** Delhi

**Decided On :** May-28-2014

**Judge :** Sanjiv Khanna

**Appellant :** Asif @ Shabbu

**Respondent :** State

**Judgement :**

\* IN THE HIGH COURT OF DELHI AT NEW DELHI Reserved on :

25. h March, 2014 Date of Decision:

28. h May, 2014 % + CRIMINAL APPEAL No.615/2011 ASIF @ SHABBU STATE  
..... Appellant Through Mr. R.S. Dakha and Mr. Jagjit Singh, Advocates. versus .....  
Respondent Through Mr. RajatKatyal, APP with Inspector Manoj Pant, SHO  
Gandhi Nagar. CRIMINAL APPEAL NO.688/2011 NADEEM @ CHICKNA .....  
Appellant Through Mr. Gurbaksh Singh and Ms. RichaSamhita, Advocates. versus  
STATE ..... Respondent Through Mr. RajatKatyal, APP with Inspector Manoj Pant,  
SHO Gandhi Nagar. CORAM: HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE G.P. MITTAL SANJIV KHANNA, J: The impugned  
judgment dated 31st March, 2011 convicts Asif @ Shabbu and Nadeem @ Chikna  
under Section 302 read with Section 34 of the Indian Penal Code, 1860(IPC, for  
short) and Section 392 read with Section 397/34 IPC.

2. By order on sentence dated 6th April, 2011, the two appellants have been sentenced to undergo life imprisonment and fine of Rs.1,000/- for the offence punishable under Section 302/34 IPC. In default of payment of fine, the two appellants have to suffer simple imprisonment for two months. For the offence punishable under Section 392 read with Section 397/34 IPC, the two appellants have been sentenced to rigorous imprisonment for 7 years and fine of Rs.500/-, in default of which, they have to undergo simple imprisonment for one month. Benefit of Section 428, Code of Criminal Procedure, 1973 (Cr.P.C.) has been granted and the sentences are/were to run concurrently.

3. The aforesaid conviction arises out of FIR No.306/2009, police station Gandhi Nagar and relates to murder of Abdullah and robbery by two boys at 9.45 p.m. on 13th December, 2009 at old police picket, near Tikona Park, Shastri Park.

4. On the question of occurrence and involvement of the appellants, the prosecution primarily relies upon testimony of Inamul Haque (PW-1), who has deposed that the deceased was his cousin (maternal uncles son) and had come to Delhi 10-15 days prior to the incident. On 13th December, 2009, PW-1 along with Abdullah was going from the shop of their brother in Gandhi Nagar towards their house at Shastri Park. Abdullah was talking on his mobile phone and was 10-15 steps behind PW-1. When both of them had reached the crossing near Tikona Park, PW-1 suddenly heard shrieks and saw two boys stabbing Abdullah. One boy was also searching pockets of Abdullahs pant. PW-1 went towards Abdullah to save him, but took to heels when the two boys adopted an aggressive stance and came towards him. PW-1 deemed it appropriate to run from the spot and make a call at number 100 and to his brother Shanul Haque. PW-1 crossed the railway bridge and came back to the place of occurrence after he noticed that the two boys could not be seen. Thereupon, he made 2-3 calls at number 100. Shanul Haque reached the spot. They saw Abdullah lying on the road unconscious and smeared with blood. They took Abdullah to Singhal Nursing Home, nearby Kailash Nagar, where he was given first aid but were asked to take him to a Government hospital. They took Abdullah to LNJP Hospital, where after examination, he was declared brought dead by the doctors. Inamul Haques (PW-1) statement, Ex.PW1/A, was recorded by the police and became the rukka resulting in

registration of FIR No.306/2009, at police station Gandhi Nagar. The FIR was marked Ex.PW6/A. PW-1 has also deposed that Abdullas mobile phone of LG make with Reliance SIM bearing number 9311123100 was missing and the same was probably taken away/stolen by the said boys ( the said phone and SIM have not been recovered).

5. PW-1 identified the two appellants as the two boys, who had accosted Abdullah, robbed and stabbed him. The core question and issue is whether we should believe the said identification by PW-1 in the Court. We are inclined to accept the said identification by PW-1 for the reasons set out below.

6. Evidence of identity can relate to identification of persons or objects. Identity of the culprit frequently becomes a vexed subject matter of trial in criminal cases, except where the accused is previously known to the eye witness or is apprehended or available at the spot. In other cases, the police relies upon identification by the eye witness after the suspects are apprehended. Investigation invariably begins on leads and lines probalising the suspects. Confirmation follows and may include the witness being taken to a particular neighbourhood or a place or being shown multiple suspects, to see if the witness can identify the person who had committed the crime. Sometimes photograph or image of persons who could be involved may be shown but this has its drawbacks and limitations as physical appearance or identification tends to be more accurate and foolproof. Video identification possibly has several advantages but in India has not been the preferred mode. Emphasis is sometimes made on the description given by the witness and drawing or photofit compilations prepared, but there is psychological research which concludes that the description given by the witnesses are a great deal more unreliable than acts of identification [see Cross on Evidence, 7th Edition at page 719, which refers to Devlin Committee report on the said aspect. The said author also refers to other psychological literature/search (refer decision of the High Court of Australia in Alexander Vs. R (1981) 34 ALR289)..

7. Test identification parades properly conducted are generally accepted to be the most satisfactory method for identifying a suspect, especially, when they are conducted impartially. However, these are also not free from difficulty and

instances of wrong or mistaken identification are not unknown. This can happen when the actual perpetrator is not included in the line up, as this significantly heightens the risk of incorrect identification. The risk can be minimized by informing the witness that the actual perpetrator may not be present in the line up.

8. In all cases when the Court acts on visual identification, it should rule out the possibility of a mistaken identity before accepting identification by a witness. Quality of identification depends upon the witness and for this reason, is case specific or unique. Visual identifications are admissible, but the weight and whether and to what extent the said identification should be accepted would hinge on several factors like; the amount of time the witness had to observe the suspect, a fleeting glance as opposed to few minutes is less likely to be accepted; the distance between witness and suspect also matters and is relevant; obstructions and difficulties in observation and the general conditions prevailing can affect identification; peculiarity stated by the witness relating to physical attributes of the suspect may reinforce/affirm identification; time lapse also affects identification. A longer time gap may affect the probative value attached to the witness's statement. As time passes, forgetting curves of the eye witness's memory makes the identification increasingly susceptible to contamination. Identification, where the eye witness clearly saw the face along with ethnicity, general body type etc., will make the identification more reliable.

9. Police upon investigation had charge sheeted the two appellants as well as one Nadeem s/o Qasim as the third person, as involved in the said crime. In addition, it was claimed that a fourth offender, one Nafees was involved, but could not be arrested. However, PW-1 in clear and categorical terms and in spite of cross-examination by Additional Public Prosecutor, refused to accept that Nadeem s/o Qasim was involved and present at the time and place of occurrence. In view of PW1's testimony, Nadeem s/o Qasim has been acquitted by the trial court. The State has not preferred an appeal against the said acquittal. PW-1 in the cross-examination has stated that the incident took place and was over within one or two minutes and the distance between him and Abdullah, when he went to save him, was about 4-5 steps. In fact, he had made a call at number 100 when the two appellants were chasing him. He had also shouted for help, but no one came

forward. Subsequently, he made a call to his brother from the bridge. Thereupon, his brother Shanul Haque came and they took Abdullah to Singhal Nursing Home and then to LNJP Hospital. It is quite apparent that PW-1 is a credible and truthful witness, who did not shy away and refused to accept that there were more than two assailants as put to him by the Additional Public Prosecutor as well as counsel for the appellant Nadeem @ Chikna. He did not support the prosecution case to this extent and this factum is an indication and pointer towards his credibility and reliability. PW1 identified that Nadeem @ Chikna was holding a knife having a blade almost 2 to 3 inches broad and the appellant Asif was also holding a knife like object. He had seen the appellants stabbing Abdullah, who was screaming for help. In the cross-examination, PW-1 accepted that he had been called to the police station for identification of the two perpetrators and he had identified the two appellants in the room of the SHO. There was another person accompanying the two appellants, namely, Nadeem s/o Qasim. He volunteered that a number of persons were shown to him in the police station and this was probably after 4-5 days of the occurrence. PW-1 denied the suggestion that he had identified the culprits because they were shown to him by the police. PW-1 has also deposed that he had gone for Test Identification Proceedings (TIP), but the appellants refused to participate and the TIP could not be held.

10. The reason why we do not doubt presence of PW-1 at the spot is the narration of facts by him. Secondly, we have statement of Shanul Haque (PW-4), who had received the phone call from PW-1 on 13th December, 2009 at about 9.30-40 p.m. and had proceeded towards the railway bridge near Shastri Park. Shanul Haque (PW-4) has deposed that they found Abdullah lying on the footpath in an unconscious condition. There were cut marks on his abdomen and he was bleeding profusely. They took Abdullah first to Singhal Nursing Home, but were asked to take him to a government hospital. Therefore, they hired an auto and took Abdullah to LNJP Hospital, where he was declared brought dead. PW-4 had identified the dead body of Abdullah, which after post mortem was handed over to him vide memo Ex.PW4/A.

11. It is noticeable that MLC of Abdullah Ex.PW11/A refers to the name of the injured/patient as Abdullah, his parentage, residence etc. and it was stated that the

patient was brought by Shanul Haque (PW-4) son of Mohd Yasin. The said MLC was prepared on 13th December, 2009 at 10.20 p.m. and also records that it was alleged that the patient had suffered physical assault at Kailash Nagar, Mother Dairy, Delhi as told by the person, who had brought the patient. Dr. Arvind Mohan (PW-11) had proved the said MLC, which was in the handwriting of Dr. Subodh, who was working as a Junior Resident in the Department of Accident Emergency. The said doctor had left the service and his whereabouts were not known. PW-11 identified the handwriting and signatures of Dr. Subodh. The MLC describes the injuries as dangerous and refers to the wounds. The details of the injuries suffered have been stated in the post mortem report Ex.PW10/A, which was proved by Dr. Amit Sharma (PW-10). The said witness has stated that he had conducted the post mortem and on examination had noticed the following injuries:

1. Stab wounds single edge 2.2 cm 0.8 cm horizontally placed over left front of chest 3.5 cm from midline and 5.5 cm below and medial to the left nipple. The track of the wounds extends up wards, back wards and medially to reach up to lower border of fourth ribs over left side with a total depth of wound was 5 cm. Effusion of the blood present all along the route of tract.
2. Incised wound 2 cm 0.6 cm 0.1 cm, obliquely placed over front of abdomen in midline 0.5 cm below the umbilicus and having evidence of tailing at the lower end.
3. Stab wounds single edges 2.1 cm 0.6 cm, obliquely placed over left front of abdomen with its lower end merging with the umbilicus. The tract of wounds extends downwards, backwards and from left to right, piercing the abdominal wall anteriorly entering into peritoneal cavity piercing through anti mesenteric side of jejunum at two sides and tearing the root of mesentery.
4. Stab wounds single edge 2 cm 0.7 cm, present over back of right side of abdomen 6 cm from midline and 10 cm above and posterior to right posterior superior iliac spine. The track of wound extends downwards, forwards and medially piercing the posterior abdominal wall, entering the peritoneal cavity and reached up to right border of L2 vertebra.

12. On internal examination, about 50 ML of fluid and clotted blood in the left pleural cavity and about 1.5 litre of fluid and clotted blood in the peritoneal cavity were found to be present. PW-10 opined that death was due to haemorrhage and shock consequent to stab injury on the abdomen, i.e. injury No.3 quoted above, which was sufficient in ordinary course of nature to cause death. All injuries were ante mortem and fresh, caused by a single sharp edged weapon.

13. On the question of identification of the appellants in the Court by Inamul Haque (PW-1), whose presence we feel cannot be doubted at the place of occurrence/crime, the position in law appears to be clear. Failure to hold test identification parade does not make evidence of identification at the trial in Court inadmissible. However, on the question of probative value and the weight to be attached to such identification, there are authorities that that it would be prudent to hold test identification parade when the witness did not know the accused before the occurrence.

14. In *Dana Yadav alias Dahu and Ors. v. State of Bihar*, (2002) 7 SCC295 after referring to the case law on the subject, it was observed that identification of an accused in the Court by a witness was substantive evidence, whereas identification in the test identification parade, though a primary evidence, was not substantive, the same could be only used to corroborate. The reason being that test identification parades held during the course of investigation, aid and assist the investigating agency in catching the culprit, be it by identification of the property or the perpetrator. It assures that the investigation was correct. Thus, failure to hold test identification parade does not make identification in the Court inadmissible, but identification of an accused by a witness for the first time in the Court being inherently of weak character should not form the basis of conviction. Yet there could be cases when identification in the Court for the first time, even without corroboration by previous identification in the test identification parade or any other evidence, could form the basis of conviction. This aspect was earlier highlighted by the Supreme Court in *Vaikuntam Chandrappa and Ors. Vs. State of Andhra Pradesh* AIR 1960 SC1340 wherein it was observed that purpose of test identification parade is to test the evidence given in the Court and is a safe rule, which ensured truthfulness of the sworn testimony of the witness in the Court,

where the witness and accused were strangers. In such circumstances i.e. when accused and witness were strangers, there should be corroboration in form of earlier identification proceedings or any other evidence.

15. The expression any other evidence is wide enough and gives discretion to the Court to accept the dock identification when there is no doubt in the mind of the Court regarding involvement of the accused upon deposition/identification in the Court for the first time. This could be because the witness concerned may have easily seen faces of the persons assaulting him or a third person and their appearance or the identity had remained imprinted. The Supreme Court has laid great emphasis on the dock identification [see Sidhartha Vashisht @ Manu Sharma Vs. State (NCT of Delhi)(2010)6SCC1 and Deepak @ Wireless Vs. State of Maharashtra(2012)8SCC785.

16. Recently, in Ashok Debbarma@Achak Debbarma Vs. State of Tripura, 2014(3) SCALE344 it has been observed:

16. The whole object behind the Test Identification Parade is really to find whether or not the suspect is the real offender. In Kanta Prashad v. Delhi Administration : AIR 1958 SC350 this Court stated that the failure to hold the Test Identification Parade does not make the evidence of identification at the trial inadmissible. However, the weight to be attached to such identification would be for the Court to decide and it is prudent to hold the Test Identification Parade with respect to witnesses, who did not know the accused before the occurrence. Reference may also be made to the judgment of this Court in Harbhajan Singh v. State of Jammu and Kashmir : (1975) 4 SCC480 Jadunath Singh and Anr. v. State of UP : (1970) 3 SCC518 and George and Ors. v. State of Kerala and Anr. : (1998) 4 SCC605 17. Above-mentioned decisions would indicate that while the evidence of identification of an accused at a trial is admissible as substantive piece of evidence, would depend on the facts of a given case as to whether or not such a piece of evidence can be relied upon as the sole basis of conviction of an accused. In Malkhansingh v. State of M.P. : (2003) 5 SCC746 this Court clarified that the Test Identification Parade is not a substantive piece of evidence and to hold the Test Identification Parade is not even the rule of law, but a rule of prudence so that the identification

of the accused inside the Court room at the trial, can be safely relied upon. We are of the view that if the witnesses are trustworthy and reliable, the mere fact that no Test Identification Parade was conducted, itself, would not be a reason for discarding the evidence of those witnesses. This Court in Dana Yadav alias Dahu (supra) has examined the points on the law at great length and held that the evidence of identification of an accused in Court by a witness is substantive evidence, whereas identification in Test Identification Parade is, though a primary evidence, but not substantive one and the same can be used only to corroborate the identification of the accused by witness in the Court. So far as the present case is concerned, PW10 and PW13 have identified the accused in open Court which is the substantive piece of evidence and such identification by the eyewitnesses has not been shaken or contradicted. The trial Court examined in detail the oral evidence tendered by those witnesses, which was accepted by the High Court and we find no error in the appreciation of the evidence tendered by those witnesses.

17. One of the reasons why dock identifications are considered to be suspicious and inherently unfair is that the witness is more likely to identify the person facing prosecution as the one he saw committing offence because he believes him to have committed the offence. PW1 has admirably and as a truthful witness steered clear from the said accusation by making selective and considered identification of the two appellants herein. He did not identify Nadeem S/o Qasim. The two appellants noticeably had refused to participate in the TIP proceedings marked Ex.PW12/A and 12/B, respectively. The said TIP proceedings were proved by Mr. V.K. Gautam (PW-12).

18. We would now examine other evidence and material implicating the appellants. Inspector Narendra Singh Minhas (PW-18) was working as SHO, police station Gandhi Nagar on 13th December, 2009 and had received information about stabbing incident at Mother Dairy, Kailash Nagar and thereupon reached the spot and came to know that the injured had been taken to the hospital. Leaving some police officers at the spot, he left for the hospital and procured MLC of Abdullah and learnt that he had died. In the hospital PW18 met Inamul Haque (PW-1), the eye witness and recorded his statement Ex.PW1/A.

PW-18 came back to the spot and evidence in the form of blood soaked earth, earth control etc. was seized. On 17th December, 2009, PW-18 constituted two teams and received information from Head Constable Rishi Pal of the second team that the two culprits, involved in the present case, were present at Shastri Park SharabTheka. At the instance of the informer, they apprehended the appellants Asif and Nadeem s/o Qasim (who has been acquitted), on 17th December, 2009 at about 5-6 p.m. vide arrest memos Ex.PW8/H & Ex.PW8/I respectively. On interrogation, PW18 came to know about involvement of the second appellant Nadeem@ Chikna and the fourth person Nafees, who has not been arrested. Nadeem @ Chikna was arrested on 17th December, 2009 at 7.30 p.m. vide arrest memo Ex.PW8/J.

19. Appellant Asif in his disclosure statement marked Ex.PW8/A had mentioned that they had thrown the papers which were snatched by them from the deceased Abdullah while robbing him on the other side of the railway line. On the pointing out of the appellant Asif, they seized three crushed papers vide seizure memo Ex.PW8/D. The said documents/papers were marked Ex.PW8/N1 to N3. These documents consist of registration form in the name of deceased Abdullah, a copy of the identify card of Abdullah issued by Ananda College and residence proof of Abdullah. Site plan marked Ex.PW18/I of the place from where the said recoveries were made was prepared. From Nadeem @ Chikna, currency note of Rs.100/- with a brownish spot was recovered and it was stated by the appellant Nadeem @ Chikna that this was a part of the looted property. The said currency note was seized vide seizure memo Ex.PW8/E. The said currency note was marked Ex.P2 and while recording statement of Inspector Narender Singh Minhas (PW-18) on 11th February, 2011, it was observed that there was a brown spot on the currency note. As per the CFSL report marked Ex.PW18/PX, human blood was detected on the said currency note, but blood group could not be ascertained as there was no reaction.

20. Head Constable Subhash Chand (PW-8) has deposed in respect of the recoveries of the three papers marked Ex.PW8/N1 to N3 and Rs.100/- currency note Ex.P2. He has stated that the documents Ex.PW8/N1 to N3 were recovered at the instance of Asif at about 7 p.m. and the currency note of Rs.100/- was

recovered from Nadeem @ Chikna.

21. PW-18, Narender Singh Minhas has also deposed that a knife/dagger was recovered from the possession of Nadeem @ Chikna and taken into possession vide seizure memo Ex.PW8/G. However, as per the CFSL report Ex.PW18/PX, no blood could be detected on the said knife/dagger. Hence, the said recovery is neither relevant nor admissible under Section 27 of the Evidence Act.

22. During the course of hearing before us, our attention was drawn to the statements of the two appellants recorded under Section 313 Cr.P.C. Appellant Asif has stated that the police had taken away his brother on 16th December, 2009 and he had surrendered in the police station on the same day. He has also stated that he did not know the co-accused including the appellant Nadeem @ Chikna. In his Section 313 statement, Nadeem @ Chikna has stated that he was working at his barber shop at Shastri Park when he was apprehended and taken to the police station and falsely implicated. He had earlier in response to question No.17 stated that he was lifted by the police from his shop on 13 or 14th December, 2009 and nothing was recovered from him.

23. As noticed, the occurrence had taken place at about 9.45 p.m. on 13th December, 2009 and thus, the question of Nadeem @ Chikna being lifted on 13th December, 2009 does not appeal to us. However, learned counsel for the appellants has relied upon depositions of Abdul Salam (DW-2), Liyakat Ali (DW-3), SI Vinay Kumar (DW-4) and Akila (DW-5). Abdul Salam (DW-2) has stated that he was living in the same premises where Nadeem and his family used to reside as a tenant. Nadeem had a barber shop in the same premises and on 13th or 14th December, 2009 at about 12 noon/1 p.m., 4-5 police officers including a Sardar had apprehended Nadeem. 10-12 persons had gathered there and they had questioned the police as to why Nadeem was being harassed. Mother of Nadeem had made a call at 100 number and PCR vehicle had come to the spot. Policemen from police station Seelampur had come and told them that they should go to police station Gandhi Nagar. DW-2 had requested the police to release Nadeem, but was told that Nadeem would be released in the evening. After 3-4 days, he came to know that Nadeem had been implicated in the present case. Similar

statement has been made by Liyakat Ali (DW-3) who claimed that he used to go to the shop of Nadeem @ Chikna for hair cut. Akila (DW-5) is the mother of Nadeem @ Chikna and has stated that on 14th December, 2009, Nadeem was working in his shop when he was taken by the police and she had called the police at number 100. PCR vehicle reached her residence and inquired about the occurrence. On the same day, she went to police station Seelampur, but could not get any information and in the evening, she came to know that her son Nadeem was in the police station Gandhi Nagar. On 15th December, 2009, she received a call from SI Vinay Kumar and went to the police station Seelampur, but was again told that her son was in custody of police station Gandhi Nagar. She claimed that on 14th December, 2009, 3-4 police officers had come in the PCR van, but she had not seen the said persons.

24. SI Vinay Kumar (DW-4) on 14th December, 2009, was posted at police station Seelampur and was assigned DD No.10A and thereupon had reached D-356, Shastri Park, Delhi, where Akila met him and had stated that her son Nadeem, who was working in the barber shop was taken by two persons, who appeared to be policemen. The call remained pending for a day for inquiry. On 15th December, 2009, DW4 again visited the house of Akila, who told him that she had gone to the police station Gandhi Nagar, where she came to know that that her son was in custody. CRL.A. Nos. 615/2011 & 688/2011 DW-4 had recorded her statement marked Page 19 of 22 Ex.DW4/A. Subsequently, he inquired and came to know that Nadeem had been arrested in FIR No.306/2009, police station Gandhi Nagar and this was recorded in DD No.48B on 21st December, 2009 marked Ex.DW4/C. In the cross-examination by Additional Public Prosecutor, DW-4 has stated that he had not verified from police station Gandhi Nagar about apprehension of Nadeem either on telephone or personally and in DD No.48B marked Ex.DW4/C, Nadeem's date of arrest in FIR No.306/2009 has not been mentioned. DW-4 again stated that on 14th December, 2009, he did not verify whether Nadeem had been taken by the police officers of police station Gandhi Nagar.

25. The aforesaid depositions do give rise to suspicion and a possibility that Nadeem was taken away and detained on 14th December, 2009 in connection with the present case suspecting his involvement, and his arrest has been post

timed and shown as made on 17th December, 2009 at 7.50 p.m. The trial court in the impugned judgment has recorded a possibility that Akila (DW-5) might have acted out of precaution and to create evidence, once she came to know that her son Nadeem might be involved. The aforesaid finding of the trial court may not be correct and the manner in which DW-4 conducted the proceedings after DD No.10A (Ex.DW4/B) was marked to him creates doubt and dents the said observation. Certainly DW-4 did not act as was required and mandated by law. This possibly indicates that he was aware that Nadeem @ Chikna had been detained in the present case for interrogation by officers of police station Gandhi Nagar.

26. Constitution mandates that a person upon arrest should be produced before a Magistrate/Court within 24 hours. The Supreme Court in the case of D.K. Basu Vs. State of Bengal (1997) 1 SCC416 has issued directions as the aforesaid constitutional obligation and protection was not being adhered to.

27. However, it would not be correct and appropriate to acquit the two appellants for failure to adhere to the limit prescribed in Article 22 and follow the requirements of Sections 52 and 57 of the Cr.P.C. This violation would result in procedural irregularity and would not make the arrest and the prosecutions story in the present case null and void. Strict compliance of statutory provisions should be there but that by itself does not render the acts done by the police officer void ab initio and at the most it may affect the probative value of the evidence regarding arrest or search and in some cases it may invalidate such arrest or search. But such violation by itself does not invalidate the trial or the conviction if otherwise there is sufficient material. [See H.N. Rishbud and Inder Singh Vs. The State of Delhi, AIR 1955 SC196 Manubhai Ratilal Patel Tr. Ushaben Vs. State of Gujarat and Ors., AIR 2013 SC313 Sadhwi Pragyna Singh Thakur Vs. State of Maharashtra, 2011 (10) SCALE77 Ashok Tshering Bhutia Vs. State of Sikkim, AIR 2011 SC1363 State of M.P. Vs Ramesh C. Sharma, (2005)12SCC628, and State of Punjab Vs. Balbir Singh, AIR 1994 SC1872 and State Through Reference Vs. Ram Singh & Ors. And Pawan Kumar Gupta Vs State, (Death Sentence Reference No.6/2013 and CRL. APP. No.1398/2013 Decided On:

13. 03.2014)].

28. In view of the aforesaid discussion, we do not find any merit in the present appeals and we uphold the conviction and sentence of the appellants. The appeals are dismissed.-.sd(SANJIV KHANNA) JUDGE -sd(G.P. MITTAL) JUDGE  
MAY28 2014 NA/VKR

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**