

**Jagan Nath Vs. State**

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**Court :** Delhi

**Decided On :** May-11-2016

**Judge :** Pradeep Nandrajog & The Honourable Ms. Justice Mukta Gupta

**Appeal No. :** CRL.A. No. 787 of 2000

**Appellant :** Jagan Nath

**Respondent :** State

**Judgement :**

**Mukta Gupta, J.**

1. Vide impugned judgment dated September 25, 2000 Chaman Lal and Jagan Nath, father and son respectively were convicted for murdering Bhagwati Devi, the second wife of Chaman Lal and their children Raj Rani, Geeta, Tara Chand and Gokul Chand.

2. The pieces of evidence relied upon by the learned Trial Court to convict Chaman Lal and Jagan Nath were the dying declaration made by Geeta in the ambulance to Amar Nath, PW-4, testimony of Amar Nath and Karan Singh, PW-3 evidencing strained relations between the convicts and the deceased persons, Chaman Lal and Jagan Nath talking to each other on the night previous to the incident, threat given to Amar Nath by Jagan Nath on the night of the incident, passive and unconcerned attitude of Jagan Nath after he was informed of the

incident and the post-mortem reports of the five deceased persons establishing homicidal death. Chaman Lal died during the pendency of his appeal and thus appeal filed by him being CrI.Appeal No.7710/2000 abated vide order of this Court dated September 19, 2013. Thus before us is the appeal by Jagan Nath s/o Chaman Lal.

3. Challenging the conviction learned counsel for the appellant contends that the oral dying declaration allegedly made by Geeta to Amar Nath, PW-4 cannot be relied upon for the reason the two other persons accompanying Amar Nath in the ambulance, that is Ashok Kumar, PW-6 the local resident and SI Sri Kishan PW-16, the ambulance In-charge stated that Geeta was unconscious and did not utter a word in the ambulance. The fact that Chaman Lal and Jagan Nath committed the offence was not informed by Amar Nath to the doctors at the hospital while they were recording the MLC and the words used were beaten and burnt by someone . Though Amar Nath, PW-4 stated that when he reached the ground floor on being called by Chaman Lal, he found Geeta and Gokul Chand groaning in pain however, the scaled site plan Ex.PW-14/A recorded Geeta and Gokul Chand to be lying unconscious in the room on the ground floor. Geeta was in a serious condition and unconscious when she was admitted to JPN Hospital at 4.20 AM on April 17, 1992. According to Ashok Kumar and SI Sri Krishan it took them eight minutes to reach the hospital from the spot of occurrence and at 05.05 AM Geeta was declared dead owing to 85% burn injuries and head injuries. Thus the medical evidence also evinces that she was not in a condition to make a dying declaration. The precarious condition of Geeta is also fortified by her post-mortem report which reveals the extent of injuries and burns on her body. Statement of Amar Nath in the Court that the appellant was conferring with Chaman Lal on the previous night and had threatened by saying tu bhi marega , are material improvements from his earlier statement. Amar Nath had clear motive to implicate Jagan Nath for the reason he would have then inherited the entire property. Further the fact that Jagan Nath was speaking to his father on the previous night is not incriminating in the absence of any evidence throwing light upon the contents of the conversation. The so called circumstantial evidence led by the prosecution is presumptive in nature and does not travel the distance between may be true to true . Merely because Chaman Lal informed Amar Nath about the incident and took him to the

ground floor would not lead to an inference that Chaman Lal and Jagan Nath committed the ghastly offence. Prosecution witnesses Smt.Shakuntala PW-2, Karan Singh and Ashok Kumar have deposed that the child of Jagan Nath was seriously ill at the time of incident and he died few days thereafter thereby improbably the involvement of Jagan Nath in the offence committed especially when his own son was on the death bed. The motive alleged against Chaman Lal and Jagan Nath by the prosecution is not incriminating. From the statement of the independent witnesses and the ruqqa no role has been attributed to Jagan Nath in the previous quarrels between Chaman Lal and Smt.Bhagwati Devi which is also evident from the fact that investigation was carried out against Karan Singh, PW-3 as he was also detained after the incident and his TSR was seized. Reliance is placed on the decisions reported as 1897 SCC OnLine Cal 7 Empress vs. Naba Kumar Patnaik and Ors., AIR 1960 AP 490 (V 47 C 160) In re Kamyra, 1977 (3) SCC 268 Ram Lakhan Singh and Ors. vs. State of Uttar Pradesh, 2011 (11) SCC 140 Rathinam @ Rathinam vs. State of Tamil Nadu and Anr., 2004 (11) SCC 282 Dasari Siva Prasad Reddy vs. Public Prosecutor, High Court of A.P. and 2004 (11) SCC 291 Sakatar Singh and Ors. vs. State of Haryana.

4. Learned APP for the State vehemently opposing the contention states that the prosecution has been able to prove the motive against Chaman Lal and Jagan Nath as they were not happy with the engagement of Raj Rani with Karan Singh. The dying declaration made by Geeta to her brother Amar Nath in the ambulance is reliable and sufficient to convict Jagan Nath. Besides the dying declaration the chain of circumstances also show that Jagan Nath conspired with his father Chaman Lal on the previous night and executed a plan. The conduct of Jagan Nath remaining absent after such ghastly crime taking place in the house is an additional circumstance which corroborates the dying declaration made to Amar Nath. Hence the appeal be dismissed.

5. The process of law was set into motion on receipt of DD No.4 Ex.PW-25/A at 4.00 AM on April 17, 1992 at PP Shidhipura, PS DBG Road, noting that one Ashok Kumar has informed from telephone No.7534338 that house of Chaman Lal No.10716, Gali Nale Wali, Manak Pura has caught fire and officers be sent. SI R.A.Singh PW-27 reached the spot along with ASI Raghbir Singh and Constable

Sunder Singh and informed the ambulance and fire station as well. Before SI R.A.Singh PW-27 could reach the spot the ambulance had already taken Geeta and Gokul to JPN hospital along with Amar Nath, PW-4 and Ashok Kumar, PW-6. On reaching the spot, SI R.A.Singh found dead bodies of Bhagwati Devi, Raj Rani and Tara Chand having blood stained and burn injuries besides smell of kerosene oil was coming from the room. SI R.A.Singh reached the hospital and recorded the statement of Amar Nath on the basis of which FIR was registered.

6. Amar Nath stated that he was residing with his parents, brothers and sisters and was selling story books for children. His mother Smt.Bhagwati Devi was the second wife of his father Chaman Lal and from the wedlock besides him there were two brothers and two sisters. He along with his parents, brothers and sisters was residing on the ground floor whereas his step brother Jagan Nath was residing on the first floor of the house along with his wife and children. His elder sister Raj Rani s marriage had been fixed with one Karan Singh of Arya Pura, Sabzi Mandi however, his father and step brother Jagan Nath were not happy with the engagement. His father was even refusing to finance the wedding. His parents often quarrelled on this relationship. Around a month ago also, his father and brother Jagan Nath had a quarrel with his mother on this relationship and on a complaint being registered they were arrested. On April 16, 1992 Karan Singh who came to their house, left around 12 o clock after having dinner. Thereafter Amar Nath went to the terrace of the house for sleeping. His parents along with the other children slept on the ground floor as usual. Around 4.00 AM his father came, woke him up and stated that there is fire on the ground floor. Hearing this he along with his father went down stairs. His brother Jagan Nath asked as to what had happened on which his father stated that there was a fire on the ground floor. Despite this Jagan Nath that their father and elder brother Jagan Nath had assaulted them and burnt by pouring kerosene oil. When he came back to the house he got to know that his brother Jagan Nath had taken his wife and children away from the house. He suspected his father Chaman Lal and step brother Jagan Nath in the murder of his mother Bhagwati Devi, sisters Raj Rani and Geeta and brothers Tara Chand and Gokul. went to his room. When he came down stairs he saw fire in the room, it was smelling of kerosene oil and blood was spilt all over. His mother Bhagwati Devi, sisters Raj Rani and Geeta were bleeding from their

nose, ears and mouth. There was movement in the limbs of Geeta and Gokul and they were groaning with pain. He ran towards the neighbours and got a bucket of water and poured water to douse the fire. He asked his father to take out those who were alive however, his father kept standing there and did not help him. He also asked his father to call the police however, he paid no heed. He took out his brother Gokul and sister Geeta from the room. Despite hearing noise Jagan Nath did not come down stairs. His mother Bhagwati Devi, sister Raj Rani and brother Tara Chand were dead, so he took Geeta and Gokul to JPN hospital. On the way his sister Geeta told him that their father and elder brother Jagan Nath had assaulted them and burnt by pouring kerosene oil. When he came back to the house he got to know that his brother Jagan Nath had taken his wife and children away from the house. He suspected his father Chaman Lal and step brother Jagan Nath in the murder of his mother Bhagwati Devi, sisters Raj Rani and Geeta and brothers Tara Chand and Gokul.

7. Dr.L.T.Ramani PW-18 conducted the post-mortem on the bodies of Bhagwati Devi, wife of Chaman Lal, aged 38 years, Raj Rani, daughter of Chaman Lal, aged 20 years and Tara Chand, son of Chaman Lal aged 8 years. Dr.L.T.Ramani, PW-18 found the following ante-mortem injuries on the body of the deceased Bhagwati Devi:

1) Lacerated wound 2 x 1 x bone deep on the left mastoid region. (2) Laceration 1 x x muscle deep on the left ear lobule. (3) A Laceration with abrasion of 1 x x muscle deep size placed close to injury no.2. (4) Laceration 1 x x muscle deep in the cheek bone area. (5) Laceration 1 x 1 x muscle deep on the right side of chin. (6) Abrasion scattered on the upper lip. (7) Two abrasion x each over the chin with fracture of mandible beneath (8) Laceration x 1/4 x muscle deep on the under surface of chin with defused bruising on the right side of chin. Front and left side of neck and supra sterna area (9) Multiple irregular linear abrasion some of them crescentic, scattered all over front and sides of neck.

8. The ante mortem injuries noted above were caused by blunt weapon. Bhagwati had also suffered second to third degree burns which injuries were post-mortem in nature. He opined injury to neck structure to be sufficient to cause death in the

ordinary course of nature. Death was due to asphyxia resulting from strangulation

9. Dr.L.T.Ramani, PW-18 found the following ante mortem injuries on the body of the deceased Raj Rani

(1) Lacerated wound 1 x 1 x bone deep on the right side of fore-head. (2) Laceration 3/4 x x muscle deep over outer end right eye brow. (3) Multiple abrasions on the right zygon cheek bone region, with obvious depressed fracture beneath. (4) Laceration 1 x 3/4 x scalp deep on the right temporo partial region

10. The above noted ante mortem injuries Nos.1 to 4 were caused by blunt weapon. Raj Rani also suffered third degree burns which were opined to be post-mortem in nature. Injury to skull was sufficient in the ordinary course of nature to cause death. Death was due to cranio cerebral injury.

11. Dr.L.T.Ramani found the following ante mortem injuries on the body of deceased Tara Chand:

(1) Laceration 1 x 1 x muscle deep on the left zygonaregion. (2) Laceration 1 x x muscle deep on the left mastoid area and over pinna of left ear.

12. The above noted injuries were opined to be ante mortem in nature and caused by blunt object/weapon. Injury/pressure to the neck structure was sufficient in the ordinary course of nature to cause death. Death was due to asphyxia resulting from strangulation. Tara Chand also suffered third degree deep burns which were opined to be post-mortem in nature.

13. The post-mortem on the body of Gokul Chand son of Chaman Lal aged 5 years was conducted by Dr.S.K.Khanna, PW-5 who found the following ante mortem external injuries

1. Superficial to deep burns on the left side of the front of abdomen, left side of the lower outer part of chest, inner part of left arm and fore-arm, all fingers of right hand and both lower limbs including the soles. There was no smell of kerosene oil. The skin was peeled off at places with reddening of bases in the peeled areas. Blackening was present on un-peeled areas. The total area of the burns was about

50% (2) Contusion reddish blue (blue) in colour 7 x 5 c.m. on the left side of upper part of face in front of pinna (ear lobe). (3) Abrasion 6 x 2 c.m. on the right side of face, 1 c.m. in front lower part of right ear lobe. (4) Contusion bluish red 7 x 7 c.m. on the right side of the lower part of face, 4 c.m. lower and outer to right angle of mouth. (5) Superficial incised wound 2.6 x 0.3 x 0.1 c.m. obliquely placed on right side of upper part of front of chest, inner end of the wound being 5 c.m. below the clavicle and 3 c.m. from the mid-line The inner angle is acute and outer angle was round.

14. Dr. S.K.Khanna, PW-5 found depressed comminuted fracture present on the left side of the skull and fracture on the right side of mandible. He opined the cause of death to be due to cranio cerebral damage consequent upon blunt force injury to the head and shock consequent upon burns. All injuries were ante mortem in nature and recent in duration. Injury No.1 had been caused by fire, injury No.2 was caused by a heavy blunt weapon with somewhat rounded edge like a hammer. Injury No.3 and 4 were caused by blunt object and injury No.5 was caused by a sharp edged cutting weapon. Injury No.1 i.e. the burns and injury No.2 along with the underlying cranio-cerebral damage were sufficient to cause death in the ordinary course of nature individually and collectively.

15. Dr.George Paul conducted the post-mortem on the body of deceased Geeta Rani however, since he was out of India and his present address was not available Dr.P.C.Dixit, PW-19 appeared in witness box and proved the post-mortem report Ex.PW-19/A signed by Dr.George Paul at point A . As per the post-mortem report Ex.PW-19/A the following ante mortem injuries were found on the body of Geeta:

1. Dermal deep burns present on the front and right side of neck front and under surface of chin, front of trunk and abdomen, except upper front part of left side chest and both shoulder regions above it extending to outer and outer back of both sides of chest and upper part of abdomen below it, outer aspect of both sides hips, with subcutaneous deep burns present on both thighs and legs and feet below it extending on the inner aspect of both knees and back of leg regions below it, with muscle deep burns with heat ruptures and charring of the exposed muscle pursuit of these regions both feet and perineum, upper part of cheek (left) side and temple

region show epidermal blocks which are also present on inner aspect and inner front of right forearm and all around elbow region and forearm region below it, including hand finger region below it, all around the inner aspect and inner front part of left arm except front half of armpit region and upper front of left elbow approximate area of burn about 63 to 65%.

2. Incised punctured stab wound 1.4 x 1.3 cm present in the upper outer part of left cheek prominence 1.5 cm outer to the outer angle of left eye, with its upper angle being at the same horizontal level. Both margins clean cut, lower angle somewhat acute, upper angle somewhat less acute in comparison, going downwards inwards and somewhat backwards to the lower temple tissue to a depth of 1.5 cm.

3. Oblique incised wound 2.5 x 0.8 cm on the lower back part of left temple region. Both margins clean cut, upper back angle somewhat acute, lower front angle somewhat rounded the lower front angle leading at the level of upper part of anti tragus, going obliquely inward in front left to right and upward into the temple tissue.

4. Incised wound 1.5 x 0.3 cm on the upper part of left anti tragus obliquely placed. Both margins clean cut both angles appear somewhat acute going inward in front left to right in the cartilage tissues of the ear to a depth of 0.4 cm.

5. Three bluish red bruises in 5 x 2 cm on the upper outer part of left cheek, with effusion of blood in the tissues underneath.

6. Three obliquely transverse abrasions in 1.5 x 1 cm on the middle front of forehead just to left of midline.

7. Two irregular bluish red bruises in 3.5 cm x 1.5 cm on the outer lower margin of left side of chin in the lower middle part of left border of jaw with deep effusion of blood in tissues underneath. 8. Swelling in 10 x 7 cm present in the right side outer lower back of head just behind earlobe (right) in right temporo occipital and mastoid region.

9. Multiple bruises in 5 x 4 cm as bluish areas present in the outer front part of left palm in left side \_\_\_\_(not legible) with effusion of blood in the muscle underneath.

16. As per the post-mortem report death was caused due to shock from burns by fire vide injury No.1 along with cranio cerebral damage from blunt force/impact in nature. Injury No.1 was caused by fire while injury Nos. 2, 3 and 4 were caused by some sharp pointed thin bladed or single edged or double edged weapon with one edge not very sharp. Injury Nos.5, 6 and 7 were caused due to blunt force impact. Injury No. 8 was due to some heavy blunt object. Injury Nos.1 and 8 individually and collectively along with injury Nos.2, 3 and 4 were sufficient to cause death in the ordinary course of nature.

17. Amar Nath PW-4 in his deposition before the Court deposed in sync with his statement on the basis of which rukka was recorded, however we note some improvements in his deposition before the Court which learned counsel for the appellant terms as material and we would also note the same as material. In his deposition before the Court Amar Nath stated that after his father woke up informing that there was a fire on the ground floor he accompanied his father to the ground floor. The moment he entered the ground floor and saw the fire and kerosene oil on the floor his father Chaman Lal pushed him towards the fire but he saved himself by catching hold of the frame of the door. The fact that he was pushed by the father was not stated in the rukka. Amar Nath stated that his father quarrelled with his mother on the engagement of Raj Rani with Karan whereas in the deposition before the Court he stated that both the accused i.e. Chaman Lal and Jagan Nath used to beat his mother and state that they would not permit the marriage to be solemnized and in case it was done they would eliminate his mother or his sister. The third material improvement in the statement of Amar Nath before the Court is that on the night of incident before he went to sleep on the terrace and before Karan Singh left, Jagan Nath had come downstairs and called his father by knocking at the door and they were talking while standing in the gali where after Jagan Nath went upstairs and his father came back in the house. The fourth material improvement in the deposition of Amar Nath is that when he was returning to the terrace for sleeping Jagan Nath opened the door of the stairs and uttered Tu Bhi Marega . All these four material improvements have been duly confronted to this witness in his cross-examination. Thus, Amar Nath, PW-14 has made material improvements on all crucial aspects of the matter which go to the root of the case and materially affect the core of prosecution s case rendering his

testimony liable to be discredited.

18. The Supreme Court in the decision reported as (2011) 4 SCC 324 State of Uttar Pradesh Vs. Naresh and Ors. noted:-

30. In all criminal cases, normal discrepancies are bound to occur in the depositions of witnesses due to normal errors of observation, namely, errors of memory due to lapse of time or due to mental disposition such as shock and horror at the time of occurrence. Where the omissions amount to a contradiction, creating a serious doubt about the truthfulness of the witness and other witnesses also make material improvement while deposing in the court, such evidence cannot be safe to rely upon. However, minor contradictions, inconsistencies, embellishments or improvements on trivial matters which do not affect the core of the prosecution case, should not be made a ground on which the evidence can be rejected in its entirety. The court has to form its opinion about the credibility of the witness and record a finding as to whether his deposition inspires confidence.

9. Exaggerations per se do not render the evidence brittle. But it can be one of the factors to test credibility of the prosecution version, when the entire evidence is put in a crucible for being tested on the touchstone of credibility. [Ed.: As observed in Bihari Nath Goswami v. Shiv Kumar Singh, (2004) 9 SCC 186, p. 192, para 9.]

Therefore, mere marginal variations in the statements of a witness cannot be dubbed as improvements as the same may be elaborations of the statement made by the witness earlier. The omissions which amount to contradictions in material particulars i.e. go to the root of the case/materially affect the trial or core of the prosecution's case, render the testimony of the witness liable to be discredited. [Vide State v. Saravanan [(2008) 17 SCC 587 : (2010) 4 SCC (Cri) 580 : AIR 2009 SC 152] , Arumugam v. State [(2008) 15 SCC 590 : (2009) 3 SCC (Cri) 1130 : AIR 2009 SC 331] , Mahendra Pratap Singh v. State of U.P. [(2009) 11 SCC 334 : (2009) 3 SCC (Cri) 1352] and Sunil Kumar Sambhudayal Gupta (Dr.) v. State of Maharashtra [(2010) 13 SCC 657 : JT (2010) 12 SC 287] .]

19. We now come to the most crucial part of the evidence i.e. the dying declaration of Geeta made to her brother Amar Nath as deposed by him. Amar Nath stated

that in the ambulance he was sitting near the head of Geeta and when he inquired from Geeta how it happened, Geeta told him that she had been assaulted by the father and brother Jagan Nath and where after they poured kerosene oil and set her on fire. PW-6 Ashok Kumar who informed the Police vide DD No.4 had accompanied Amar Nath, Geeta and Gokul Chand to the hospital in the ambulance. Ashok Kumar PW-6 and SI Sri Kishan PW-16 the ambulance incharge both deposed that Geeta was unconscious and did not speak while she was being shifted to ambulance. Version of these two witnesses is supported by the MLC of Geeta 10/A which notes that Geeta was unconscious when she was admitted in the hospital at 4.20 AM. We may also note that witnesses have deposed that it took them only 8 minutes to shift Geeta and Gokul Chand to the hospital in the ambulance.

20. The law in relation to basing a conviction on a dying declaration is well-settled. Only on a dying declaration a conviction can safely be based, if the same is found to be reliable.

21. The Constitution Bench of Supreme Court in the decision reported as (2002) 6 SCC 710 Laxman Vs. State of Maharashtra emphasized the duty of the Court to ascertain the fitness of the state of declarant's mind while he/she makes a dying declaration. It was held that since the accused has no occasion to cross-examine the deceased, the Courts insist that the dying declaration should be of such a nature as to inspire full confidence of the court in its truthfulness and correctness. It was held that the Court has always to be on guard to see that the statement of the deceased was not as a result of either tutoring or prompting or a product of imagination. Further the Court must also decide that the deceased was in a fit state of mind and had the opportunity to observe and identify the assailant.

22. In the decision reported as AIR 2001 SC 2124 Arvind Singh Vs. State of Bihar it was held-

17. Be it noted that the dying declaration herein has not been effected before any doctor or any independent witness but to the mother who is said to have arrived at the place only in the morning the mother admittedly is an interested witness; though that by itself would not discredit the evidence tendered in court but the fact

remains that the doctor's evidence considering the nature of the burn posed a considerable doubt as to whether such a statement could be made half an hour before the death of the accused. It is not that the statement of the unfortunate girl was otherwise not clear or there was existing some doubt as to the exact words on the contrary the definite evidence tendered is that there is clear unequivocal statement from the daughter of the family that the conjoint efforts of putting kerosene thereafter which lighted matchstick has resulted the burn injury. The severity of the burn injury and its impact on the body speaks volumes by reason of the death of the deceased. It is the reliance on such a dying declaration by the High Court shall thus have to be scrutinized with certain degree of caution.

23. As noted above, the dying declaration of Geeta as deposed to by Amar Nath is not supported by the MLC of Geeta and is also discredited by the two independent witnesses who accompanied Geeta, Gokul Chand and Amar Nath in the ambulance. Ashok Kumar was not an unconcerned person. He was the neighbour and had informed the Police immediately on seeing the fire. Even he would be anxious to know how the incident took place. Deposition of Ashok Kumar that Geeta was unconscious and made no statement to Amarnath cannot be ignored and casts a serious doubt on the deposition of Amarnath to this extent. Thus, no reliance can be placed on the oral dying declaration made by Geeta to her brother Amar Nath.

24. This leaves us to the evidence of motive attributed to Jagan Nath i.e. both Charan Singh and Jagan Nath were against the marriage of Raj Rani and Karan Singh being performed. In this regard besides the oral evidence of Karan Singh PW-3 and Amar Nath PW-4, the prosecution relies on the documentary evidence of the kalandra proceedings, however the same have not been exhibited and both the documents are mark A and mark B. Thus in the absence of valid tender of documents, the same cannot be read in evidence.

25. Learned APP for the State has also highlighted the passive and unconcerned attitude of Jagan Nath after receiving the information with regard to fire on the ground floor. Amar Nath has deposed that Jagan Nath was only informed about the fire on the ground floor and not that five members of the family have been

assaulted and burnt. In such a situation if Jagan Nath did not follow them downstairs due to his strained relations and the fact that his son was seriously ill, no adverse inference can be drawn on this solitary conduct. We may note that as per deposition of Amar Nath on the second floor one more tenant was staying and there is no evidence whatsoever whether he participated in dousing fire or helping him to remove Geeta and Gokul Chand to the hospital.

26. No doubt, ghastly murders of five members of a family have been committed, however the issue before this Court is who committed the offences and what evidence has the prosecution led to prove its case beyond reasonable doubt against Jagan Nath.

27. As noted above the dying declaration made by Geeta to Amar Nath is suspect, and there are material improvements in the testimony of Amar Nath before the Court. Thus, merely on the evidence of motive and that Jagan Nath played a passive role after he got to know that there was a fire on the ground floor it cannot be held that the prosecution has proved its case beyond reasonable doubt against Jagan Nath. Consequently, granting benefit of doubt to Jagan Nath he is acquitted of charge. Jagan Nath is on bail. His bail bond and surety bond are cancelled.

28. Appeal is disposed of.

29. Copy of this order be sent to Superintendent Central Jail Tihar for updation of the Jail record.

30. TCR be returned.

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