

Veer Singh Vs. State

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Court : Rajasthan Jodhpur

Decided On : Mar-27-2015

Appellant : Veer Singh

Respondent : State

Judgement :

1 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR :::

JUDGMENT

D.B.Criminal Jail Appeal No.43/2007 Veer Singh versus State of Rajasthan Date of judgment: 27th March, 2015 PRESENT HON'BLE Mr.JUSTICE GOPAL KRISHAN VYAS HON'BLE Mr.JUSTICE ANUPINDER SINGH GREWAL Mr.LS Jodha, for the appellant.

Mr.CS Ojha, Public Prosecutor.

<><><> BY THE COURT:[Hon'ble Mr.Justice G.K.Vyas,J.].The instant jail appeal has been filed by the accused appellant Veer Singh from the Central Jail, Bikaner against the judgment dated 30.11.2006 passed by the Addl.

Sessions Judge, Bhadara, District Hanumangarh in Cr.

Case No.9/2005 arising out from the FIR No.54/2005, Police Station Bhirani whereby the learned trial court while acquitting the 3 accused persons Mange Ram @ Billu, Hari Ram and Raj Kumar from offence under Section 201 IPC

convicted the accused appellant Veer Singh S/o Hari Kishan, resident of village Jogiwala for offence under Section 302 2 IPC and passed sentence for life imprisonment alongwith fine of Rs.2,000/- and in default of payment of fine to further undergo one year RI.

As per the brief facts of the case upon statement made by the accused appellant Veer Singh himself, FIR No.54/2005 (Ex.P/9) was registered at Police Station Bhirani on 4.4.2005 at 5.15 p.m.in which the accused appellant Veer Singh gave oral information to the SHO, Police Station Bhirani that he is residing in village Jogiwala alongwith his wife Dhanni Devi and children Mangi Ram 18 years old, Krishan, 14 years old, Rakesh aged about 12 years and he is addict of taking liquor regularly and his wife Dhanni Devi raising objection and asking that you should not consume liquor, therefore, due to the said reason daily quarrel took place in the house.

As per the contents of the FIR, the accused appellant stated before the SHO that he was fed up with his wife because she was objecting to consume liquor, therefore, he has decided to kill her.

On 31.3.2005 he went to agricultural field of one Swaroop Godara alongwith his wife Dhanni Devi for taking cattle feed (Hara Chara) for his buffalos in the morning.

At about 10 O Clock upon asking the wife of accused appellant Dhanni Devi refused to collect more cattle feed, therefore, quarrel took place at the place of occurrence and to kill his wife the accused appellant pushed her and 3 inflicted injury by agricultural equipment (Danti) upon her neck.

Due to that injury she fell down, thereafter, again an injury was inflicted by his knee upon her chest and after confirming the death he left the place of occurrence towards Bhirani.

As per the allegation of prosecution, the accused himself stated before the police that in between the way from the place of occurrence to village Birani he has washed the Danti and put that Danti at secrete place in the way, thereafter, he reached at bus stand of Bhirani where one Sher singh and Mahaveer Singh were

standing but without meeting them he ran away from the site but in the night remain at bus stand.

In the morning he went to the house of his father but his conscious was not allowing him to stay there, therefore, he went to the house of his sister at her residence village Deval Ki Dhani and from where he went to the village Dadari to do some labour work but he was unable to sleep nor his conscious was allowing him to eat the food, therefore, to disclose the fact he reached the Police Station Bhirani and disclosed the above fact to the SHO, Police Station, Birani.

As per the prosecution case, the SHO, Police Station Bhirani recorded his oral statement and registered the FIR no.54/2008 under Section 302 read with Section 201 IPC under the thumb impression of accused appellant and commenced investigation.

In the investigation, the statements of Sher Sing, Mahaveer Singh and so many 4 other witnesses were recorded and blood stained mad was taken from the place of occurrence and other material pieces of bangles etc lying on spot were seized and after arrest accused appellant give information under Section 27 of the Evidence Act about the agricultural equipment (Danti) and upon said information Danti was recovered.

The site plan of the place of recovery was prepared and upon information of accused appellant Veer Singh the earrings and one Tabiz of deceased Dhanni Devi were also recovered, so also, the cloths of accused appellant which is shirt and Pajama which he was wearing at the time of occurrence were taken in possession and all above articles were sent for chemical examination to the FSL and after recording the statement of prosecution witnesses, the other accused Mange Ram @ Billu, Hari Ram and Raj Kumar were also arrested for offence under Section 201 IPC.

After completion of investigation, the charge sheet was filed by the police in the court of Addl.

Chief Judicial Magistrate, Bhadara under Section 302 IPC against the accused appellant Veer Singh and other accused Mange Ram @ Billu, Hari Ram and Raj Kumar under Section 201 IPC from where the case was committed for the trial to the Sessions Court, Hanumangarh, from where the case was transferred in the court of Addl.

Sessions Judge, Bhadara for trial.

The learned trial court after framing the charge under Section 302 IPC against the accused appellant Veer Singh 5 and under Section 201 IPC against the Mange Ram @ Billu, Hari Ram and Raj Kumar commenced trial.

In the trial, statements of PW-1 Sher Singh, PW-2 Mahaveer, PW-3 Hari Kishan, PW-4 Satveer, PW-5 Balveer, PW-6 Nihal Singh, PW-7 Bhura Ram, PW-8 Chandrabhan, PW-9 Krishan Kumar, PW-10 Om Prakash, PW-11 Bhura Ram, PW-12 Fateh Singh, PW-13 Dalip Singh, PW-14 Mahendra Dutt Sharma, PW-15 Ram Kumar, PW-16 Bhanwar Lal and PW- 17 Sadhu Ram were recorded and 36 documents were exhibited in the trial.

After recording prosecution statement, the statements of accused appellant under Section 313 Cr.P.C.were recorded in which the appellant denied the charge and said that totally false case has been registered against him and thumb impressions upon FIR was obtained by threat and pressure.

Further, he said that all the recovery memos and search memos are false because all the documents were prepared in the police station itself.

The accused appellant did not produce any oral evidence in defence.

After hearing the learned counsel for the parties, the learned trial court acquitted Mange Ram @ Billu, Hari Ram and Raj Kumar from the charge against them under Section 201 IPC but convicted the accused appellant for the offence under Section 302 IPC vide judgment dated 30.11.2006.

The accused appellant filed the instant jail appeal from Central Jail, Bikaner and upon request made by the accused 6 appellant Mr.LS Jodha, Advocate was

appointed as Amicus Curiae to provide legal aid to unrepresented appellant in jail and to assist the court on his behalf.

The learned Amicus Curiae argued that it is a case in which accused appellant has been implicated in the alleged commission of offence under Section 302 IPC upon concocted story and to prove the prosecution case, the statements of 17 prosecution witnesses were recorded, out of which PW-3 Hari Kishan, PW-6 Nihal Singh, PW-7 Bhura Ram, PW-8 Chandra Bhan, PW-9 Kirhsan Kumar and PW-17 Sadhu Ram turned hostile and did not support the prosecution story and upon said evidence the learned trial court acquitted the three persons namely Mange Ram @ Billu, Hari Ram and Raj Kumar from the charge leveled against them under Section 201 IPC.

The learned counsel for the appellant vehemently argued that the accused appellant is illiterate person.

He cannot understand even Hindi language, thereafter, after taking thumb impression upon all the documents charge-sheet was filed and this fact itself proved that the accused appellant is not guilty of any offence because FIR (Ex.P/9) was registered upon the alleged oral statement of accused appellant, which is beyond imagination.

The learned counsel for the appellant submit that a false story was concocted to connected the accused appellant with the crime, but it is very strange that 7 investigating officer did not conduct any investigation with regard to the body of deceased Dhanni Devi, so also, there is no investigation by the investigating officer where body of deceased was cremated and who was present at the time of body was cremated.

Further, it is submitted that the charge-sheet was filed against 3 co-accused persons namely Mange Ram @ Billu, Hari Ram and Raj Kumar also on the basis of the statements of PW-3 Hari Kishan, PW-6 Nihal Singh, PW-7 Bhura Ram, PW-8 Chandra Bhan, PW-9 Kirhsan Kumar and PW-17 Sadhu Ram, but all these witnesses turned hostile before the trial court.

Meaning thereby, when body of deceased has not been recovered then how the recovery of blood stained agricultural equipment (Danti) alleged to be used by the appellant for inflicting the injury and blood stained cloths of the appellants are relevant to connect the accused appellant with the crime of murder of his own wife, therefore, it is a case in which the police has prepared all the proceedings of investigation in the police station including FIR and obtained thumb impression of accused appellant by misleading him because he is illiterate person, therefore, the conviction is not sustainable in law.

The learned counsel for the appellant vehemently argued that it is a case in which the bone of prosecution case is absent because if body of deceased was cremated no investigation is mad with regard to place of cremation in 8 spite of the information received by the police on 5th April then obviously it is a case in which the police is guilty of not making any investigation with regard to disposal of body of the deceased Dhanni Devi but merely on the basis of oral statement, the accused appellant has been connected with the crime without any reliable evidence.

It is argued that in this case the innocent liberate person who does not know Hindi language has been implicated falsely while obtaining his thumb impression not only on the FIR but upon all the articles which is said to be recovered as per the information of the accused appellant, therefore, even if the prosecution story is accepted then also, in absence of any investigation about the body of deceased Dhanni Devi or the evidence of cremation it cannot be said that prosecution has proved its case beyond reasonable doubt against the accused appellant.

Lastly it is submitted by the learned counsel for the appellant that merely on the basis of surmises and conjectures the learned trial court has convicted the accused appellant for alleged offence of murder of his own wife but there is no material or trustworthy evidence on record to prove the allegation of murder against the accused appellant, therefore, the judgment impugned may be quashed.

Per contra, the learned Public Prosecutor argued that the case is based upon the testimony of the accused 9 appellant himself because the FIR was registered upon

the oral statement made by the accused appellant in which he has stated whole incident and accepted that he has murdered his own wife and if the learned trial court has relied upon the FIR filed by the accused appellant himself then there is no question to say that the learned trial court has committed error to convict the accused appellant for the alleged crime of murder of his own wife.

Learned Public Prosecutor vehemently argued that blood stained Danti was recovered, so also, the cloths of the accused appellant were recovered upon which blood was found and sent for chemical examination to the Regional Forensic Laboratory, Jodhpur and vide Ex.P/27 it is reported that blood smeared soil taken from site of occurrence so also a Danti which is said to be recovered from the accused appellant and upon shirt of accused, blood group A.

was found, therefore, the learned trial court has rightly relied upon the FIR and other evidence from the incident, so also, there is recovery of Danti as well as the cloths of the accused appellant and other articles, therefore, it is a case in which the learned trial court has rightly relied upon the testimony of witnesses of recovery.

It is also submitted that pieces of bangle were also recovered from the place of occurrence so also some ornaments were recovered vide Ex.p/6 as per information of accused appellant, therefore, there is no error in the finding given by the learned trial 10 court so as to convict the accused appellant for alleged offence.

On the basis of above argument, it is submitted that no case is made out for interference in the judgment impugned, therefore, this cr.

jail appeal may be dismissed.

After hearing the learned counsel for the parties, we have minutely scanned the entire evidence of prosecution.

In this case the following questions are emerging to decide this cr.

jail appeal: (i) Whether the learned trial court has rightly relied upon the testimony of hostile witnesses and FIR (Ex.P/9) which is said to be registered upon the statement of the accused appellant himself to convict the accused appellant for offence under Section 302 IPC?.

(ii) Whether the learned trial court has rightly held appellant guilty for offence under Section 302 IPC in spite of the fact that no investigation with regard to cremation and place of cremation of the body of the deceased Dhanni Devi is made therefore, without any medical evidence has correctly convicted the appellant for offence under Section 302 IPC?.

With regard to question no.1, We have perused the judgment of the learned trial court, so also, considered the 11 fact that PW-3 Hari Kishan, PW-6 Nihal Singh, PW-7 Bhura Ram, PW-8 Chandra Bhan, PW-9 Krishan Kumar and PW-17 Sadhu Ram turned hostile before the court and not supported the prosecution case.

The learned trial court observed in the judgment that as per the basic principle of law the statement of hostile witnesses can also be relied upon so as to convict the accused for offence committed by him.

In this regard, the learned trial court considered the statement of hostile witness PW-3 Hari Kishan, father of the accused appellant Veer Singh and statement of PW-8 Chandra Bhan and held that both these witnesses are confirming the fact that Mange Ram (one of the accused) son of the accused appellant told that his father has killed his mother, but it is also one of the important fact of the case that Mange Ram @ Billu S/o Veer Singh have also been charge-sheeted alongwith the accused appellant under Section 201 IPC and the learned trial court while relying upon the testimony of above hostile witnesses acquitted the three accused including Mange Ram but accepted the part of the statement of hostile witnesses PW-3 Hari Kishan and PW-8 Chandra Bhan so as to convict the accused appellant.

In our opinion, a grave error has been committed by the learned trial court to rely half of the testimony of hostile witnesses so as to convict the accused appellant Veer Singh and to acquitted Mange Ram @ Billu, Hari Ram and Raj Kumar, who

were also charge-sheeted alongwith the 12 accused appellant for offence under Section 201 IPC.

There is no quarrel with regard to the principle of law that conviction can be based upon the testimony of the hostile witnesses also but at the same time, this Court cannot loose sight of the fact that in the event of relying upon the testimony of hostile witnesses, the court cannot distinguish the case of one accused so as to accept the part of the statement in favour of other three accused for acquittal and not to accept the testimony of hostile witnesses for one of the accused, therefore, obviously in this case, the learned trial court has committed an error of law while relying upon half of the testimony of hostile witnesses to hold the accused appellant guilty for offence under Section 302 IPC.

Admittedly, the accused Mange Ram, who was acquitted by the learned trial court is the son of the accused appellant Veer Singh.

With regard to the fact considered by the learned trial court that although the FIR which is registered upon the statement of accused appellant by the police is not admissible under Section 25 of the Evidence Act, but there is no bar under Section 25 and under Section 162 of the Cr.P.C. not to accept the admission of the accused which can be proved in the court.

Meaning thereby, the learned trial court opined that FIR which is registered upon the statement of accused himself can be accepted to held accused guilty, but as a matter of fact, we are not agree with such finding given by the learned trial 13 court because the FIR (Ex.P/8) is written in Hindi language, upon which there is thumb impression of accused appellant.

On other documents of investigation including site plant (Ex.P/8).memos of recovery of articles (Ex.P/6, P/7,P/11, P/12, P/13, P/14, P/22, P/23, P/24, P/25,P/26) thumb impression of accused appellant is appearing and all the documents were prepared in Hindi language whereas the investigating officer PW-14 Mahendra Dutt Sharma stated before the court that all the memos of investigation including the FIR are in Hindi language and in cross examination upon question he replied that whether the accused appellant is knowing Hindi or

not he do not know but he made his thumb impression upon all the documents of seizure memo of recovery and information given by him.

The other investigating officer PW-15 Ram Kumar stated before the court in his cross examination that .The accused appellant Veer Singh stated before the Court in his statement recorded under Section 313 Cr.P.C.that false case has been registered against him with the connivance of his family members by the Police Station Bhirani and after his arrest while giving threat and pressure upon him.

Meaning thereby there is strength in the argument of the learned counsel for the appellant that appellant is illiterate person and not knowing Hindi language and as per the statement of PW-15 Ram Kumar he is speaking Bagadi 14 language, therefore, obviously upon all the proceedings of investigation under the threat, thumb impression of accused appellant were obtained by the police.

We have perused the FIR (Ex.P/9).It is hand written FIR upon which thumb impression of Veer Singh is appearing, so also upon perusal of the FIR after registration of the FIR there is narration of the police proceedings in which it is mentioned that upon receiving aforesaid information, the SHO, Police Station Bhirani made a call in the village STD21244 upon which an information was received that Dhanni Devi died on 31.3.2005 and Veer Singh is absconding, so also, the body of the deceased Dhanni Devi has been cremated.

Meaning thereby the investigating officer soon after the registration of the FIR made investigation through telephonic call but it is very strange that no name of the person from whom the information was gathered is mentioned nor any witness was produced before the court from whom the aforesaid information was received.

It emerges from the facts that the SHO, Police Station Bhirani while sitting in the police station made inquiry on telephone and recorded the fact that deceased Dhanni Devi died on 31.3.2005 and her husband is absconding, so also, the body was cremated by his family membeRs.In our opinion, the prosecution is relying upon the testimony which is said to be obtained on telephone in very casual manner, so also, the learned trial court accepted the testimony of investigating officer as 15 gospel truth, but in fact, soon after the statement made by the

accused appellant in the police station, the investigating officer without making any investigation straightway registered the case and only on the basis of telephonic information from unknown person registered the case under Section 302 IPC against the petitioner.

Therefore, in our opinion, the finding of the learned trial court to hold accused appellant guilty on the basis of testimony of hostile witnesses including father of the accused appellant PW-3 Hari Kishan is not sustainable in law.

It is basic principle of investigation that in a case registered under Section 302 IPC fiRs.of all investigating officer was required to conduct inquiry whether the body of the deceased is cremated and which is the place, time and date when the body of the deceased Dhani Devi was cremated, therefore, in absence of such investigation, it cannot be presumed that a person who does not know Hindi language and illiterate is guilty of committing offence of his own wife.

It is also one of the important aspect of the matter that in the FIR which is said to be registered upon the statement of the accused appellant himself it is mentioned that accused stated before the police station that after inflicting injury by an agricultural equipment (Danti) , the Danti was washed out by me in the canal but in the investigation information under Section 27 of the Evidence Act (Ex.P/32)was obtained from the accused on 6.4.2005 at about 10.30 a.m.and in 16 pursuance of such information agricultural equipment (Danti) was recovered vide Ex.P/22 upon which some blood was found and the said Danti was sent for the chemical examination to the Forensic Laboratory, Jodhpur and vide Ex.P/27 the report was given by the Forensic Laboratory the blood of group A.

was found upon Danti.

In our opinion, when accused appellant categorically stated in the FIR that \$ \$) * \$ " but in the alleged FIR specific fact was disclose before the SHO, Police Station Bhirani by the accused appellant that Danti was washed out therefore, how the story of having blood upon the Danti can be accepted, the learned trial court has completely ignored the aforesaid facts and held accused appellant guilty.

It is obvious that the aforesaid evidence on record loudly speaks that prosecution story is not trustworthy, so also, conviction based upon the said evidence is not sustainable in law.

In view of the above, we are of the opinion that even though the investigation was commented after registration of the FIR on the basis of the statement made by the accused appellant before the SHO, Police Station Bhirani, which is recorded in Hindi language and accused appellant is not knowing Hindi language being illiterate person, it cannot be said that such statement made by the accused appellant can be accepted for the purpose of maintaining 17 finding of conviction because the statement made by the accused appellant is not admissible under Section 25 of the Evidence Act, but in this case, the investigation has been concluded in very casual manner and no cogent evidence is collected and produced before the court to support the prosecution case.

The material witness upon whose statements charge-sheet was filed turned hostile before the trial court, in spite of the said fact, the learned trial court convicted the accused appellant for alleged offence of murder.

In our opinion, the finding of guilt against the accused appellant by the learned trial court on the basis of statement of hostile witnesses is not sustainable in law because prosecution is required to prove its case beyond reasonable doubt.

With regard to question no.2 we have minutely considered the evidence on record.

Admittedly, as per the prosecution case, the statement was made by the accused appellant before the police officer that he had killed my wife on 31.3.2005 in the agricultural field of one Swaroop Chand Godara but no investigation was made from Swaroop Chand Godara nor Swaroop Chand Godara was produced before the Court as witness.

Further, the witness PW-13 Dalip Singh FC No.526 of police stated before the Court that he went upon the spot and in front of him the site plan (Ex.P/20) of place of occurrence was prepared, so also, in front of him one Danti was recovered vide Ex.P/22 and 18 Ex.P/23 but in the cross-examination the said

witness made the following statement, which reads as under:- \$ - \$ 0 0 - , , 3 \$ 0 \$, 3 7 \$ \$ 8 3 3 \$ 7 \$ < 0 8 > -22 \$?. < 0 3 \$ \$ < 0 8 > -22 23 0 - \$ \$ 7 0 < \$ \$ 0 " The said witness Dalip Singh is FC No.526 of Police Station Bhirani was one of the member of the investigating party, therefore, his statements are very relevant.

To test his testimony, we have perused Ex.P/10 which is site plan in which it is evident that site plan was not prepared in the presence of any independent witnesses.

Both the witnesses Ant Ram and Dalip Singh are the police officials.

Likewise the Danti was recovered vide Ex.P/22 that too was recovered in front of members of police party Shambhoo Dayal FC No.1050 of Police Station Bhirani upon Ex.P/22 and P/23 the signatures of these witnesses are appearing alongwith and thumb impression of the accused appellant.

In in view of above facts, Danti was not recovered in front of independent witnesses, therefore, the recovery of Danti and preparation of site plan of place of occurrence cannot be accepted as an evidence against the accused appellant so as to connect him with the alleged offence of murder.

It is also relevant to mention here that in whole of the charge- 19 sheet there is no document with regard to investigation to ascertain the place of cremation.

Meaning thereby only on the basis of FIR which is said to be registered upon the statement of accused appellant by the police, the proceedings were initiated against the accused appellant and after completing formality of the investigation, challan was filed, therefore, when evidence of cause death is not available on record and body was also not found then it is not safe to uphold the finding given by the learned trial court with regard to commission of offence under Section 302 IPC by the appellant.

It is also one of the important aspect of the matter that as per the prosecution case in the statement of accused appellant he has made following statement before the police that 3 C - - C \$ 0 G > .

But no investigation was conducted from the sister of the accused appellant, even though as per the prosecution case after incident accused went to the house of his sister.

Therefore, it is also one of the fact that investigating officer has failed to make investigation from the sister of the accused appellant.

We have perused Ex.P/10 site plan of the place of occurrence which bears the signatures of Anant Ram FC No.448 and Dalip Singh FC No.536 of Police Station Bhirani and said site plan was prepared on 4.4.2005 and on the 20 same date Ex.P/11 was prepared at the time of taking blood smeared soil.

Upon that exhibit there is thumb impression of Mahendra Singh and Sadu Ram.

Likewise upon recovery of pieces of bangle (Ex.p/13) prepared on 4.4.2005 at the place of occurrence bears the signatures of Mahendra Singh and Sadhu Ram, but Mahendra Singh was not produced before the court nor his name was included in the list of witness whereas Sadhu Ram was examined in the court as PW-17 but he turned hostile before the court.

Meaning thereby, the independent witness of recovery turned hostile, therefore, the learned trial court has completely failed to consider the very important aspect of the matter that recovery of Danti and articles are not proved by the prosecution before the court by leading upon trustworthy evidence.

The prosecution has not produced evidence where the body of the deceased Dhani Devi was cremated and who were the person present at the time of cremation, therefore, when body of deceased was not found and before registration of FIR the body was cremated then obviously, the prosecution has failed to prove its case beyond doubt but the learned trial court relied upon the testimony of hostile witnesses and ignored the fact that no independent witness was present at the time of recovery of Danti which is said to be used for inflicting the injury, therefore, the conviction of the accused appellant for alleged offence is not sustainable in law.

We are of the firmed opinion that conviction for an offence does not necessarily depend upon the corpus delicti being found.

There may be reliable evidence, direct or circumstantial for commission of murder though the corpus delicti are not traceable, but in the absence of corpus delicti what the court looks for is clinching evidence which proves that the victim has been done to death.

If the prosecution is successful in providing cogent and satisfactory proof of the victim having met a homicidal death, absence of corpus delicti will not by itself be fatal to a charge of murder.

Failure of the prosecution to assemble such evidence will, however, result in failure of the most essential requirement in a case involving a charge of murder, but in the present case, the learned trial court has accepted the fact of registration of FIR and testimony of the hostile witnesses as a whole without any evidence of independent witnesses with regard to place of cremation and recovery of Danti and other articles.

Therefore, in our opinion, the prosecution has completely failed to prove its case beyond doubt because the so called FIR (Ex.P/9) which is said to be registered upon the statement of accused appellant was in Hind language and accused appellant is not knowing Hindi language so also he is illiterate poor person, none of the independent witnesses corroborated the prosecution story and the recovery of the 22 articles, but the learned trial court while relying upon very weak and concoted evidence of prosecution, convicted the accused appellant, therefore, the finding given by the learned trial court with regard to commission of offence of murder by the accused appellant is not sustainable in law.

Suffice it to say that even if we take the most charitable liberal view in favour of the prosecution, all that we get is a suspicion against the accused appellant and not more than that.

In view of the above discussion, the accused appellant is entitled for benefit of doubt because the prosecution has failed to prove its case beyond reasonable

doubt.

Consequently, this cr.

jail appeal is hereby allowed.

The judgment passed by the learned Addl.

Sessions Judge, Bhadara, District Hanumangarh dated 30.11.2006 in Sessions Case No.9/2005 convicting and sentencing the accused appellant Veer Singh for offence under Section 302 IPC is quashed and set aside.

The accused appellant Veer Singh be released forthwith if not needed in any other case.

(ANUPINDER SINGH GREWAL),J.

(GOPAL KRISHAN VYAS),J.

cpgoyal/-

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