

**Vinod @ Dantla Vs. State**

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**Court :** Delhi

**Decided On :** Nov-19-2012

**Judge :** Sanjiv Khanna

**Appellant :** Vinod @ Dantla

**Respondent :** State

**Judgement :**

\* IN THE HIGH COURT OF DELHI AT NEW DELHI + CRIMINAL APPEAL NO. 460/2012 Reserved on:

16. h OCTOBER, 2012 Date of Decision:

19. h NOVEMBER, 2012 % VINOD @ DANTLA ..... Appellant Through Mr. R.M. Tufail, Mr. Farooq Chaudhary & Mr. Vishal Raj Sehijpal, Advocates. Versus STATE ..... Respondent Through Ms. Richa Kapoor, APP for the State. DEATH SENTENCE REFERENCE NO. 1/2012 STATE ..... Appellant Through Ms. Richa Kapoor, APP for the State. Versus VINOD @ DANTLA ..... Respondent Through Mr. R.M. Tufail, Mr. Farooq Chaudhary & Mr. Vishal Raj Sehijpal, Advocates. CORAM: HON'BLE MR. JUSTICE SANJIV KHANNA HON'BLE MR. JUSTICE S.P.GARG SANJIV KHANNA, J: CRL.M.A. NO. 4974/2012 The present order will dispose of the application under Section 7A of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Act, for short) read with Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2009 (Rules, for short). The application has been filed by Vinod @ Dantla, who has been convicted under

Section 363, 376, 377, 302 and 201 of the Indian Penal Code, 1860 (IPC, for short). He was sentenced to death for the offence under Section 302 IPC, life imprisonment for the offence under Section 376 IPC and various periods of rigorous imprisonment for offences under Section 377, 363 IPC etc. Sentence of fine has also been imposed, including fine of Rs.50,000/- for the offence under Section 302 IPC.

2. After filing of the present application, vide order dated 15th May, 2012, an inquiry was directed to be conducted by the trial court, to ascertain the age of the appellant at the time of the offence. Trial court records were transmitted and it was directed that the trial court should record statement of the relevant witnesses, including appellants relatives, and secure documentary and other evidence. It was left open to the trial court to ask for medical examination, including ossification test, to ascertain the age.

3. Mr. Gurdeep Singh, Additional Sessions Judge-III, who is also the author of the impugned judgment, has submitted the inquiry report. In the concluding paragraph, he has recorded his opinion that the appellant was aged about 17 years on the date of occurrence. In other words, he has observed that the appellant herein was a juvenile, on the date when the offence was committed, and accordingly has to be treated and dealt with under the Act and the proceedings before the Criminal Courts, under IPC and Cr.P.C. are vitiated and bad.

4. After the copy of the report was received, along with the evidence and material, the same was circulated and made available to the counsel for the appellant and the State. We have also heard the learned counsel to determine and decide whether the report should be accepted, and accordingly the conviction and sentence set aside and the matter be referred to the Juvenile Justice Board for adjudication, under the Act.

5. It is an accepted position that the appellant has not been to any school. It is also accepted that the appellant does not have date of birth certificate issued by the Municipal Corporation etc. Appellants sisters Rani (CW-1), Madhu (CW-2) and Sunita (CW-3) have appeared and stated that they were three sisters and two brothers. One brother Kamal expired in the year 1995. Sunita (CW3) is the eldest.

Madhu and Rani are the second eldest and the third eldest. The appellant Vinod is youngest and was younger than the deceased brother Kamal. CW-1 got married in the year 1991 and at the time of marriage she was less than 18 years of age. She has a daughter aged about 20 years, who was born in the year 1992. Vinod was about 1 years of age at the time of marriage. Madhu, (CW-2) has stated that Rani is about 2 years younger to her and she too got married in the year 1991, three months prior to the marriage of Rani. She has five children, the eldest being one 20 years of age and the youngest one being 10 years. Her age in the election card is 29 years as on 1st January, 2008. Age of Rani Devi, as mentioned in the election card, is 31 years as on 1st January, 2008. It is, therefore, clear that the age given in the election cards of Rani (CW-1) and Madhu (CW-2) is mere estimation and cannot be treated as conclusive. However, it is apparent that they got married in the year 1991 and the first child was born in the year 1992. Second child of Madhu (CW-2) was born in the year 1994.

6. Sunita (CW-3) is the elder sister and, as per the voter ID card, her age as on 1st January, 2008 is 33 years. She has stated that she does not remember the age at the time of her marriage. None of them has been to school. Her eldest daughter, Komal was aged about 18 years old. The appellant Vinod was born after her marriage. She did not remember the year of marriage of Rani and Madhu, (CW-1 and CW-2) as she did not attend their marriage. Her children did not have birth certificate. The appellant was about two years of age when Kamal expired. This statement, it is apparent, is a guess and does not correlate with the statements of CW-1 and CW-2 that the appellant was about 1 years of age in 1991. However, it reflects that the appellant was a small child when Kamal died. She recollected that Kamal had expired after Rani's marriage because she remembered that she had gone to the village, to meet her mother, on his death.

7. It is clear, from the aforesaid evidence, that CW-1, CW-2 and CW-3 cannot clearly and affirmatively state and specify the year of birth of the appellant. CW-1 and CW-2 have given the year of their marriage which is supported by the date of birth certificates of their children. That they got married at a very young age is established and proved. This conclusion by itself cannot help us to firmly conclude the date of birth of the appellant. CW-1 or CW-2 are interested witnesses. As

noticed below, Rule 12 mandates and requires an objective inquiry and statement of relatives have been discounted and not treated as the primary evidence on which a firm conclusion can be drawn. At the same time, it cannot be denied that only relatives or persons known to the delinquent will have information regarding the date of birth.

8. The inquiry report states that the appellants father died long back. The appellants mother had also expired in the year 2009. This is not disputed and questioned.

9. Section 7A of the Act states that when a claim of juvenility is raised before a court or the court is of the opinion that the accused person was juvenile, on the date of the commission of the offence, the court shall make an inquiry and take such evidence, as may be necessary. Evidence is not to be taken on affidavit. The claim of juvenility has to be determined as per the provisions of the Act and the Rules made thereunder. The Rule 12 reads as under: Rule 12. Procedure to be followed in determination of Age.- (1) In every case concerning a child or a juvenile in conflict with law, the court or the Board or as the case may be the Committee referred to in rule 19 of these rules shall determine the age of such juvenile or child or a juvenile in conflict with law within a period of thirty days from the date of making of the application for that purpose. (2) The Court or the Board or as the case may be the Committee shall decide the juvenility or otherwise of the juvenile or the child or as the case may be the juvenile in conflict with law, prima facie on the basis of physical appearance or documents, if available, and send him to the observation home or in jail. (3) In every case concerning a child or juvenile in conflict with law, the age determination inquiry shall be conducted by the court or the Board or, as the case may be, the Committee by seeking evidence by obtaining (a) (i) the matriculation or equivalent certificates, if available; and in the absence whereof; (ii) the date of birth certificate from the school (other than a play school) first attended; and in the absence whereof; (iii) the birth certificate given by a corporation or a municipal authority or a panchayat; (b) and only in the absence of either (i), (ii) or (iii) of clause (a) above, the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the juvenile or child. In case exact assessment of the age cannot be done, the Court or the Board

or, as the case may be, the Committee, for the reasons to be recorded by them, may, if considered necessary, give benefit to the child or juvenile by considering his/her age on lower side within the margin of one year. and, while passing orders in such case shall, after taking into consideration such evidence as may be available, or the medical opinion, as the case may be, record a finding in respect of his age and either of the evidence specified in any of the clauses (a)(i), (ii), (iii) or in the absence whereof, clause (b) shall be the conclusive proof of the age as regards such child or the juvenile in conflict with law. (4) If the age of a juvenile or child or the juvenile in conflict with law is found to be below 18 years on the date of offence, on the basis of any of the conclusive proof specified in sub-rule (3), the court or the Board or as the case may be the Committee shall in writing pass an order stating the age and declaring the status of juvenility or otherwise, for the purpose of the Act and these rules and a copy of the order shall be given to such juvenile or the person concerned. (5) Save and except where, further inquiry or otherwise is required, inter alia, in terms of section 7A, section 64 of the Act and these rules, no further inquiry shall be conducted by the court or the Board after examining and obtaining the certificate or any other documentary proof referred to in subrule (3) of this rule. (6) The provisions contained in this rule shall also apply to those disposed off cases, where the status of juvenility has not been determined in accordance with the provisions contained in subrule(3) and the Act, requiring dispensation of the sentence under the Act for passing appropriate order in the interest of the juvenile in conflict with law.

10. Sub-rule (3) of Rule 12 is relevant and postulates that the age determination inquiry shall endeavour to seek the following evidence: (i) Matriculation or equivalent certificate, if available; and in the absence thereof; (ii) Date of birth certificate from the school first attended other than the play school; and in the absence thereof; (iii) Birth certificate given by a corporation/municipal authority/panchayat.

11. In the present case, none of the three certificates is available and, therefore, clause (b) to Rule 12(3) is applicable. The said clause postulates that, in the absence of the certificates, opinion can be sought from a duly constituted medical board which is required to declare the age of the juvenile or child. In case exact

assessment of age cannot be done, for reasons to be recorded, if it is considered necessary, benefit of one year on the lower side can be given. Thus, the Court or the board may determine the age after stating reasons, so recorded, and while doing so can give benefit, on the lower side, within margin of one year. The court, while passing said order, can take into consideration such evidence as may be available and also the medical opinion. To this extent and for this purpose we can take into consideration the statement of CW-1 to CW-3. In the absence of the three certificates, the opinion formed by the Court is to be the conclusive proof of the age of the child or juvenile in conflict with law.

12. In *Om Prakash v. State of Rajasthan & Another*, (2012) 5 SCC 20, the Supreme Court observed that the courts have to be sensitive while dealing with juveniles but caution and care should be taken that a person who commits a grave and heinous offence does not escape the rigors of the normal criminal law under the guise that he was a minor at the time of offence. No one should be allowed to abuse the statutory protection while ensuring that the benefit of benevolent legislation, i.e., the Act, is fully provided and given to the juveniles. The Supreme Court observed that doubtful and debatable evidence in the form of school admission records should not be accepted and medical evidence has to be given due weightage. Referring to this judgment, learned Additional Public Prosecutor has relied upon the following paragraph:<sup>23</sup> However, we reiterate that we may not be misunderstood so as to infer that even if an accused is clearly below the age of 18 years on the date of commission of offence, should not be granted protection or treatment available to a juvenile under the Juvenile Justice Act if a dispute regarding his age had been raised but was finally resolved on scrutiny of evidence. What is meant to be emphasized is that where the courts cannot clearly infer in spite of available evidence on record that the accused is a juvenile or the said plea appear to have been raised merely to create a mist or a smokescreen so as to hide his real age in order to shield the accused on the plea of his minority, the attempt cannot be allowed to succeed so as to subvert or dupe the cause of justice. Drawing parallel between the plea of minority and the plea of alibi, it may be worthwhile to state that it is not uncommon to come across criminal cases wherein an accused makes an effort to take shelter under the plea of alibi which has to be raised at the first instance but has to be subjected to strict proof of

evidence by the court trying the offence and cannot be allowed lightly in spite of lack of evidence merely with the aid of salutary principle that an innocent man may not have to suffer injustice by recording an order of conviction in spite of his plea of alibi. Similarly, if the conduct of an accused or the method and manner of commission of the offence indicates an evil and a well planned design of the accused committing the offence which indicates more towards the matured skill of an accused than that of an innocent child, then in the absence of reliable documentary evidence in support of the age of the accused, medical evidence indicating that the accused was a major cannot be allowed to be ignored taking shelter of the principle of benevolent legislation like the Juvenile Justice Act, subverting the course of justice as statutory protection of the Juvenile Justice Act is meant for minors who are innocent law breakers and not accused of matured mind who uses the plea of minority as a ploy or shield to protect himself from the sentence of the offence committed by him. The benefit of benevolent legislation under the Juvenile Justice Act obviously will offer protection to a genuine child accused/ juvenile who does not put the court into any dilemma as to whether he is a juvenile or not by adducing evidence in support of his plea of minority but in absence of the same, reliance placed merely on shaky evidence like the school admission register which is not proved or oral evidence based on conjectures leading to further ambiguity, cannot be relied upon in preference to the medical evidence for assessing the age of the accused.

13. In this judgment reference was made to *Ram Dev Chauhan v. State of Assam*, (2001) 5 SCC 71. in which it has been observed as under:24. Of course the doctors estimate of age is not a sturdy substitute for proof as it is only his opinion. But such opinion of an expert cannot be sidelined in the realm where the Court gropes in the dark to find out what would possibly have been the age of a citizen for the purpose of affording him a constitutional protection. In the absence of all other acceptable material, if such opinion points to a reasonable possibility regarding the range of his age, it has certainly to be considered.

14. In *Ashwini Kumar Saxena v. State of Madhya Pradesh*, (Criminal Appeal No. 1403/2012), Section 7A of the Act and Rule 12 were examined and elucidated and it has been observed:37. We have come across several cases in which trial courts

have examined a large number of witnesses on either side including the conduct of ossification test and calling for odontology report, even in cases, where matriculation or equivalent certificate, the date of birth certificate from the school last attended, the birth certificate given by a corporation or a municipal authority or a panchayat are made available. We have also come across cases where even the courts in the large number of cases express doubts over certificates produced and carry on detailed probe which is totally unwarranted.

38. XXXXX 39 XXXXX 40 We fail to see, after having summoned the admission register of the Higher Secondary School where the appellant had first studied and after having perused the same produced by the principal of school and having noticed the fact that the appellant was born on 24.10.1990, what prompted the Court not to accept that admission register produced by the principal of the school. The date of birth of the appellant was discernible from the school admission register. Entry made therein was not controverted or countered by the counsel appearing for the State or the private party, which is evident from the proceedings recorded on 11.02.2009 and which indicates that they had conceded that there was nothing to refute or rebut the factum of date of birth entered in the School Admission Register. We are of the view the above document produced by the principal of the school conclusively shows that the date of birth was 24.10.1990 hence section 12(3)(a)(i)(ii) has been fully satisfied.

41. XXXX 42 Legislature and the Rule making authority in their wisdom have in categorical terms explained how to proceed with the age determination inquiry. Further, Rule 12 has also fixed a time limited of thirty days to determine the age of the juvenility from the date of making the application for the said purpose. Further, it is also evident from the Rule that if the assessment of age could not be done, the benefit would go to the child or juvenile considering his/her age on lower side within the margin of one year.

15. In this decision, reference was made to Babloo Parsi v. State of Jharkhand and Another, (2008) 13 SCC 13 wherein it has been held that where an accused has failed to produce evidence/certificate in support of the claim, medical evidence can be called for. Medical evidence as to the age of the person, though a useful

factor, was not conclusive and has to be considered with other cogent factors. In the said case, the order of the High Court was set aside and the matter was remitted to the Chief Judicial Magistrate, heading the Board, to re-determine the age. Reference was also made to *Shah Nawaj v. State of Uttar Pradesh and Another*, (2011) 13 SCC 75, wherein, while examining the scope of Rule 12, it was stated that the date of birth entered in the mark sheet was valid evidence so also the school leaving certificate. It was reiterated and held that medical opinion should be only sought when the certificates under clause (a) to Rule 12(3) are not available.

16. Earlier by order dated 10th November, 2009, in Criminal Appeal No. 1193 of 2006, titled *Abuzar Hossain v. State of West Bengal*, two Judges of the Supreme Court, noticing discordance in the approach to matters on the question of juvenility, made reference to a larger Bench. The reference was decided on 10th October, 2012, where three Judges of the Supreme Court examined the provisions of the Act and the Rule 12-A. Reference was made to several earlier decisions and it has been held as under:<sup>25</sup> The amendment in 2000 Act by the Amendment Act, 2006, particularly, introduction of Section 7A and subsequent introduction of Rule 12 in the 2007 Rules, was sequel to the Constitution Bench decision of this Court in *Pratap Singh v. State of Jharkhand and Another* (2005) 3 SCC 551. In *Hari Ram v. State* (2009) 13 SCC 211, a two Judge Bench of this Court extensively considered the scheme of 2000 Act, as amended by 2006 Amendment Act. With regard to sub-rules (4) and (5) of Rule 12, this Court observed as follows :

27. Sub-rules (4) and (5) of Rule 12 are of special significance in that they provide that once the age of a juvenile or child in conflict with law is found to be less than 18 years on the date of offence on the basis of any proof specified in sub-rule (3) the court or the Board or as the case may be the Child Welfare Committee appointed under Chapter IV of the Act, has to pass a written order stating the age of the juvenile or stating the status of the juvenile, and no further inquiry is to be conducted by the court or Board after examining and obtaining any other documentary proof referred to in subrule (3) of Rule 12. Rule 12, therefore, indicates the procedure to be followed to give effect to the provisions of Section 7-A when a claim of juvenility is raised.

26. This Court observed that the scheme of the 2000 Act was to give children, who have, for some reason or the other, gone astray, to realize their mistakes, rehabilitate themselves and rebuild their lives and become useful citizens of the society, instead of degenerating into hardened criminals. In paragraph 59 of the Report, the Court held as under:

59. The law as now crystallised on a conjoint reading of Sections 2(k), 2(l), 7-A, 20 and 49 read with Rules 12 and 98, places beyond all doubt that all persons who were below the age of 18 years on the date of commission of the offence even prior to 1-4-2001, would be treated as juveniles, even if the claim of juvenility was raised after they had attained the age of 18 years on or before the date of commencement of the Act and were undergoing sentence upon being convicted.

27. The Court observed in Hari Ram that often parents of children, who come from rural backgrounds, are not aware of the actual date of birth of a child, but relate the same to some event which might have taken place simultaneously. In such a situation, the Board and the Courts will have to take recourse to the procedure laid down in Rule 12.

17. However, we may note in the said case the main and the principal issue was when and in what circumstances the court will initiate an inquiry when a claim or plea of juvenility is raised. It has been observed that prima facie there should be some reason and ground for initiation of inquiry and accordingly the legal position has been summarized as under:

36. Now, we summarise the position which is as under: (i) A claim of juvenility may be raised at any stage even after final disposal of the case. It may be raised for the first time before this Court as well after final disposal of the case. The delay in raising the claim of juvenility cannot be a ground for rejection of such claim. The claim of juvenility can be raised in appeal even if not pressed before the trial court and can be raised for the first time before this Court though not pressed before the trial court and in appeal court. (ii) For making a claim with regard to juvenility after conviction, the claimant must produce some material which may prima facie satisfy the court that an inquiry into the claim of juvenility is necessary. Initial burden has to be discharged by the person who claims juvenility. (iii) As to what materials

would prima facie satisfy the court and/or are sufficient for discharging the initial burden cannot be catalogued nor can it be laid down as to what weight should be given to a specific piece of evidence which may be sufficient to raise presumption of juvenility but the documents referred to in Rule 12(3)(a)(i) to (iii) shall definitely be sufficient for prima facie satisfaction of the court about the age of the delinquent necessitating further enquiry under Rule 12. The statement recorded under Section 313 of the Code is too tentative and may not by itself be sufficient ordinarily to justify or reject the claim of juvenility. The credibility and/or acceptability of the documents like the school leaving certificate or the voters list, etc. obtained after conviction would depend on the facts and circumstances of each case and no hard and fast rule can be prescribed that they must be prima facie accepted or rejected. In Akbar Sheikh and Pawan these documents were not found prima facie credible while in Jitendra Singh (2010) 13 SCC 52. the documents viz., school leaving certificate, marksheet and the medical report were treated sufficient for directing an inquiry and verification of the appellants age. If such documents prima facie inspire confidence of the court, the court may act upon such documents for the purposes of Section 7A and order an enquiry for determination of the age of the delinquent. (iv) An affidavit of the claimant or any of the parents or a sibling or a relative in support of the claim of juvenility raised for the first time in appeal or revision or before this Court during the pendency of the matter or after disposal of the case shall not be sufficient justifying an enquiry to determine the age of such person unless the circumstances of the case are so glaring that satisfy the judicial conscience of the court to order an enquiry into determination of age of the delinquent. (v) The court where the plea of juvenility is raised for the first time should always be guided by the objectives of the 2000 Act and be alive to the position that the beneficent and salutary provisions contained in 2000 Act are not defeated by hypertechnical approach and the persons who are entitled to get benefits of 2000 Act get such benefits. The courts should not be unnecessarily influenced by any general impression that in schools the parents/guardians understate the age of their wards by one or two years for future benefits or that age determination by medical examination is not very precise. The matter should be considered prima facie on the touchstone of preponderance of probability. (vi) Claim of juvenility lacking in credibility or frivolous claim of juvenility

or patently absurd or inherently improbable claim of juvenility must be rejected by the court at threshold whenever raised.

18. T.S. Thakur, J.

in his judgment has added and made observations on para 36(iv) quoted above, i.e., whether and why affidavits of relatives can be taken consideration for directing an inquiry.

19. In the present case, the appellant was examined by a Board of three doctors appointed by the Medical Superintendent, Deen Dayal Upadhyay Hospital. The report is dated 4th August, 2012. The appellant, it was observed, was a person of average built 5.2 inches in height in weighing 45 Kgs. His dental examination was conducted and it was opined that he was not less than 17 years of age but his upper age could not be decided or affirmed on the basis of dental examination. His skelton survey was done by way of X rays and it has been opined that the appellants bony age was between 22 to 25 years, as on the date of the report. We notice that as many as eight X rays have been taken before the said opinion has been given. Dr. Rakesh Kumar, CMO, DDU Hospital as DW-4 had produced the original report with the eight X rays. The examination was carried out by a Physician and a Radiologist. He has stated that the variation on the lower side was not possible as, while calculating the age, the margin of error has been taken into consideration. The report is also signed by Dr. Rakesh Kumar (DW-4) .

20. The offence in question was committed, as per the prosecution version, on 14th August, 2007. If we go by the medical opinion, the appellant on the said date could be between the age of 17 years to 20 years of age. Thus, the appellant could be a juvenile or less than 18 years of age, when the alleged offence was committed. In these circumstances, it will be appropriate to refer to the statements of CW-1, CW-2 and CW-3, quoted above. CW-1 and CW-2 have stated that they got married in the year 1991 and this appears to be correct, in view of the date of birth certificates of their children. CW-1s first child was born in the year 1992 and CW-2s second child was born in the year 1994. CW-1 and CW-2 have stated that, at the time of their marriage, the appellant was about 1 years old, i.e., the appellant would have been born in the year 198990. This also appears to be

correct as it has come on record from the statements of CW-1, CW-2 and CW-3 that they were five siblings and the appellant is the youngest. The age gap between the five children it appears was between 2 to 4 years. CW-1 and CW-2 were apparently married at a young age, as their children are fairly old. CW-1 has a child, 20 years old, and CW-2 has also a child, about 20 years, while the youngest daughter of CW-2 is about 10 years old. The age of CW-1 and CW-2 does not appear to be very old, though it is not possible to ascertain their exact age. CW3s statement corroborates and shows that CW-1 and CW-2 have stated true and correct facts as recollected by them. These statements when juxtaposed and co-related with the ossification test report is a strong indicator and proof that the appellant was a juvenile on the date of the offence. CRL.A. No. 460/2012 & Death Sentence Reference No. 1/ 2012 Medical Page 18 of 20 evidence and oral evidence endorse and authenticate the aforesaid finding.

21. In *Arnit Das v. State of Bihar*, (2000) 5 SCC 48, it has been held that while determining the age of an accused, for the purpose of finding/deciding whether he was a juvenile or not, a hyper-technical approach should not be adopted. If two views are possible, then the court should lean in favour of the holding that the accused is a juvenile. This principle should be applied in borderline cases. The decision in *Arnit Dass* case is prior to 2006 and has been overruled in *Pratap Singh v. State of Jharkhand*, (2005) 3 SCC 20, inter alia holding that the age of the accused, on the date of commission of the offence, is relevant and not the date when offender is produced in the court. However, as observed in *Ashwani Kumar Saxena (supra)*, the observations in *Arnit Das v. State of Bihar (supra)* on other aspect is a binding precedent.

22. In view of the aforesaid factual position, we accept the application and hold that the appellant was a juvenile, on the date of commission of offence. Accordingly, the conviction and sentence of the appellant is set aside. The appellant will be dealt with in accordance with the provisions of the Act. The proceedings are accordingly forwarded to the Juvenile Justice Board. In the present case, keeping in view the nature of offence and other allegations, we are not inclined to release the appellant on the sentence undergone. We may also note that the appellant has not accepted his conviction and is contesting the same.

In terms of the aforesaid order, the appeal and the reference are also disposed of.  
(SANJIV KHANNA) JUDGE ( S.P. GARG) JUDGE NOVEMBER 19 h, 2012 VKR

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