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2026:GUJHC:65754-DB

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL NO. 292 of 1998

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK
and
HONOURABLE MR.JUSTICE MOOL CHAND TYAGI

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Approved for Reporting	Yes	No
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STATE OF GUJARAT
Versus
KISHRBHAI POPATLAL VAGHELA & ORS.

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Appearance:
MS JYOTI BHATT APP for the Appellant(s) No. 1
HCLS COMMITTEE(4998) for the Opponent(s)/Respondent(s) No. 1,2,3,4
MR KAIVAN K PATEL(6338) for the Opponent(s)/Respondent(s) No. 1,2,3,4

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CORAM:**HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**
and
HONOURABLE MR.JUSTICE MOOL CHAND TYAGI

Date : 16/10/2026

ORAL JUDGMENT

(PER : HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK)

1. The appellant has preferred this appeal under Section 378(1)(3) of the Code of Criminal Procedure, 1973 against the judgment and

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order dated 09.01.1998 passed by the learned Additional Sessions Judge, Vadodara (hereinafter be referred to as "the trial Court") in Sessions Case No. 40 of 1994, whereby the trial Court has acquitted the original accused (respondents herein) from the offences punishable under Sections 302, 114 etc of the Indian Penal Code and under Section 135 of the Bombay Police Act.

2. Short facts of the prosecution case are that Shantaben Bhavarsinh Virsinh Sadhva along with her family were residing in the area of Sanjaynagar, Hanuman Maholla, Vadodara and the mother namely Premaben and brother namely Pappu @ Ramchandra (deceased) were residing behind the residence of the complainant. That on 10.06.1993 at about 9.15 p.m., complainant Shantaben, her mother and brother Ramchandra, after taking dinner, were siting on Ota outside the house and they were talking each other at that time accused No.1 and accused No.2 carrying iron pipe, accused No.3 carrying an Axe and accused No.4 carrying wooden log rushed to the house of Ramchandra and asked him that why he disturbed their sleep on account of quarrel and altercation in every day. Due to that accused No.3 inflicted an Axe blow on the head of Ramchandra because of that Ramchandra sustained serious injury on the head and due to the injury, there was profuse bleeding and thereafter, all the accused dragged the deceased at Sanjay Chowk situated almost 100 metres away from the house of the deceased where all the accused inflicted blows on the deceased haphazardly. At that time, the complainant was present and she rushed to the place of incident and tried to save her brother and, thereafter, the accused were run away from the place. The complainant along with her sister and sister-in-law i.e. wife of the deceased took Ramchandra to the Civil Hospital in rickshaw where he was admitted as an indoor patient and during the

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treatment the deceased was died. Hence, a complaint was lodged by the complainant before jurisdictional Police Station for the aforesaid offences. The police prepared panchnama of the scene of offence and after preparing the arrest panchnama, the accused came to be arrested. On completion of investigation, charge sheet was submitted into the Court of learned J.M.F.C.

2.1 The charge against the accused came to be framed by the trial Court for the aforesaid offences against the accused. On being explained it to them, the accused have denied having committed any offence. The accused pleaded not guilty to the charge and pleaded for trial and hence, the case was tried by the trial Court.

3. It appears from the records that to prove the case, the prosecution has examined as many as twelve witnesses and in addition to this, the prosecution has also produced the documentary evidence.

4. After closure of the evidence, the statements of the accused under section 313 of the Criminal Procedure Code, 1973 have been recorded wherein they denied of having committed any offence and have stated that they are innocent.

5. After hearing both sides and considering the evidence on records, the trial Court by impugned judgment and order has acquitted the accused from all the charges levelled against them.

6. Being aggrieved by and dissatisfied with the aforesaid judgment and order of acquittal the appellant has preferred this appeal.

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7. Heard Ms.Jyoti Bhatt, learned Additional Public Prosecutor for the appellant – State of Gujarat at length. It appears that though Mr.Kaivan Patel, learned counsel on behalf of the respondents, but he has chosen not to appear before the Court.

8. Ms.Bhatt, learned Additional Public Prosecutor appearing for the appellant – State of Gujarat has submitted the same facts which are narrated in the memo of appeal and has also submitted that the prosecution has examined witnesses and produced documentary evidence, despite this fact, the trial Court has not considered the same in its true and proper perspective in passing the judgment and order of acquittal. Learned Additional Public Prosecutor, while referring to the entire oral as well as documentary evidence, has assailed the impugned judgment and order and submitted that the trial Court has not taken into consideration the evidence connecting the accused to the alleged offence in its proper perspective and even the prosecution has been able to prove the charges levelled against the accused.

8.1 While referring to the evidence of the witnesses and the material collected against the accused, Ms.Bhatt, learned Additional Public Prosecutor has submitted that the prosecution has established the case against the accused by examining the witnesses, who have supported the case of the prosecution, however, the trial Court has discarded and disbelieved the evidence of these witnesses. She has submitted that the witnesses have fully supported the case of the prosecution, however, the trial Court has not appreciated the same and passed the judgment and order of acquittal which is illegal and unjust.

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8.2 Ms.Bhatt, learned Additional Public Prosecutor has submitted that it is settled legal position that the evidence of a single witness is sufficient for conviction if the same is reliable and trustworthy and in the present case, though the evidence of all the witnesses are reliable and trustworthy, without any cogent reason, the trial Court has disbelieved and discarded the evidence of the witnesses.

8.3 Ms.Bhatt, learned Additional Public Prosecutor has further submitted that the impugned judgment of acquittal is contrary to the evidence on record, based on erroneous appreciation of material evidence, and has resulted in a miscarriage of justice and the findings recorded by the trial Court are perverse and unsustainable in law, thereby calling for interference by this Court in the exercise of its appellate jurisdiction. She has also submitted that the trial Court has materially erred in holding that the prosecution has failed to prove its case beyond reasonable doubt and the findings recorded by the trial Court were therefore perverse, illegal, and contrary to the evidence on record.

8.4 According to Ms.Bhatt, learned Additional Public Prosecutor, the trial Court ought to have convicted the accused and ought to have imposed necessary sentence. Learned Additional Public Prosecutor has prayed to allow the present appeal and to quash and set aside the impugned judgment and order of acquittal.

9. Considering the aforesaid submissions and aspects, this Court is first required to examine the fact of the case. That, the complainant Shantaben Bhavarsinh Virsinh Sadhva along with her family were residing in the area of Sanjaynagar, Hanuman Maholla, Vadodara and the mother namely Premaben and brother namely Pappu @

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Ramchandra (deceased) were residing behind the residence of the complainant. That on 10.06.1993 at about 9.15 p.m., complainant Shantaben, her mother and brother Ramchandra, after taking dinner, were siting on Ota outside the house and they were talking each other at that time accused No.1 and accused No.2 carrying iron pipe, accused No.3 carrying an Axe and accused No.4 carrying wooden log were rushed to the house of Ramchandra and asked him that why he disturbed their sleep and because of their quarrel and altercation in high volume, disturbed their sleep. As a result, accused No.3 inflicted an Axe blow on the head of Ramchandra because of that Ramchandra sustained serious injury on the head and due to the injury, there was profuse bleeding and thereafter, all the accused dragged the deceased at Sanjay Chowk situated almost 100 metres away from the house of the deceased where all the accused inflicted blows on the deceased haphazardly. At that time, the complainant was present and she rushed to the place of incident and tried to save her brother and, thereafter, the accused were run away from the place. The complainant along with her sister and sister-in-law i.e. wife of the deceased took Ramchandra to the Civil Hospital in rickshaw where he was admitted as an indoor patient and during the treatment the deceased was died.

10. On perusal of the evidence of the complainant, Shantaben Bhavarsinh (P.W.1), it appears that she deposed that, after taking dinner, her brother and mother were sitting outside their house. Her brother was sitting on a cot, whereas her mother was sitting on the Ota (raised platform). They were discussing why the deceased was not earning and giving money to their mother. During the course of this discussion, they were speaking loudly, which annoyed the accused, who rushed towards the house. She further deposed that her

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brother and mother were residing behind her house, while her sister was also residing in the same vicinity. On hearing the shouts, the complainant came out of her house and saw that her mother and brother were quarreling with each other. At that time, the accused arrived with weapons in their hands, and accused No. 3 assaulted the deceased with an axe on his head. As a result of the injury, blood was oozing from the wound, and bloodstains were found on the Ota.

11. On perusal of the contents of the panchnama of the scene of the offence, it emerges that the incident did not take place at the location described by the complainant; rather, the place of occurrence appears to have been different. During the course of the preparation of the panchnama, bloodstains were found on the Ota of the deceased's house.

12. So far as the injuries described by the complainant are concerned, the same are not supported by the medical evidence. Except for three related witnesses, namely, the sister, the mother, and a neighbour, none of the witnesses supported the prosecution's case. In fact, material contradictions and omissions in the evidence of the said witnesses were duly proved through the testimony of the concerned Investigating Officer. Another significant aspect emerges from the evidence of the complainant, who stated that, at about 7:30 p.m., after taking dinner, her mother and brother were sitting outside their house on the Ota. However, from the evidence of Dr. Vaishaliben Niranjan Dave (P.W.11), who performed the post-mortem examination, it appears that the stomach and urethra of the deceased were completely empty, indicating that the deceased had not consumed any food or liquid for approximately five to six hours.

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13. If the timing stated by P.W.1 is considered, it is found to be inconsistent with the prosecution's case. Thus, there is a variance between the medical evidence and the ocular testimony of the witnesses. The doctor also opined that no injury was found on the head of the deceased that could have been caused by an axe. In other words, no axe-blow injury was found on the head of the deceased. The doctor attributed the cause of death to injuries involving the ribs and lungs. It further appears that the post-mortem examination was conducted on the following day, i.e., 11.06.1993, commencing at 10:00 a.m. and concluding at 11:30 a.m. Even if the period of five to six hours is taken into consideration, the timing of the incident as stated by the complainant does not correspond with the medical evidence. The discrepancy is further substantiated by the doctor's opinion that no injury was found on the head of the deceased that could have been caused by an axe. Therefore, the version put forward by P.W.1, P.W.2, and P.W.3, claiming to be eyewitnesses to the incident, does not inspire confidence. The manner in which the complainant described the incident is also not supported by the medical evidence. Consequently, their claim that the incident took place in their presence and in the manner alleged by them cannot be accepted without serious doubt.

14. It is further pertinent to note that, although the wife of the deceased accompanied the complainant when the deceased was taken to the hospital, the prosecution did not examine her as a witness. The circumstances emerging from the record and the evidence adduced before the Court indicate that the time of the incident narrated by the complainant, her mother, and her sister does not correspond with the post-mortem report or the evidence of the doctor. It also appears from the record that the place of occurrence

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was different from the place described by the complainant. Neither the wife of the deceased nor the independent witnesses associated with the panchnama supported the prosecution's version regarding the incident and the circumstances recorded therein. It is true that a panchnama may be proved through the testimony of police witnesses. However, the contents of the panchnama, when considered in the light of the evidence on record, do not establish beyond reasonable doubt the alleged recovery of the weapons or the arrest of the accused in the manner claimed by the prosecution. Therefore, upon a cumulative consideration of all the aforesaid circumstances, it emerges that the prosecution has failed to establish the genesis of the incident. On the contrary, the complainant admitted in her cross-examination that all the accused were friends of the deceased and that there had been no quarrel, exchange of blows, or altercation between them. Thus, in the absence of any established motive or other convincing circumstances, the version put forward by the three witnesses raises serious doubts and is not corroborated by the independent circumstances on record. In view of the discrepancies between the ocular testimony and the medical evidence, the trial Court rightly extended the benefit of doubt to the accused while passing the impugned judgment and order of acquittal.

15. So far as the appreciation of the evidence of the witnesses is concerned, it would be appropriate to narrate the law regarding the appreciation of ocular evidence. In the case of ***Balu Sudam Khalde v. State of Maharashtra*** reported in ***2023 SCC OnLine SC 355***, wherein the principles of appreciating the ocular evidence have been summarized. The same is reproduced hereinunder for ready reference:-

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APPRECIATION OF ORAL EVIDENCE

25. The appreciation of ocular evidence is a hard task. There is no fixed or straight-jacket formula for appreciation of the ocular evidence. The judicially evolved principles for appreciation of ocular evidence in a criminal case can be enumerated as under:

"I. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the Court to scrutinize the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief.

II. If the Court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of evidence given by the witness, the appellate court which had not this benefit will have to attach due weight to the appreciation of evidence by the trial court and unless there are reasons weighty and formidable it would not be proper to reject the evidence on the ground of minor variations or infirmities in the matter of trivial details.

III. When eye-witness is examined at length it is quite possible for him to make some discrepancies. But courts should bear in mind that it is only when discrepancies in the evidence of a witness are so incompatible with the credibility of his version that the court is justified in jettisoning his evidence.

IV. Minor discrepancies on trivial matters not touching the core of the case, hyper technical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error

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committed by the investigating officer not going to the root of the matter would not ordinarily permit rejection of the evidence as a whole.

V. Too serious a view to be adopted on mere variations falling in the narration of an incident (either as between the evidence of two witnesses or as between two statements of the same witness) is an unrealistic approach for judicial scrutiny.

VI. By and large a witness cannot be expected to possess a photographic memory and to recall the details of an incident. It is not as if a video tape is replayed on the mental screen.

VII. Ordinarily it so happens that a witness is overtaken by events. The witness could not have anticipated the occurrence which so often has an element of surprise. The mental faculties therefore cannot be expected to be attuned to absorb the details.

VIII. The powers of observation differ from person to person. What one may notice, another may not. An object or movement might emboss its image on one person's mind whereas it might go unnoticed on the part of another.

IX. By and large people cannot accurately recall a conversation and reproduce the very words used by them or heard by them. They can only recall the main purport of the conversation. It is unrealistic to expect a witness to be a human tape recorder.

X. In regard to exact time of an incident, or the time duration of an occurrence, usually, people make their estimates by guess work on the spur of the moment at the time of interrogation. And one cannot expect people to make very precise or reliable estimates in such matters. Again, it depends on the time-sense of individuals which varies from person to person.

XI. Ordinarily a witness cannot be expected to recall

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accurately the sequence of events which take place in rapid succession or in a short time span. A witness is liable to get confused, or mixed up when interrogated later on.

XII. A witness, though wholly truthful, is liable to be overawed by the court atmosphere and the piercing cross examination by counsel and out of nervousness mix up facts, get confused regarding sequence of events, or fill up details from imagination on the spur of the moment. The sub-conscious mind of the witness sometimes so operates on account of the fear of looking foolish or being disbelieved though the witness is giving a truthful and honest account of the occurrence witnessed by him.

XIII. A former statement though seemingly inconsistent with the evidence need not necessarily be sufficient to amount to contradiction. Unless the former statement has the potency to discredit the later statement, even if the later statement is at variance with the former to some extent it would not be helpful to contradict that witness."

[See ***Bharwada Bhoginbhai Hirjibhai v. State of Gujarat*** *1983 Cri LJ 1096 : (AIR 1983 SC 753)* ***Leela Ram v. State of Haryana*** *AIR 1995 SC 3717 and Tahsildar Singh v. State of UP (AIR 1959 SC 1012)].*

16. Although the testimony of interested witnesses may be relied upon, the quality of the evidence, rather than the number of witnesses, is of paramount importance. If the testimony of a witness is of sterling quality and is unimpeachable, the Court may certainly convict the accused on the basis of such evidence. However, even where the prosecution relies upon eyewitness testimony, if such testimony fails to inspire confidence or is affected by serious discrepancies and material inconsistencies, the Court may decline to rely upon it. It would be worthwhile to refer to the decision of the Hon'ble Supreme Court in the case of **Sharad Birdhichand Sarda**

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Vs. State of Maharashtra reported in **(1984) 4 SCC 116** wherein the Hon'ble Supreme Court has held and observed in paragraphs No.150, 151 and 153 as under:-

> *"150. The High Court has referred to some decisions of this Court and tried to apply the ratio of those cases to the present case which, as we shall show, are clearly distinguishable. The High Court was greatly impressed by the view taken by some Courts, including this Court, that a false defence or a false plea taken by an accused would be an additional link in the various chain of circumstantial evidence and seems to suggest that since the appellant had taken a false plea that would be conclusive, taken along with other circumstances, to prove the case. We might, however, mention at the outset that this is not what this Court has said. We shall elaborate this aspect of the matter a little later.*
>
> *151. It is well settled that the prosecution must stand or fall on its own legs and it cannot derive any strength from the weakness of the defence. This is trite law and no decision has taken a contrary view. What some cases have held is only this where various links in a chain are in themselves complete, then a false plea or a false defence may be called into aid only to lend assurance to the Court. In other words, before using the additional link it must be proved that all the links in the chain are complete and do not suffer from any infirmity. It is not the law that where there is any infirmity or lacuna in the prosecution case, the same could be cured or supplied by a false defence or a plea which is not accepted by a court.*
>
> *153. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established :*
>
> *(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.*
>
> *It may be noted here that this Court indicated that the circumstances concerned 'must or should' and not 'may be' established. There is not only a grammatical but a legal distinction between 'may be proved' and 'must be or should be proved' as was held by this Court in Shivaji Sahebrao Bobade V/s. State of Maharashtra, (1973) 2 SCC*

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> *793 where the following observations were made : [SCC para 19, p. 807 : SCC (Cri.) p. 1047]*
>
> *Certainly, it is a primary principle that the accused must be and not merely may be guilty before a Court can convict and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions.*
>
> *(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty.*
>
> *(3) the circumstances should be of a conclusive nature and tendency.*
>
> *(4) they should exclude every possible hypothesis except the one to be proved, and*
>
> *(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.*

17. It is well settled by catena of decisions that an Appellate Court has full power to review, re-appreciate and reconsider the evidence upon which the order of acquittal is founded. However, Appellate Court must bear in mind that in case of acquittal there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent Court of law. Secondly, the accused having secured his acquittal, the presumption of their innocence is further reinforced, reaffirmed and strengthened by the trial Court.

18. Further, if two reasonable conclusions are possible on the basis

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of the evidence on record, the Appellate Court should not disturb the finding of acquittal recorded by the trial Court. Further, while exercising the powers in appeal against the order of acquittal, the Court of appeal would not ordinarily interfere with the order of acquittal unless the approach of the lower Court is vitiated by some manifest illegality and the conclusion arrived at would not be arrived at by any reasonable person and, therefore, the decision is to be characterized as perverse. Merely because two views are possible, the Court of appeal would not take the view which would upset the judgment delivered by the Court below. However, the Appellate Court has a power to review the evidence if it is of the view that the conclusion arrived at by the Court below is perverse and the Court has committed a manifest error of law and ignored the material evidence on record. A duty is cast upon the Appellate Court, in such circumstances, to re-appreciate the evidence to arrive to a just decision on the basis of material placed on record to find out whether the accused are connected with the commission of the crime with which they are charged.

19. The scope and principles are enunciated by the Hon'ble Apex Court in case of ***Chandrappa and others Vs. State of Karnataka*** reported in ***(2007) 4 SCC 415***, more particularly ***paragraph Nos. 42 and 43***, which was subsequently re-affirmed by the Hon'ble Apex Court in the case of ***Rajesh Prasad Vs. State of Bihar and another***, reported in ***[2022] 3 SCC 471***, wherein, the Hon'ble Apex Court has enunciated the general principles in case of acquittal, more particularly in ***paragraph No. 26*** the general principles are set out by the Hon'ble Apex Court based upon various decisions of the Hon'ble Apex Court. Then in case of ***Babu Sahebagouda Rudragoudar Vs. State of Karnataka, reported in AIR 2024 SC***

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2252 = (2024) 8 SCC 149, the Hon'ble Apex Court has dealt with the similar issue, moreप्रे particularly, in ***paragraph Nos. 37 to 40.*** Hence, we are in complete agreement with the findings recorded by the trial Court.

20. It is also worthwhile to refer to the recent decision of the Hon'ble Supreme Court in the case of ***Ramesh vs. State of Karnataka, reported in [2024] 9 SCC 169***, wherein the Hon'ble Supreme Court has held and observed in paras-20 and 21 as under:-

> *"20. At this stage, it would be relevant to refer to the general principles culled out by this Court in Chandrappa and others vs. State of Karnataka , regarding the power of the appellate Court while dealing with an appeal against a judgment of acquittal. The principles read thus:*
>
> *"42. .... (1) An appellate court has full power to review, reappreciate and reconsider the evidence upon which the order of acquittal is founded.*
>
> *(2) The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate court on the evidence before it may reach its own conclusion, both on questions of fact and of law.*
>
> *(3) Various expressions, such as, "substantial and compelling reasons", "good and sufficient grounds", "very strong circumstances", "distorted conclusions", "glaring mistakes", etc. are not intended to curtail extensive powers of an appellate court in an appeal against acquittal. Such phraseologies are more in the nature of "flourishes of language" to emphasize the reluctance of an appellate court to interfere with acquittal than to curtail the power of the court to review the evidence and to come to its own conclusion.*प्रे
>
> *(4) An appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is*

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available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.

21. In Rajendra Prasad v. State of Bihar, a three-Judge Bench of this Court pointed out that it would be essential for the High Court, in an appeal against acquittal, to clearly indicate firm and weighty grounds from the record for discarding the reasons of the Trial Court in order to be able to reach a contrary conclusion of guilt of the accused. It was further observed that, in an appeal against acquittal, it would not be legally sufficient for the High Court to take a contrary view about the credibility of witnesses and it is absolutely imperative that the High Court convincingly finds it well-nigh impossible for the Trial Court to reject their testimony. This was identified as the quintessence of the jurisprudential aspect of criminal justice. Viewed in this light, the brusque approach of the High Court in dealing with the appeal, resulting in the conviction of Appellant Nos. 1 and 2, reversing the cogent and well-considered judgment of acquittal by the Trial Court giving them the benefit of doubt, cannot be sustained."

21. Considering the entire evidence on record, it clearly appears that there is no credible evidence to connect the present accused with the alleged crime and the evidence on record is not so convincing to prove beyond reasonable doubt that the accused has committed the alleged crime. Therefore, the accused cannot be convicted on the evidence on record.

22. On perusal of the impugned judgment and order, it clearly transpires that the trial Court has not committed any error of fact and law in appreciating the evidence on record and in acquitting the accused from the charges levelled against them. Even on re-

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appreciation of the evidence, it clearly transpires that the prosecution has miserably failed to prove the charge levelled against the accused beyond reasonable doubt. In view of the above, this Court is of the opinion that the trial Court has not committed any error of facts and law in passing the impugned judgment and order and there is no any illegality and infirmity found in the judgment and order. Therefore, the impugned judgment and order of the trial Court is sustainable in the eyes of law and the present appeal is liable to be dismissed.

23. In view of the above, the present appeal is devoid of merits and it deserves to be dismissed. Resultantly, it is dismissed. The impugned judgment and order of acquittal passed by the trial Court is hereby confirmed. Bail bond stands cancelled. Record and proceedings be sent back to the concerned Trial Court forthwith.

(HEMANT M. PRACHCHHAK,J)

(MOOL CHAND TYAGI, J)

V.R. PANCHAL

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