



2026:AHC-LKO:18442-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 962 of 1982

Avadh Narain And othersAppellant(s)

Versus

State of U.P.Respondent(s)

Counsel for Appellant (s) : Mridul Rakesh, Ishan Baghel,
Nishar Ahamad, Shiwa Kant Tiwari

Counsel for Respondent(s) : Govt. Advocate, D.K. Singh, K.K.
Singh

Court No. -10

**Reserved on 16.12.2025
Delivered on 13.03.2026**

A.F.R.

**HON'BLE RAJNISH KUMAR, J.
HON'BLE ZAFEER AHMAD, J.**

(Per : Rajnish Kumar, J.)

(1) The instant criminal appeal under Section 374 of the Code of Criminal Procedure, 1973 (here-in-after referred to as “*Cr.P.C.*”) has been filed by the accused/convicts/ appellants, Avadh Narain (Avadh Narain Singh), Balwant Singh, Mukundi Singh and Jangi *alias* Balram Singh, assailing the judgment and order dated 08.12.1982 passed by IV Additional Sessions Judge, Faizabad, in Sessions Trial No. 343 of 1979; *State*

Versus Avadh Narain and others, emanating from Case Crime No. 215 of 1978, under Sections 148 and 302/149 of the Indian Penal Code, 1860 (here-in-after referred to as “*I.P.C.*”), Police Station Kotwali Faizabad, District Faizabad (Now Ayodhya).

- (2) The prosecution case, in brief, is that complainant Ram Abhilakh, had submitted a written report (Ext. Ka.1) at Police Station Kotwali Faizabad, district Faizabad on 13.05.1978, at 07:48 P.M., alleging therein that at about 05:30 in the evening, his son Bhaskar had gone with his brother Prabhakar. At that time, he was at home in Niyawan. Bhaskar came and told him that when his brother (Prabhakar) was taking tea at Tarang, the accused Avadh Narain, who had taken the contract of the cycle stand at Tarang, started exchanging hot words with brother (Prabhakar) and the situation escalated to scuffle and altercation and some people intervened and separated them, but accused Avadh Narain was saying that he would see as to how he will go, therefore, you (complainant) immediately go to Tarang. He immediately proceeded and at about 6:15 p.m., when he reached on the eastern corner of the house of Ram Singh, he saw that Avadh Narain, Balwant, Mukundi, Munna, Jangi and two other persons, who could be identified by him on seeing them, were assaulting Prabhakar with knives. When Ram Anjor reached there to rescue him, they (accused persons) stabbed him also with knives and knocked him down. Witnesses

Mansharam of Badai Ka Purwa, Ram Chandra son of Ishwar of Haripur, Dev Narayan son of Hausila resident of Dugwa and Ram Chandra son of Nand Kishore resident of Mauja Pure Chandka and many people on Lucknow–Ayodhya Road saw the incident. On the alarm raised by the witnesses, the accused persons fled away leaving them there. The occurrence took place on the southern pavement, where they are lying dead. The accused persons belong to a gang. Report may be written and necessary action be taken.

- (3) On the basis of the aforesaid written report, F.I.R., bearing Case Crime No. 215 of 1978, under Sections 147, 148, 149, 302 I.P.C. was registered at Police Station Kotwali district Faizabad against Avadh Narain, Balwant, Mukundi, Munna, Jangi and two unknown persons on 13.05.1978 at 07:48 P.M.
- (4) The investigation of the case was entrusted to S.I. Rana Pratap Singh. He, along with police personnel Ambika Prasad Shukla, S.I. Lal Bahadur Singh and complainant, reached the place of occurrence at about 08:30 p.m. and found the dead bodies of Prabhakar and Ram Anjor at the spot. Thereafter, on his direction, S.I. Ram Lakhan Ojha conducted the inquest proceedings and prepared the inquest report, photo lash, challan lash, sample seal of the dead bodies, letter to C.M.O. and other papers. Thereafter, S.I. Rana Pratap Singh prepared site plan and also collected blood stained soil and plain soil from the

place of occurrence in two separate containers and prepared under recovery memos. A piece of the shirt, which was lying near the dead body of Prabhakar, was also taken into custody and prepared a recovery memo.

- (5) The post-mortem of the dead bodies of the deceased Prabhakar and Ram Anjor were conducted by Dr. R.P. Mishra, Senior Surgeon, District Hospital, Faizabad on 14.05.1978 at 11:00 A.M. and 01:00 P.M., respectively. He found the following ante-mortem injuries on the dead bodies of deceased Prabhakar and Ram Anjor :-

“Ante-mortem injuries on the dead body of deceased Prabhakar :-

- (1) Lacerated wound with irregular skin margins 4x2 cm x bone back top of head 13 cm above Lt. ear.
- (2) Lacerated wound 4 x1 cm x bone closely below injury No (1)
- (3) Lacerated wound 1 ½ x ½ x bone – 6 cm behind Lt. Ear.
- (4) Lacerated wound. 3 x 1 cm x bone closely ½ cm below injury no (3)
- (5) Incised horizontal wound. 2 x 1 cm x 5 cm – 2 cm below left ear with tailing by 2 cm on cheek side.
- (6) Incised wound 3 x 1 cm x bone Transversely Lt. lower jaw 6 cm from angle of jaw.
- (7) Incised Transverse wound 2 x ½ cm x bone front of chin in middle.
- (8) Two Incised wound each 1 x ½ x bone – 1 cm behind upper part Rt. Ear.
- (9) Incised S shaped wound 11 x 1/10 x muscle upper front of neck.
- (10) Oblique punctured wound with clean cut skin margin 7 x 2 cm x chest cavity with tailing on outer side by 8 cm – 3 ½ cm inner & below the left nipple

(11) Punctured Oblique wound 1 x ½ x chest cavity 1 cm above outer part of injury no. 10 with tailing by 15 cm on outer side .

(12) Punctured wound 1 x 1 cm x chest cavity 3 cm below inner Lt. Collar bone with 2 cm tailing downwards.

(13) Punctured wound 2 ½ x 1 cm x chest cavity - 3 cm below injury no. (10)

(14) Punctured wound 1 x ½ x chest cavity – 6 cm behind injury no. (13)

(15) Incised wound 3 x 1 cm x bone vertically middle back of Lt. wrist jt.

(16) Incised wound 2 x 1 cm x bone outer Rt. arm vertically 7 cm below the shoulder joint.

(17) Punctured wd. (wound) 3 x ½ cm x chest cavity obliqually 10 cm behind Rt. nipple over middle chest wall.

(18) Punctured wd. (wound) 2 cm x 1 cm x Abd (Abdomen) cavity – 5 cm above Rt. anterior Superior iliac spine (Abdomen) with of wound by 3 cm x 1 cm inner side .

(19) Punctured horizontal wound 1 ½ cm x 1 cm x chest cavity 3 cm below lower ankle scapular on the back.

(20) Punctured oblique wound 1 ½ cm bone inner margin Rt. scapula on back.

(21) Two Punctured wounds ¼ cm apart Illegible 1 x 1 cm x bone – 9 cm to Rt of injury no (19)

(22) Punctured oblique wound 2 x 1 cm x chest cavity – 3 1/2 cm to Rt. of injury no. (21) with downward tailing by 9 cm.

(23) Incised oblique wound. 3 ½ x ½ cm x bone inner middle Rt. Illegible toe.

Ante-mortem injuries on the dead body of deceased Ram Anjor :-

(1) Lacerated oblique wd. (wound) 3 cm x 1 cm bone 8 cm above Rt. ear .

(2) Lacerated wound 1 x ½ cm x bone behind Lt. ear.

(3) Lacerated wound with multiple torn soft tissue & cartilage pieces 2 ½ x 2 x full thickness lower Lt. ear.

(4) Oblique Punctured wound 3 ½ x 1 cm x chest cavity 7 cm below & inner Rt. nipple over costal margin.

(5) Punctured wound with clean cut skin margin transversely 4 x 3 cm x abdomen cavity 1 ½ cm above & to left of umbilicus with loops of interior protandie out.

(6) Punctured wound 2 x 1 cm x bone – 3 cm above left elbow joint outer part with 2 ½ cm downward tailing.

(7) Horizontal punctured wound $1\frac{1}{2} \times \frac{1}{2}$ cm x cavity 9 cm above Rt. iliac crest on the back.

(8) Four vertical punctured wounds in area 5×4 cm over inner aspect Lt. shoulder blade largest wound by $2 \text{ cm} \times 1 \text{ cm}$ x cavity & smallest $\frac{1}{2} \text{ cm} \times \frac{1}{4} \text{ cm}$ x cavity.

(9) Six vertical punctured wounds each $2 \times 1 \text{ cm}$ x cavity in area $10 \times 8 \text{ cm}$ between shoulder blade upper back.

(10) Vertical punctured wounds $2\frac{1}{2} \times 1 \text{ cm}$ x cavity Rt. middle back close to spinal column with 1 cm downward tailing.

(11) Abrasion $2 \times 1 \text{ cm}$ x skin back of Rt. elbow

As per the opinion of autopsy doctor, Dr. R.P. Mishra (P.W.5), who was a surgeon, the cause of death of both the deceased were due to shock and haemorrhage as a result of injuries noted above.

- (6) The Investigating Officer S.I. Rana Pratap Singh (P.W.10) had arrested accused Balram on 17.05.1978 at Kachari, Faizabad and accused Avadh Narain, Balwant, Mukundi and Munna surrendered in the Court of C.J.M., Lucknow on 26.05.1978, which has been endorsed in Parcha No. 6 dated 26.08.1978 by S.I. Rana Pratap Singh. Accused Avadh Narain, Balwant Singh and Mukundi applied for identification from the District Jail, Faizabad from the witnesses Mansa Ram, Ram Chandra son of Ishwar, Deo Narain, Ram Chandra son of Nand Kishor, however, the said application was rejected on 31.05.1978 with the observations that the Investigating Officer was not inclined to get the identification of the accused done from the named witnesses. Thereafter, S.I. Rana Pratap Singh was transferred and further investigation was conducted by S.I. Durga Prasad

Rai (P.W.8), who, after due investigation, submitted charge-sheet against accused Awadh Narain, Balwant, Mukundi and Jangi alias Balram Singh under Sections 147, 148, 149 and 302 I.P.C. on 20.07.1978.

- (7) Learned Chief Judicial Magistrate took cognizance on the aforesaid charge-sheet and committed the case to the Court of Sessions by means of order dated 15.11.1979, where the case was registered as Sessions Trial No. 343 of 1979 : *State Vs. Awadh Narain and others*. The learned Sessions Judge, Faizabad, by means of the order dated 06.03.1981, framed charges against accused Awadh Narain, Balwant Singh, Mukundi, Jangi alias Balram, under Sections 148 and 302 read with section 149 I.P.C. All aforesaid four accused persons denied their charges and claimed to be tried.
- (8) In order to prove its case, the prosecution examined eleven witnesses, which are as under :-

P.W.1 Ram Abhilakh	Complainant/father of deceased Prabhakar
P.W.2 Dev Narain Pandey	Brother of deceased Ram Anjor Pandey
P.W.3 Mansa Ram	Eye witness
P.W.4 Ram Chandra	Eye witness
P.W.5 R.P. Mishra	Conducted post-mortem of the deceased Prabhakar and Ram Anjor Pandey
P.W.6 SI Ram Lakhan Ojha	Prepared <i>panchayatnama</i> , photo lash, challan lash, letter to C.M.O.
P.W.7 HC Chandrabha Mishra	Prepared chik F.I.R. on the basis of written report submitted by the complainant
P.W.8 S.I. Durga Prasad Rai	2 nd Investigating Officer, who filed charge-sheet

P.W.9 Bhaskar	Brother of deceased Prabhakar
P.W.10 S.I. Rana Pratap Singh	1 st Investigating Officer
P.W.11 C.P. Sahabdeen	Proved that <i>panachayatnama</i> of the dead bodies of the deceased were done by P.W.6 and the bodies were given in his and Constable Usman's custody and they kept them secured till it were handed over to the doctor

(9) Apart from aforesaid witnesses, the prosecution produced material exhibits recovered during investigation and relevant documents have also been placed on record and proved by the prosecution, which are as under :-

Ext. Ka.1	Written Report
Ext. Ka.2	Post-mortem Report of the deceased Prabhakar Dubey
Ext. Ka. 3	Post-mortem Report of the deceased Ram Anjor Pandey
Ext. Ka.4	Inquest Report of Prabhakar Dubey
Ext. Ka.5	Photo Lash of Prabhakar Dubey
Ex. Ka. 6	Challan lash of Prabhakar Dubey
Ext. Ka.7	Letter to C.M.O. for Prabhakar Dubey
Ext. Ka.8	Inquest Report of Ram Anjor Pandey
Ext. Ka.9	Photo Lash of Ram Anjor Pandey
Ext. Ka10	Challan lash of Ram Anjor Pandey
Ext. Ka. 11	Letter to C.M.O. for Ram Anjor Pandey
Ext. Ka.12	Carbon copy of chik F.I.R.
Ext. Ka. 13	Report No. 34
Ext. Ka.14	Charge-sheet
Ext. Ka.15	Site plan
Ext. Ka.16	Recovery Memo of blood stained soil and plain soil from the place where deceased Ram Anjor died
Ext. Ka. 17	Recovery Memo of blood stained soil and plain soil from the place where deceased Prabhakar died
Ext. Ka.18	Recovery Memo of piece of cloth of shirt recovered near the dead body of Prabhakar
Ext. Ka.19	Recovery Memo of things recovered from the possession of deceased Prabhakar
Ext. K.20	Recovery Memo of things recovered from the possession of deceased Ram Anjor

(10) After completion of the evidence of the prosecution witnesses, the statement of the accused persons were recorded under Section 313 of Cr.P.C., wherein they denied the occurrence and shown ignorance to many things placed from evidence. The Accused/appellant no.3-Mukundi Singh has stated that it is correct that Avadh Narayan and Balwant are real brothers; Pradeep alias Munna is the nephew of Avadh Narain etc. and he is the real brother-in-law of Avadh Narain, hence accused persons are related to each other and are associates of one another. He further stated that he is residing in Banaras and occasionally come there and on account of enmity with Avadh Narain, he has falsely been implicated in the case, but he has not stated that he was not in the town on the date and time of incident. The accused/appellant no.1 Avadh Narain Singh has stated that long before this incident, Ram Abhilakh Dubey wanted to take contract of the bicycle stand at Tarang Talkies, which Ram Abhilakh Dubey did not get and he got the same. In that connection, some exchange of words took place between him and Ram Abhilakh, therefore, Ram Abhilakh bore a grudge against them, therefore, enmity and motive could not be disputed. He further stated that it is wrong to say that Sardar Mohan Singh was annoyed with him. It is also incorrect to say that he wanted to give the contract to Prabhakar. He further stated that on the alleged date of the incident, neither Sardar Mohan Singh had come there nor any talk had taken place

regarding the contract, but no evidence in this regard has been adduced. He further stated that Prabhakar and Ram were influential and domineering persons. About fifty criminal and dacoity cases were pending against them and they had many enemies, but it cannot be a ground of false implication, if the evidence is otherwise. During the night, some persons killed them. Ram Abhilakh has falsely implicated him, family members, and relatives. Except for Ram Abhilakh, the other witnesses did not know or recognize him or accused persons. He further stated that the accused persons had applied for identification proceedings, but no identification proceedings were conducted. The accused/ appellant no.4 Balwant Singh has stated that he is the brother of Avadh Narain Singh and is residing in Banaras and occasionally comes there, but he has not disputed that he was not in town on the date and time of incident. He further stated that enmity persisted between Avadh Narain and Ram Abhilakh, therefore, he has been falsely implicated.

- (11) In defence, five witnesses have been produced, who are as under :-

D.W.1 Ram Kripal Verma	Advocate of Sales Tax and Income Tax
D.W.2 Avinash Kumar Srivastava	Photographer of Inquest
D.W.3 Ram Baran Chaturvedi	Assistant Jailor, District Jail, Faizabad
D.W.4 Kanhaiya Lal Srivastava	Peshkar/Reader of C.J.M., Faizabad
D.W.5 Dr. K.C. Kapoor	CMO (MS)

(12) In defence, the photographs of the dead bodies of deceased Prabhakar and Ram Anjor were produced and marked as Ext. Kha-1 to Kha-18, which have been proved by D.W.2-Avinash Kumar Srivastava.

(13) After hearing the learned Counsel for the parties and considering the evidence and material on record, the learned trial Court convicted and sentenced the accused Avadh Narain, Mukundi Singh, Balwant Singh and Jungi alias Balram Singh by means of the impugned judgment and order dated 18.12.2004 as under :-

1. Under Section 302 read with Section 149 I.P.C. to undergo life imprisonment and a fine of Rs.2000/- each. In default of payment of fine to undergo six months' R.I. each under Section 302 I.P.C.; and
2. Under Section 148 I.P.C. to undergo 12 months' R.I.

The learned trial Court further directed that both the aforesaid sentences shall run concurrently.

(14) Feeling aggrieved, convicts/appellants, Avadh Narain (Avadh Narain Singh), Balwant Singh, Mukundi Singh and Jangi alias Balram Singh, have preferred the instant appeal.

(15) It is pertinent to note that during pendency of the appeal, appellant no.1-Avadh Narain (Avadh Narain Singh), appellant no.2-Balwant Singh and, appellant no.4-Jangi alias Balram

Singh died, hence present appeal filed on their behalf abated by means of orders dated 18.11.2022 and 16.05.2023 respectively. Hence, the present appeal survives only on behalf of appellant no.3-Mukundi Singh.

- (16) Heard, Shri I.B. Singh, learned Senior Advocate assisted by Shri Sajeet Kumar Singh holding brief of Shri Ishan Baghel, learned Counsel for the appellants and Shri Pavan Kumar Mishra, learned A.G.A. for the State.
- (17) Learned counsel for the appellants submitted that the impugned judgment and order has been passed without considering the evidence and material on record appropriately. He further submitted that the final report filed against one of the named accused Munna, as he was not on spot, itself falsifies the prosecution story. He further submitted that none of the witnesses including the complainant shown in the F.I.R., who were present on the spot interfered in the alleged occurrence and tried to save the deceased persons. It has also been submitted that as per prosecution story, the deceased Prabhakar had gone for a contract of cycle stand at the Tarang Talkies but no evidence has been adduced to show that it was being given on the said date. It has also been submitted that there are five witnesses of fact but all the witnesses are interested witnesses because they are either father or the brother of the deceased or known to them and no independent witness from public has

been produced. It has also been submitted that the first information report is ante time and ante date because crime no.214 has been mentioned on the papers prepared on the date of occurrence in place of crime no.215 and it has been mentioned after overwriting. It has also been submitted that the defence witnesses have falsified the prosecution story and the involvement of the appellants in the occurrence.

- (18) It has also been submitted by learned Counsel for the appellant that the appellants had also moved an application for identification but the same was rejected by the learned Trial Court on an objection raised by the State, which is in violation of Section 114 illustration (g) of the Indian Evidence Act, 1872. It has also been submitted that the motive of the crime could not be proved and the deceased had criminal history, whereas the appellants had no criminal history. It has also been submitted that the medical evidence has also not corroborated the prosecution story. It has also been submitted that the photographs of the deceased persons raised doubt about the incident and the photographer appeared in defence and stated that he was called for photography of the deceased persons as they were not recognized. It has also been submitted that the copy of the F.I.R. was not forwarded to the concerned Magistrate, which is in violation of Section 157 of Cr.P.C. Thus, it has been submitted that the prosecution has failed to prove

the case beyond reasonable doubt but the learned Trial Court has convicted and sentenced the appellants without considering it. The impugned judgment and order is not sustainable in the eyes of law and is liable to be set aside and the appeal is liable to be allowed and the appellants are liable to be acquitted.

(19) Learned A.G.A. vehemently opposed the submissions of learned counsel for the appellants. He submitted that the contention of learned counsel for the appellants in regard to the ante time and date of the F.I.R. is wrong and misconceived and merely because there is some cutting in some documents prepared during investigation and crime number has been left to be mentioned in certain documents, it cannot be said that the F.I.R. was ante time and ante date. It has also been submitted that the motive of crime has been proved, which can be inferred from the answers given by the appellants in their statements under Section 313 Cr.P.C. It has also been submitted that in any case the incident is admitted and it has also been admitted that about seven persons were assaulting the deceased persons, on account of which, they died on the spot and thereafter they ran away, therefore, merely on account of some difference in time shown by the prosecution and the defence witnesses, the prosecution case cannot be disbelieved on this ground alone. It has also been submitted that the evidence of the photographer, who appeared as defence witness, is not reliable as he could not

tell the correct facts, however, the D.W.-2 i.e. the Photographer has not disputed that two persons had died and he had taken the photographs of the deceased persons. It has also been submitted that the prosecution has proved its case beyond reasonable doubt and the post mortem report is also supporting the case of the prosecution.

- (20) Learned A.G.A. also submitted that the doubt tried to be created by producing the Chief Medical Officer in defence as D.W.-5 on the opinion of doctor of autopsy is misconceived and not tenable for the reason that post mortem was done by a Surgeon, who was M.S. and D.W.-5 was only M.D., therefore, the evidence of surgeon in regard to the injuries sustained in the incident is reliable and can not be doubted on the evidence of the doctor, who was M.D. It has also been submitted that the doctor (P.W.5), who had conducted the post mortem, has proved the post mortem report as well as the injuries of the deceased persons and proved the date and time of injuries as well as the weapon used or reasons, which may have caused the injuries, which is in consonance with the ocular evidence account of the prosecution witnesses. Thus, learned A.G.A. submitted that the impugned judgment and order has rightly been passed in accordance with law after considering the evidence and material on record by a reasoned and speaking order, which does not suffer from any illegality or error, on account of which, it may

be said that the same is liable to be interfered by this Court. Thus, the appeal has been filed on misconceived and baseless grounds, which is liable to be dismissed upholding the conviction and confirming the sentence of the appellants.

- (21) We have considered the submissions of learned counsel for the parties and perused the records.
- (22) The genesis of the prosecution case is the written report dated 13.05.1978 of the incident, which was submitted by the complainant, Ram Abhilakh Dubey, who appeared as P.W.-1. He is father of one of the deceased, Prabhakar. On the basis of written report, the F.I.R. was lodged on the same day at 07:48 PM. An argument was raised that F.I.R. was ante time and ante date. The perusal of record indicates that the F.I.R. was lodged at Police Station Kotwali, District Faizabad at 07:48 PM on 13.05.1978 of the incident, which occurred at about 06:15 PM on the same day. The inquest report of the deceased Prabhakar and Ram Anjor were prepared on the same day at 08:40 P.M. and 09:30 P.M., respectively. P.W.-1, the complainant has stated that about 3 years and 10½ months ago, at about 05:00 in the evening, his son Prabhakar and his brother Bhaskar had went out from their house at Niyawan. They had gone to meet at Tarang Talkies. It was told by them that they are going to take contract of Cycle and Book Stand. At about 05:30 P.M., his

younger son Bhaskar came back and told him that Prabhakar was having a hot talk with accused Avadh Narain near Tarang Talkies and the situation of scuffle had come. On account of intervention, no altercation took place and while leaving, the accused persons said, *“Let us see by which route he would go back home”*. Bhaskar further informed that Prabhakar is staying at Tarang and having tea. On hearing this, he (P.W.1) immediately proceeded to see Prabhakar and as soon as he reached in the east of the place of incident and then he stated that in the North-West near the house of Ram Singh about 40-50 steps, he saw that Avadh Narain, Balwant, Mukundi, Munna alias Pradeep, Jangi and two other persons, whose name he did not know, were assaulting Prabhakar with knives in their hands. Upon seeing the same, he shouted and tried to move forward. Ram Anjor, hearing the voice, reached near Prabhakar, then, they assaulted him also. Apart from him, Dev Narain, Ram Chandra Dubey, Mansa Ram, Ram Chandra Pandey etc. also reached there and exhorted them, but the accused persons did not stop assaulting them. After sustaining injuries, both of them (Prabhakar and Ram Anjor) fell down at the spot. Even after they had fallen, the accused persons continued to assault them, saying that they would not remain capable of taking the contract. They kept beating them until the deceased persons kept quite and after that thinking them to be dead, they fled towards their home. He further stated that accused Mukundi,

Balwant are present in Court, while accused Jangi and Avadh Narain are not present in Court. Jangi, who is an accused in the instant case, is different from Jangi present in Court and Jangi present in Court was not involved in this incident. P.W.1 has further stated that after the accused persons ran away from the spot, he found that the deceased Ram Anjor and Prabhakar had died and blood was oozing from their injuries. He went from the place of incident to the Police Station Kotwali and on the way, wrote the report of the incident after purchasing paper in Chowk and submitted the said report at the Police Station, which is Ex. Ka-1. The Head Constable Chandrabhan Mishra appeared as P.W.-7 and stated that the written report (Ex. Ka-1) was given by the complainant, Ram Abhilakh Dubey, on the basis of which, Chik Report No.225 was written by him and the entry to this effect was made in the G.D. at Rapat No.34, which was proved by him. In the cross-examination, he stated that before the report of the incident in the instant case, F.I.R. vide Case Crime No.214, under Section 379 was registered at 07:45 PM in the evening. He denied the suggestion that the report of the instant case was not written at 07:48 PM and it was written on the other day. The first Investigating Officer, Sub Inspector Rana Pratap Singh appeared as P.W.-10 and stated that the F.I.R. was written on the basis of written report of Ram Abhilakh Dubey at 19:48 hours and he himself started investigation. He proceeded alongwith the complainant, S.I. Lal

Bahadur Singh and Ambika Prasad Shukla to the place of incident, where he found the dead bodies of Prabhakar and Ram Anjor. When he reached at the spot, it was 08:30 in the night. The inquest report of the deceased Prabhakar and Ram Anjor were prepared by the P.W.-6, Sub Inspector Ram Lakhan Ojha at 08:40 PM and 09:30 PM respectively and the dead body of deceased Prabhakar was given under the supurdagi to Sahabdeen 340 CP and Mohd. Usman 502 CP and the dead body of Ram Anjor was handed over to those police personnel at 10:30 PM. Constable Sahabdeen appeared as P.W.-11. He stated that the dead bodies of the deceased persons were handed over to him and Constable Mohd. Usman after preparation of inquest report and sealing of the dead bodies for post mortem and after receiving the documents in sealed envelope and sample of seal, reached to the Police Line at 11:30 in the night and kept the dead bodies under their supervision (निगरानी). He further stated that on the next day, they took the dead bodies to the Mortuary and handed over to the doctor *sahab* along with the papers. It is also deducible from the Ex. Ka-2 and Ex. Ka-3 that the dead bodies were received by the doctor at 09:00 AM. Thus, it cannot be said that the F.I.R. was not written at the date and time given in the F.I.R. and it is ante date and ante time merely on account of some cutting in the crime number in some papers or not mentioning the crime number in some papers.

(23) The incident had occurred at 06:15 PM on 13.05.1978, which has been proved by P.W.-1 i.e. Ram Abhilakh, the complainant, who was father of the deceased Prabhakar and P.W.-2 Dev Narain Pandey, who was brother of deceased, Ram Anjor. P.W.-3, Mansharam, who was going to watch movie in Tarag Talkies on the same date and time also proved the incident at about 06:15 PM on 13.05.1978. He also proved the presence of the accused persons at the place of occurrence, the manner of assault and the weapon of assault shown, which is in consonance with the evidence of P.W.-1 and the P.W.-2. The testimony of these witnesses is corroborated from the post mortem report and the opinion of doctor that the death of the deceased might have been caused on 13.05.1978 at about 06:15 PM. The evidence of S.I. Ramlakhan Ojha i.e. P.W.-6, who prepared the inquest, also supports the evidence of aforesaid witnesses and that the incident had taken place at 06:15 PM on 13.05.1978. The learned Trial Court after considering the above has also recorded a finding that this would lead to conclusion that the incident virtually took place at about 06:15 PM and the F.I.R. of the said incident was lodged at 07:48 PM on the same day i.e. 13.05.1978. Thus, the lodging of F.I.R. has been proved at the date and time given in the F.I.R.

(24) The learned Trial Court, after considering the aforesaid, on the basis of evidence and material on record, recorded a finding

that this would not in any way lead to the conclusion that the F.I.R. is ante time and ante date. It has also been recorded that the police personnel, to whom the dead bodies were entrusted for post mortem, would take some time to make the arrangements for transporting from one place to another. Thus, looking to the human factors and difficulties in making the arrangements and the aforesaid evidence, it cannot be said that the F.I.R. was ante time and ante date. This Court does not find any illegality or error in the finding record by learned trial Court.

- (25) It was also argued by learned counsel for the appellants that copy of F.I.R. was not sent to the Magistrate concerned, which also shows that the entire case was ante time, ante date and fabricated. It could not be disputed on the basis of material on record that the copy of F.I.R. was not forwarded to the Magistrate concerned. Section 157 Cr.P.C. provides that if, from information received or otherwise, an officer-in-charge of a police station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in

this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender(s). The provision cannot be said to be mandatory and it may be only directory in nature. It is for the reason that if the argument of learned Counsel for the appellant is accepted, failure on the part of police for one or the other reason, and the police is also required to proceed for investigation promptly so that the important evidence may not be manipulated or eroded, the victim may suffer. However, it does not mean that the police can violate the provision and if the question is raised then it would have to be explained and considered, looking to the facts and circumstances of the case as well as evidence and material on record.

- (26) The learned Trial Court has recorded a finding that failure or delay in sending the report to the Magistrate does not vitiate the trial and, taken singly, such a delay or failure may not be sufficient to lead to the conclusion that the investigation was tainted or unfair but when considered in conjunction with other infirmities or discrepancies, it may assume great importance and may cause suspicion about the purported time of its recording or even about its contents. It has further been recorded that no doubt the non-compliance of Sections 154 and 157 of the Code or that of the Rules does not constitute a

ground to throw away a prosecution case but it does emerge as a factor to be seriously reckoned with while appreciating the entire evidence and further recorded that non-compliance of the directory provisions of Section 157 of the Cr.P.C would not affect to the merits of the present circumstances and the evidence on record. This Court does not find any illegality or error in the findings recorded by the learned Trial Court.

- (27) The Hon'ble Supreme Court, in the case of **Jafel Biswas and Others Vs. State of West Bengal; (2019) 12 SCC 560**, has held that delay in sending the report itself cannot lead to a conclusion that the trial is vitiated or the accused is entitled to be acquitted.
- (28) One of the arguments raised by learned counsel for the appellants was that an application for identification from the witnesses, namely, Mansaram, Ram Chander S/o Ishwar, Deo Narain and Ram Chander S/o Nand Kishore was given by the appellants Awadh Narain (now deceased), Balwant (now deceased) and Mukundi on the ground that except complainant, none of the witnesses identify them and both the deceased are hard core criminals and gangsters and they have been killed by some unknown persons but the said application was rejected by the Chief Judicial Magistrate, Faizabad on 31.05.1978 on the ground that the Investigating Officer does not want

identification, which is in violation of Section 114 illustration (g) of the Indian Evidence Act, 1872. Section 114 of the Indian Evidence Act, 1872 provides that the Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case and illustration (g) provides that evidence which could be and is not produced would, if produced, be unfavorable to the person who withholds it.

- (29) A Division Bench of this Court, in the case of **Lajja Ram Vs. The State**; 1955 SCC OnLine All 322, relied by learned counsel for the appellants, after considering several judgments held that although the accused may have no right to claim identification, if the prosecution turns down his request for identification it runs the risk of the veracity of the eye-witnesses being challenged on that ground.
- (30) A Division Bench of Punjab and Haryana High Court, in the case of **Tek Chand and Others Vs. the State**; 1962 SCC OnLine Punj 333, has held that the accused in such cases cannot compel the prosecution to hold their identification during the investigation and there is no law or procedure under which the Magistrate could pass such an order. But if such a prayer is made by the accused and the prosecution opposes such

a request, by so doing it exposes the witnesses of identification to a genuine criticism that they would probably not be able to identify the offenders correctly if the parade was held. Under such circumstances, it is desirable that the identification parade of the culprits should be held if so desired by offenders. It has also been held that the substantive evidence of identification will only be in Court, and if the parade was held earlier during the investigation that could be used by way of corroboration.

(31) A three-Judge Bench of the Hon'ble Supreme Court, in the case of **Rajesh v. State of Haryana**; (2021) 1 SCC 118, had considered the purpose of conducting a Test Identification Parade (TIP), the source of the authority of the investigator to do so, the manner in which these proceedings should be conducted, the weight to be ascribed to identification in the course of a TIP and the circumstances in which an adverse inference can be drawn against the accused, who refuses to undergo the process and summarised the principles as under :-

“43.1 The purpose of conducting a TIP is that persons who claim to have seen the offender at the time of the occurrence identify them from amongst the other individuals without tutoring or aid from any source. An identification parade, in other words, tests the memory of the witnesses, in order for the prosecution to determine whether any or all of them can be cited as eyewitness to the crime.

43.2 There is no specific provision either in CrPC or the Evidence Act, 1872 (“the Evidence Act”) which lends statutory authority to an identification parade. Identification parades belong to the stage of the investigation of crime and there is no provision which compels the investigating agency to hold or confers a right on the accused to claim a TIP.

43.3 Identification parades are governed in that context by the provision of Section 162 CrPC.

43.4 A TIP should ordinarily be conducted soon after the arrest of the accused, so as to preclude a possibility of the accused being shown to the witnesses before it is held.

43.5 The identification of the accused in court constitutes substantive evidence.

43.6 Facts which establish the identity of the accused person are treated to be relevant under Section 9 of the Evidence Act.

43.7 A TIP may lend corroboration to the identification of the witness in court, if so required.

43.8 As a rule of prudence, the court would, generally speaking, look for corroboration of the witness' identification of the accused in court, in the form of earlier identification proceedings. The rule of prudence is subject to the exception when the court considers it safe to rely upon the evidence of a particular witness without such, or other corroboration.

43.9 Since a TIP does not constitute substantive evidence, the failure to hold it does not ipso facto make the evidence of identification inadmissible.

43.10 The weight that is attached to such identification is a matter to be determined by the court in the circumstances of that particular case.

43.11 Identification of the accused in a TIP or in court is not essential in every case where guilt is established on the basis of circumstances which lend assurance to the nature and the quality of the evidence.

43.12 The court of fact may, in the context and circumstances of each case, determine whether an adverse inference should be drawn against the accused for refusing to participate in a TIP. However, the court would look for corroborating material of a substantial nature before it enters a finding in regard to the guilt of the accused."

(32) The Hon'ble Supreme Court, in the case of **Ramanbhai Naranbhai Patel Versus State of Gujarat**; 2000 (1) SCC 358, has observed that it cannot be held that in the absence of a test identification parade, the evidence of an eyewitness identifying the accused would become inadmissible or totally useless; whether the evidence deserves any credence or not would always depend on the facts and circumstances of each case.

- (33) The aforesaid cases were also considered by Hon'ble Supreme Court in the case of **Mukesh Singh Versus State (NCT of Delhi); 2023 SCC OnLine SC 1061**, in which it has been observed by Hon'ble Supreme Court that the term 'identification' means proving that a person, subject or article before the Court is the very same that he or it is alleged, charged or reputed to be. Identification is almost always a matter of opinion or belief.
- (34) The Hon'ble the Supreme Court, in the case of **State Vs. V.C. Shukla; 1980 AIR 1382**, has held that the identification of the person by a witness for the first time in the Court, without being tested by a prior test identification parade, is valueless.
- (35) The test identification was sought from the witnesses, P.W.-3 Mansharam, P.W.-4 Ramchandra S/o Ishwar, P.W.-2 Dev Narain Pandey and Ramchandra S/o Nand Kishore. Out of these, P.W.-2 Dev Narain Pandey made it clear that he was student of Saket Degree College and there was also a contract of the cycle stand with accused Awadh Narain and he was taking assistance from the other accused at that cycle stand. This evidence could not be controverted by any cogent evidence by any record.
- (36) In view of above, the rejection of request for identification is to be considered in conjunction with the other ocular evidence and material on record and merely because the request for

identification has been rejected by the learned Magistrate on an objection raised by the prosecution, it cannot be a sole ground for holding that the trial is vitiated and the accused are liable to be acquitted. Even otherwise, the Test Identification Parade during investigation may have been only corroborative value.

(37) It is settled in law that it is for the prosecution to adduce the best possible evidence to prove the prosecution case and in case the prosecution finds that some evidence may for some or the other reason create any doubt and may be fatal for the prosecution case and not produce on this ground, a presumption of innocence can not be drawn on this ground. Thus, contention of learned counsel for the appellants in this regard is misconceived and not tenable.

(38) The learned Trial Court has also recorded a finding that even if the evidence of aforesaid witnesses is kept aside on the ground that Investigating Officer committed mistake in not getting the identification of the accused from these witnesses, in noway, the sole testimony of the complainant, Ram Abhilakh i.e. the P.W.-1, which is corroborated on material extent from the documents and record and the circumstances of the case and also from the inherent probabilities can be doubted, which cannot be said to be faulty in any manner. However, as

discussed above, their evidence cannot be brushed aside on this ground also, but it has to be examined with care and caution.

(39) Learned counsel for the appellants had also argued that no independent witness has been produced and only the relatives or the persons known to them have been produced in the evidence, who are the interested witnesses and their testimony is not reliable and the conviction could not have been made on their testimony. The contention of learned counsel for the appellants is misconceived and not tenable for the reason that the testimony of a witness cannot be discarded merely on the ground that he is relative of the deceased. The relative can also not be said to be an interested witness in each and every case and being relative, a witness cannot automatically render an interested witness or biased.

(40) The Hon'ble Supreme Court, in the case of **Dalip Singh and others Vs. State of Punjab**; AIR 1953 SC 364, has dealt about the veracity of the evidence of closed relatives. Paragraph-26 is extracted here-in-below :-

“26. We are unable to agree with the learned Judges of the High Court that the testimony of the two eyewitnesses requires corroboration. If the foundation for such an observation is based on the fact that the witnesses are women and that the fate of seven men hangs on their testimony, we know of no such rule. If it is grounded on the reason that they are closely related to the deceased we are unable to concur. This is a fallacy common to many criminal cases and one which another Bench of this court endeavoured to dispel in Rameshwar v. The State of Rajasthan: [1952] S.C.R. 377 at 390. We find, however, that it unfortunately still persists, if not in the judgments of the courts, at any rate in the arguments of counsel.”

(41) The Hon'ble Supreme Court, in the case of **Baban Shankar Daphal and others Vs. The State of Maharashtra; AIR 2025 SC 599**, also dealt with the interested or related witnesses. The relevant paragraphs-28 and 29 are extracted here-in-below :-

“28. In criminal cases, the credibility of witnesses, particularly those who are close relatives of the victim, is often scrutinized. However, being a relative does not automatically render a witness “interested” or biased. The term “interested” refers to witnesses who have a personal stake in the outcome, such as a desire for revenge or to falsely implicate the accused due to enmity or personal gain. A “related” witness, on the other hand, is someone who may be naturally present at the scene of the crime, and their testimony should not be dismissed simply because of their relationship to the victim. Courts must assess the reliability, consistency, and coherence of their statements rather than labelling them as untrustworthy.

29. The distinction between “interested” and “related” witnesses has been clarified in Dalip Singh v. State of Punjab; 1954 SCR 14, where this Court emphasized that a close relative is usually the last person to falsely implicate an innocent person. Therefore, in evaluating the evidence of a related witness, the court should focus on the consistency and credibility of their testimony. This approach ensures that the evidence is not discarded merely due to familial ties, but is instead assessed based on its inherent reliability and consistency with other evidence in the case. This position has been reiterated by this Court in:

i. Md. Rojali Ali v. The State of Assam Ministry of Home Affairs through secretary; (2019) 19 SCC 567

ii. Ganapathi v State of T.N.; (2018) 5 SCC 549

iii. Jayabalan v Union Territory of Pondicherry; (2010) 1 SCC 199”

(42) The Hon'ble Supreme Court, in the case of **Nanje Gowda Vs. State of Karnataka by Arkalgud Police; 2017 CRIL.J. 2830**, has held that there is no absolute rule that the evidence of related witnesses has to be corroborated by the evidence of independent witnesses, it would be trite in law to have independent witnesses when the evidence of related eye-witnesses is found to be incredible and not trustworthy. The

relevant paragraphs 25 and 25-A are extracted herein-in-
below :-

“25. It is to be noted that all the eyewitnesses were relatives and the prosecution failed to adduce reliable evidence of independent witnesses for the incident which took place on a public road in the broad day light. Although there is no absolute rule that the evidence of related witnesses has to be corroborated by the evidence of independent witnesses, it would be trite in law to have independent witnesses when the evidence of related eyewitnesses is found to be incredible and not trustworthy. The minor variations and contradictions in the evidence of eyewitnesses will not tilt the benefit of doubt in favor of the accused but when the contradictions in the evidence of prosecution witnesses proves to be fatal to the prosecution case then those contradictions go to the root of the matter and in such cases accused gets the benefit of doubt.

25A. It is the duty of the Court to consider the trustworthiness of evidence on record. As said by Bentham, “witnesses are the eyes and ears of justice”. In the facts on hand, we feel that the evidence of these witnesses is filled with discrepancies, contradictions and Page 21 21 improbable versions which draws us to the irresistible conclusion that the evidence of these witnesses cannot be a basis to convict the accused.”

(43) The Hon'ble Supreme Court, in the case of **Ravasaheb Vs. State of Karnataka; MANU/SC/0248/2023**, has narrated some of the principles essential for the consideration in regard to testimony of close relatives. The Hon'ble Supreme Court observed that the witness being a close relative is not a ground enough to reject his testimony and mechanical rejection of an even "partisan" or "interested" witness may lead to failure of justice. The relevant paragraph No.17.4 is extracted here-in-below:-

“17.4 - A witness being a close relative is not a ground enough to reject his testimony. Mechanical rejection of an even “partisan” or “interested” witness may lead to failure of justice. The principle of “falsus in uno, falsus in omnibus” is not one of general application. ”

(44) Learned Counsel for the appellants have seriously questioned the prosecution case on the ground that the final report was filed against one of the named accused Munna on the ground that he was not present on the spot. However, perusal of the evidence and material on record, particularly the evidence of Investigating Officers, P.W.6-S.I. Ramlakhan Ojha and P.W.8-S.I. Durga Prasad Rai, it appears that the reasons for filing the final report against Munna have not been shown and no cross-examination has been made on it, therefore, the appellant is not entitled for any benefit on this ground. Thus, simply because of this, the prosecution's case cannot be brushed aside.

(45) One of the grounds raised by the learned counsel for the appellants was that the dead bodies of the deceased were found unattended, therefore, a photographer was called to take photographs of both bodies for record, with the intention to trace their whereabouts. However, the contention of the learned Counsel for the appellants is misconceived and not tenable. Merely because photographs were taken, it cannot be concluded that the dead bodies were of unknown persons. The photographer, in his testimony, confirmed that two persons had died at the place of occurrence. Nothing could be proved from his evidence beyond it because he could not answer suitably. Thus, the contention of learned Counsel for the appellants is misconceived and cannot be accepted.

(46) Adverting to the facts of the case, complainant-Ram Abhilakh appeared as P.W.1. He proved the incident and place of incident. The evidence of P.W.2-Dev Narain Pandey, P.W.3-Mansharam and P.W.4-Ramchandra, who are eye-witnesses, are in consonance with the evidence of P.W.1-Ram Abhilakh. P.W.9-Bhaskar, who is brother of deceased Prabhakar, has also supported the prosecution case. He stated that at about 05:30 in the evening, Prabhakar asked him to go for purchasing vegetables and in the meantime, he (Prabhakar) would talk to Mohan Singh regarding the contract. The incident had happened about four years ago. Both the brothers had gone to Talkies at 05:00 P.M., where his brother ordered for tea to stall keeper. In the meantime, a person came, to whom he did not know prior to it. His brother (Prabhakar) asked from that person as to whether Sardar Mohan Singh is inside. He told him that he (Sardar Mohan Singh) is sitting inside. The shop was outside the Talkies. His brother went inside to meet Mohan Singh and he remained there and started taking tea. When he had finished his tea, his brother came out from inside. As soon as his brother came out, accused Avadh Narain, Munna, Balwant and Mukundi also reached there. Balwant said that he had a share in the book stall and you (Prabhakar) took the book but did not pay money, on which his brother (Prabhakar) told that he always took books after payment of the same. Then, Balwant

said that if he (Prabhakar) was truly a man's son, he should take over the book stall, upon which his brother told that he would take both, the book stall and the cycle stand. On this, Avadh Narain said that if he wanted to take the cycle stand, he would have to take another birth. Then, they (accused persons) said, "*Let us see by which route you go back home*". After that, both sides began abusing each other and a fight was about to start. Some people present there intervened. Thereafter, he went home and told his father (P.W.1) that near Tarang Talkies, there had been a quarrel between his brother and the accused persons and they had threatened that they would see as to how he would return to home. His father told him to prepare food and he would go and see what the matter was. Saying this, his father left. He started preparing food. After some time, he heard talking two persons on the road that two persons had been brutally killed near Tarang Talkies. Then, he went to the place of occurrence and found that his brother and Ram Anjor Pandey were lying dead there.

- (47) During the cross-examination of P.W.9 Bhaskar, nothing could be extracted, which may create any doubt with regard to the veracity of his testimony. The defence attempted to question his presence in the town along with his father at the relevant time and also raised queries regarding the timing of taking food; however, such attempts did not succeed in discrediting his

testimony. P.W.9 has also proved the place of occurrence, which could not be disputed even by the defence witnesses.

(48) D.W.1-Ram Kripal Verma, who is Sales Tax and Income-Tax Advocate by profession, admitted the incident on 13.05.1978 at the place of occurrence as proved by the prosecution and also that 6-7 persons armed with lathi, ballam, farsa, were assaulting two persons. It has also been proved by the evidence of D.W.1 that the persons, who tried to intervene, were threatened by the accused persons and that accused persons ran away after killing the deceased persons.

(49) The only discrepancy sought to be highlighted by the defence is with regard to the time of the occurrence of incident. According to the prosecution case, the incident took place at about 06:15 P.M., whereas D.W.1 stated that it occurred at about 09:00 P.M. However, D.W.1 further stated that the police had arrived within fifteen minutes of the incident, whereas according to the prosecution case, the police reached the spot at about 08:30 P.M. He also did not dispute the fact that photographs of the dead bodies of the deceased persons were taken. Furthermore, he denied the suggestion that accused persons Avadh Narain, Balwant, Mukundi, Munna and Jangi, who were present in Court, were not the persons who had assaulted the deceased. During his cross-examination, D.W.1 admitted that he had

neither informed the police about the incident nor had he been interrogated by them. He further admitted that he had never previously stated that he had witnessed the occurrence. He also conceded that he did not possess a watch at that time and that the time stated by him was merely an approximation. He further stated that apart from him no one else was present in his office at that time. In response to another query, D.W.1 stated that he was not aware that if a person witnessing a cognizable offence, he is under a duty to inform the police and to depose before the Court. He further stated that when he reached the place of occurrence the police had already arrived, but subsequently changed his version by stating that while he was about to return the police had arrived. Such contradictory statements clearly render his testimony unreliable. Thus, although D.W.1 has admitted the occurrence and the place of incident, his testimony appears to have been an attempt to create doubt regarding the prosecution case. Consequently, his evidence cannot be said as wholly reliable, as, the evidence of eye-witness, Investigating Officers, inquest report and the post-mortem report have supported the prosecution case, looking to the ante-mortem injuries sustained by the deceased persons in an incident caused by 4-6 persons, who made repeated assault by knives.

- (50) The defence also attempted to create doubt through the testimony of D.W.5 Dr. K.C. Kapoor regarding the autopsy

report and the evidence of Dr. R.P. Mishra, who conducted the post-mortem examination of the deceased persons and appeared as P.W.5. However, this Court finds no reason to rely the testimony of D.W.5 over that of P.W.5, inasmuch as P.W.5 is a qualified Surgeon holding the degree of M.S., whereas D.W.5 is a Physician holding the degree of M.D. In matters concerning injuries and their nature, the opinion of a Surgeon would ordinarily carry greater evidentiary value than that of a Physician.

(51) Upon a careful consideration of the entire evidence on record and the circumstances of the case, this Court is of the considered view that the impugned judgment and order has rightly been passed by the learned trial Court in accordance with law after proper appreciation of the evidence and material available on record. No illegality, perversity or error has been pointed out, which may warrant interference by this Court in the exercise of its appellate jurisdiction.

(52) In view of the foregoing discussion, the instant appeal preferred on behalf of surviving appellant no.3, Mukundi Singh, is devoid of merit and is, accordingly, **dismissed**. The impugned judgment and order of conviction passed by learned trial Court is affirmed and sentence confirmed.

(53) The appellant No.3, Mukundi Singh, is on bail. He shall surrender before the Court concerned within two weeks to serve out the sentence awarded by the trial Court, failing which the concerned Court shall take appropriate steps for his arrest in accordance with law.

(54) Let a copy of this judgment along with the trial Court record be transmitted to the Court concerned forthwith, and in any case within two weeks from today, for information and necessary compliance.

(Zafeer Ahmad,J.)

(Rajnish Kumar,J.)

March 13, 2026

Ajit/Saurabh/-