In the High Court of Punjab and Haryana at Chandigarh

1. **CRA-D-393-DBA-2004 (O&M)**
Reserved on: 31.7.2024
Date of Decision: 09.8.2024

State of Haryana .....Appellant

Versus

Rajinder Singh .....Respondent

2. **CRA-S-1029-SB-2003 (O&M)**

Rajinder Singh .....Appellant

Versus

State of Haryana .....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Argued by: Mr. Pardeep Prakash Chahar, Sr. DAG, Haryana.

Mr. Balraj Singh Dhull, Advocate
for the appellant (in CRA-S-1029-SB-2003) and
for the respondent (in CRA-D-393-DBA-2004).

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SURESHWAR THAKUR, J.

1. Since both the appeals (supra) arise from a common verdict, made by the learned trial Judge concerned, hence both are amenable for a common verdict being made thereons.

2. CRA-S-1029-SB-2003 is directed against the impugned verdict, as made on 23.4.2003, upon case bearing No. 51 of 2001, by the learned Sessions Judge, Hisar, wherethrough in respect of charge respectively drawn against the accused-appellant qua offence punishable under Section 302 IPC, thus the learned trial Judge concerned, proceeded to record a finding of acquittal against the appellant-convict. However, the appellant-convict was ordered to be convicted under Section 304-I of the IPC.

3. Moreover, through a separate sentencing order dated 26.4.2003, the learned trial Judge concerned, sentenced the convict-appellant Rajinder Singh to undergo rigorous imprisonment for a period of ten years for an offence punishable under Section 304-I IPC, besides also imposed, upon the said convict-appellant sentence of fine, as comprised in a sum of Rs. 20,000/-, besides in default of payment of fine amount, it sentenced convict-appellant to undergo rigorous imprisonment for a period of two years. The learned trial Court also ordered that the fine amount, if recovered, be paid to the legal representatives of deceased Sehdev.

4. However, the period of detention undergone by the appellant-convict, during the investigations, and, trial of the case, was, in terms of Section 428 of the Cr.P.C., rather ordered to be set off from the above imposed sentence(s) of imprisonment.

5. The accused-convict becomes aggrieved from the above drawn verdict of conviction, besides also, become aggrieved from the consequent thereto sentences of imprisonment, and, of fine as became imposed, upon them, by the learned convicting Court concerned, and, hence has chosen to institute thereagainst the criminal appeal bearing No. CRA-S-1029-SB-2003, before this Court.

6. The State of Haryana has also instituted criminal appeal bearing No. CRA-D-393-DBA-2004 with a prayer that the impugned verdict (supra) of the learned trial Court be modified, and, the accused be also convicted and sentenced for the commission of an offence punishable under Section 302 of the IPC.

Factual Background

7. The genesis of the prosecution case, becomes embodied in the appeal FIR, to which Ex. P2 is assigned. As per the prosecution case, on 21.5.2001, at 9.40 P.M., Dr. R.J.Bishnoi sent ruqa (Ex. P-34) to Incharge, Police Post, General Hospital, Hisar intimating that Sehdev son of Ram Bhagat being brought dead to the hospital. SI Kartar Singh, who was then posted at Police Sadar Hisar, on receipt of the Ruqa, alongwith other police officials, reached General Hospital, Hisar. He recorded statement (Ex. P1) of Vinod Kumar. He stated that he is a driver. They are eight brothers. Today at about 8.30 P.M., he, alongwith Prem Singh, was sitting at the tea/Pakora at the shop of Pardeep situated near bus stand. Rajinder and Nania also came at the shop of Pardeep and took Pakoras from Pardeep and consumed the same. In the meantime, Sehdev son of Ram Bhagat also came there and he had also taken Pakoras and consumed. Sehdev asked Pardeep to close the shop so that they could go to their house. Rajinder had asked a glass from Pardeep and on this Sehdev told that they are going to their house and glass cannot be provided to him. Rajinder took ill of it and an altercation took place between Rajinder and Sehdev. Rajinder had proclaimed to Sehdev that he would teach him a lesson for not providing the glass and picked up an empty bottle of beer lying near the shop and broke the same from the front side after hitting the same against a water tank and gave two blows on the neck of Sehdev from front side. They tried to intervene but Rajinder managed to escape from the spot. He, alongwith Prem Singh, removed Sehdev to his house. They after arranging a conveyance, removed Sehdev to Government Hospital, Hisar in the company of Shankar Lal, uncle of Sehdev, where the doctor declared Sehdev dead. Sehdev died on account of the injuries in the

hospital. The statement was read over to him and he signed the same in token of its correctness. SI Kartar Singh made endorsement (Ex. P1/A) at 11.50 P.M. and sent the same to Police Station, Sadar Hisar for the registration of the case through constable Bharat Singh on the basis of which formal FIR (Ex. P2) was recorded.

Investigation proceedings

8. During the course of investigations, inquest report (Ex. P-13) was prepared. Post-mortem of the body of the deceased was conducted. Rough site plan of the place of occurrence became prepared. Blood stained earth and one piece of blood stained glass were taken into police possession and became enclosed in sealed cloth parcels. The investigating officer concerned, also collectively lifted pieces of glass and made them into a sealed parcel. All the parcels were sealed with seal bearing impression 'SS. Accused Rajinder was arrested. After conclusion of investigations, the investigating officer concerned, proceeded to institute a report under Section 173 of the Cr.P.C., before the learned committal Court concerned.

Committal Proceedings

9. Since the offence under Section 302 of the IPC was exclusively triable by the Court of Session, thus, the learned committal Court concerned, through a committal order made on 31.7.2001, hence proceeded to commit the accused to face trial before the Court of Session.

Trial Proceedings

10. The learned trial Judge concerned, after receiving the case for trial, after its becoming committed to him, made an objective analysis of the incriminatory material, adduced before him. Resultantly, he proceeded to draw a charge against the accused-appellant for the offence punishable under

Section 302 of the IPC. The afore drawn charge was put to the accused, to which he pleaded not guilty, and, claimed trial.

11. In proof of its case, the prosecution examined 11 witnesses, and, thereafter the learned Public Prosecutor concerned, closed the prosecution evidence.

12. After the closure of prosecution evidence, the learned trial Judge concerned, drew proceedings, under Section 313 of the Cr.P.C., but thereins, the accused pleaded innocence, and, claimed false implication.

13. As above stated, the learned trial Judge concerned, proceeded to convict the accused-appellant for the offence (supra), and, also as above stated, proceeded to, in the hereinabove manner, impose the sentence(s) of imprisonment, as well as of fine, upon the accused-appellant.

Submissions of the learned counsel for the appellant

14. The learned counsel for the aggrieved convict-appellant has argued before this Court, that both the impugned verdict of conviction, and, the consequent thereto order of sentence, thus require an interference. They support the above submission on the ground, that they are based on a gross misappreciation, and, non-appreciation of evidence germane to the charge.

Submissions of the learned State counsel

15. On the other hand, the learned State counsel has argued before this Court, that the learned trial Court has erred in not appreciating the fact, that it was a case of repeated blows, and, that the accused had caused serious injuries on the vital parts of the body of the deceased. Therefore, he has argued that the appeal preferred by the State be accepted, and, the accused be convicted and sentenced for an offence punishable under Section 302 of the IPC. Moreover, he has also argued, that the appeal, as preferred by the

convict-appellant be dismissed.

Analysis of the depositions of the eye witnesses to the occurrence, who respectively stepped into the witness box as PW-7 and PW-8

16. Complainant Vinod Kumar, stepped into the witness box as PW-7, and, in his examination-in-chief, he thus made an articulation, that on the fateful day, at about 8.00/8.30 P.M., he along with one Prem Singh (PW-8) were sitting at a tea shop of Pardeep Kumar. In the meanwhile, accused along with one Naina reached there. Subsequently deceased also arrived there, who told Pardeep to close the shop and accompany him. He further deposed that accused demanded a glass from Pardeep, whereupon the deceased told the accused that since they are leaving, therefore, the glass cannot be provided to him. Thereafter an altercation took place between Sehdev and accused, upon which the accused picked up an empty bottle of beer lying at the spot, and, after breaking the same after striking it against a water tank, he delivered two blows thereof on the neck of Sehdev. Subsequently, accused Rajinder fled away from the spot, and, deceased Sehdev was taken to his house by supra and by one Prem. In his examination-in-chief, the said witness has voiced a narrative, qua the genesis of the prosecution case, which is in complete tandem with his previously made statement, in writing, and, to which Ex.P1 becomes assigned. Though, he was subjected to the ordeal of a grilling cross-examination by the learned counsel for the accused, but he remained unscathed in the said ordeal.

17. Since a wholesome reading of his testification, as carried in his examination-in-chief, and, in his cross-examination, does not unfold, qua thereins rather becoming carried any rife improvements or embellishments viz-a-viz his previously recorded statement, in writing, nor when his

testification suffers from any further taint of its being ridden with any *intra se* contradiction, thus *intra se* his examination-in-chief, and, his cross-examination, therefore, utmost sanctity is to be assigned to his testification.

18. The depositions of PW-7 are supported by the deposition of the other eye witness to the occurrence, namely Prem Singh, who stepped into the witness box as PW-8. The echoings occurring in the examination-in-chief of PW-8 are in complete harmony with the echoings, as became rendered in respect of the crime event by PW-7. In sequel, the testifications rendered by PW-7, and, by PW-8 vis-a-vis the crime event, when rather are in complete inter se alignment, as such, their respectively made testifications were amenable to become relied, upon, as aptly done by the learned trial Court concerned.

19. The relevant portions of the deposition as occur in the cross-examination of the eye witnesses, namely Vinod Kumar and Prem Singh who respectively stepped into the witness box as PW-7 and PW-8 are extracted hereinafter, wherefrom it can be but concluded, that the defence conceding to the availability on the crime site of the ocular witness to the crime event, besides the defence also accepting the incrimination drawn against the accused, thus by the ocular witnesses (supra).

> *"**PW-7***
>
> *x x x x*
>
> *My house is situated in village abadi. I am a driver and normally remain outside the house. The deceased was running a gym in the village itself. Prem is an Rajinder accused has four brothers. He is in police department. I cannot tell his designation. At the time of occurrence, I cannot tell his place of posting. There are two other shops (khokhas) where the shop of Pardeep is situated. One is belonging to Singh Ram. The other khokha normally remains closed and I cannot tell who is the owner of it. There are 7/8 shops by the*

side of bus stand. There is also a tea shop there. Pardeep prepared pakoras at his shop. I and Sehdev are frequent visitors in the said shop. I cannot tell that Rejinder is frequent visitor in the said shop. Myself and Prem had reached the shop of Pardeep separately. Firstly Prem had reached the shop. I reached the shop of Pardeep at about 8.15 p.m. I had also eaten Pakoras. Sehdev had not taken pakoras. Volunteered he had picked a small piece of pakora and had taken it. I had correctly stated before the police that Sehdev had taken pakoras from Pardeep and had eaten them. It is incorrect to suggest that changing my statement suiting the medical evidence. Sehdev reached there after about 15 minutes of my reaching. When Sehdev had taken the pakoras, Rajinder and Nania were already present there and were eating pakoras. At that time, altercation took place between them. Pardeep was in process of putting the article inside the khokha when the had taken place. He had put off the bhati occurrence I cannot say if he had emptied the karahi. There were two benches in front of the shop of Pardeep. No glass was lying on those benches. Glass were lying inside the khokha. Rajinder had not picked any glass from the khokha. Pardeep had refused Sehdey to pick up any glass. to No altercation had taken place between Pardeep and Rajinder. At the time of altercation between the deceased and accused, I was sitting on the bench. Rajinder had picked up the bottle which was lying by the side of khokha. The water tank was also at a little distance from the khokha and benches. When Rajinder had broken the bottle against. the water tank, neither myself nor Prem got up in order to intervene. Even we did not interverne when Rajinder inflicted injuries to Sehdev. I did not notice if Rajinder had carried the said broken bottle with him or thrown the same there. At that time, the adjoining shops were closed. I did not raise any noise. Sehdev was bleeding profusely. We had put a cloth on the wound. My clothes were not stained with the blood. Thge said cloth was not handed over to the police. We removed Sehdev to his house on foot. Sehdev had also walked along with us. We remained there for about 5 minutes at the house of Sehdev."

PW-8

x x x x

My house is in the village abadi at a distance of 300 yards from the khokha of Pardeep. Sehdev deceased nephew was my nephew. Shankar Lal is my cousin brother. The house of is at a distance of 200 yards from the house of Sehdev deceased. The shop of Pardeep is opposite to the bus stand across the road. There is also a tea shop at the bus stand belonging to Mohar Singh which was closed. The tea shop of Singh Ram was closed. Except us, none else was present at the shop of Pardeep. Sehdev reached there after 5/7 minutes of the arrival of the accused there. Sehdev had not purchased any pakoras from Pardeep. Volunteered, he had taken only a small piece which was eaten by him. I had not stated before the police that Sehdev had taken pakoras from Pardeep and had eaten the same. (Confronted with Ex.D1 wherein it is so recorded). When Sehdev reached the shop, Rajinder and Nania were also eating pakoras. After some time, Rajinder had asked a glass from Pardeep. Pardeep had refused to give the glass. Volunteered Sehdev had also refused to give the glass. Rajinder accused the had an altercation with Pardeep as well with Sehdev. The altercation had taken place for about one minute. We had not intervened. The water tank is at a distance of 5/7 feet from the khokha of Pardeep. We had also not intervened when Rajinder had broken the bottle and inflicted injuries to Sehdev. Sehdev did not get an opportunity to defend himself when the blows were given. There was no time for raising any noise. Sehdev had rot fallen on the ground because we had reached to him by that time and we supported him."

20. Since in the credible testifications rendered by the eye witnesses (supra), there is no suggestion put to either of them by the learned defence counsel, thus personificatory (a) that therebys the defence has propagated an espousal qua the offence committed, thus falling within the exceptions to an offence of culpable homicide amounting to murder, exceptions whereof become embodied in Section 300 of the IPC, exceptions whereof become

extracted hereinafter.

> ***"300. Murder.-***
>
> *Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or—*
>
> *(Secondly) If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—*
>
> *(Thridly)- If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—*
>
> *(Fourthly)- If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.*
>
> ***Exception 1****.- When culpable homicide is not murder.— Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident. The above exception is subject to the following provisos:—*
> *(First)- That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.*
> *(Secondly)- That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.*
> *(Thirdly)- That the provocation is not given by anything done in the lawful exercise of the right of private defence.*
>
> *Explanation.— Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact.*
>
> ***Exception 2 -*** *Culpable homicide is not murder if the offender, in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law and causes the*

death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

Exception 3 - *Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.*

Exception 4 - *Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender having taken undue advantage or acted in a cruel or unusual manner.*

Explanation.— It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5 - *Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent."*

21. Moreover, besides when no answers favourable to the accused became meted by the ocular witnesses to the crime event. Resultantly when neither the espousal (supra) became well propagated, nor became supported by any cogent evidence. In sequitur, it was completely inapt for the learned trial Judge concerned, to declare that the accused had proven the exceptions (supra), to the offence relating to the commission of an offence of culpable homicide amounting to murder, nor therebys it was apt for the learned trial Judge concerned, to record a finding of conviction against the accused only for an offence punishable under Section 304 Part I of the IPC. Resultantly, therebys Criminal Appeal bearing No. ***CRA-D-393-DBA-2004***, as preferred by the State of Haryana is accepted.

22. Since the credible ocular account, as became rendered by the ocular witnesses (supra) though for ensuring corroboration thereto becoming

meted, thus made it incumbent upon the investigating officer concerned, to during the course of his holding the accused to custodial interrogation, rather ensure the making of a signatured disclosure statement by the accused concerned, whereins, after his confessing the guilt in the crime event, his showing his readiness and willingness to cause the recovery(ies) of the broken bottle, and subsequent thereto the relevant valid recovery(ies) of the broken bottle being made to the investigating officer concerned, thus at the instance of the accused concerned. However, even if the above is not done, yet therebys for the reasons to be assigned hereafter, the credible ocular account rendered qua the crime event rather does not become rendered uncreditworthy.

23. Firstly for the reason that as revealed by Ex. P-14, the investigating officer concerned, took into possession the broken piece of glass, as were lying scattered at the crime site. Since subsequently, the said broken glasses were sealed in sealed cloth parcels, and, became sent to the FSL concerned, whereons, an affirmative report became made by the FSL concerned, besides also when the doctor concerned, who conducted the post-mortem report upon the dead body of the deceased concerned, thus opined that the possibility of the injuries found, upon the person of the deceased rather with the user thereons of the broken pieces of glass of the broken bottle, hence cannot be ruled out. Moreover, when no efficacious cross-examination became conducted upon him for belying the above made opinion. Conspicuously also, when the said broken pieces of glass became retrieved from the sealed cloth parcels whereinto they were enclosed at the FSL concerned, besides became produced in Court, and, also became shown to the PWs concerned, yet with the defence then not making any effort to

bely the said incriminatory material nor proving the same to be suffering from some doubt. Therefore, in the face of the above omissions, on the part of the learned counsel for the accused at the time when the incriminatory material (supra) became produced in Court, and, also became shown to the PWs concerned, thus begets an inference, that the therebys the defence conceding that the said incriminatory material was as such not only used in the commission of the offence, but also was collected from the crime site by the investigating officer concerned. Resultantly, the omission to record the signatured disclosure statement of the accused by the investigating officer concerned, besides the omission to in pursuance thereof, thus cause the recovery of the broken bottle, rather becomes completely inconsequential.

24. In consequence, the sequel of the above, is reiteratedly that therebys, irrespective of no disclosure statement becoming made by the accused to the investigating officer concerned, during the course of the latter holding him to custodial interrogation, nor when in pursuance thereof, any recovery of the broken bottle has been effected, yet when the above extracted articulations, as made by the eye witnesses, during the course of their becoming subjected to cross-examinations, do reveal, that the defence conceding to the taking place of the crime event at the crime site, thus therebys the prosecution has fully discharged its burden of proving to the hilt the charged offence.

FSL report to which Ex. P-33 becomes assigned

25. Through R.C. No. 924 of 28.5.2001 five sealed cloth parcels became sent, through HC Daya Nand No. 1330 to the FSL concerned. The FSL concerned, thus upon making examinations of all the incriminatory items, as became sent to it in sealed cloth parcels, hence made thereons an

opinion, opinion whereof, becomes *ad verbatim* extracted hereinafter.

"***Description of article(s) and condition of seal(s)***

Five sealed parcels(s). The seals were intact and tallied with the specimen seal as per Fowarding Authority's letter

Description of article(s) contained in parcel(s)

Parcel No.	***No. and seal impression***	***Description of parcel(s)***
1.	*4-SS*	*It contained exhibit-1* ***Exbt-1****: Lumps of earth and loose earth (approx. 100 gms) described as 'Blood stained earth'*
2.	*4-SS*	*It contained exhibit-2.* ***Exbt-2****: Small pieces of broken glass stained with brownish stains.*
3.	*4-SS*	*It contained exhibit-3.* ***Exbt-3****: Several broken glass pieces.*
4.	*6-Dr*	*It contained exhibit-4a to 4f.* ***Exbt-4a****: One black T-shirt/Banian stained with numerous large and small dark brown stains.* ***Exbt-4b****: One blue synthetic trouser/pant stained with numerous large and small dark brown stains.* ***Exbt-4c****: One red underwear stained with numerous large and small dark brown stains.* ***Exbt-4d****: One green and white knicker stained with numerous large and small dark brown stains.* ***Exbt-4e****: One pair of socks.* ***Exbt-4f****: One pair of black leather shoes stained with a few small brownish stains.*
5.	*4-SS*	*It contained exhibit-5a and 5b.* ***Exbt-5a****: One checked terrycot shirt stained with several small brownish stains.* ***Exbt-5b****: One greyish jeans pant stained with numerous small brownish stains.*

Laboratory Examination

Laboratory examinations were carried out to detect the presence of blood on the exhibits. Blood thus detected was subjected to serological test to determine its species of origin and group. Based upon these examinations, the results obtained are

given below:

1. Blood was detected on exhibit-1 (B.S.Earth), exhibit-2 (glass pieces) and exhibit-3 (Glass pieces).

2. Exhibit-4a (T-shirt)m exhibit-4b (Pant), exhibit-4c (underwear) and exhibit-4d (knicker) were stained with numerous large and small blood stains.

3. Traces of blood to small for serological test were detected on exhibit-4e (socks).

4. Exhibit-4f (shoes) was stained with a few small blood stains.

5. Exhibit-5a (shirt) was stained with several small blood stains.

6. Exhibit-5b (Pant) was stained with numerous small blood stains."

Post-mortem report

26. The post-mortem report, to which Ex. P-22 is assigned, became proven by PW-9. PW-9 in his examination-in-chief, has deposed that on his making an autopsy on the body of deceased Sehdev, thus his noticing thereons the hereinafter ante mortem injuries-

"1. Incised wound of zig zag shape measuring 8 x 4 x 4 cm, 5 cm. below the chin a little towards the left side. On further dissection, underlying soft tissues and cartilage was cut opened. Blood and blood clots were present in the wound.

2. A zig zag shaped incised wound 4 x 1 x 3 cm. On the right anterior cervial area. 5 cm from manibrium sterni and 1 cm from the midline.

On further dissection under underlying soft tissues, trachea and major vessels were cut. Frothy haemorrhagic fluid as coming out of the wound.

3. An elliptical incised wound 3 x 1 x 4 cms. on the left anterior cervical area, 3 cm from the mid line and just in the middle of the neck. On further dissection undelying soft tissues and major vessels (left anterior carotid artery and external jugular vein were cut. Blood and blood clots were present in the wound"

27. Furthermore, PW-9 also made a speaking in his examination-in-chief, that the cause of demise of the deceased was owing to shock and haemorrhage, as a result of injuries to major vessels of the neck and trachea, which were stated to be ante mortem in nature, and, also sufficient to cause death in the ordinary course of nature. The said witness also deposed that the possibility of the injuries (supra) with a broken bottle cannot be ruled out.

28. The above made echoings by PW-9, in his examination-in-chief, became never challenged through any efficacious cross-examination, being made upon him, by the learned defence counsel. Therefore, the opinion, as made by PW-9 qua the demise of the deceased thus acquires formidable force. Consequently, the above echoings, as made by PW-9, in his examination-in-chief, do relate, the fatal ante-mortem injuries to the time of the crime event hence taking place at the crime site.

29. Thus, conjoint readings of the report of the FSL concerned, and, of the post-mortem report of the deceased concerned, along with the statements of the ocular witnesses (supra), do therebys foster an inference, that therebys there is *inter se* corroboration *inter se* the ocular account with the medical account, besides with the forensic account.

Final order

30. The result of the above discussion, is that, this Court does not find any merit in the appeal filed by the accused-appellant bearing No. CRA-S-1029-SB-2003, and, is constrained to dismiss it. Consequently, the appeal bearing No. CRA-S-1029-SB-2003 is dismissed.

31. However, the appeal filed by the State bearing No. CRA-D-393-DBA-2004 is allowed. The impugned verdict of conviction and sentence, as made on 23.4.2003, upon Sessions Case No. 51 of 2001, by the

learned Additional Sessions Judge, Hisar, is quashed and set aside. In consequence, accused is held guilty for committing the offence punishable under Section 302 of the IPC, and, is convicted accordingly. The accused is directed to be produced in custody before this Court on 21.8.2024 for his being heard on the quantum of sentence.

32. The case property be dealt with, in accordance with law, but after the expiry of the period of limitation for the filing of an appeal.

33. Records be sent down forthwith.

34. The miscellaneous application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

August 9th, 2024
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No