**IN THE HIGH COURT OF ORISSA, CUTTACK**

**JCRLA No.74 of 2010**

An appeal from the judgment and order dated 27.11.2009 passed by the Adhoc Additional Sessions Judge (Fast Track Court), Jajpur in C.T. Case No.27 of 2009/11 of 2009 for offence under Section 302 of I.P.C.

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Raikishore Jena ..... Appellant

-Versus-

State of Odisha ..... Respondent

For Appellant: - Smt. Mina Kumari Das
Advocate

For Respondent: - Mr. Rajesh Tripathy
Addl. Standing Counsel

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P R E S E N T:

**THE HONOURABLE MR. JUSTICE S.K. SAHOO**

**AND**

**THE HONOURABLE MR. JUSTICE CHITTARANJAN DASH**

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Date of Hearing and Judgment: 28.10.2024

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**By the Bench:** The appellant Raikishore Jena faced trial in the Court of learned Adhoc Addl. Sessions Judge (F.T.C.), Jajpur in C.T. Case No.27 of 2009/11 of 2009 for the offence punishable under section 302 of the Indian Penal Code (in short 'I.P.C.') on the

accusation that on 25th September 2008 at about 1.30 p.m. in village Kuansha under Mangalpur police station in the district of Jajpur, he committed murder of his wife Benga @ Sinia Jena (hereafter 'the deceased').

The learned trial Court, vide judgment and order dated 27.11.2009, found the appellant guilty of the offence charged and sentenced him to undergo imprisonment for life and to pay a fine of Rs.5000/- (Rupees five thousand), in default, to undergo R.I. for six months more.

**Prosecution Case**:

2. The prosecution case, in short, is that on 25.09.2008 at about noon, the appellant Raikishore Jena returned home from his cultivable land and asked the deceased to serve him food. The deceased told him to wait for some time, as the cooking was in process. Hearing this, the appellant became furious and entered inside the house and brought out a 'Katuri' and assaulted the deceased by dealing successive blows on her neck, face, head, ear, etc., as a result the deceased died at the spot. The Ward Member of mouza Kuansha namely Seshadev Jena (P.W.10) lodged F.I.R. before the Officer-in-charge, Mangalpur police station at the spot which was scribed by the Sarpanch, on the basis of which Mangalpur P.S. Case No.91

dated 25.09.2008 was registered under section 302 of I.P.C. against the appellant.

Prasant Kumar Majhi (P.W.13), the Officer-in-Charge of Mangalpur P.S., after registering the case, took up the investigation. He visited the spot where he noticed the dead body of the deceased, held inquest over the dead body, prepared the inquest report vide Ext.2 and then the dead body was sent to the District Headquarters Hospital, Jajpur for post-mortem examination. P.W.13 seized the blood-stained 'Katuri' (M.O.I), which was used as the weapon of offence so also the blood-stained earth and the blood-stained saree of the deceased in presence of the witnesses from the spot as per the seizure list Ext.1/2. The appellant was arrested on 25.09.2008 and forwarded to Court on the next day. The I.O. made a query to the doctor (P.W.9), who conducted post-mortem examination, by sending the weapon of offence (M.O.I) regarding possibility of the injuries sustained by the deceased by such weapon and the opinion was given in affirmative. The exhibits were sent to the State Forensic Science Laboratory, Rasulgarh, Bhubaneswar through Court for expert opinion and on completion of the investigation, charge sheet was submitted against the appellant under section 302 of the I.P.C.

**Framing of Charge**:

3. After submission of charge sheet, the case was committed to the Court of Session where the learned trial Court framed charge against the appellant as aforesaid and since he refuted the charges, pleaded not guilty and claimed to be tried, the sessions trial procedure was resorted to prosecute him and establish his guilt.

**Prosecution Witnesses, Exhibits & Material Objects**:

4. During course of the trial, in order to prove its case, the prosecution examined as many as thirteen witnesses.

P.W.1 Bhaskar Jena is a co-villager of both the appellant and he stated that after the occurrence, the police had taken his signature on a blank paper and he denied of having any knowledge about the incident.

P.W.2 Basudev Jena is a co-villager of the appellant and he stated that after the occurrence, the police had been to the village where it conducted inquest over the dead body of the deceased and in his presence, prepared the inquest report at the spot vide Ext.2.

P.W.3 Manoj Jena is the younger brother of the appellant and brother-in-law of the deceased. He stated that on

the date of occurrence, he was absent from his house and upon his return from the field, the police detained him on the way and took his signature on a paper. However, he denied of having any further knowledge about the case for which he was declared hostile and was allowed to be cross-examined by the prosecution.

P.W.4 Ranjulata Jena is the sister-in-law of the appellant. She stated that the unfortunate incident took place in her house when she had been to outside to tend her cattle. After returning to the home, she heard about the murder of the deceased. However, she pleaded ignorance as to who committed the said murder and also denied of having any further knowledge about the incident for which she was declared hostile by the prosecution.

P.W.5 Urmila Jena is the niece of the appellant. She stated that she was not present at the spot of occurrence at the relevant time and upon returning to the house, she learned about the death of the deceased, but she pleaded ignorance about the cause of death of the deceased.

P.W.6 Tilottama Jena is the mother of the appellant and mother-in-law of the deceased. She stated to have been absent from the spot of occurrence at the relevant time. She


further stated that upon her return to the house, she came to know about the death of the deceased, but she pleaded ignorance about the cause thereof.

P.W.7 Babaji Jena is the brother of the appellant. He stated that the occurrence took place at about 02.30 p.m. near the house of the appellant. He further stated that at the time of occurrence, he had been to Mangalpur and upon returning to the house, he saw the deceased was lying dead. He pleaded ignorance as to any further details of the case for which he was declared hostile and was allowed to be cross-examined by the prosecution.

P.W.8 Prakash Mohanty is a co-villager of the appellant. He stated that while he was returning from Mangala temple of his village, the police detained him and took his signature on a paper.

P.W.9 Dr. Sudhiranjan Nayak was working as the Medical Officer in the District Headquarters Hospital, Jajpur. He, on police requisition, conducted post mortem examination over the dead body of the deceased and proved his report vide Ext.3. Further, on query made by the I.O., he examined the katuri (M.O.I) and opined that the injuries found on the body of the deceased could be caused by using such weapon.

P.W.10 Seshadev Jena was the ward member of the village and he is the informant of this case. He stated that on the date of occurrence at about 01.30 p.m., while he was at his agricultural field, he received information from some children that the appellant had killed the deceased. He proceeded to the house of the appellant and found the deceased was lying dead with bleeding injury on her head.

P.W.11 Rajani Jena @ Gandhi is the younger sister of the deceased and she stated that the deceased was staying with the appellant at the time of occurrence.

P.W.12 Dipika Jena is the minor daughter of both the appellant as well as the deceased. She is an eye witness to the occurrence. She stated that as to how the appellant dealt repeated blows to the deceased by dragging her with a katuri. She further elaborated that the appellant dealt fatal blows to the face, neck, head and ear of the deceased, for which she raised hullah as a result of which some persons came to the spot. The deceased succumbed to the injuries on the spot and the appellant was standing nearby. She further stated that prior to the incident, the appellant had assaulted the deceased on certain occasions.

P.W.13 Prasanta Kumar Majhi was working as the Officer-in-Charge of Mangalpur police station. He is the Investigating Officer of this case, who upon completion of investigation, submitted charge sheet against the appellant under the aforesaid charge.

The prosecution proved eight numbers of documents. Ext.1/2 is the seizure list, Ext.2 is the inquest report, Ext.3 is the post mortem report, Ext.4 is the query report, Ext.5 is the F.I.R., Ext.6 is the dead body challan, Ext.7 is the forwarding letter and Ext.8 is the chemical examination report.

The prosecution also produced four numbers of material objects to fortify its case. M.O.I is the katuri, M.O.II is the saree, M.O.III is the blood stained earth and M.O.IV is the sample earth.

**Defence Plea**:

5. The defence plea of the appellant is one of denial.

**Findings of the Trial Court**:

6. The learned trial Court after assessing the oral as well as documentary evidence on record, came to hold that the prosecution has established the case beyond all reasonable doubt that the death of the deceased Benga @ Sinia Jena was

homicidal in nature and it was caused by a heavy sharp cutting object. Learned trial Court considered the evidence of the minor daughter of the deceased and the appellant, who was examined as P.W.12 and found her evidence to be cogent, reliable and trustworthy and thoroughly corroborated by the medical evidence adduced by the Medical Officer (P.W.9). Though three witnesses, i.e. P.W.3, P.W.4 & P.W.7 did not support the prosecution case, but basing on the solitary evidence of P.W.12, the learned trial Court came to the conclusion that the prosecution has successfully established that the appellant caused the death of the deceased and found him guilty under section 302 of I.P.C. The learned trial Court discarded the submission of the defence counsel to the effect that the conviction should be under section 304 of I.P.C. instead of section 302 of I.P.C. by holding that it cannot be said that the deceased gave sudden provocation to the appellant and thereby the case of the appellant would come under culpable homicide not amounting to murder.

**Contentions of the Parties**:

7. Smt. Mina Kumari Das, learned counsel for the appellant argued that since three witnesses, i.e. P.W.3, P.W.4 & P.W.7 have not supported the prosecution case, the learned trial

Court should not have acted on the solitary evidence of the child witness (P.W.12) to convict the appellant, in as much as the said witness was staying in the house of her maternal uncle after the occurrence and therefore, the chance of tutoring her to depose against her father (the appellant) cannot be ruled out. It is further argued that even if the evidence of P.W.12 is accepted, it appears that when the appellant returned home from the field, he was very hungry for which he asked the deceased to give him food (meal) and since the deceased did not provide him meal rather asked him to wait for some time, in such a state the appellant became furious and on grave and sudden provocation, he dealt number of blows to the deceased by means of a 'katuri' and therefore, the case would fall within the ambit of section 304 Part-I of I.P.C. and not under section 302 of I.P.C. She further argued that since the appellant is in judicial custody for more than sixteen years, his case may be considered sympathetically. Learned counsel for the appellant placed reliance on the decision of this Court in the case of **Shyamlal Kissan -Vrs.- State of Odisha reported in 2019 Criminal Law Journal 2780**.

Mr. Rajesh Tripathy, learned Addl. Standing Counsel for the State, on the other hand, supported the impugned judgment and argued that it is not the quantity but the quality of

evidence that matters. Learned trial Court, before recording the evidence of the child witness (P.W.12), examined her competence by putting some general questions about her education, family members, relations, locality etc. and on being satisfied that the witness was intelligent enough to understand the questions and give rational answers and also understands the duty of speaking the truth, recorded the evidence. He further argued that P.W.12 had no axe to grind against the appellant who is none else than her father and she narrated how the appellant dealt katuri blows on the neck, face, head, ear etc. of the deceased. Though she was subjected to lengthy cross-examination, even suggestion was given to her that she had been tutored while she was staying in her maternal uncle's house in order to depose against the appellant, but she answered it in the negative and her evidence in chief examination has not been shaken at all in the cross-examination. Learned counsel for the State further submitted that this is not a case where it can be said that the crime was committed under grave and sudden provocation as when the appellant asked the deceased to serve meal after returning from the field, the deceased asked him to wait for some time and it cannot be said that the conduct of the deceased was such that it caused grave

and sudden provocation to the appellant which triggered him to bring a 'katari' and deal successive blows on the vital parts of the body of the deceased like her face, head, neck, ear etc. It is further argued that the doctor (P.W.9), who conducted post-mortem examination, has noticed as many as nine external injuries and opined that the injuries were sufficient in ordinary course of nature to cause death. The doctor also examined the weapon of offence ('katuri'), which was seized from the spot and he opined that the injuries sustained by the deceased were possible by such weapon. Therefore, the learned Court is quite justified in arriving at the conclusion that it was not a case of grave and sudden provocation which led the appellant to commit the heinous murder of the deceased. Learned counsel further submitted that the testimony of P.W.12 is getting corroboration from the medical evidence which buttresses the case of the prosecution and therefore, the appellant has been rightly found guilty under section 302 of I.P.C.

**Whether the deceased met with a homicidal death?**:

8. Adverting to the contentions raised by learned counsel for the respective parties, let us first examine whether the prosecution has successfully established that it is a case of homicidal death.

P.W.9, the Medical Officer of District Headquarters Hospital, Jajpur, conducted post-mortem examination over the dead body of the deceased on 25.09.2008 and he noticed the following injuries –

> "(i) One cut injury situated on left side forehead 2" above of upper eyebrow of size 3" x ¼" x bone deep up to membrane. Margin everted clean cut edge;
>
> (ii) Cut injury over left eye brow of size 2.5" x ¼" into depth of fracture up to bone;
>
> (iii) Cut injury over the left side nose fracture in nasal bone of size 1.5" x ¼" x bone deep;
>
> (iv) Cut injury over left maxillary fracture in the maxillary bone with loss of left upper teeth of size 4.5" x ¼" x bone deep;
>
> (v) Cut injury over left upper lip of size 3" x ¼" x bone deep;
>
> (vi) Cut injury over left mandible extending from the left lobe of ear to the chin of size 7" x ¼" x bone deep;
>
> (vii) Cut injury of the left side of the neck of size 3" x ¼" x muscle depth and injured the carotid vessels;
>
> (viii) Cut injury of size 3" x ¼" x muscle depth situated over left ear;

(ix) Cut injury situated over upper lateral aspect of the left shoulder joint of size 3" x ¼" bone deep cutting the head of humours with dislocations."

He opined that the cause of death was due to hypovolemic shock caused by extensive cut injuries to the head, face and neck by heavy sharp cutting weapon. The time since death was within 24 hours at the time of the post mortem examination. He also opined that the above injuries were sufficient in ordinary course of nature to cause death.

In view of the available materials on record, particularly the evidence of P.W.12, the inquest report (Ext.2), post-mortem report (Ext.3) and the evidence of the doctor (P.W.9), which has not been shaken at all, we are of the humble view that the learned trial Court is quite justified in holding that the deceased died a homicidal death.

**Whether testimony of the child witness (P.W.12) can be accepted?**:

9. The learned trial Court, before recording the evidence of the child witness (P.W.12), conducted preliminary examination and put some questions on her education, family members, relations, locality etc. and the Court being satisfied with the

answers given to such questions, recorded his findings that the witness was intelligent enough to comprehend and understand the questions and to give rational answers and the Court was also satisfied that the witness understood the duty of speaking the truth. However, since the witness did not understand the implications of oath, no oath was administered to her.

In view of section 118 of the Evidence Act, all persons are competent to testify unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions due to tender years etc. No particular age has been prescribed as a demarcating line for treating a witness incompetent to testify by reason of his/her tender age. Competency to testify depends on ability to understand questions and to give rational answers. It depends on the capacity and intelligence of the child witness, his appreciation of difference between the truth and falsehood as well as his duty to speak truth. When a witness is called upon to give evidence and there is reason to suspect that he/she may not be capable of giving rational answers to the questions put to him/her, it is but necessary for the Court to put some questions to such witness with a view to ascertain whether he/she is a competent witness to give evidence or not. There is no dispute

that since a child witness is prone to tutoring, his/her evidence should be scanned carefully and preliminary questions are required to be put to such witness to ascertain as to whether he/she has intellectual capacity to understand the questions and give rational answers thereto. The preliminary examination of a child witness is nothing but a rule of caution. The trial Court is required to record its query to a child witness in the form of questions and answers so that the Appellate Court will be in a position to see whether child witness understands the duty of speaking truth. Even though it is desirable to make such preliminary examination but it is not always imperative. There is no rule that in case of every child witness, the trial Court should conduct a preliminary examination. It is only a rule of prudence and not a legal obligation. When questions are raised regarding the intellectual capacity of the child witness, the Court can peruse the evidence of the victim in its entirety to find out as to whether he/she was capable enough to give rational answers to the questions put to him/her after understanding the same. Absence of preliminary examination of the child witness would not render his/her evidence inadmissible.

In the case in hand, the child witness (P.W.12) was aged about 13 years at the time of her deposition. In her

evidence, she has stated that on the date of occurrence, at about 12 noon, while her mother (the deceased) was cooking food on the veranda of the house, she was sitting near her mother and at that time her father (appellant) came to the house from the cultivable land and asked the deceased to serve him food. The deceased told the appellant to wait for sometime ("TIKIYE RUHA, KHAIBA"). P.W.12 further stated that, at this, the appellant became angry and entered inside the house, brought a 'katuri' and by dragging the deceased holding her tuft, dealt 'katuri' blows on her neck, face, head and ear. Seeing the same, P.W.12 raised hulla and her paternal uncle, aunt, elder father and some villagers rushed to the spot, but the deceased died at the spot instantly and the appellant was standing there and her paternal uncle tied the appellant by means of a rope. In the cross-examination, a question was put to P.W.12 that whether in her uncle's house, she was tutored by her aunt to tell in connection with the case, to which she answered in negative. She was asked about the topography of her house and neighbourhood by the defence counsel and she answered to all the questions. P.W.12 further stated that on the date of occurrence, she had not gone to school and when her father assaulted her mother by means of a 'katuri', no other person except she was present at the spot,


though other persons came to the spot only after hearing her hulla. She further deposed in the cross-examination that she was at a distance of about five cubits away from her mother and she was sitting outside the 'Chali'. She stated that she did not raise any hulla when her father assaulted the deceased by means of a 'katuri' and that her father dragged her mother only about one cubit to two cubits and then assaulted her. Nothing has been brought out in the cross-examination to disbelieve the evidence of P.W.12 and there was also no reason for P.W.12 to depose falsehood against the appellant, who is none else than her father. In the case of **Balaji -Vrs.- State reported in (2010) 12 Supreme Court Cases 545**, the Hon'ble Supreme Court held that there is no reason why a child would falsely implicate her mother for murder of her father.

In the case of **Panchhi and others -Vrs.- State of U.P. reported in A.I.R. 1998 S.C. 2726**, it was held that the evidence of a child witness must find adequate corroboration before it is relied on. However, it is more a rule of practical wisdom than of law. It cannot be held that the evidence of a child witness would always stand irretrievably stigmatized. It is not the law that if a witness is a child, his evidence shall be rejected, even if it is found reliable. The law is that evidence of a

child witness must be evaluated more carefully and with greater circumspection because a child is susceptible to be swayed by what others tell him and thus a child witness is an easy prey to tutoring.

In the case of **Ratansinh Dalsukhbhai Nayak -Vrs.- State of Gujarat reported in (2004) 1 Supreme Court Cases 64**, the Hon'ble Supreme Court dealing with the child witness has observed as under:

> "7…..The decision on the question whether the child witness has sufficient intelligence primarily rests with the trial Judge who notices his manners, his apparent possession or lack of intelligence, and the said Judge may resort to any examination which will tend to disclose his capacity and intelligence as well as his understanding of the obligation of an oath. The decision of the trial Court may, however, be disturbed by the higher Court if from what is preserved in the records, it is clear that his conclusion was erroneous. This precaution is necessary because child witnesses are amenable to tutoring and often live in a world of make believe. Though it is an established principle that child witnesses are dangerous witnesses as they are pliable and liable to be influenced easily, shaped and moulded, but is also an accepted

norm that if after careful scrutiny of their evidence the Court comes to the conclusion that there is an impress of truth in it, there is no obstacle in the way of accepting the evidence of a child witness."

In the case of **State of U.P. -Vrs.- Krishna Master & Ors. reported in (2010) 12 Supreme Court Cases 324**, the Hon'ble Supreme Court held that there is no principle of law that is inconceivable that a child of tender age would not be able to recapitulate the facts in his memory. A child of tender age is always receptive to abnormal events which takes place in his life and would never forget those events for the rest of his life. The child would be able to recapitulate correctly and exactly when asked about the same in the future.

There is nothing in the evidence of P.W.12 that she had been tutored while staying in the house of her maternal uncle to depose against her father (the appellant). The manner in which she withstood the long gruelling cross-examination and gave minute details of the incident, clearly indicates that she had attended a measure of mature understanding and there is no infirmity in her understanding of the facts perceived and her ability to narrate the same correctly.

The other witnesses, like P.W.3, P.W.4 & P.W.7 have not supported the prosecution case. However, under the Evidence Act, no particular numbers of witnesses are required for the proof of any fact; it is a sound and well-established rule of law that quality and not quantity of evidence matters. In each case, the Court has to consider whether it can be reasonably satisfied to act even upon the testimony of a single witness for the purpose of convicting a person. If the evidence of a solitary eye-witness is found to be clear, cogent, trustworthy and aboveboard, the same can be acted upon. The evidence of P.W.12 having not been shaken in the cross-examination and more particularly when her evidence is getting corroboration from the finding of the dead body of the deceased in the courtyard and seizure of blood stained earth and blood stained katuri and the medical evidence adduced by the doctor (P.W.9) and the chemical examination report (Ext.8) which indicates that blood of human origin of group 'A' was found on the katuri so also on the earth seized at the spot, we are of the view that the learned trial Court is quite justified in accepting her evidence and holding that the appellant is the author of the crime.

**Whether the case of the appellant would come under culpable homicide not amounting to murder?**:

10. The contention of the learned counsel for the appellant so far as grave and sudden provocation is concerned, reliance is placed upon the case of **Shyamlal Kissan** (supra), however, we see striking distinguishing features in the factual scenario in both the cases. In the aforesaid case, the accused and the deceased, who were husband and wife, quarrelled with each other and then the accused forcefully sat over the chest of the deceased and pressed her neck due to which the deceased died. This Court has been pleased to hold that there is lack of evidence regarding motive and the act was committed by the accused on the spur of the moment on a petty quarrel between the husband and wife and the appellant did not have the requisite intention to commit the offence of murder, though he knew the action of pressing the neck could cause death of the deceased and accordingly, instead of convicting the accused under section 302 of I.P.C., the conviction was altered to one under section 304 of Part-I of I.P.C.

However, the factual scenario of the present case is completely different. The background does not indicate that there was any kind of grave and sudden provocation caused by the deceased to the appellant merely by asking him to wait for some time to serve food as it was under process. The appellant

might have been hungry when he returned from the field and it is said in Panchatantra Verse 4.16 that "*Bubhuksitah Kim Na Karoti Papam i.e. A hungry person can commit any sin"* and Jean de La Fontaine quotes, "A hungry stomach has no ears", but the manner in which the appellant reacted and brought the 'katuri' from inside the house and assaulted the deceased on the vital parts of her body like face, head, neck, ear, etc., and caused as many as nine numbers of extensive cut injuries which were sufficient in ordinary course of nature to cause death, show his intention to commit the murder. Exception 1 to section 300 of I.P.C. says, interalia, that 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. This exception is no doubt subject to certain limitations, like the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person. As per the explanation to the Exception 1, whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact. Grave and sudden provocation is a mixed question of law and facts. Exception 4 to section 300 of I.P.C. states that 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. Neither there is any quarrel nor fight in this case. A housewife cannot be said to have caused grave and sudden provocation to her hungry husband when she requests her to wait for a while as the preparation of food is under process. It is clear in this case that on the day of the incident nothing had happened to cause sudden provocation which was grave enough to make the appellant lose his balance of mind and assault mercilessly to his helpless wife in front of his minor daughter.

We are of the view that the act of the appellant does not come under any of the exceptions as laid down under section 300 of I.P.C. Therefore, the submission of the learned counsel for the appellant that it would be a case of culpable homicide not amounting to murder is not acceptable. We are of the view that the learned trial Court is quite justified in holding the appellant guilty under section 302 of I.P.C.

**Conclusion**:

11. Accordingly, we find no fault in the impugned judgment and order of the learned trial Court which is upheld. Resultantly, the appeal stands dismissed.

The appellant is stated to have remained in custody for about sixteen years. If the appellant is entitled to get any benefit under sections 432 & 433 of Cr.P.C. (sections 473 & 474 of BNSS), the appropriate Government may consider the same in accordance with the principles laid down and the guidelines framed in that respect. It is up to the appropriate Government to consider the same as per rules.

Before parting with the case, we would like to put on record our appreciation to Smt. Mina Kumari Das, learned counsel for her preparation and presentation of the case and rendering valuable help in arriving at the decision above mentioned. This Court also appreciates the valuable help and assistance rendered by Mr. Rajesh Tripathy, learned Additional Standing Counsel for the State.

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**S.K. Sahoo, J.**

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**Chittaranjan Dash, J.**

Orissa High Court, Cuttack.
The 28th day of October 2024.
*S.K. Parida, ADR-cum-APS*