



2026:AHC:55265-DB

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Reserved on 19.01.2026

Delivered on 18.03.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3410 of 2016

Mahesh Alias Munna YadavAppellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Aditya Kumar Yadav, Anil Kumar Mehrotra, Arvind Srivastava, Birendra Singh, Indra Kumar, Kamal Krishna, Neeja Srivastava, Prashant Sharma, Rishabh Kumar, Sikandar B. Kochar

Counsel for Respondent(s) : G.A.

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.

HON'BLE DEVENDRA SINGH-I, J.

Per: Hon'ble Chandra Dhari Singh, J.

1. The instant Criminal Appeal has been preferred by the accused-appellant- Mahesh @ Munna Yadav against a judgment and order dated 27.06.2016 passed by learned Additional District and Sessions Judge, Varanasi in Sessions Trial No. 391 of 2014 arising out of Case Crime No. 101 of 2014, under Section 302/34 I.P.C. and 27/30 Arms Act, Police Station Bhelupur, district Varanasi, convicting and sentencing the appellant as under:-

(a) Imprisonment for life and fine of Rs. 15,000/- for the offence under Section 302 I.P.C. and in default of payment of fine, two years additional imprisonment.

(b) Imprisonment for three years and fine of Rs. 1,000/- for the offence under Section 27 Arms Act and in default of payment of fine, three months' additional imprisonment.

(c) Imprisonment for six months for the offence under Section 30 Arms Act.

All the sentences were ordered to run concurrently.

2. By the same judgment and order, the learned Judge acquitted co-accused Hari Shankar @ Yadavji and Sohan Yadav from the charges levelled against them.

Brief Facts

3. In nutshell, the case of the prosecution is that a written report was filed by Manoj Kumar Yadav, son of Bhola Yadav, resident of B-38/62 Mahmurganj, Varanasi stating *inter-alia* that on 16.03.2014, his father namely Bhola Yadav along with his brother Mahesh Yadav @ Munna, Hari Shankar @ Yadav, Sohan Yadav and Vinod Kumar came at the door of his house and started abusing his father over a dispute of land. When his father resisted them, Sohan Yadav and Hari Shankar @ Yadav have

exhorted to assault him. On their exhortation, Munna Yadav has resorted to indiscriminate firing from his pistol. When Vinod Yadav came to intervene, his father Bhola Yadav and Vinod Yadav have received firearm shot. After receiving firearm injuries, his father and Vinod Yadav fell down, whereas, accused Munna Yadav, Hari Shankar and Sohan ran away from the place of incident. It is also stated that he, his mother and his sister witnessed the incident from a window. After the arrival of police, they were immediately taken to the hospital and during the treatment, they have died. The said written report of the incident was sent to the Police Station, which was marked as Ext.Ka.1.

4. On the basis of aforesaid written report, the First Information Report was lodged at Case Crime No. 101 of 2014, under Section 302 I.P.C., Police Station Bhelupur, District Varanasi on 17.03.2014 at 00:45 AM, which was marked as Ext.Ka.4.

5. After registration of the aforesaid case, the law set into motion and investigation of the aforesaid case has started.

6. After culmination of investigation, the investigating officer has submitted charge-sheet no. 70 of 2014 on 26.05.2014, which was marked as Ext.Ka.12.

7. As the case was exclusively triable by the Court of Sessions, the learned Magistrate committed the case to the Court of Sessions, where case was registered as Sessions Trial No. 391 of 2014. Learned Sessions Judge, Varanasi vide order dated 05.08.2014 framed charges against the accused appellant for the offence under Section 302 read with Section 34 I.P.C. and Sections 27/30 Arms Act, which were read over and explained to the accused-appellant, who pleaded not guilty and claimed to be tried.

8. To bring home the guilt of the accused-appellant beyond the hilt, the prosecution has examined as many as nine prosecution witnesses, out of whom Manoj Kumar Yadav (PW-1/informant), Meera Yadav (PW-2), Chavi Yadav (PW-3) are witnesses of fact, whereas, Dr. S.B.S. Kushwaha (PW-4), Dr. Govind Prasad (PW-5), Santosh Kumar Yadav (PW-6), S.I. Parshuram Singh (PW-7), Inspector Vinay Kumar Singh (PW-8) and S.I. Shyam Sundar Yadav (PW-9) are formal witnesses.

9. Manoj Kumar Yadav (PW-1), who is the informant of this case and son of the deceased-Bhola Yadav has deposed that on 16.03.2014 at about 10:30 P.M., his father Bhola Yadav along with accused Mahendra Yadav @ Munna, Hari Shankar @ Yadav, Mohan Yadav and Vinod Yadav came at the door of his house and

started abusing each other over a land dispute. As soon as his father (Bhola Yadav) resisted not to hurl abuse, Sohan Yadav and Hari Shankar @ Yadav exhorted and Munna Yadav resorted to indiscriminate firing from his pistol. In the said incident, his father Bhola Yadav and Vinod Yadav have received firearm injuries, due to which they fell down, whereas the accused persons ran away from the place of incident. He has witnessed the said incident from a window. There was dark outside and he couldn't see. His father-Bhola Yadav and Vinod Yadav were taken to the hospital, where they succumbed to their injuries.

10. Smt. Meera Yadav (PW-2), who is wife of the deceased-Bhola Yadav in her deposition has stated that she does not know how her husband was murdered but her husband was died from a gunshot wound. She also stated that she does not know that who has shot her husband. Her husband was murdered about 10:30 P.M. She does not remember that at the time of incident, whether there was electricity or not. She does not know Hari Shankar Yadav. Accused-appellant Mahesh is her brother-in-law, whereas accused-Sohan Yadav is in her relation (brother-in-law).

11. Smt. Chavi Yadav (PW-3) in her deposition has stated that the incident in question took place on 16.03.2014, however, she does not know how her father was murdered. She further stated

that her father and Vinod Yadav were murdered from gunshot injury.

12. Dr. B.S.B. Kushwaha (PW-4) in his deposition has stated that on 17.03.2014, he was posted as Medical Officer at Lal Bahadur Shashtri Hospital, Ramnagar, Varanasi. At about 04:30 PM, he had conducted the post-mortem on the cadaver of the deceased-Bhola Yadav at Post-Mortem House, B.H.U. As per post-mortem, following ante-mortem injuries were found:-

(i) Fire arm entry wound 1cm x 1cm x brain deep on outer canthus of left eye, surrounding skin containing margins irregular, inverted.

(ii) Lacerated wound 3cm x 2cm x bone deep on left side of head (parietal region) 6 cm out to midline 15 cm above left ear.

(iii) Lacerated wound 3cm x 1cm x bone deep on right side of head (parietal region) 5 cm outer to midline, 8 cm medial to right ear.

On external examination, *rigor-mortis* was present all over the body.

As per the opinion of doctor, the cause of death of the deceased-Bhola Yadav was "*coma as a result of firearm injury on head and brain*".

A bullet was also recovered from the brain of the deceased which was sealed and handed over to the constables.

13. Dr. Govind Prasad (PW-5) in his deposition has stated that on 17.03.2014, he was posted as Medical Officer at Pandit Deen Dayal Upadhyay, Rajkiya Chikitsalaya. At about 05:00 PM, he had conducted the post-mortem on the cadaver of the deceased- Vinod Yadav. As per post-mortem, following ante-mortem injuries were found:-

(i) Fire arm entry wound 0.5cm x 0.5cm x cavity deep on left side of chest 3cm outer to midline 132 cm above to left head. Wound surrounded by blackening in 3cm diameter.

(ii) Fire arm exit wound 1.5cm in diameter over left side axillary region margin is inverted.

(iii) Fire arm entry wound 0.5cm x 0.5cm x brain deep on right side back of head. 11Cm behind right ear. Bullet recovered from brain.

(iv) Fire arm entry wound 0.5cm x 0.5cm x cavity deep on inner side right buttock margin is inverted.

(v) Fire arm exit wound in 1cm diameter inverted margin over right side perineum area .87cm above right head 5cm outer to midline on right perinal side.

(vi) Multiple abraded contusion in area 12cm x 4cm over forehead and nose.

(vii) Abrasion 2cm x 1cm over front of left leg just below the left knee joint.

On external examination, *rigor-mortis* was present all over the body.

As per the opinion of doctor, the cause of death of the deceased- Vinod Yadav was *"coma and hemorrhage shock as a result of firearm injury to head and left lung"*.

14. Santosh Kumar Yadav (PW-6) in his deposition has verified his signature on the written report (Ext.Ka.1) and stated that he had written the above application on the dictation of the investigating officer of this case, not on the dictation of the informant-Manoj Kumar Yadav. Informant has also not put his signatures on his (PW-6) presence. The investigating officer had only took his statement and asked for his name and address.

15. S.I. Parshuram Singh (PW-7) in his deposition has stated that on 17.03.2014, he was posted at Police Station Bhelupur on the post of Head Moharir. On the basis of aforesaid report of the informant, he registered a Chik F.I.R. against the accused-appellant and two others at 00:45 hours, which was marked as Ext.Ka.4. The said Chik F.I.R. was entered into G.D. vide Report No. 2, which was marked as Ext.Ka.5.

16. Inspector Vinay Kumar Singh (PW-8), who stated that on 16.03.2014, he received an information about indiscriminate firing in the area of Police Station Bhedupur. The complaint about the said incident was made by Manoj Yadav (hereinafter referred to as 'informant'), who gave a written complaint which was registered as Case Crime No. 101 of 2014, under Section 302 I.P.C. Thereafter, he started the investigation of the case. On 17.03.2014, he reached at the place of incident, collected blood-

stained earth and plain earth in two different boxes, which were separately sealed, and was marked as Ext.Ka.6. The sealing proceedings were carried out in the presence of public witnesses Ankur Yadav and Rajesh Yadav. The blood-stained earth, recovered from the spot where the dead body of the deceased-Bhola Yadav was lying, was identified by the witness as the same earth which had been collected and sealed at the place of occurrence. The same has been marked as Material Exhibit-I. Blood-stained earth, recovered from the spot where the dead body of the deceased-Vinod Yadav was lying, was also identified and was marked as Material Exhibit-III. On 18.03.2014, he inspected the place of occurrence and prepared the site plan, which was marked as Ext.Ka.7. On 18.03.2014, while conducting a checking near Sonarpura bypass, he intercepted a suspicious Scorpio car bearing registration no. UP 54 F 5012. On seeing the police personnel, the accused persons attempted to flee but were apprehended. Upon personal search, accused Harishankar Yadav was found in possession of Rs. 1,050/-, accused Sohan Yadav was found in possession of Rs. 600/- and accused Mahesh Kumar Yadav @ Munna was found with one country-made pistol (7.65mm) loaded with two live cartridges. The weapon and cartridges were duly seized. On 20.03.2014, he had recorded the statement of eye-witnesses, namely, Meera Yadav (PW-2) and

Ms. Chavi Yadav (PW-3), who have supported the prosecution case. On 24.03.2014, he had prepared the inquest report and also recorded the statement of witnesses of inquest. On 01.04.2014, he had recorded the statement of Dr. S.B.S. Kushwaha, who stated that on 17.03.2014, he conducted the post-mortem examination on the cadaver of the deceased-Bhola Nath Yadav. He had also recorded the statement of Dr. Govind Prasad, Medical Officer, S.I. Shyam Sundar Pandey and Constables Kedar and Shubhash Rai. On 27.04.2014, the *Majeed Byaan* (additional statement) of the informant was recorded and the same was made as a part of case diary. On 26.05.2014, he sent the recovered country-made pistol, cartridges and empty shells to the Forensic Science Laboratory for examination.

17. S.I. Shyam Sundar Pandey, Crime Branch, Varanasi (PW-9) in his deposition has stated that on 17.03.2014, he arrived at the place of incident. He conducted the inquest proceedings on the dead bodies of the deceased-Bhola Yadav as well as Vinod Yadav, which were marked as Ext.Ka.7A and 8. He has also prepared photo lash and challan lash. Both the dead bodies of the deceased-Bhola Yadav and Vinod Yadav were sealed and sent for post-mortem examination through Constables Kedar and Shubhash Rai.

18. After the closure of prosecution evidence, the statements of the accused-appellant, namely, Mahesh Alias Munna Yadav has been recorded under Section 313 Cr.P.C., who denied the charges levelled against him, however he stated that the investigating officer of this case has fabricated the evidence by making a fire from his licensed pistol in his police station.

19. Learned Additional District and Sessions Judge, Varanasi after hearing the learned counsel for the parties and assessing, evaluating and scrutinizing the evidence on record, convicted and sentenced the accused-appellant as indicated herein above.

20. Hence, the instant appeal.

Submissions on behalf of Accused-Appellant

21. Mr. V.P. Srivastava, learned Senior Advocate appearing on behalf of the appellant has assailed the impugned judgment dated 27.06.2016 passed by the trial court, whereby the appellant has been convicted under Sections 302/34 of the I.P.C. and Sections 27/30 of the Arms Act. It is contended that the impugned judgment is contrary to the evidence on record and liable to be set aside.

22. It is submitted that the prosecution case suffers from a material contradiction between the ocular and medical evidence.

While the prosecution alleges that the appellant solely opened fire upon the two deceased persons, namely, Bhola Yadav and Vinod Yadav, the medical evidence belies this assertion. The entry wound on deceased-Bhola Yadav measured 1 cm × 1 cm, whereas the entry wound on Vinod Yadav measured 0.5 cm × 0.5 cm. Such variation suggests the use of two different weapons, thereby rendering the prosecution version doubtful.

23. Learned counsel further submits that the post-mortem examination of Bhola Yadav disclosed lacerated wounds caused by a hard and blunt object, however, neither the First Information Report nor the prosecution case makes any reference to an assault by a blunt object. This unexplained circumstance creates a serious dent in the prosecution story.

24. It is next contended that the material eye-witnesses, namely PW-2 Meera Devi, and PW-3 Chhavi Yadav, being wife and daughter of the deceased-Bhola Yadav have not supported the prosecution case and were declared hostile. Their testimonies do not implicate the appellant in the commission of the offence. Additionally, Santosh Kumar Yadav-PW-6, the scribe of the FIR, has stated that the report was written under police pressure and not at the dictation of the informant, thereby casting doubt upon the authenticity of the FIR.

25. Learned counsel also questions the forensic evidence, contending that the trial court has misread the Forensic Science Laboratory (FSL) report. It is urged that the bullets allegedly recovered from the bodies of the deceased do not conclusively match with the pistol recovered from the possession of the appellant, and the prosecution has failed to establish a complete and unbroken chain linking the appellant with the alleged weapon of offence.

26. In support of his submission, learned counsel for the appellant has relied upon following judgments:

(i) Vadivellu Thevar vs. State of Madras¹

(ii) Mahendra Singh and Others vs. State of M.P.²

(iii) Rajesh Yadav and Another vs. State of U.P.³

27. Lastly, it is submitted that the appellant has no previous criminal antecedents and belongs to a respectable family. The entire case, according to the defence, is founded upon conjectures and surmises rather than proof beyond reasonable doubt. It is thus prayed that the appellant be acquitted of all charges.

1 1957 (SC) 615

2 (2021) 7 SCC 157

3 (2022) 12 SCC 200

Submissions on Behalf of the Respondent-State

28. *Per-contra*, Mr. S.N. Tiwari, learned Additional Government Advocate appearing for the State has supported the impugned judgment and order by contending that the conviction recorded by the trial court is well-reasoned and based on cogent evidence.

29. It is also contended that the prompt lodging of the FIR strengthens the prosecution case. The incident occurred on 16.03.2014 at about 10:30 PM, and the FIR was lodged at 00:45 AM on 16/17.03.2014. The promptness in lodging the report rules out the possibility of deliberation or fabrication.

30. It is submitted that the testimony of a hostile witness does not need to be discarded in its entirety. The trial court correctly observed that the witnesses admitted to the incident and the presence of the accused but only turned hostile regarding the specific identity of the shooter to save him.

31. Learned A.G.A. further submits that the forensic evidence provides strong corroboration. The FSL report establishes that the empty cartridges i.e. EC-1 to EC-5 recovered from the place of occurrence were fired from the licensed 7.65 mm pistol recovered from the appellant at the time of his arrest, thus directly connecting him with the crime.

32. Learned A.G.A. further submits that the appellant was apprehended while attempting to flee in a vehicle, and the weapon of offence was recovered from his possession. Such conduct, coupled with recovery, is a relevant fact under Section 8 of the Indian Evidence Act and constitutes a strong incriminating circumstance.

33. Lastly, learned A.G.A. submits that a clear motive arising out of a long-standing land dispute between the parties has been established.

Analysis and Conclusion

34. Heard Mr. V.P. Srivastava, learned Senior Advocate assisted by Mr. Hashim Siddiqui and Ms. Neeja Srivastava, learned counsel for the appellant and Mr. S.N. Tiwari, learned Additional Government Advocate for the State of U.P.

35. We have considered the rival submissions advanced by the learned Senior Counsel appearing for the appellant and the learned A.G.A. for the State. We have also carefully perused the entire record of the case including the evidence of the prosecution witnesses, documentary evidence and medical reports.

36. The primary contention raised on behalf of the appellant is that the prosecution case suffers from contradictions between

ocular and medical evidence and the eye-witnesses have not supported the prosecution case.

37. Before examining submissions raised by learned counsel for the respective parties, it would be appropriate to first analyze the testimony of the prosecution witnesses, particularly the witnesses of fact.

38. Manoj Kumar Yadav (PW-1), who is the son of the deceased Bhola Yadav and the informant of the case, has supported the prosecution case in his examination-in-chief by stating that the accused persons came to the door of his house in connection with a land dispute and that upon exhortation by co-accused persons, the appellant Mahesh @ Munna Yadav fired from his pistol causing firearm injuries to Bhola Yadav and Vinod Yadav. In his cross-examination, however, the witness stated that he was sleeping inside the house and came out after hearing noise and by that time the accused persons had fled from the spot. He also stated that he came to know about the names of the accused persons from the people present there.

39. The aforesaid statement, though creating some inconsistency, does not demolish the prosecution case in its entirety. It is well settled that minor discrepancies or variations may occur in the testimony of prosecution witnesses due to the

lapse of time and the natural limitations of human memory. With the passage of time, recollection of events may not remain perfectly precise, and witnesses may depose in accordance with their mental disposition and perception of the incident. Such minor inconsistencies are natural and inevitable, and unless they go to the root of the prosecution case, they do not materially affect the credibility of the witnesses or the substratum of the prosecution story. Rather, they are indicative of the fact that the witnesses are deposing in a natural and un-tutored manner. It is also well settled that minor discrepancies or improvements in the testimony of witnesses do not necessarily render their entire evidence unreliable. In **Vadivelu Thevar (Supra)**, the Hon'ble Supreme Court held that witnesses fall into three categories—wholly reliable, wholly unreliable and neither wholly reliable nor wholly unreliable—and in the third category, the Court may rely upon such testimony if it finds corroboration from other evidence on record.

40. In the present case, even if PW-1 is treated as a witness falling in the third category, his testimony finds corroboration from the medical evidence and the scientific evidence on record.

41. PW-2 Meera Yadav and PW-3 Chavi Yadav, who are the wife and daughter of the deceased Bhola Yadav respectively, did not

support the prosecution case and were declared hostile. Even PW-2 and PW-3, in their deposition, have admitted certain material facts, namely that the incident occurred around 10:30 PM and that the deceased persons died due to firearm injuries. These facts corroborate the prosecution case regarding the occurrence of the incident and the cause of death.

42. It is well settled that the testimony of a hostile witness is not to be discarded in toto and the Court can rely upon such portion of the testimony which supports the prosecution case and is otherwise reliable. In **Koli Lakhmanbhai Chanabhai v. State of Gujarat**⁴, the Hon'ble Supreme Court held that the evidence of a hostile witness cannot be rejected completely and the Court may rely upon the part of the testimony which is found to be credible.

43. A three Judge Bench of Supreme Court in the case of **Khujji alias Surendra Tiwari vs. State of Madhya Pradesh**⁵, relying upon catena of judgments of Supreme Court, held that evidence of a prosecution witness cannot be rejected in toto merely because the prosecution chose to treat him as hostile and cross-examined him. It was further held that the evidence of such witnesses cannot be treated as effaced or washed off the record altogether but the same can be accepted to the extent their version is found to be dependable on a careful scrutiny thereof.

4 (1999) 8 SCC 624

5 (1991) 3 SCC 627

44. In **State of U.P. vs. Ramesh Prasad Mishra**⁶, Supreme Court held that evidence of a hostile witness would not be totally rejected if spoken in favour of the prosecution or the accused, but required to be subjected to close scrutiny and that portion of the evidence which is consistent with the case of the prosecution or defence can be relied upon.

45. Supreme Court in the case of **Bhajju Vs. State of Madhya Pradesh**⁷, discussed the worth of the evidence of a hostile witness in the following words:

"It is settled law that the evidence of hostile witnesses can also be relied upon by the prosecution to the extent to which it supports the prosecution version of the incident. The evidence of such witnesses cannot be treated as washed off the records, it remains admissible in trial and there is no legal bar to base the conviction of the accused upon such testimony, if corroborated by other reliable evidence..."

46. In **Selvamani Vs. State represented by Inspector of Police**⁸, after considering a catena of its earlier judgements on the point, Hon'ble Supreme Court held as under:

"Thus, the law can be summarised to the effect that the evidence of a hostile witness cannot be discarded as a whole, and relevant parts thereof which are admissible in law, can be used by the prosecution or the defence."

6 (1996) 10 SCC 635

7 (2012) 4 SCC 327

8 2024 SCC OnLine SC 837

47. The judgment in **Ramesh Prasad Mishra (Supra)** was reiterated by the Hon'ble Supreme Court in **Dadu alias Ankush and another vs. State of Madhya Pradesh and Another**⁹.

48. The Hon'ble Supreme Court in **Ramesh Prasad Mishra (Supra)** reiterated that conviction can be sustained even if some witnesses turn hostile, provided the remaining evidence is credible and trustworthy.

49. The medical evidence adduced through PW-4 Dr. S.B.S. Kushwaha and PW-5 Dr. Govind Prasad clearly establishes that both deceased persons sustained firearm injuries which resulted in their death.

50. The cause of death of Bholu Yadav was stated to be "coma as a result of firearm injury on head and brain," whereas the cause of death of Vinod Yadav was "coma and hemorrhage shock as a result of firearm injury to head and left lung."

51. The contention advanced by the learned counsel for the appellant that the presence of two entry wounds of different sizes on the body of the deceased necessarily indicates the use of two different firearms is wholly misconceived and devoid of merit. It is a well-settled principle of forensic science as well as according to Modi's Textbook of Medical Jurisprudence and Toxicology, the size

9 2025 LiveLaw (SC) 1178

and appearance of an entry wound may vary depending upon several factors, such as the distance from which the shot was fired, the angle of entry, the velocity of the projectile, the movement of the body at the time of impact, and the nature and elasticity of the skin at the point of entry. Variations in these circumstances may naturally result in entry wounds of different dimensions even when the shots are fired from the same firearm. Therefore, the mere existence of entry wounds of different sizes cannot, by itself, lead to the inference that two different firearms were used in the commission of the offence, particularly in the absence of any cogent medical or ballistic evidence supporting such a proposition. Consequently, the plea raised by the learned counsel in this regard does not inspire confidence and is liable to be rejected.

52. The prosecution has also relied upon the Forensic Science Laboratory report which indicates that the empty cartridges recovered from the place of occurrence were fired from the 7.65 mm pistol recovered from the possession of the appellant at the time of his arrest.

53. The recovery of the weapon of assault from the possession of the appellant and its linkage with the cartridges recovered from the place of occurrence constitutes a strong incriminating

circumstance against the appellant. The conduct of the appellant in attempting to flee from the police and the recovery of the firearm from his possession is also a relevant factor under Section 8 of the Evidence Act.

54. The incident occurred on 16.03.2014 at about 10:30 PM and the FIR was lodged at 00:45 AM on 17.03.2014. The prompt lodging of the FIR rules out the possibility of fabrication or false implication.

55. The prosecution has also established motive for the crime in the form of a long-standing land dispute between the parties. Though motive alone cannot sustain a conviction, it certainly lends support to the prosecution case when other evidence points towards the guilt of the accused.

56. So far as the contention of learned counsel for the appellant that the F.I.R. was written on the dictation of the Investigating Officer is concerned, even if the scribe wrote the report on the direction of the police officer, the same by itself does not render the FIR unreliable when the occurrence itself is established by the evidence available on record.

57. Upon a careful evaluation of the entire evidence on record, this Court finds that:

- (i) the weapon of offence was recovered from the possession of the appellant;
- (ii) the forensic evidence links the recovered weapon with the cartridges found at the place of occurrence;
- (iii) the FIR was lodged promptly; and
- (iv) the prosecution has established motive arising out of a land dispute.

58. The trial court has meticulously examined the evidence and rightly recorded the conviction of the appellant. We do not find any illegality, perversity or material irregularity in the impugned judgment warranting interference by this Court in exercise of appellate jurisdiction.

59. The instant criminal appeal lacks merit, and is accordingly ***dismissed.***

60. The judgment and order of conviction and sentence dated 27.06.2016 passed by the learned Additional District and Sessions Judge, Varanasi in Sessions Trial No. 391 of 2014 arising out of Case Crime No. 101 of 2014, Police Station Bhelupur, District Varanasi, convicting the appellant under Sections 302 IPC and Sections 27/30 Arms Act, is hereby affirmed.

61. The appellant is in custody. He shall continue to undergo the sentence awarded by the trial court.

62. Let a copy of this judgment be transmitted to the trial court concerned for compliance.

(Devendra Singh-I,J.) (Chandra Dhari Singh,J.)

March 18, 2026

Saurabh