IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

CRIMINAL APPEAL No. 5921 of 2024

SALMAN AND OTHERS

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Lucky Jain - advocate for the appellants.

Ms. Sudha Shrivastava, learned counsel for the Appellant No.1.

Shri Surendra Gupta appearing on behalf of Advocate General.

HEARD ON : 22.08.2024

DELIVERED ON : 27.09.2024

JUDGMENT

This criminal appeal has been preferred under section 374 of Cr.P.C. by the appellants being aggrieved by the judgment dated 01.05.2024 passed by 9th Additional Session Judge, Indore, District Indore in S.T. No.153/2022, whereby the appellants have been convicted for the offence punishable under Sections 120-B, 148, 307/149 of IPC and sentenced to undergo 07 years, 01 years, 07 years R.I. each respective with fine of Rs.5000/-, Rs.1000/-, Rs.5000/- each for respective offence with default stipulations.

2. As per the prosecution story, the complainant Mohammad Farhan has lodged the Dehati Nalishi in injured position at M.Y. Hospital Indore before the S.I., Prashant Upadhayay of Police Station Khudel, Indore that he is a shopkeeper, two months prior to the incident, one Sameer used to come in his Multi, he collided with him accidentally, then Sameer threatened the complainant that he did not know him but next time, he would kill the complainant if he came in his clutches. On 21.10.2021, the grocery of his shop was less then he received a call from one Arif who told the complainant that he had some packets of Gutka (tobacco) and he would provide the same to the complainant on less than the market price. At about 5:00PM, Arif called him that he was having the packets of tobacco and he had called the complainant near Petrol Pump, Devguriaidya. At about 6:00PM, the complainant reached at the petrol pump situated at Nemawar Road, Devguradiya, but no one was there. At that time, Arif called the complainant to come in the street of Energy Hospital, Dudhiya and he would provide the packets to him. However, the complainant denied to go there but when he was turning his scooty towards his home, an auto Bearing No.MP-09-RA-5324 had arrived there and three persons namely Sameer, Aarif and Salman were in Auto and at that time, two perons namely Akku and Gattu have also reached there on a motorcycle bearing registration no.MP-09-VN-3638, they all abusing the complainant in filthy language. On being objected, Salman assaulted him with iron rode on his legs, Arif, Akku and Gattu also assaulted him with kicks and fists.

They forced the accused Sameer to kill the complainant and Sameer taken the knife out and assaulted on his neck with intention to kill him, but the complainant saved his neck through the right hand, but due to the assault of knife, palm of his right hand was cut down and amputated and the blood was oozing out. On hearing of his screaming, the persons of that vicinity came on the spot, the accused persons fled away from the spot after seeing the local persons. Ambulance was called by calling at 108, he was taken to the hospital through the ambulance where operation of his hand was done. On the basis of said Dehati Nalishi No.0/2021, police Station Khudel has registered the FIR under Section 307, 147, 148, 149, 294, 323,506 of IPC at Crime No.546/2022.

3. During investigation, the spot map was prepared, statements of the witnesses were taken, blood stained cloths were recovered and sent for FSL and thereafter, following the due procedure, the police arrested the accused persons and the offence under Section 120-B of IPC and Section 25 of the Arms Act were aggravated. Subsequent to that, charge-sheet was filed in the Court of Judicial Magistrate First Class and the case was committed to the Court of Sessions on 07.03.2022.

04. In the sequel thereoff, the appellants were tried and charged under Sections 307, 147, 148, 149, 294, 323, 506, 120-B of IPC and 25 of the Arms Act. They abjured their guilt and took a plea that they had been falsely implicated in the present crime and prayed for trial.

05. In support of the case, the prosecution has examined as many

as 10 witnesses namely Ashok (PW-1) Mangilal (PW-2), Mahesh Choudhary (PW-3), Mohd. Farhan (PW-4), Mujahid Ansari (PW-5), Smt. Femida Bee (PW-6), Mohd. Imran (PW-7), Mohd. Aashif (PW-8), Prashant Upadhayay (PW-9) and Dr. Ashish Vaidya (PW-10). DW-1 Shanawaj Khan has been adduced by the appellants in their defence.

06. Learned trial Court, on appreciation of the evidence and argument adduced by the parties, pronounced the impugned judgment on 01.05.2024 and finally concluded the case and convicted the appellants for commission of offence as mentioned above in para No. 1 of this judgment.

07. Learned counsel for the appellants submits that the the appellants are innocent and the learned trial Court has convicted the appellants wrongly without considering the evidence available on record. Counsels for the appellants further submits that the appellants have not caused any fatal injury to the injured persons because there is nothing on record to show that the injured have received serious injury which may be fatal or sufficient to cause death. It is further submitted that there are material contradictions and omissions in the statements of the prosecution witnesses but the learned trial Court has erred in ignoring the same and in convicting the appellants. It is further submitted that the incident had happened all of a sudden, there is no knowledge and intention or motive to assault the injured, hence, the offence shall not travel more than the offence under Section 326 of IPC, but the learned trial Court has wrongly convicted appellants under

Section 307 of IPC without considering the evidence available on record. The injuries received by the injured were not dangerous to life, therefore, considering the act and accusation of the appellants, the learned trial Court has erred in convicting the appellants.

08. Learned counsel for the appellants further contended that prosecution has not proved its case beyond reasonable doubt that accused persons voluntarily caused the injuries to the injured. It is also submitted that this is a case of single blow caused by appellant Sameer due to which the injured has faced the amputation of palm of right hand, and such amputation of palm of right hand is not covered under the "vital part" of the body, hence, it cannot be a case of causing attempt to death of the injured. The allegation of causing injury to the injured by iron rode by accused Salmaan is also simple in nature and an as per the prosecution story, he has only assaulted the injured at his legs only. There are contradictions and omissions in the statements of the witnesses. As per the MLC report, the doctor has opined that the injuries are not sufficient to cause death. Accordingly, they pray for reduction of the sentence to the period already undergone or as the Court may deem fit in the interest of justice.

9. Per contra, learned Public Prosecutor has opposed the prayer. Inviting my attention towards the conclusive paragraphs of the impugned judgement, learned public prosecutor has submitted that the injured person has received the injuries caused by the appellants and the

learned trial Court has rightly convicted the appellants by sentencing them appropriately. It is further submitted that the learned trial Court has also convicted the appellants rightly under Section 307 of IPC since the appellants jointly assaulted the injured with intention to cause his death by attacking on his neck, but fortunately, he has saved his neck by his right hand and his palm of the right hand amputated. Hence, prays for dismissal of the appeal.

10. In reply, counsel for the appellants have not disputed the factum that the appellant have jointly assaulted the injured person, but, since the incident had happened all of a sudden and such amputation of palm of his right hand, shall not covered under the offence under Section 307 of IPC in view of the MLC report of Dr. Ashish Vaidya (PW-10), hence, prays that the learned trial Court has convicted the appellants wrongly on higher side and prays for reduction of their sentence to the period already undergone.

11. I have heard the counsel for the parties and perused the record.

12. In back drop of the arguments advanced by learned counsel for the parties, this Court has to consider the following question for determination of this appeal is as to whether the findings of learned trial Court regarding conviction and sentencing is correct in the eyes of law and facts or not?

13. At the outset, the testimony of injured Farhan PW-4 is required to be examined. This witness, in his examination in chief has deposed that

actually Sameer came to him and abused in filthy language and also threatened him that when he will came in his trap, he will kill him. As per this witness, on 21.10.2021, when he was called by Arif for taking Gutka packets on lower rate then he had gone to take the same at Devguradiya near Bharat Petrol Pump. Since, no one was visible there, he has suspected. However he has called at 06:00PM in the lane of Energy Hospital for delivery of the said packets, he refused and stated that he is going back to home. When he turned his activa, one auto and one motorcycle came their and prevented him. The accused persons namely Sameer, Salman and Aarif came out from the auto and Akku and Gattu from motorcycle. All the five accused persons abused him in filthy language and when he thwarted them not to abuse, they stated that since "you intruded with Sameer Lala" they all started to assault him. In that sequence, Salmaan has caused injury on both the legs by iron rode and others with kicks and fists. In the meantime, they asked Sameer as to why he has taken the mutton cutting knife? In course of this altercation, accused Sameer has assaulted the injured on his neck and when the injured saved his neck, the knife hit the hand and due to which palm of right hand was amputated on the spot. When he cried, other persons came there and then the appellants have fled away from the spot. His statements regarding causing injury and receiving amputation of hand, have not been shaken in his whole cross-examination.

14. Further, The witnesses of seizure i.e. Ashok (PW-1) Mangilal (PW-2) and other witnesses of prosecution Mahesh Choudhary (PW-3),

Mujahid Ansari (PW-5) brother of injured, Smt. Femida Bee (PW-6) mother of injured, Mohd. Imran (PW-7) brother of injured, Mohd. Aashif (PW-8) have supported the case of the prosecution. However, they are not eye-witnesses and they arrived at the spot later on. Further, the relative witnesses i.e. Mujahid Ansari (PW-5) brother of injured, Smt. Femida Bee (PW-6) mother of injured, Mohd. Imran (PW-7) brother of injured are also hearsay witnesses. Prashant Upadhayay (PW-9), Investigation Officer in his examination has stated that earlier, in the dehati nalishi the injured has named only five persons and later on named the another accused Sameer S/o Jakir also, who has later on acquitted by the learned trial Court.

15. Now, the question as to whether, the appellants can be convicted only on the basis of injured wittiness PW-4 Farhan, on this aspect, the law is very clear that every injured witness has its special status in the eyes of law. Having said that, this case is well fortified by injured Farhan (PW-4). As far as the importance of testimony of injured witness Farhan is concerned, the view of Hon'ble Apex court rendered in the case of **Bhajan Singh @ Harbhajan Singh and others Vs. State of Haryana AIR 2011 SC 2552** is condign to quote here as under:-

> *"The testimony of an injured witness has its own relevancy and efficacy as he has sustained injuries at the time and place of occurrence and this lends support to his testimony that he was present at the time of occurrence. Thus, the testimony of an injured witness is accorded a special*

status in law. Such a witness comes with a built-in guarantee of his presence at the scene of the crime and is unlikely to spare his actual assailant(s) in order to falsely implicate someone. "Convincing evidence is required to discredit an injured witness."

16. Now, coming to the question as to whether the appellants have committed the offence in pursuance of common object? Actually, as per the statements of the witnesses, the accused persons gathered altogether and thereafter most of them assaulted on the complainant. On this aspect, it is settled principle that it is not necessary that each and every member of assembly must play overt act in commission of offence. In order to find out whether assembly was unlawful, the role played by an individual coupled with using arms carried by members and their behavior prior to during or after the incident alongwith surrounding circumstances plays significant role.

17. On this aspect, the law laid down by Hon'ble Apex Court in the case of **Kuldeep Yadav vs. State of Bihar [(2011) 5 SCC 324]** is as under:

"It is not the intention of the legislature in enacting Section 149 to render every member of unlawful assembly liable to punishment for every offence committed by one or more of its members. In order to attract Section 149, it must be shown

that the incriminating act was done to accomplish the common object of unlawful assembly and it must be within the knowledge of other members as one likely to be committed in prosecution of the common object. If the members of the assembly knew or were aware of the likelihood of a particular offence being committed in prosecution of the common object, they would be liable for the same under Section 149 IPC"

18. In the case at hand, as the evidence available on record, all five appellants gathered at the the place of incident, they have abused the injured/complainant and in that course, they were armed with knives and iron rode and assaulted the accused altogether. Certainly, Sameer has caused knife injury to the injured by which the palm of injured has been amputated, but the offence was committed by all the appellants with common object and they all were aware about the likelihood of particular offecne, hence, they all are liable for the offence committed under Section 149 of IPC.

19. Learned counsel has remonstrated that there are many contradictions and omission between the testimonies of police officials. Actually, where gathering of several assailants committed the offence, it is often not possible for witnesses to describe accurately about the role played by each one of the assailants in the incident. It is also not

possible to remember each and every blow delivered by assailants over the injured person. Hence, only on the basis of minor contradictions arising in testimonies of injured witnesses, their testimony cannot be wiped out.

20. Further, in this case, as per the aforesaid discussion, it is well established that all other witnesses have not supported the prosecution story as eye-witness, but injured has received the injury grievous in nature. and thereafter, injured himself lodged the Dehanti Nalshi (Ex.P/7). As such the statement of injured has been supported by Dehati Nalshi (Ex.P/7).

21. However, in this appeal on the basis of evidence available on record, this Court is satisfied that the finding of the learned trial Court regarding causing voluntary grievous hurt by hard and sharp objects as well as other weapon is in accordance with law and facts. It is also well settled principle that the maxim "*falsus in uno falsus in omnibus*" has no application in India. Hon'ble Supreme Court in the case of ***Smt. Shakila Abdul Gaffar Khan Vs. Vasant Raghunath Dhoble*** reported in ***(2003) 7 SCC 749*** has held as under :-

> ***".....it is the duty of Court to separate grain from chaff. Falsity of particular material witness or material particular would not ruin it from the beginning to end. The maxim "falsus in uno falsus in omnibus" has no application in India and the witnesses cannot be branded as liar. The maxim "falsus in uno falsus in omnibus" has not received***

> *general acceptance nor has this maxim come to occupy the status of rule of law. It is merely a rule of caution. All that it amounts to, is that in such cases testimony may be disregarded, and not that it must be disregarded. The doctrine merely involves the question of weight of evidence which a Court may apply in a given set of circumstances, but it is not what may be called 'a mandatory rule of evidence".*

22. This incident had happened on an open road and it cannot be desired that it would be supported by an independent person because it is out of reach from any independent person and if that be so, the person who is travelling through the road, in normal tendency of a person, every one used to avoid to the investigating procedure and apart that the person shall prefer to complete his journey by avoiding such happening.

23. Since there is no convincing evidence to discard the testimony of grievously injured (PW-4), his sole testimony which is backed by instant FIR and medical reports is sufficient to evince the prosecution case.

24. In view of the aforesaid prepositions, the testimony of the witnesses cannot be discredited or wiped out only on the basis that they are having some contradictions on trivial matter. As such the aforesaid contention is not liable to be accepted.

25. In upshot of the aforesaid analysis of evidence as well as proposition of law, this Court is of the considered opinion that the

prosecution succeeded in proving its case beyond reasonable doubt that appellants have caused injury to the injured/complainant. Nevertheless, the testimony of witnesses regarding causing injury by iron rode and other has not been controverted in their cross-examination. However, it is envisaged that the accused Sameer @ Lala has caused only one injury and this statement has not been rebutted regarding single blow.

26. In the MLC report, the nature of injury has been examined and as per the MLC and statement of Dr.Ashish Vaidya (PW-10) as per which, there is deep cut on right hand of injured and there is an amputation of palm of right hand, two abraisions were also found on left and right both legs. In this regard, the provisions of Section 320 of IPC is required to be referred to, which reads as under:-

27. 320. Grievous hurt.—The following kinds of hurt only are designated as "grievous":—

(First) — Emasculation.

(Secondly) —Permanent privation of the sight of either eye.

(Thirdly) — Permanent privation of the hearing of either ear,

(Fourthly) —Privation of any member or joint.

(Fifthly) — Destruction or permanent impairing of the powers of any member or joint.

(Sixthly) — Permanent disfiguration of the head or face.

(Seventhly) —Fracture or dislocation of a bone or tooth.

(Eighthly) —Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits."

28. As per the provisions of Section 320 of IPC, the injury of the appellant fall within the purview of clause 4th and 7th both. But the injuries are not sufficient to cause death under any circumstances.

29. Now, the question is as to whether the injury was caused with intention or knowledge to kill the injured. In this case, it is fact that the prosecution has not set up the case that the said injuries were sufficient to cause death in the ordinary course of nature.

30. In order to justify the conviction under Section 307 of IPC, the Court has to examine the nature of the weapon used and the manner in which it is used. In addition to that severity as well as number of the blows and the part of body where the injury was caused, are also taken into account to determine the nature of the offence. The role of motive is also ought to be taken into consideration.

31. Further, in view of the reports and the nature of the injuries, it cannot be ascertained that the accused has intention to murder, or knowledge as to the fact that any injured would be killed by any injury. Undisputedly, this is a case of single blow over non-vital part i.e. hand of the injured and the prosecution has also not setup that the said injuries are sufficient to cause death in the ordinary course of nature. In this regard, The Hon'ble Apex Court in the case of **Jai Narayan Singh vs. State of Bihar [AIR 1972 SC 1764]** mandated as under:-...

"11. Taking the case of appellant Suraj Mishra, we find that he has been convicted

under Section 307 IPC and sentenced to 5 years rigorous imprisonment. According to the evidence Suraj was responsible for the chest injury which is described by Dr. Mishra P.W. 6 as a penetrating wound 1 1/2" x 1/2 x chest wall deep (wound not probed) on the side of the right side of the chest. Margins were clean out. Suraj, according to the evidence, had thrust a bhala into the chest when Shyamdutt had fallen as a result of the blow given by Mandeo with the Farsa on his head. According to the Doctor the wound in the chest was of a grievous nature as the patient developed surgical emphysema on the right side of the chest. There was profuse bleeding and, according to the Medical Officer the condition of the patient at the time of the admission was low and serious and the injury was dangerous to life. Out of the four injuries which the Medical Officer noted, this injury was of a grievous nature while the other three injuries were simple in nature. Where four or five persons attack a man with deadly weapons it may well be presumed that the intention is to cause death In the present case however, three injuries are of simple nature though deadly weapons were used and the fourth injury caused by Suraj, though endangering life could not be deemed to be an injury which would have necessarily caused death but for timely medical aid. The benefit of doubt must, therefore, be given to Suraj with regard to the injury intended to be caused and, in our opinion, the offence is not one under Section 307 IPC but Section 326 IPC is set aside and we convict him under

Section 326-IPC. His sentence of 5 years rigorous imprisonment will have to be reduced accordingly to 3 years rigorous imprisonment."

32. Further, in the case of **Mukesh S/o Jam Singh Damor vs. State of M.P. & Others** 2022 Law Suit (MP) 165; High Court of M.P. Bench has observed as under:-

"9. It is well settled that an act which is sufficient in the ordinary course to cause death of the person, but the intention on the part of the accused is lacking, the act would not constitute an offence under Section 307 of IPC. The medical evidence has to be taken for determining the intention of the accused. The intention and knowledge of the act being one of the major factor i.e. used to decide conviction under Section 307 of IPC. Before it is held that the act committed by the accused amounts to attempt to murder, it should be satisfied that the act was committed with such intention or knowledge under such circumstances that if it had caused death, it would have amounted to murder."

33. In a recent case of **Panchram vs. State of Chattisgarh & Another reported in AIR 2023 SC 1801, the Hon'ble Apex has considered** as under:-

"In his statement, the injured appearing as PW-1 submitted that when Munna (PW 6) shouted for help, Kantilal (PW 8) and Radheyshyam (PW

9) came there and seeing them the accused ran away. However, Kantilal (PW 8) was declared hostile. The prosecution had produced another witness Radhey Shyam (PW 7). He was also declared hostile and did not support the prosecution version. Even the scissors which was seized by the police is small scissors which is used by tailors. With the aforesaid evidence on record and the kind of weapon used, in our view the offence will not fall within Section 307 I.P.C. From the reasons for fight as are emerging on record, it doesn't seem to be pre-planned act. It, at the most, can fall within the four corners of Section 326 IPC as a sharp-edged weapon was used. The injuries were not caused with an intention to cause death and were not sufficient to cause death. Hence, in our view the conviction of the appellant with respect Section 307 IPC cannot be sustained however the offence under Section 326 IPC is made out."

34. On conspectus of the aforesaid settled proposition of law and factual matrix of the case, there is nothing available on record which advert such intention or knowledge by which the offence of attempt to murder can be drawn.

35. Having gone through the record and medical reports including the statements of witnesses, this is crystal clear that the injured has received only one injury on his right hand palm and faced the amputation which was found grievous but it was not sufficient to cause death in ordinary course in nature. The prosecution has succeeded to prove that the said injury was caused by a sharp or dangerous object. If the appellants had intention to kill the injured, the injured, they would cause repeated attempt either by knife or other available iron rode on vital part of his body, but since the appellant has only given a single knife blow, the ingredients of Section 307 of IPC are missing in the present case. Nevertheless, in purview of the aforesaid deliberations, it is established by the prosecution beyond the reasonable doubt that the appellants have caused grievous injury by assaulting him with sharp and cutting weapon.

36. In upshot of the aforesaid deliberations in entirety, the judgment of learned trial Court *qua* conviction of the appellant under Section 307 of IPC is found unsustainable and instead of Section 307 of IPC and in the light of the judgment passed by Apex court in the case of **Jainarayan (supra)** and **Panchram (supra),** the appellants are liable to be convicted under Section 326/149 of IPC.

37. So far as the conviction and sentence awarded to the appellants under Section 120-B of IPC is concerned, all the appellants were on the spot and only on the basis of one previous incident which has not even supported by any prosecution witnesses, there is nothing on record to

show that the appellants have committed the offence after preparing criminal conspiracy. Actually, the offence of conspiracy, an agreement between two and more persons for causing some illegal act, is indispensable which has not been established by the prosecution in this case against the appellants. Hence, the conviction of the appellants under Section 120-B of IPC is not sustainable in the eye of law and is hereby set aside.

38. So far as the sentence under Section 148 of IPC is concerned, the appellants armed with knives have assaulted the injured and admittedly, the injured has faced the amputation of palm of his right hand which is further supported with medical report and corroborated by evidence of witness (PW-10) Dr. Ashish Vaidya, the conviction and sentence of the appellants under Section 148 of IPC, stands affirmed.

39. Now, turning to the point of sentence, I have considered the fact that the said incident of offence has happened in the year 2021. No criminal antecedent for consideration has been suggested by the prosecution against the appellants and they are already suffering the jail sentence since more than two years. Nevertheless, looking to their conduct and accusation, the appellants cannot scot-free from justice and only symbolic or nominal punishment of undergone period, such punishment for those persons who have dare to assault the injured and amputated palm of his hand in a public place, would result into miscarriage of justice.

40. On this aspect, the view of Hon'ble Supreme Court in the case of **Jaswinder Singh (dead) through legal representative Vs. Navjot Singh and others reported in AIR (2022) SC 2481** Para No. 26, 27 and 28 are reproduced below :-

> *26. An important aspect to be kept in mind is that any undue sympathy to impose inadequate sentence would do more harm to justice system and undermine the public confidence in the efficacy of law. The society can not long endure under serious threats and if the courts do not protect the injured, the injured would then resort to private vengeance and, therefore, it is the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed. It has, thus, been observed that the punishment to be awarded for a crime must not be irrelevant but it should conform to and be consistent with the atrocity and brutality withwhich the crime has been perpetrated.*
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> *27. A three Judges Bench of this Court in State of Karnataka v. Krishnappa while discussing the purpose of imposition of adequate sentence opined in para 18 that ".....Protection of society and deterring the criminal is the avowed object of law and that is required to be*

achieved by imposing an appropriate sentence." Sumer Singh v. Surajbhan Singh (2014) 7 SCC 323.

28. The sentencing philosophy for an offence has a social goal that the sentence has to be based on the principle that the accused must realise that the crime committed by him has not only created a dent in his life but also a concavity in the social fabric. While opportunity to reform has to be kept in mind, the principle of proportionality also has to be equally kept in mind."

41. Hence, after considering the whole aspect of the case so also the fact that the appellants have caused grievous injuries to the injured by heard and sharp object, this Court is not inclined to let off the appellants only with period of already undergone. As such, I am of the considered view that the punishment for 05 years R.I. under Section 326/149 of IPC alongwith fine of Rs.20000/- for each accused would be condign to meet the ends of justice. **Consequently, the appellants are convicted under Section 326/149 of IPC and sentenced for 5-5 years R.I. each with fine of Rs.20000/- each. In case of default in payment of fine amount, each appellant shall undergo for 3-3 months S.I. Substantive sentence for the offence shall run concurrently, but default sentence for fine will run separately.**

42. Any amount of fine, if already deposited or any compensation

amount if any paid to the injured/complainant, shall be adjusted.

43. Out of the total fine amount, if recovered fully, Rs.80000/- shall be paid to the injured/complainant Farhan (PW-4) as compensation under Section 357(3) of Cr.P.C.

44. In the result, all the appeal is partly allowed and disposed off on the aforesaid terms.

45. Since, the appellants are in jail, they be set liberty forthwith after completion of five years of their jail sentence and depositing the fine amount.

46. The judgment of learned trial Court regarding disposal of the seized property stands affirmed.

Pending application, if any stands closed.

A copy of this judgment be sent to the leaned trial Court concerned for information.

Certified copy, as per rules.

(PREM NARAYAN SINGH)
JUDGE

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