

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (DB) No.219 of 2023**

Arising Out of PS. Case No.-101 Year-2003 Thana- PALIGANJ District- Patna

Sharwan Singh @ Ravi Singh @ Shravan Singh Son Of Late Shivraj Singh @  
Vidhyanand Singh R/V- Hardiya Bedauli, P.S- Paliganj, Dist- Patna

... ... Appellant

Versus

The State of Bihar ... ... Respondent

**Appearance :**

For the Appellant : Mr. Saroj Kumar Sharma, Advocate  
For the State : Mr. Ajay Mishra, Addl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
and**

**HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY  
ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY)**

**Date : 01-05-2025**

Heard Mr. Saroj Kumar Sharma, learned counsel for  
the appellant and Mr. Ajay Sharma, learned Additional Public  
Prosecutor for the State.

2. The present appeal has been preferred for setting aside the judgment of conviction dated 25.05.2022 (hereinafter referred to as the ‘impugned judgment’) and order of sentence dated 30.05.2022 (hereinafter referred to as the ‘impugned order’) passed by learned Additional Sessions Judge-I, Danapur at Patna (hereinafter referred to as the ‘learned trial court’) in Sessions Trial No. 365 of 2014 arising out of Paliganj P.S. Case No. 101 of 2003 by which the appellant has been convicted for the offences punishable under Sections 302, 307, 326 read with section 34 of the Indian Penal Code (in short ‘IPC’) and also



under Section 27 of the Arms Act. He has been sentenced to undergo life imprisonment with a fine of Rs. 25,000/- for the offence under Section 302 IPC and in default of payment of fine, he shall further undergo imprisonment for six months. The appellant has also been sentenced to undergo rigorous imprisonment for ten years and fine of Rs. 10,000/- each for the offences under Sections 307 and 326 of IPC and in default of payment of fine, he shall further undergo three months imprisonment each. Further, the appellant has been sentenced to undergo three years imprisonment with a fine of Rs. 2,000/- for the offence under Section 27 of the Arms Act and in default of payment of fine, he shall further undergo two months rigorous imprisonment. All the sentences shall run concurrently.

### **Prosecution Case**

3. The prosecution case in brief is that the informant Chandradeo Singh gave his fardbeyan on 01.08.2003 at 11:30 AM to the effect that on 31.07.2003, he was sleeping in his house along with his other family members. In the midnight at about 12:45 AM, he woke up after hearing some sound and saw that three accused persons entered in his house with the help of a ladder. The informant identified the three accused persons as Sharwan Singh (appellant), Sitaram Singh and Upendra Paswan



in the light of lantern. Further the case of the prosecution is that accused Sharwan Singh had got pistol and sharp cutting weapon (*pahsul*) in his hand and Sitaram and Upendra Paswan were having pistol in their hands. Accused Sharwan Singh shot down the son of the informant, namely, Raju Singh while he was sleeping and thereafter all the accused persons reached near the wife of the informant. It is alleged that accused Sharwan Singh repeatedly assaulted her by a sharp cutting weapon (*pahsul*) due to which the wife of the informant was seriously injured. The informant screened himself in the bathroom and due to fear he did not come outside and came out only after all the accused persons fled away after committing the occurrence.

**4.** On the basis of the fardbeyan, the police registered Paliganj P.S. Case No. 101 of 2003 on 01.08.2003 under Section 324, 307, 302 read with section 34 of the IPC and Section 27 of the Arms Act.

**5.** After investigation, police submitted charge sheet against three named accused persons under Sections 324, 326, 307, 302 read with Section 34 of the IPC and Section 27 of the Arms Act.

**6.** Learned ACJM took cognizance of the offences punishable under Sections 324, 326, 307, 302 read with Section



34 of the IPC and Section 27 of the Arms Act. Thereafter, a petition was filed by the Investigating Officer before the court below stating therein that accused Sharwan Singh is in judicial custody at Gaya in connection with Konch P.S. Case No. 83 of 2005 by changing his name as Ravi Singh. Thereafter, a production warrant was issued by the learned court below and on the basis of production warrant, the accused Sharwan Singh was produced and remanded in the instant case on 11.11.2013. Thereafter, the record of this accused and two other accused persons was separated and the record of the case of the accused Sharwan Singh was committed to the court of sessions for trial.

7. Charges were read over to the accused-appellant for the offences under Sections 302, 307, 326 read with Section 34 of the IPC and Section 27 of the Arms Act to which he pleaded not guilty and claimed to be tried. Accordingly, charges were framed.

8. In course of trial, the prosecution examined ten witnesses and exhibited several documentary evidences. The description of the prosecution witnesses and the documents brought in evidence are being provided hereunder for a ready reference:-



**List of Prosecution Witnesses**

PW-1	Babu Lal Singh
PW-2	Surendra Singh
PW-3	Rama Sankar Singh
PW-4	Pramila Devi
PW-5	Rekha Devi
PW-6	Rajendra Prasad
PW-7	Sheo Ratri Devi
PW-8	Dr. Ram Niwas Prasad
PW-9	Ajay Kumar
PW-10	Dr. Jagat Prasad

**List of Exhibits produced on behalf of the Prosecution**

Exhibit 1	Signature of the informant on Fardbeyan
Exhibit 2	Postmortem Report
Exhibit 2/1	Fardbeyan
Exhibit 3	The signature of Mewalal Ram (officer-in-charge of Paliganj Police Station) on the FIR
Exhibit 3/1	Charge sheet
Exhibit 4	Injury report of Sheo Ratri Devi
Exhibit 5	Certified copy of Judgment of S.T. 188 of 2006/312 of 2006.

**9.** After examination of the prosecution witnesses, the statement of the accused/appellant was recorded under Section 313 of the Cr.P.C. and in that statement, the accused-appellant denied the evidence of the prosecution and pleaded innocence.

**10.** Defence has not adduced any evidence.



**Findings of the learned trial Court**

**11.** Learned trial court has held that the informant filed FIR against the accused persons including the appellant and there is specific allegation against him that he shot at the son of the informant while he was sleeping and thereafter he assaulted his wife by sharp cutting weapon. PW.-4 Pramila Devi, PW.-5 Rekha Devi and PW.-7 Shio Ratri Devi have supported the case of the prosecution. They were present in the house at the time of the occurrence and they are eye witnesses of this case. PW.-7 is an eye witness and also an injured witness and her deposition is also consistent with the prosecution case and she also showed her amputated finger during her examination in court. PW.-8 Dr. Ram Niwas Prasad conducted the postmortem of the dead body of Raju Singh and proved the postmortem report (Ext.-2) of this case. He opined that death was caused due to shock, hemorrhage and the head injury caused by firearm. PW.-10 Dr. Jagat Prasad who examined injured Shio Ratri Devi after the occurrence, proved the injury report to be written and signed by him which has been marked as (Ext.-4) in this case. A certified copy of the judgment of Sessions Trial No. 188 of 2006/ 312 of 2006 has been filed by the prosecution/State and on the basis of above discussions, the learned trial court has held the accused-appellant



guilty for the offences under Sections 302, 307, 326 of IPC and Section 27 of the Arms Act.

**Submissions on behalf of the appellant**

**12.** Learned counsel for the appellant has submitted that the impugned judgment was delivered in hurry and without admiring the evidence which were brought on record. In fact, no witness ever has seen the alleged occurrence and everyone has mocked whole scenario. All the witnesses only on mere assumption have supported the prosecution case that the appellant has committed murder of the deceased and caused injury to Shio Ratri Devi (PW.-7). Although, the prosecution has examined ten witnesses but none of the witnesses is credible enough to establish and prove the case beyond all reasonable doubts. Learned court below while passing the impugned judgment has not considered the fact that there is vital contradiction in the statement of the witnesses and that the present case is based on circumstantial evidence and the chain of circumstances is not complete. It has also been submitted by the learned counsel for the appellant that the evidence on record was not sufficient for convicting the appellant. It has also been submitted that in these circumstances of the case, the benefit of the doubt should have been given to the appellant by the learned



trial court. Learned counsel for the appellant has also submitted that according to the case of the prosecution, the accused used ladder to break into the house and after shooting the deceased, the appellant also assaulted PW-7. He further stated that in the year, 2003 there was no supply of electricity in the village, so, they saw the entire incident in the light of lantern which is again debatable and put a question that how it is possible to be so obvious in dark night to recognise the accused and to be sure that which accused has committed the offence. It has also been submitted that the witnesses who have supported the prosecution are interested and related witness. It has also been submitted that in this case, the informant has not been examined as he died during trial.

#### **Submissions on behalf of the State**

13. On the other hand, learned Additional Public Prosecutor for the State has submitted that in this case, learned trial court has considered and appreciated the evidence on record. It has been submitted by the learned APP for the State that the occurrence is of 12:45 AM in the dark of night and the place of occurrence is the house of the informant. The witnesses are the inmates of the house, they are the most natural witness.



The time and place where the occurrence is committed does not demand the presence of independent witness.

### **Consideration**

**14.** In this case, PW.-4 Pramila Devi, PW.-5 Rekha Devi and PW.-7 Shio Ratri Devi are the eye witnesses. According to the FIR, these three witnesses were sleeping in the house on the date and time of occurrence.

**15.** PW.-4 is the wife of the deceased and this witness has stated in her examination in chief that her husband was sleeping in house, she along with her mother-in-law PW.-7 and sister-in-law (PW.-5) were sleeping in the *osara*. By using a ladder, the accused persons entered in the house, they were identified in the light of lantern. The accused persons were armed with pistol and *Pathari* (sharp cutting weapon). She has further stated that Sharwan shot at the head of her husband who died on spot. She has further stated that Sharwan the appellant assaulted her mother-in-law PW.-7 with *kata* (sharp cutting weapon) due to which her finger was amputated, her mother in law is alive. After the occurrence, the accused persons fled away. In cross-examination, this witness has stated that the house of the appellant is adjacent to the house of the informant. The opening door of the house is in east. She has further stated that the ladder



was put in southern side of the house. She has further stated that the police did not see the ladder and also police did not seize the lantern. She has also stated that on alarm being raised but nobody from outside came. Her husband was not on talking terms with the appellant from last six months.

**16.** PW.-5 has reiterated the statements which PW.-4 has made.

**17.** PW.-7 is the Shio Ratri Devi who is also an injured witness and she has stated in her examination-in-chief that the occurrence is of 12:45 AM she was at her house. Two daughters-in-law,namely, Pramila Devi PW.-4 and Rekha Devi PW.-5 and Raju Singh(deceased) were also there. Her husband was sleeping on the roof, the accused persons entered in the house with the help of a ladder. She has also stated that the appellant gave a gun shot injury on the head of Raju Singh due to which he died on spot. She has also stated that she has seen the occurrence in the light of lantern. She has also stated that this appellant has assaulted her with '*pahsul*' due to which her finger got amputated. She has also shown her amputated finger to the learned trial court at the time of her examination. In cross-examination, this witness has also stated that the appellant is the son of her brother-in-law and his house is adjacent to the house



of the witness. There was good relation with Sharwan sometimes ago. She has categorically stated that there was land dispute between the parties.

**18.** We would like to reproduce hereunder for ready reference the evidence of PW.-8 (Dr. Ram Niwas Prasad) who has conducted the postmortem of deceased Raju Singh (Ext.-2) and the evidence of PW.-10 (Dr. Jagat Prasad) who has examined the injured Shio Ratri Devi PW.-7 (Ext.-4).

**Evidence of PW-8**

1. " On 02-08-2003 I was posted at S.D.H. Danapur. I have conducted the postmortem examination of the dead body of Raju Singh aged about 25 years male. Dead Body identified by Babu Lal Singh and others. Deceased was son of Chandradeo Singh resident of Village-Hardiya Badauli, Police Station-Paliganj, District-Patna.

2. On external examination I found body pale, eyes closed, mouth partially opened. Rigor mortis present in all the four limbs. Lacerated wound on the right side of occipital region size  $1\frac{1}{2}$ " x 1". Blackening around wound and hair burnt around the wound seen which indicates the wound of entry. Lacerated wound on left occipital temporal region size  $3\frac{1}{2}$ " x  $2\frac{1}{2}$ " continued with wound of entry indicate wound of exit. Part of brain matter outside (wound of exit). Cranial cavity seen. Incised wound on right side of face near nose  $1\frac{1}{2}$ " x  $\frac{1}{4}$ " in size.

3. Internal Examination-

(1) Skull-brain parenchyma pale and lacerated. Thorax- Both lungs pale.

Heart- Right side chamber full of blood and clotted blood. Left side chamber empty.

Abdomen- Liver spleen kidney pale.

Stomach- Nearly 4 ounces of gastric fluid present.

Small intestine- Semi digested food material and gas were present.

Large intestine Fecal matter and gas present.

Urinary bladder-empty.

Time elapsed since death within less than 48 hours.

Opinion- Death is due to shock and hemorrhage (head injury) caused by firearm.



4. P.M. report is in my pen and signature and the P.M. report is exhibited as Ext. - 2.

5. I have not done circular measurement of wound of exit and wound of entry. Due to blackening around the wound of entry side the wound is caused by firearm.

6. यह कहना सही नहीं है कि मेरा पोस्टमार्टम रिपोर्ट त्रुटिपूर्ण है।

**Evidence of PW-10**

On 01-08-2003 I was posted in referral hospital, Paliganj and on that day at 11.30 A.M. I examined Sheo Ratri Devi, aged about 60 years, wife of Chandradeo Singh and found following injuries on her person: -

(1) Sharp cutting wound over upper part of right side of face including right eye brow in front of right ear of size 3" x 1/2" x 1/4".

(ii) Sharp cutting wound over right side of face below right eye of size 1 1/2 "x 14" x 1/4".

(iii) Almost amputated right ring and little finger attached with skin only.

(iv) sharp cutting wound over proximal phalange of right index and middle finger in whole length transversely.

(v) sharp cut wound over right scapular region of size 3" x 1" x 1/4".

(2) Nature of injury- injury no. (iii) is grievous in nature and others are kept reserve till x-ray report and all are caused by sharp cutting heavy object. Age of injury was within twelve hours.

(3) Marks of identification- old scar mark over right leg.

(4) This injury report is in my pen and signature and marked as Ext. 4.

(5) Such type of injury may be due to fall on sharp cut object.”

**19.** PW.-1 has stated that at the time of the occurrence, he was sleeping in his house and when he heard the sound of firing, he did not come out of the house due to fear. After that, he heard the voice of crying from the house of Chandradeo Prasad. In morning, when he went there, he was told about the occurrence. This witness has stated in his



cross-examination that he is not an eye witness, he identifies the appellant as he is a co-villager.

**20.** Likewise, PW.-2 has stated that at the time of occurrence, he was sleeping in his house but hearing the sound of firing, he did not come out of his house due to fear. This witness has also stated that he has not seen the occurrence.

**21.** PW.-3 has stated that on the date of the occurrence, he was in Punjab and he received telephonic information from his father Chandradeo Singh. This witness has also stated that he is not an eye witness.

**22.** PW.-6 is Rajendra Prasad and this witness has stated that at the time of occurrence, he was at Dhanbad. When he came to his house, he came to know that Raju has been killed. He could not know as to who has killed Raju. The mother of Raju was also injured. He identifies the accused persons as their villagers.

**23.** PW.-9 is the I.O. who has stated that he was posted as ASI at Paliganj police station, Patna on 30.06.2005. He has further stated that the fardbeyan is of Chandradeo Singh which has been written by the then Officer-in-charge of Paliganj police station, namely, Mani Mohan Prasad, which is identified by him and marked as Ext.2/1 in this case. He has further identified the formal FIR and signature of Mewalal Ram (S.I.) on the FIR, which has been marked as Ext.-3. He further



stated that he took the charge of the investigation on 30.06.2005 and and filed the charge sheet No. 185 of 2006 showing the accused persons absconder. Charge sheet has been marked as Ext.-3/1. In cross examination, this witness has submitted that one Yogendra Paswan has substantially investigated this case before him he has only submitted the charge sheet and neither visited the place of occurrence nor recorded the statement of any witnesses during investigation.

**24.** In this case, PW.-4 Pramila Devi, PW.-5 Rekha Devi and PW.-7 Shio Ratri Devi are the three ladies who were present in the house at the time of occurrence this case. In this case, the informant died during trial. These three witnesses PW.-4, PW.-5 and PW.-7 have supported the case of prosecution and they have stated in unequivocal words that Sharwan (appellant) fired on the head of the deceased due to which he died on the spot. These witnesses have also stated that this appellant assaulted Shio Ratri Devi (PW.-7) with 'pahsul' due to which she received injury and her finger was amputated.

**25.** In this case, the Doctor PW.-8 has stated in his examination-in-chief that he has found lacerated wound on the right side of occipital region sized  $1\frac{1}{2}$ " x 1". Blackening around wound and hair burnt around the wound was seen which indicates the wound of entry.

(ii) Lacerated wound on left occipital temporal region size  $3\frac{1}{2}$ " x  $2\frac{1}{2}$ "



continued with wound of entry indicates wound of exit. He has also found part of brain matter outside (through the wound of exit).

**26.** The witnesses have stated that the appellant has fired on the head of the deceased (Raju) and from perusal of postmortem report, it is also clear that there was one entry and exit wound. The Doctor has found blackening around wound and hair was burnt around the wound it shows that the firing was from very short range. Admittedly, the occurrence was committed in the house and the deceased was sleeping in a room. The oral evidence and the opinion of expert both corroborate each other.

**27.** Learned counsel for the appellant has stated that the witnesses are related and interested. In this regard, we would like to refer paragraph '24' and paragraph '26' in the case of **Raju v. State of Tamil Nadu, (2012) 12 SCC 701** as under for a ready reference:-

“24. For the time being, we are concerned with four categories of witnesses—a third party disinterested and unrelated witness (such as a bystander or passer-by); a third party interested witness (such as a trap witness); a related and therefore an interested witness (such as the wife of the victim) having an interest in seeing that the accused is punished; a related and therefore an interested witness (such as the wife or brother of the victim) having an interest in seeing the accused punished and also having some enmity with the accused. But, more than the categorisation of a witness, the issue really is one of appreciation of the evidence of a witness. A court should examine the evidence of a related and interested witness having an interest in seeing the accused punished and also having some enmity with the accused with greater care and caution than the evidence of a third party disinterested and unrelated witness. This is all that is expected and required.

**26.** In *Dalip Singh v. State of Punjab*<sup>4</sup> this Court observed, without any generalisation, that a related

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4. (1953) 2 SCC 36 : AIR 1953 SC 364 : 1953 Cri LJ 1465 : 1954 SCR 145



witness would ordinarily speak the truth, but in the case of an enmity there may be a tendency to drag in an innocent person as an accused—each case has to be considered on its own facts. This is what this Court had to say: (AIR p. 366, para 26)

“26. A witness is normally to be considered independent unless he or she springs from sources which are likely to be tainted and that usually means unless the witness has cause, such as enmity against the accused, to wish to implicate him falsely. Ordinarily, a close relation would be the last to screen the real culprit and falsely implicate an innocent person. It is true, when feelings run high and there is personal cause for enmity, that there is a tendency to drag in an innocent person against whom a witness has a grudge along with the guilty, but foundation must be laid for such a criticism and the mere fact of relationship far from being a foundation is often a sure guarantee of truth. However, we are not attempting any sweeping generalisation. Each case must be judged on its own facts. Our observations are only made to combat what is so often put forward in cases before us as a general rule of prudence. There is no such general rule. Each case must be limited to and be governed by its own facts.”

**28.** It will not be out of place to mention here that in this case, PW.-7 has also received injuries and her injuries are established during her examination/deposition before the court. PW.-10 Dr. Jagat Prasad who has examined PW.-7 has found sharp cut wound on her hand and has also found almost amputated right and little finger attached with skin only. During her deposition, this witness has shown to the court her amputated finger which has been recorded by the trial court. So, PW.-7 is the injured witness and injured witness is the most reliable witness as



it is held in the case of **Lakshman Singh v. State of Bihar** reported in **(2021) 9 SCC 191 para-9** which is being reproduced hereunder for ready reference.

**“9.** In *Mansingh*<sup>5</sup>, it is observed and held by this Court that “the evidence of injured witnesses has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly”. It is further observed in the said decision that “minor discrepancies do not corrode the credibility of an otherwise acceptable evidence”. It is further observed that “mere non-mention of the name of an eyewitness does not render the prosecution version fragile”.

**9.1.** A similar view has been expressed by this Court in the subsequent decision in *Abdul Sayeed*<sup>6</sup>. It was the case of identification by witnesses in a crowd of assailants. It is held that “in cases where there are large number of assailants, it can be difficult for witnesses to identify each assailant and attribute specific role to him”. It is further observed that “when incident stood concluded within few minutes, it is natural that exact version of incident revealing every minute detail i.e. meticulous exactitude of individual acts, cannot be given by eyewitnesses”. It is further observed that “where witness to occurrence was himself injured in the incident, testimony of such witness is generally considered to be very reliable, as he is a witness that comes with an inbuilt guarantee of his presence at the scene of crime and is unlikely to spare his actual assailant(s) in order to falsely implicate someone”. It is further observed that “thus, deposition of injured witness should be relied upon unless there are strong grounds for rejection of his evidence on basis of major contradictions and discrepancies therein”.

**9.2.** The aforesaid principle of law has been reiterated again by this Court in *Ramvilas*<sup>7</sup> and it is held that “evidence of injured witnesses is entitled to a great weight and very cogent and convincing grounds are required to discard their evidence”. It is further observed that “being injured witnesses, their presence at the time and place of occurrence cannot be doubted”.

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5. *State of M.P.v. Mansingh*, (2003) 10 SCC 414 : (2007) 2 SCC (Cri) 390

6. *Abdul Sayeed v. State of M.P.*, (2010) 10 SCC 259 : (2010) 3 SCC (Cri) 1262

7. *Ramvilas v. State of M.P.*, (2016) 16 SCC 316 : (2016) 4 SCC (Cri) 850



**29.** Other witnesses who have given their evidence, have not posed themselves as the eye witness of the occurrence rather they have stated their status as to where they were at the time of the occurrence and how they came to know about the occurrence.

**30.** Learned trial court has on the basis of above evidences held as follows. We reproduce para- '24' of the judgment of the trial court as under:-

“24. On perusal of evidence adduced on behalf of the prosecution it is found that the informant Chandradeo Singh (since deceased) has filed the F.I.R. against three accused persons including the accused Sharwan Singh and there is specific allegation against him that he shot at the son of informant while he was sleeping and thereafter assaulted to the wife of informant by a sharp cutting weapon. The P.W-1 Babu Lal Singh has supported the time, date and manner of occurrence as alleged in the F.I.R. though he was not an eye witness of this case. But he made signature on the inquest report. Similarly, P.W-2 Surendra Singh also supported the occurrence as alleged by the informant though he was also not an eye witness of the case. P.W-3 Rama Shankar Singh, who happened to be son of the informant also supported the prosecution case and he specifically stated that he came to know about the occurrence by his mother who was injured in this case. P.W.-4 Pramila Devi and P.W.-5 Rekha Devi were present in the house at the time of occurrence and they are eye witnesses of the occurrence and their evidences are consistent with the prosecution case as alleged in the F.I.R. The Pramila Devi, who is happened to be wife of the deceased Raju Singh specifically stated that accused Sharwan Singh shot at the head of her husband and thereafter assaulted to her mother-in-law by the sharp cutting weapon. Her husband died on the spot. Similarly, Rekha Devi, who happened to be the sister-in-law of the deceased also supported the prosecution case and specifically stated that Sharwan Singh shot the deceased by his pistol and consequently he died on the



spot and thereafter the accused Sharwan Singh assaulted to her mother-in-law by a sharp cutting weapon (pahsul) consequently she became injured and her finger was almost imputed. It is also stated by her that the case was filed by her father-in-law but he is no more and she further identified his signature on the fardbeyan, which is exhibit-1 in this case and accordingly she proved the signature of the informant on the fardbeyan. The P.W.-7 Shiv Ratri Devi, is also happened to be eye witness of this case. She was injured by the accused Sharwan Singh at the time of occurrence. Her deposition is also consistent with the prosecution case and she also showed her imputed finger during her examination in the court. P.W.-8 Ram Niwas Prasad who conducted the postmortem of the dead body of Raju Singh and proved the Postmortem 10 report (exhibit-2) of this case. He opined that death was due to shock and hemorrhage and head injury caused by fire arm, The P.W-9 Ajay Kumar stated that the fardbeyan was given by Chandradeo Singh and the same was written by the then officer in charge Mani Mohan Prasad which was identified by him and marked as exhibit-2/1 of this case. Thereafter he identified the formal E.L.R. and the signature of Mewalal Rai on the F.I.R. which has been marked as exhibit-3 of this case. He further stated that he partially investigated this case and filed the charge-sheet No-185 of 2006 against the three accused persons as named in F.I.R. The Charge-Sheet was marked as Ext-3/1 in this case. The P.W-10, Dr Jagat Prasad who examined the injured Shio Ratri Devi after the occurrence proved the injury report written and signed by him which has been marked as exhibit-4 in this case. A certified copy of judgment of S.T. No. 188 of 2006/312 of 2006 has also been filed by the prosecution/State.”

**31.** On re-appreciation of the evidences, available on the record, we find no reason to take a different view. Prosecution has proved its case beyond all reasonable doubts.

**32.** We are of the opinion that the impugned judgment is well discussed. The trial court has committed no error in convicting



the appellant guilty under Sections 302, 326 and 307 of the IPC and Section 27 of the Arms Act. We do not find any reason to interfere with the judgment of the trial court. The appeal against the impugned judgment and order has no merit.

**33.** It is dismissed, accordingly.

**(Rajeev Ranjan Prasad, J)**

**(Ashok Kumar Pandey, J)**

Shubham/-

<b>AFR/NAFR</b>	
<b>CAV DATE</b>	
<b>Uploading Date</b>	08.05.2025
<b>Transmission Date</b>	08.05.2025

