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2025:CGHC:18744-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Judgment reserved on 15/04/2025

Judgment pronounced on 25/04/2025

CRA No. 1795 of 2019

Kanshiram Sahu S/o Neelkanth Sahu, Aged About 30 Years, R/o Village Mopar, P.S. Suhela, District- Baloda, Bazar-Bhatapara (CG)

--- Appellant
(In jail)

versus

State Of Chhattisgarh Through P.S. City Kotwali, District- Baloda Bazar-Bhatapara(CG)

--- Respondent

CRA No. 1808 of 2019

Smt. Savitri Vaishnav W/o Sanjay Vaishnav, Aged About 28 Years R/o Lohiya Nagar, Baloda Bazar, Police Station - City Kotwali, Baloda Bazar, District - Baloda Bazar - Bhatapara (CG)

---Appellant
(In jail)

Versus

State Of Chhattisgarh Through - Police Station City Kotwali, District - Baloda Bazar - Bhatapara (CG)

--- Respondent

AND

CRA No. 76 of 2020

Hetram Sahu S/o Late Pahruram Sahu, Aged About 40 Years, R/o Village Mopar, Police Station Suhela, District Baloda Bazar-Bhatapara (CG)

---Appellant
(In jail)

Versus

State Of Chhattisgarh Through The Police Station City Kotwali, Baloda Bazar, District Baloda Bazar – Bhatapara (CG)

---- Respondent

For Appellants :Shri Rajesh Jain (through Legal Aid), Shri Adil Minhaj and Shri T.K. Jha, Advocate appears along with Shri N.P. Thakur, Advocate, for the respective Appellants

For State/Respondent :Ms. Pragya Pandey, Dy. G.A.

Hon'ble Shri Justice Sanjay S. Agrawal & Hon'ble Shri Justice Radhakishan Agrawal
CAV Judgment

Per Sanjay S. Agrawal, J.

1. Since, all these appeals arise out of the common judgment dated 04.10.2019, passed by the 3rd Additional Sessions Judge, Balodabazar (CG) in Sessions Trial No.05/2018, they are being disposed of by this common judgment. By the impugned judgment, the appellants have been convicted and sentenced as under :-

Conviction	Sentence
U/s 302/34 of IPC	Rigorous imprisonment for life and fine of Rs.500/-, in default of payment of fine, additional S.I. for 6 months
U/s 201/34 of IPC	Rigorous imprisonment for 3 years and fine of Rs.500/-, in default of payment of fine, additional S.I. for 3 months
	Both the sentences were directed to run concurrently.

2. Briefly stated, the facts of the prosecution case are, that on 19.09.2017, a Ward Boy of the District Hospital, Balodabazar, lodged the Merg intimation (Ex.P-12) before the Police Station- City Kotwali, Balodabazar, intimating that the deceased- Raja @ Sanjay Vaishnav was brought dead by his wife, namely, Smt. Savitri Bai and, during

investigation, it was revealed that said Savitri Bai had illicit relations with the appellant- Hetram Sahu, owing to which, he frequently visited her house. It is alleged further that on 18.09.2017, the said appellant along with Pappu @ Kashi Sahu, the another accused, purchased liquor and came to the house of the deceased at Lohia Nagar, Balodabazar. It is alleged further that in the house, the deceased had used filthy words to his wife, which got annoyed to said Hetram Sahu, who then assaulted him (deceased) with the aid of cricket-bat on his head with an intention of causing his murder, while others', i.e. Pappu @ Kashi Sahu and the wife of the deceased- Savitri Bai have supported his alleged act. On account of the alleged assault, he sustained serious injuries on his head and was admitted into the Hospital, but was declared brought dead.

3. Inquest (Ex.P-2) of the dead body of the deceased was conducted on 19.09.2017 and was sent for autopsy, which was conducted by Dr. Prashant Verma (PW-12), who vide his report (Ex. P-22) opined the cause of death to be hemorrhage and shock, which occurred as a result of head injuries caused by hard and blunt object. The statement of minor daughter of the deceased, namely, Riya was recorded under Section 161 Cr.P.C. on 19.09.2017, while the statement (Ex.P-8) of the minor son- Lucky @ Tushar Vaishnav (PW-4) on 21.09.2017 and that by recording the statements of others' and based upon the merg enquiry, an FIR (Ex.P-26) was registered on 21.09.2017 in connection with Crime No.392/2017 against the accused/appellants under Sections 302, 201 and 109 read with Section 34 of IPC. The appellants were arrested on 21.09.2017 and based upon the disclosure statement

(Ex.P-17) of the appellant- Hetram Sahu, a bloodstained bat was recovered vide seizure memo (Ex.P-19) in presence of two witnesses, namely, Rajendra Kumar and Nilkanth, while white-black (check) colour of his clothes (shirt) vide Ex.P-21 and, the blue colour slippers with bloodstained were recovered from the other accused Pappu @ Kashi Sahu at his instance on 21.09.2017 vide seizure memo (Ex.P-20) based upon his disclosure statement (Ex.P-18) and, the query report (Ex.P-23) of the alleged seized articles plus the bloodstained curtain (Parda) were made on 19.10.2017 and sent for chemical examination, where human blood was found on the articles, i.e. cricket-bat, marked as "E" and clothes "F-1" and "F-2" of said Hetram Sahu and the 'paper', marked as "A" alleged to have been recovered from the spot, and blood group "O" was detected from the alleged "bat" and "paper" vide FSL report (Ex.P-38). After completion of the usual investigation, the charge-sheet was submitted before the Court of Chief Judicial Magistrate, Balodabazar against the appellants for the commission of the offence punishable under Sections 302, 201 and 109 read with Section 34 of IPC and, the matter was, thereupon, committed to the trial Court, where the charge has been framed against them under Sections 120-B, 302/34 and 201/34 of IPC, which was denied by them and claimed to be tried.

4. The prosecution has examined as many as 17 witnesses and exhibited 38 documents in order to bring home the guilt of the accused/appellants, while 2 witnesses were examined by the appellants in their defence.
5. The trial Court, after considering the evidence led by the prosecution,

particularly placing reliance upon the testimony of the child witness, namely, Tushar (PW-4), held the appellants guilty for the commission of the alleged crime and sentenced them as mentioned herein-above and, being aggrieved, the instant appeals have been preferred.

6. Learned counsels appearing for the appellants submit that the finding of the trial Court holding that the appellants are guilty for the commission of the alleged crime, is apparently contrary to the materials available on record. While referring to the statement (Ex.P-9) of the daughter- Riya of the deceased, it is contended that her statement was recorded on 19.09.2017 revealing the names of the appellants, but the appellants were, however, not arrested on the said day, nor an FIR was registered immediately thereafter and instead, it was registered only on 21.09.2017 without giving any proper explanation to this effect, as such, the appellants have been falsely implicated in connection with the alleged crime. While referring to the statement of the child witness- Tushar (PW-4), it is contended further that the cricket-bat, alleged to have been used for the commission of the alleged crime, was broken down on account of the alleged assault, but a complete bat was, however, found to be recovered vide Ex.P-19, therefore, it cannot be said that the alleged bat was used for the commission of the alleged offence. While referring to the statement (Ex.P-8) of the said child witness- Tushar (PW-4), recorded under Section 161 Cr.P.C. stating that his father was in intoxicated state, but neither the smell of alcohol or its substance was depicted in the postmortem report (Ex.P-16), which would show that there are material discrepancies in his (PW-4) statement recorded before the Court with that of his statement (Ex.P-8)

under Section 161 Cr.P.C. It is contended further that even his statement has not been corroborated by other evidence, as such, no reliance could be placed upon his testimony. Further of their contention is that the said child witness was tutored by his uncle (Phupha) and aunt (Bua), therefore, his testimony is unbelievable and ought not to have been taken into consideration for attributing the appellants for the commission of the alleged crime.

7. On the other hand, learned counsel appearing for the respondent/ State has supported the impugned judgment of conviction and order of sentence as passed by the trial Court.
8. We have heard learned counsel appearing for the parties and perused the entire record carefully.
9. From perusal of the aforesaid facts, it appears that the appellants have been charge-sheeted for commission of the offence punishable under Sections 120-B, 302/34 and 201/34 of IPC with regard to the incident occurred in the night of 18.09.2017 when the deceased was assaulted by the appellant- Hetram Sahu with the aid of cricket-bat on his head. The alleged assault was made by him when the deceased had used filthy words to his wife- Savitri Bai, while others', i.e. Pappu @ Kashi Sahu and wife of the deceased have assisted him. The 'motive' behind the commission of the alleged crime, as alleged by the prosecution, was the illicit relations of the appellant- Hetram Sahu with the wife of the deceased and when the deceased had used the obscene words to his wife, he (Hetram Sahu) got annoyed and thereby inflicted him with the aid of cricket-bat, which caused his death.

10. In order to establish the alleged allegations, the brother-in-law (Jija) of the deceased, namely, Kundan Mane was examined as PW-1, who upon receiving the information regarding the alleged incident from his friend- Nirmal Kumar Prajapati, reached there and seen the dead body of his brother-in-law - Sanjay Vaishnav with pool of blood and wife of him, namely, Savitri Bai, was crying while sitting besides him. He along with his said friend took him to the Hospital, where the Doctor declared him brought dead and on the next day morning, i.e. 19th September, 2017 around 4.00 am, the deceased's children, namely, Tushar and Riya came and narrated the incident to the Police informing that their father was assaulted by Sahu uncle with the cricket-bat on his head, while Pappu uncle had pressed his neck by his leg and mother- Savitri Bai had also assaulted their father. Further of his testimony would reveal the fact that two months prior to the alleged incident, the deceased's wife- Savitri Bai had run away along with the appellant- Hetram Sahu, but the alleged of his version is, however, not found placed in his statement (Ex. D-1) recorded under Section 161 Cr.P.C. It appears further from his testimony that, he came to know around 7-8 am on 19.09.2017 that how he (Sanjay Vaishnav) died. In his cross-examination, it was denied by him that the children of the deceased had not informed that how and who had assaulted their father.
11. Nirmal Kumar Prajapati (PW-6) was the friend of deceased's brother-in-law (Kundan Mane), who informed him regarding the alleged incident and took the deceased to the Hospital along with him by his Scooty.
12. Smt. Sanjeeta Mane (PW-3) who is the sister of the deceased -Sanjay

Vaishnav had reached the hospital in the morning on 19th September, 2017 upon receiving the information from her husband Kundan Mane (PW-1), that her brother has died and, in the Hospital, the children of the deceased came around at 8.00 am along with one Ishwar and during the enquiry, made by the police, it was informed that their father was assaulted by their *Mummy* (Savitri Bai), Sahu Uncle and Pappu with the aid of bat and informed further that the appellant- Hetram Sahu assaulted their father with the bat on his head and thereafter, dragged him towards the next room, where their *Mummy* had also assaulted with the bat, while said Pappu had pressed his neck by leg. It, however, appears from her testimony at para 18, that her statement was recorded by the police on 19th noon, but by the said time, she was not aware, as to how her brother has died, nor has raised any doubt to anyone, when she was interrogated by the police. Further of her testimony would show that even prior to the inquest of the dead body, she was aware that her brother was murdered by the appellants, but neither the report to this effect was lodged by her, nor any report regarding the alleged illicit relations of her Bhabhi (Savitri Bai) with the said appellant- Hetram Sahu was made. Her statements, therefore, could not be relied upon.

13. Bhuwaneshwar Sahu (PW-2) is the tenant of the deceased and according to him, the deceased's wife on the fateful day around 11.30 pm knocked his door while calling his daughter- Rinku stating that her uncle (deceased) had fell down and upon receiving the said information, he rushed to her home, where the deceased was found lying on the floor and blood was oozing from his head and for the

purpose of taking care of deceased's children, he remained stayed at home. Further of his testimony, would show that when the neighborhood asked from the deceased's children about the alleged incident, it was then informed by them that Sahu uncle had assaulted their father with the aid of cricket bat and, in his cross-examination, at para 7, it was stated that he had not heard from the children that Sahu uncle had assaulted and instead, came to know about the alleged fact from others. He, thus, turned hostile without supporting the prosecution version.

14. Lucky @ Tushar Vaishnav (PW-4) is the minor son of the deceased, aged about 7 years old and according to him, his father was assaulted by Sahu uncle with the aid of cricket bat, owing to which, the same was broken down into pieces and with the pieces of bat, assaulted on his leg and backside (*Peeth*) and dragged him outside the room and pressed his neck. He deposed further that both the uncles (Sahu uncle and Pappu uncle) have pressed his neck, while mother assaulted with the aid of bat. He and his sister- Riya have seen the incident through the broken door when his father was being beaten by them. While raising his fingers towards the appellant- Hetram, it was stated that he used to come to his house daily with wine for his father, who was a heavy drinker and on the date of incident, he was in drunken condition and stated further that his mother and aunt (Bua) Smt. Sanjeeta Mane, don't used to talk with each other. Further of his statement would show that he and his sister used to sleep with their father, while mother with the Sahu uncle.
15. Rajendra Kumar Kurre (PW-9) is the attesting witness to the seizure

memos (Exs.P-19 to P-21), but has stated that nothing was recovered in his presence, nor any proceeding for recovery of the alleged weapon was done near the canal, where the weapon of offence, alleged to have been recovered at the instance of the appellant- Hetram Sahu, nor even the clothes were recovered and stated further that he has put his signatures on all the papers at the Police Station itself and deposed further that he was informed by the Police that they are recovering the alleged slippers and as per their instructions, he signed the alleged seizure memos (Exs.P-19 to P-21) and, likewise is the statement of another attesting witness, namely, Neelkamal Jangde (PW-10). Both these attesting witnesses have, thus, not supported the alleged seizure memos (Exs. P-19 to P-21).

16. Dr. Prashant Verma (PW-12), who conducted the autopsy of the dead body of the deceased, opined the cause of death to be homicidal in nature. He, however, has not found the smell of alcohol or any of its substance in his internal body. The statements of others are formal in nature.
17. After evaluating the aforesaid evidence led by the prosecution, the trial court has placed its reliance upon the child witness, namely, Tushar (PW-4) and that by holding that the alleged seizure memos (Exs.P-19 to P-21) were proved by its attesting witnesses, vis-a-vis, FSL report (Ex.P-38) detecting the blood group "O" matched with the alleged articles, i.e. 'Bat' ("E") and 'paper' ("A") recovered from the spot, held the appellants guilty for the commission of the alleged crime.
18. While taking note of the evidence led by the prosecution, the trial Court has placed its reliance mainly upon the testimony of the child witness,

namely, Tushar (PW-4) and held the appellants guilty for the commission of the alleged crime. The entire case is, thus, based upon his testimony.

19. The question which, therefore, arises for determination in this appeal is as to,

“Whether the conviction of the appellants could be held to be sustained based upon the said child witness and/or whether his statement is duly corroborated by the corroborative piece of evidence, like seizure memos (Exs.P-19 to P-21), FSL report (Ex.P-38) and the statement of Dr. Prashant Verma (PW-12), who conducted the autopsy of the dead body of the deceased- Sanjay Vaishnav ?”

20. It is to be seen at this juncture that before the examination of the said child witness, the trial court has put as many as 7 questions in order to ascertain as to whether he is competent to make statement or not? It, however, appears that out of the 7 questions, he failed to give his answer pertaining to one of the questions, where he was asked, “where have you come”, but he replied to the said question as “not known”. Yet the trial Court has recorded its opinion that he appears to be a competent one to state even without recording his satisfaction to this effect. It is to be seen at this juncture, the principles laid down by the Supreme Court in the matter of ***Pradeep Vs. State of Haryana***, reported in **2023 SCC OnLine SC 777**, wherein it has been held that before the evidence of the child witness is recorded, the trial court must record its opinion and satisfaction that the child witness understands the duty of speaking the truth and must clearly state why he is of such an opinion. The relevant observations made to this effect at paragraphs 8 to 10 read as under :-

"8. However, in view of the requirement of Section 118 of the Evidence Act, the learned Trial Judge was under a duty to record his opinion that the child is able to understand the questions put to him and that he is able to give rational answers to the questions put to him. The Trial Judge must also record his opinion that the child witness understands the duty of speaking the truth and state why he is of the opinion that the child understands the duty of speaking the truth.

9. It is a well-settled principle that corroboration of the testimony of a child witness is not a rule but a measure of caution and prudence. A child witness of tender age is easily susceptible to tutoring. However, that by itself is no ground to reject the evidence of a child witness. The Court must make careful scrutiny of the evidence of a child witness. The Court must apply its mind to the question whether there is a possibility of the child witness being tutored. Therefore, scrutiny of the evidence of a child witness is required to be made by the Court with care and caution.

10. Before recording evidence of a minor, it is the duty of a Judicial Officer to ask preliminary questions to him with a view to ascertain whether the minor can understand the questions put to him and is in a position to give rational answers. The Judge must be satisfied that the minor is able to understand the questions and respond to them and understands the importance of speaking the truth. Therefore, the role of the Judge who records the evidence is very crucial. He has to make a proper preliminary examination of the minor by putting appropriate questions to ascertain whether the minor is capable of understanding the questions put to him and is able to give rational answers. It is advisable to record the preliminary questions and answers so that the Appellate Court can go into the correctness of the opinion of the Trial Court."

21. In the instant matter, the trial Court has, however, even without recording his opinion and satisfaction that the said child witness-Tushar (PW-4) is competent to state, has placed his reliance on his testimony, while convicting the appellants for commission of the alleged crime. Be that as it may, since the trial Court has placed its reliance upon his testimony for recording the conviction of the

appellants, we are, therefore, examining his testimony in order to ascertain whether his testimony is sufficient for the conviction of the appellants.

- 22.** As reflected from his testimony (PW-4), as observed herein-above, the father of him was assaulted by the appellant- Hetram with the aid of cricket bat while Pappu @ Kashi Sahu had pressed his neck by his legs and mother (Smt. Savitri Bai) had assaulted him as well with the bat and the alleged cricket-bat was found to be broken into pieces. It appears further from his testimony that his father on the fateful day was in drunken condition and his aunt (Bua) and mother (Savitri Bai) are not in talking terms. Although, it was stated by him that his father was assaulted by his mother also with the aid of bat, but the said version of him was, however, not found to be placed in his statement (Ex.P-8) recorded under Section 161 Cr.P.C. It is to be seen further that his uncle (Phupha/PW-1) and aunt (Bua/PW-3), who are the hearsay witnesses, have also stated that the deceased's wife- Savitri Bai has assaulted her husband with the bat. Said child witness- Tushar (PW-4), who was with them since 19th September, 2017 till the date of the recording of his statement before the Court, i.e., 18.09.2017 and the relations of his aunt (Bua – Smt. Sanjeeta Mane) was not cordial with his mother, appears to be tutored by them, else he would not have stated so. Apart from this, there are material discrepancies in his statement regarding use of the alleged bat as well as the drunken condition of his father on the said fateful day and, the said fact cannot be ignored while examining his statement as the same is the sole basis of conviction of the appellants. According to him, when his father was

assaulted with the alleged cricket-bat, the same was found to be broken into pieces, however, the broken bat was not recovered as evident by the seizure memos (Exs.P-19 to P-21). Even otherwise, the alleged seizure was not found to be corroborated by its attesting witnesses, namely, Rajendra Kumar Kurre (PW-9) and Neelkamal Jangde (PW-10), as observed herein-above. Besides, his father was in drunken condition, but neither the smell of alcohol nor any of its substance was detected in his postmortem Report (Ex.P-22) conducted by Dr. Prashant Verma (PW-12). There are, thus, material discrepancies in his statement and cannot be relied upon unless and until, the same is corroborated by cogent and reliable evidence. It is, therefore, to be examined as to whether his statement is corroborated by other piece of evidence led by the prosecution or not.

23. According to the FSL report (Ex.P-38), the blood group "O" was detected on the alleged articles, "bat", marked as "E" and "paper", marked as "A" recovered from the spot. But, upon a close scrutiny of the record, we, however, do not find any recovery of the alleged "paper" from the spot, as alleged by the prosecution, yet, the same has been sent for the chemical examination.
24. Pertinently, to be noted here further that after the recovery of the alleged articles vide seizure memos (Exs.P-19 to P-21) from the appellants- Hetram Sahu and Pappu @ Kashi Sahu, the query report (Ex.P-23) was made along with the bloodstained curtain (Parda), alleged to have been recovered from the spot and sent for the chemical examination. However, we do not find any recovery of the alleged curtain (Parda) as well from the spot and, the Investigating

Officer (PW-17) in his statement, at para 13, has categorically admitted the said fact, that he has not made the alleged recovery of curtain (Parda). How then such a query report (Ex.P-23) could be made or the alleged “paper” and “curtain” (Parda) could be sent for the chemical examination. It, thus, appears that the prosecution has deliberately shown the recovery of the alleged curtain (Parda), while preparing the said query report (Ex.P-23) though, admittedly, the same was not found to be recovered from the spot. No reliance therefore, could be placed upon such a report (Ex.P-38).

- 25.** It is to be noted at this juncture, that the statement (Ex.P-9) of the deceased’s daughter, namely, Riya was recorded on 19.09.2017 revealing the involvement of the appellants, but neither they have been arrested on the said day itself, nor any plausible explanation has been offered as to why her brother (Tushar) was not examined on the said day itself along with her and why the FIR has been registered by delay of two days on 21.09.2017 instead of 19.09.2017, despite knowing the involvement of theirs’ and why the alleged articles, i.e. curtain (Parda) and “paper” were sent for chemical examination irrespective of the fact that the same were not recovered. No explanation, whatsoever, has been given as to why, it so happened. The approach of the prosecution, thus, appears to have been made in order to implicate the appellants for the commission of the alleged crime somehow or the other.
- 26.** What is, therefore, reflected from the above-mentioned analysis of the circumstantial evidence, like the recovery of the alleged articles (Exs.P-19 to P-21) and the FSL report (Ex.P-38), the evidence of the said child

witness is neither found to be reliable or trustworthy and, instead appears to be tutored by his uncle and aunt (PW-1 and PW-3), nor even the same was found to be corroborated by the other circumstantial evidence as observed herein-above.

27. It is settled principles of law that there is no requirement or condition that the evidence of a child witness must be corroborated before it can be considered, and rather the insistence of any corroboration is only a rule of prudence that would depend upon the peculiar facts and circumstances of the each case, as held by the Supreme Court in the matter of ***Dattu Ramrao Sakhare Vs. State of Maharashtra***, reported in ***(1997) 5 SCC 341***, wherein it has been held at paragraph 5, which reads as under :-

“5. The only precaution which the court should bear in mind while assessing the evidence of a child witness is that the witness must be a reliable one and his/her demeanour must be like any other competent witness and there is no likelihood of being tutored. There is no rule or practice that in every case the evidence of such a witness be corroborated before a conviction can be allowed to stand but, however as a rule of prudence the court always finds it desirable to have the corroboration to such evidence from other dependable evidence on record.”

28. In the matter of ***Panchhi v. State of U.P.***, reported in ***(1998) 7 SCC 177***, it was held by the Supreme Court that the evidence of a child witness should not be outrightly rejected but the evidence must be evaluated carefully and with greater circumspection because a child is susceptible to be swayed by what others tell him and an easy prey to tutoring. The relevant observations made at paragraphs 11 and 12, read as under: -

"11. 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

12. Courts have laid down that evidence of a child witness must find adequate corroboration before it is relied on. It is more a rule of practical wisdom than of law."

29. Likewise, in the matter of ***Arbind Singh v. State of Bihar***, reported in ***1995 Supp (4) SCC 416***, it was held by the Supreme Court at paragraph 3, as under:-

"3. Having taken a careful look at the evidence of this child witness we are of the opinion that implicit faith and reliance cannot be placed on her testimony since it is not corroborated by any independent and reliable evidence. It is well-settled that a child witness is prone to tutoring and hence the court should look for corroboration particularly when the evidence betrays traces of tutoring. We, therefore, think that appellant 1 was entitled to benefit of doubt."

30. Applying the aforesaid principles to the case in hand and, that by considering further the statement of the child witness- Tushar (PW-4), which was not only found to be contradictory to his statement (Ex.P-8) recorded under Section 161 Cr.P.C., as observed herein-above, but was also not found to be corroborated by the other corroborative piece of evidence, like the recovery of the alleged weapon "bat", vis-a-vis, drunken condition of his deceased- father as revealed from the postmortem report (Ex.P-22) conducted by Dr. Prashant Verma (PW-12), it would, therefore, be unsafe to place the reliance upon his testimony attributing the appellants for the commission of the alleged crime. The appellants are, thus, entitled to get the benefit of doubt.
31. Consequently, these appeals are allowed and the impugned judgment

of conviction and order of sentence dated 04.10.2019 passed by the 3rd Additional Sessions Judge, Balodabazar in Sessions Trial No.05/2018, are hereby set aside and the appellants are directed to be released forthwith, if not required in any other case.

32. Let a certified copy of this judgment along with the original record be transmitted to the trial Court concerned for necessary information and action, if any. A certified copy of the judgment may also be sent to the concerned Jail Superintendent forthwith, wherein the appellants are suffering the jail sentence.

Sd/-
(Sanjay S. Agrawal)
Judge

Sd/-
(Radhakishan Agrawal)
Judge