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ANNEXURE-R1

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IN THE COURT OF SESSIONS JUDGE, DURG DISTRICT DURG
(CHHATTISGARH)

(Presiding Officer C.B. Bajpayee)

Session Case No. : 288/2011

Date of Institution : 30.12.2012

State of Chhattisgarh

Through Police Station Ranitarai

District-Durg (Chhattisgarh)

Prosecution

Vs.

Chhannulal Verma son of Late Kamta Prasad

Verma, aged about 46 years, R/o Village

Borid, Police Station- Ranitarai

District-Durg (Chhattisgarh)

...Accused

Arising out of committal order passed by Shri
Kamlesh Jagdalla, the then Judicial Magistrate
First Class, Patan, District-Durg (Chhattisgarh)
on 23.12.2011 in criminal case No. 850/2011
title- State Vs. Chhannulal Verma for offence u/s
section 302, 307 of I.P.C. for the Court of
Sessions

Present: Shree Sudarshan Mahalwar, Public
Prosecutor for the state.

Ms. Yasmeen Rizvi, Advocate for the state

JUDGMENT

(Pronounced today i.e. on 25th June, 2013)

1. Through this Judgment, there is an accusation of charges under sections 450, 302, 506 (2), 307 of I.P.C. against accused Chhannula Verma Son of Late Kamta Prasad Verma under that:-

(1) In the evening at about 5 O'clock on 19.10.2011, in village Borid, Police Station Ranitarai, District-Durg (Chhattisgarh) the accused entered the house of Anand illegally and committed house-trespass so that murder of Anand Ram Sahu, Firanteen Bai (wife of Anand Ram Sahu) and Smt. Ratna Sahu (daughter-in-law of Anand Ram) could be committed which is punishable for life.

(2) On the above said date, time and place the accused caused injuries to Anand Ram son of Ramdayal Sahu in his house near his door with knife; and after stabbing Ratna Sahu and Firanteen Bai, he took him out by dragging but

fell down near Chabutara (platform) of the house of Meera Banchhor and died. Thus, the accused committed his murder intentionally and knowingly.

(3) On the above said date, time and place the accused after entering the house of deceased Anand Ram Sahu committed murder of Smt. Ratna Sahu wife of Tulsi Ram Sahu and Smt. Firanteen Bai wife of Anand Ram Sahu using knife with intent and knowledge.

(4) Thereafter, in the village-Borid itself the accused entered the house of complainant Smt. Durga Banchhor with blood stained knife smeared in blood and threatened to kill Smt. Meera Bai wife of Chhannu Banchhor using filthy language and executed such threatening by stabbing with knife.

(5) the date, time and place as mentioned in Sl. No. 04, the accused caused fatal injury to Smt. Meera Banchhor wife of Chhanu Banchhor and Chhanu Banchhor son of Late Brijlal Banchhoor with the weapon knife (used for cutting) with intent and

knowledge that if death of Smt. Meera Banchhor and Chhanu Banchhor occurred with the act done by him then he would have been held guilty for the offence of murder.

(6) on the aforesaid date, time and place, during the injuries being caused to Smt. Meera Banchhor and Chhannu Banchhor by the accused and till they died, the accused injured Gendlal Verma son of Krishan Verma when he reached there, and the accused uttered "you have come to be witness; I will kill you"; saying this the accused caused fatal injuries with intent and knowledge that if death of Gendlal Verma occurred in such circumstances with the act done by him then he would have been guilty for the offence of murder.

Evidences produced with regard to the above are being appreciated and Judgment is being held.

2. (1) According to charge-sheet filed by Police Station Ranitarai, District-Durg (Chhattisgarh), the prosecution version in brief

is that at 17.55 hours on 19.10.2011 Shree Santok Ram Lahare (P.W.3) posted as S.H.O. in Police Station Ranitarai received wireless information from Patan Police Station that quarrel had taken place in village Borid. On this information, he along with Head Constable 905 Hemlal Mahipal, Constables bearing Nos. 875, 1873, 1459, 1527 left for village Borid. Assistant Sub Inspector R.S. Tripathi also accompanied. After contacting through mobile and on instruction of Superintendent of Police, Sub Inspector Brijesh Kushwaha was also taken in the team. In this regard, Rojnamacha Sanha (Exhibit P-77) was recorded in Police Station Ranitari. The said Ram Lahare Inspector (P.W.30) reached the site where Smt. Durga Banchhor gave information about stabbing of Anand Ram Sahu, Smt. Ratna Sahu, Smt. Firanteen Bai, Smt. Meera Banchhor, Channu Lal Banchhor and Gendlal Verma by accused with knife. On the basis of it, at 19.30 hours on 19.10.2011, he lodged Dehati Nalishi (Exhibit P-18) Crime No.

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0/2011 offence under sections 307, 302 of I.P.C. at the site of incident. Thereafter, Smt. Durga Banchhor gave information that accused has killed Anand Ram Sahu son of Ramdayal Sahu by stabbing with knife and Anand Ram Sahu has died on which Dehati Merg Intimation (Exhibit P-19) was lodged at 19.40 hours on 19.10.2011.

2. On 19.10.2011, the injured Chhannu Banchhor was sent to community health centre Patan for medical treatment in the company of constable with application for treatment where Dr. Thakur Ajay Singh Medical Officer (P.W.23) provided first aid and gave report (Exhibit P-45). The injured was continuously bleeding from his wounds and was in a condition of Shock. Due to this he was referred for intensive treatment. At this, very same time at 07.45 hours Chhannu Banchhor was brought to Emergency Room of Bhilai Hospital Sector-9 for intensive treatment where Dr. Sanjay Kumar Bhoi the then Medical Officer (P.W.13)

examined him immediately and got the patient admitted in Surgical War H-04 observing the condition of the patient. His report with regard to that is Exhibit P-21 and admission slip is Exhibit P-22. Very same day at 8.00 hours in the night on 19.10.2011, Smt. Ratna Sahu w/o of Tulsiram was brought dead in the said Hospital in casualty. It was stated in her case history that at someone had stabbed her with knife at 5.20 p.m. on 19.10.2011. Dr. Sanjay Kumar Bhoi, the then Medical Officer (P.W.13) passed death information report of Ratna Sahu (Exhibit P.23) and passed to in-charge Police Station Kotwali Sector 06, Bhilai. At 20.30 p.m. on 19.10.2011, Smt. Meera Banchhor w/o of Shri Channu Banchhor was also brought to the said hospital where Dr. Meenakshi Dave Assistant Director (P.W.14) examined her and prepared report (Exhibit P-24). After first add treatment, the said lady was transferred to Female Surgical Ward for further treatment. In the night at 8.20 pm. 19.10.2011,

injured Gendlal son of Krishna Verma was brought to Casualty for treatment who was also examined by Dr. Minakshi Dave Assistant Director (P.W.14). With regard to it, Exhibit P-26 is Bed Head tick. This injured was also shifted to Ward H-04 after first add. Dr. Minakshi Dave Assistant Director (P.W.14) gave information Kotwali Police for admission of Gendlal Verma son of Krishna Verma and Meera Banchoor w/o Chhanu Banchhor for treatment after the incident which exhibits are Exhibit P-29 to Exhibit P-30 respectively.

3. Dr. Jyoti Ranjan Puthal, Resident Doctor (P.W.27) conducted sonography of the chest of Channulal Banchhor and Smt. Meera Banchhor and gave report Exhibit P-54 and P-55 respectively.

At 8.06 p.m. on 19.10.2011 Chhanu Banchhor was got admitted in Ward H-4 for which bed Head ticket is Exhibit P-56. At 8.13 p.m. on 19.10.2011 Smt Meera Banchhor was admitted in Ward H-3 for which bed Head ticket is Exhibit

P-57. At 8.33 p.m. on 19.10.2011 Gendlal Verma was admitted in Ward H-4 for which bed. Head ticket is Exhibit P-58. These all Bed Head tickets bear signature of Dr. Sumanta Mishra Senior Deputy Director (P.W.28).

4. Dr. Parag Gupta, Senior Medical Officer (P.W.29) examined and did treatment of Injured Chhannu Banchhor after his admission in Ward H-4 and examination report is Exhibit P-59. Dr. Parag Gupta, Senior Medical Officer (P.W.29) examined and did treatment of Injured Meera Banchhor after her admission in Ward H-3 and Examination report is Exhibit P-60. Dr. Parag Gupta, Senior Medical Officer (P.W.29) examined and did treatment of Injured Gendlal Verma after his admission in Ward H-4 and Examination report is Exhibit P-61.

5. Vidhyanchal Yadav, Operator Cum Technician (P.W.18) had produced death information report of deceased Ratna Sahu (Exhibit K-23) on 19.10.2011

in the Police Station Bhilainagar which had been given to him by Duty Medical Officer of casualty of Hospital sector-9 and got lodged Merg Intimation Zero (Exhibit P-34).

6. Man Singh Sonwani Head constable (P.W.17) registered Merg Sl. No. 17/2011 in Police Station Ranitarai on being brought Dehati Merg Intimation of Anandram Sahu (Exhibit P-19) No. 0/2011 by constable Sheetalram. Information Register of the said unnatural death is Exhibit P-32. The said Head constable made entry of the information of the said unnatural death in Sanha Sl No. 537 dated 19.10.2011 in the Police Station. On production of unnumbered Dehati Nalishi (Exhibit P-18) to Head Constable Man Singh Sonwani (P.W.17) by Constable Sheetalram, then the said Head Constable lodged First Information Report (Exhibit P-18) u/s 307, 302 of I.P.C. against the accused.

7. Santok Ram Lahare Inspector (P.W.30) visited the the site of incident and came back for which got lodged report in the Roznamacha (Exhibit P-18) of the Police Station Ranitarai.

8. On receipt of information about death of deceased Ratna Bai from Bhilai Hospital, Assistant Sub Inspector Lakhan Lal Tandon went to Hospital sector-09 on 20.10.2011 and conducted inquest proceedings of the dead-body; for this he summoned Panch witnesses by giving notice (Exhibit P-01). On appearance of witness (Panchs) and after identification of the dead-body by them, he prepared inquest on the body (Exhibit P-02). Witnesses (Panchs) opined that in order to ascertain the correct cause of death, post-mortem of the dead-body should be conducted. At this, dead-body of deceased Ratna Bai was sent to Community Health Centre Patan for conduction of post-mortem where a joint team comprising of Dr. Thakur Ajay Singh and Dr. S Rotella conducted

postmortem and prepared Post-Mortem Report (Exhibit P-48). Thereafter, dead-body of the deceased was handed over to relative for cremation through 'Supurdinama' (Exhibit P-03).

9. Santok Ram Lahare Inspector (P.W.30) went to mortuary of Government Hospital, Patan on 20.10.2011 and summoned witnesses (Panchs) for inquest proceedings of the dead-body of Anand Ram Sahu by giving notice Exhibit P-05. Inquest Report (Exhibit P-08) was prepared after examining the dead-body in the presence of Panch witnesses. In order to ascertain the correct cause of death, dead-body of Anandram Sahu was sent to Community Health Centre Patan with constable Santosh Soni (P.W. No. 20) with carrying requisition for postmortem (Exhibit P-35); where a joint team of doctors comprising of Dr. Thakur Ajay Singh and Dr. S. Rottella conducted postmortem and gave Postmortem Report (Exhibit P-47). Thereafter, dead-body of the deceased was handed over to relatives of the

deceased for cremation through 'Supurdinama' (Exhibit P-20).

10. Santok Ram Lahare Inspector (P.W.30) lodged Dehati Merg Intimation 0/2011 Exhibit P-63 and registered Merg Intimation 18/2011 Exhibit P-66 on 20.10.2011 on receipt of information of death of Firanteen Bai from Omprakash Sahu. During treatment, Firanteen Bai died, therefore, her dead-body was kept in the mortuary of Government Hospital, Patan. For inquest proceedings of the said deceased, notice to witnesses (Exhibit P-07) was issued and in the presence of witnesses, after examining the dead-body, inquest report (Exhibit P-8) was prepared. In order to ascertain the correct cause of death, dead-body of Firanteen Bai was sent to Community Health Centre Patan with constable Santosh Soni (P.W. 20) with requisition for postmortem (Exhibit P-36); where a joint team of doctors comprising of Dr. Thakur Ajay Singh and Dr. S. Rottella conducted

postmortem and gave Postmortem Report (Exhibit P-46). Thereafter, dead-body of the deceased was handed over to relatives of the deceased for cremation through 'Supurdinama' (Exhibit P-20). Sanatok Ram Lahare Inspector (P.W.30) after getting conducted autopsy of deceased Firanteen Bai and Anand Ram came back to Police Station and gave duty certificates (Exhibit P-37 and Exhibit P-38) to constable Santosh Soni. And Duty Certificate (Exhibit P-68) for conduction of postmortem of deceased Ratna Bai was given to Constable Gobind Ram Sahu by Asst. Sub Inspector S.L.Tandon Police Station Bhilainagar.

11.Santok Ram Lahare Inspector (P.W.30) prepared Site Plan of the site of incident (Exhibit P-15) on 20.10.11 in the presence of witnesses. At 07.00 hours in the morning on 20.10.2011, as per description of Exhibit P-12, collected blood stained earth and plain earth as per Sl. Nos. 01 to 06 from the site of incident (Parchhi of Meera

report given by her after examination is Exhibit P-42. . Similarly, on 20.10.2011, she examined X-ray Film No. 33192. The said X-ray belonged to chest and abdomen of Chhanu Banchhor. Article C is film of the X-ray which was examined and the report given by her after examination is Exhibit P-44.

13. On 20.10.2011, Dr. Tushar Ranjan Meher, DNB Trainer (P.W.24) did X-ray of the chest of patient Chhanu Banchhor whose registration No. is 1167228 and was admitted in Ward No. H-4 S-2. X-Ray Film is bearing No. 33204 which is Article is 'D' which was examined by him and report given by him is Exhibit P-50.

14. Santok Ram Lahare Inspector (P.W.30) took the accused Chhanulal Verma under his custody and did interrogation in the presence of witnesses and recorded memorandum statement (Exhibit P-09). He seized one iron knife and one full-shirt at the instance of accused through Seizure Memo (Exhibit

P-10). It was produced after taking out by the accused from the bushes of Ghorī Talab in the presence of Witnesses. Very same day, one full-pant and one half Sando Baniyan bearing blood stains were seized from the accused through seizure Memo (Exhibit P-11) after getting removed from the body of accused. Very same day, he arrested the accused through Memo Arrest (Exhibit P-64) and his information with regard to arrest was passed to Parmanand Verma (Exhibit P-65).

15. On 22.10.2011, Dr. Meenakshi Dave, Assistant Director (P.W. No. 14) was given filled requisition form for medical examination of the injuries of Smt. Meera Banchhor by the Police of Ranitarai Police Station. She gave details of the injuries sustained (Exhibit P-25) with the requisition for medical examination at the time of admission. Similarly, she was given requisition form for medical examination of injured Gendlal Verma on 22.10.2011 wherein

having mentioned details of injuries (as per Exhibit P-26) sustained by the said injured, she sent details (Exhibit P-27) to in-charge Police Station.

16. On 22.10.2011, Constable Khuleshwar Gaikward (P.W.16) got registered the information of Casualty and unnatural death in the Police Station Ranitarai after bringing Merg No. 0/2011 lodged in the Police Station Bhilainagar.

17. On 22.10.2011 Santok Ram Lahare Inspector (P.W.30) seized one sealed packet containing clothes of deceased Ratna Bai through memo seizure (Exhibit P-41) on production of constable Santosh Kumar Soni. Accused was also medically examined for which requisition is Exhibit P-72 which bears report of medical examination on its front page. On 25.10.2011, Dr. Tushar Ranjan Meher, DNB Trainee (P.W.24) did X-Chest ray of injured Chhanu Banchhor which X-Ray film is

Article is 'E' and its report is Exhibit P-51. Santok Ram Lahare Inspector (P.W.30) seized Gamachha (thin cloths like towel) of Chhannulal Banchhor on 30.10.2011 through seizure Memo (Exhibit P-67) in the presence of witnesses. Very same day, he seized printed blood stained Saree of injured Meera Banchhor which was being put on by her on the date of incident through Memo Seizure Exhibit P-16 in the presence of witnesses. On 01.11.2011, on production of injured Gendalal Verma, he seized one full shirt and one black colour Sleeves Baniyan (Vest) containing blood stains through memo seizure Exhibit P-17 in the presence of witnesses. Dr. Smt. Lata Devangan, Radiologist (P.W.21) took X-ray of injured Gendlal Verma which is Article B and report of examination is Exhibit P-43.

18. Santok Ram Lahare, Inspector (P.W.30) wrote letter (Exhibit P-69) to concerned Executive Magistrate for preparation of site plan of the

site of incident. At this, Somanlal Ramteke Patwari (P.W.19) drawn Site Plan (Exhibit P-04) in the presence of witnesses. Santok Ram Lahare, Inspector (P.W.30) sent requisition application (Exhibit P-70) to Dy Manager Record Branch Sector-09 Bhilai Hospital for obtaining Bed Head Tickets and X-Ray Reports in respect of injured Meera Banchhor, Chhanulal Banchhor and Gendlal Verma who got treatment in the hospital after sustaining injuries in the incident. On 21.11.2011, Santok Ram Lahare, Inspector (P.W.30) queried to Bhilai Hospital Sector 09 for obtaining opinion of the concerned doctors in respect of injured Meera Banchhor and Gendlal. Very same day, Santok Ram Lahare, Inspector (P.W.30) made query (Exhibit P-49) to Assistant Surgeon, Government Hospital Patan with regard to human blood containing in the clothes of Chhannu Banchhor, with regard to injury from the seized knife, with regard to death if treatment not provided to the injured, with regard to death of

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Anandram, Firanteen Bai and Ratna Bai; and doctor recorded his opinion on its front part.

19. Santok Ram Lahare, Inspector (P.W.30) sent the seized case properties to Director State Forensic Science Laboratory Raipour for examination through Head Constable Hemlal Mahipal with memo (Exhibit P-52) of Superintendent of Police Durg wherefrom receipt (Exhibit P-53) was received and later on report (Exhibit P-71) was received. Santok Ram Lahare, Inspector (P.W.30) produced crime report (Exhibit P-73 to P-76) relating to Ratna Bai. In the course of Investigation, recorded statement of witnesses as per their saying.

20. From investigation, finding the accused committed murder and attempted to commit murder, submitted charge-sheet against the accused in the Court of Shri Kamlesh Jagdalla, Chief Judicial Magistrate, First Class, Patan, District-Durg (Chhattisgarh) on 23.12.2011 wherefrom, being the

matter triable by Sessions, was committed to Sessions Court, Durg on 23.12.2011.

21. The instant matter was received in this court on committal on 30.12.2011. In this case, accused has been arrested on 21.10.2011 and since then the accused is under custody till today.

03. On 23.03.2012, the Predecessor finding prima-facie charges under sections 450,302,506(2), 307 of I.P.C. against accused, framed charges u/s 450,302,506(2), 307 of I.P.C. against the accused. The accused denied the charges and his plea was recorded and witnesses were summoned.

4. In this matter, the prosecution in support of its case has got examined witnesses viz. Tulsiram (P.W.1), Anup Sahu (P.W.2), Gopalram Markandey (P.W.3), Santosh Kumar Ghirwani (P.W.4), Shankar Lal Banjare (P.W.5), Smt. Meera Banchhor (P.W.6), Gendlal Verma (P.W.7), Bansanta Bai (P.W.8),

Sukhdev Yadav (P.W.9), Jailal Dhankar (P.W.10),
Smt. Durga Bai (P.W.11), Omprakash Sahu (PW 12),
Sanjay Kumar Bhoi (P.W.13), Dr. Meenakshi Dave
(P.W.,.14), Roshan @ Sonu Sahu (P.W.15),
Khuleshwar Gaikward Constable (P.W.16), Man Singh
Sonwani Head Constable (P.W.17), Bindhyachal
Yadav, Operator Cum Technician (P.W.18), Somanlal
Ramteke Patwari (P.W.19), Santosh Soni Constable
(P.W.20), Dr. Smt. Lata Devangan, Radiologist
(P.W.21), Toshani Sahu (P.W.22), Dr. Thakur Ajay
Singh , Medical Officer (P.W.23), Dr. Tushar
Ranjan Meher DNB Trainee (P.W.24), Hemlal
Mahipal Head Constable (P.W.25), Lakhan Lal
Tandon ASI (P.W.26), Dr. Jyoti Ranjay Puthal
Resident Doctor (P.W.27), Dr. Sumanta Mishra Sr.
Dy. Director (P.W.28), Dr. Prag Gupta Sr. Medical
Officer (P.W. 29) and Santok Ram Lahare,
Inspector (P.W.30). Defence has not got examined
any witness in sport of its case.

5.The following are questions for determination

in the matter.

(i) Whether at 5 O'clock in the evening on 19.10.2011, in village Borid, Police Station-Ranitarai, District-Durg (Chhattisgarh), Anand Ram Sahu son of Ramdyal Sahu, Smt. Ratna Sahu w/o Tulsi Sahu and Smt. Firanteen Bai w/o Anand Ram Sahu died of fatal injuries and according they were murdered?

(ii) Whether on the aforesaid date, time and place, accused Chhannulal Verma causing injuries on the vital organs of Anand Ram Sahu son of Ramdayal Sahu, Smt. Ratna Sahu wife of Tulsi Sahu and Smt. Firanteen Bai wife of Anand Ram Sahu with sharp edged knife and thus causing their death with intent, committed their murder?

(iii) Whether after 5 p.m. on 19.10.2011 grave injuries were caused on the vital organs of Smt. Meera Banchhor wife of Chhannulal Banchhor, Chhannu Banchhor son of Late Brijlal Banchhor and Gendlal Verma son of Krishan Verma in village

Borid, Police Station- Ranitarai, District-Durg
(Chhattisgarh)?

(iv) Whether on the aforesaid date, time and place, accused Chhannulal Verma caused fatal injuries on the vital organs of Smt. Meera Banchhor wife of Chhannu Lal Banchhor, Chhannu Banchhor son of Late Brij Lal Banchhor and Gendlal Verma son of Krishan Verma with sharp edged knife?

(v) Whether on the aforesaid date, time and place, the accused caused the aforesaid injuries with such intent and knowledge that if Smt. Meera Banchhor wife of Chhanu Lal Banchhor, Chhanu Banchhor son of Late Brijlal Banchhor and Gendlal Verma son of Krishan Verma died in the above circumstances then he would have been held guilty for the offence of murder?

(vi) Whether at 5 O'clock or around it in the

evening on 19.10.2011, at village Borid, Police Station- Ranitarai, District-Durg (Chhattisgarh), the accused unlawfully entered the house of Anand Ram and committed offence of house-trespass in order to commit offence of murder (Punishable for life) of Anandram Sahu, his wife Firanteen Bai and Smt. Ratna Sahu (Daughter-in-law of Anand Ram)?

(vii) Whether after 05 O'clock in the evening on 19.10.2011 the accused armed with blood smeared knife entered the house of complainant Smt. Durga Banchhor and using filthy language over Meera Bai w/o Chhanu Banchhor threatened her for life and thus executed such threat by assaulting her with knife?

(viii) What offence Accused Chhanulal Verma has committed and what would be sentence for him?

06. 1. In the instant matter, the Public Prosecutor, while contending orally, has stated that there had been a trial in Sessions Court against the accused (in the instant matter) for commission of rape on deceased Ratna Sahu (in the instant matter) and the accused was acquitted in the said Sessions Trial. The present incident occurred after short period of declaration of the aforesaid acquittal. In the evening at 5 O'clock on 19.10.2011 the accused went to the house of Anand Ram Sahu and stabbed his wife Firanteen Bai, his daughter-in-law Ratna Bai; the accused also stabbed Anand Ram. All the three persons died consequent of many fatal injuries inflicted with knife by the accused. Thereafter, in continuance of the same attitude, the accused caused several injuries to Meera Banchhor, Chhanu Lal Banchhor and Gendlal Verma with intention to commit their murder. Due to in time treatment, the aforesaid Meera Banchhor, Channu Lal Banchhor and Gendlal Verma got saved. Thus, the accused

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attempted to commit murder of all the aforesaid three persons. The accused threatened Ratna Bai for her life and in furtherance of the above, he caused several injuries and committed her murder. The accused also committed act of unlawfully entering the house of Anand Ram Sahu, thus, the offence of house-trespass. According to the Prosecution, Anand Ram Sahu and Firanteen Bai both are husband-wife and Ratna Bai is their daughter-in-law. All these three persons have died.

2. At the time of incident the accused went to the house of Anand Ram Sahu and committed murder of Ratna there by stabbing with knife; he also gave several knife injuries to Firanteen Bai Sahu and committed her murder. He assaulted Anand Ram Sahu with knife near his house. He, while assaulting him (Anand Ram Sahu) dragged him to the Chabutara of Chhnnu Lal Banchhor where Anand Ram Sahu died. In the instant matter, Eye Witness

is Roshan @ Sonu Sahu (P.W.15) whose age is about 10 years. This witness has stated name of grand-mother, grand-father and mother who were killed in this incident. This witness has stated that 10 months ago from the date of deposing in the Court, it was incident of Deepawali and time was 05 O'clock evening; his grand-parents means Anand Ram Sahu and Firanteen Bai were there in the house and mother had gone to Boring (tube-well) to fetch water. When she came back carrying water, accused Chhanulal Verma abused her. When Anand Ram Sahu objected then the accused took out knife from his pocket and stabbed Anand Ram Sahu; then Anand Ram Sahu ran into the room of house. The accused stabbed knife to his mother Ratna Bai near neck and abdomen; thereafter he came out and stabbed knife to his grand-mother Firanteen Bai in the court-yard. Thereafter, took Anand Ram Sahu to the house of Meera Banchhor while assaulting him with knife and dropped him on the Chabutara. Then, he went

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to the house of Meera Bai Banchhor and informed her mother-in-law Durga Bai and Meera Bai. Then, the accused gave knife injuries to Meera Bai there only and thereafter again gave blow to his Grand-father near his waist. At this, he went to the house of his uncle (Bade Papa) out of fear.

The Defence did cross-examination of this witness at length in 07 pages but the incident and the evidence which emerged could not be rebutted. This witness remained unshaken on the facts given in his examination-in-chief. Therefore is no reason for the witness to tell lie. According to this witnesses, his mother Ratna got injured at the time of incident but she was alive. It is evident that the accused was mentally and physically ready to commit murder of all the three persons and the accused was also having proper knife in order to meet the object. There is a serious contradiction in the statement

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of this witness but it is not fatal on the point of admission of the incident which is main point.

4. Prosecution witness Durga Bai (P.W.1) about 70 years old is mother-in-law of Meera Banchhor. Predecessor has recorded statement of this witness with reason under camera proceedings. According to this witness, at 5 O'clock in the evening on 19th, month was Kartik (Hindi Month), she was sitting in her house. Her daughter-in-law Meera Banchhor was also sitting with her. Both of them were sitting in the Varandah and Basanta (house maid) was cleaning utensils. Very same time Sonu son of Tulsi reached weeping. He narrated that Chhannu Verma was stabbing her mother Ratna Bai, Anandram (grand-father) and Firanteen Bai (Grand Mother). At this, she came out with Sonu; accused Chhannu very same time brought assaulting Anand Ram there and dropped him on their Chauke (Platform). Accused was completely stained with blood. The accused

entered the house of this witness and while catching hold hand of Meera Banchhor (daughter-in-law of this witness) and gave knife blow behind neck and then several knife blows on other parts of her body. At this she told the accused "if you want to kill, kill me (witness) but do not kill her (daughter-in-law)". The accused told that he would certainly be hanged. Thereafter, the accused came out from the Varandah of her house and went to 'Byara'. In the 'Byara', there was her son Chhannu Banchhor and two more persons Viz. Jailal and Sukhdev were there. The accused also stabbed knife to Chhannulal Banchhor of which he saw the marks later on. This witness had got written *Dehati Nalishi* (Exhibit P-18) on arrival of the police and *Dehati Merg Intimation* (Exhibit P-19). According to cross-examination of this witness, it will take 04 minutes for reaching the house of Ratna from the house of this witness. Meera Banchhor is Janpad member. This witness does not know as to

whether Gendlal who was stabbed was witness in the matter of Ratna old rape case. This witness was not tutored by Advocate to make statement. Statement of this witness regarding the facts of the incident stated in her examination-in-chief does not get rebutted.

5. According Sukhdev Yadav (P.W.09), at 5 O'clock on the day of incident, he was blowing air to remove paddy grain along with Jailal. Chhannu Banchhor was sitting in 'Kothar'. He shouted "Bachao Bachao" (Save me, save me). On this they reached there where they saw that the accused was giving knife blow to Chhannu Banchhor. He had sustained knife blow near his neck of which he was bleeding. According to this witness, the accused had given him two blows. The accused had given knife blows saying that he would take his life. This witness has also not been rebutted with regard to the facts mentioned by him relating to the incident.

10. According to Jailal. Dhankar (P.W.10), he along with Sukhdev Kothar was blowing air for removing paddy grain in the Kothar. Chhannu Banchhor was sitting in Kothar when the accused gave him knife blow saying that he would take his life. The accused had run away from there and they had lifted up Chhannu Banchhor and carried to. Inside the house of Chhannu Banchhor, Meera Banchhor had also been stabbed. She was lying on the ground and bleeding. This witness has also seen the accused giving knife blow to Chhannu Banchhor. Statement of this witness has also not been rebutted during cross-examination.

7. Gendlal (P.W.07) is injured witness. According to this witness, at around 5 O'clock on the day of 'Dhanteras' he was coming back after closing society. Blood was spread near the door of Chhannu Banchhor and he was witnessing the blood spread, in the meantime, accused

reached there and asked him "you have come to be false witness". Saying this, the accused stabbed him on his abdomen. He had sustained incised injury on his abdomen; intestine had come out and blood had started oozing. He went to home while pressing his stomach; he was taken to hospital. This witness stated that the accused had assaulted him face-to-face. This witness had been a witness in another case lodged earlier on the report of Ratna Bai. Statement of this witness made in the court is also uncontroverted and there is also no reason to disbelieve.

8. According to Basanta Bai (P.W.08), she was cleaning utensils in the house of Chhannu Banchhor in the evening at 5 O'clock. Meera Banchhor and her mother-in-law were sitting in the Varandah of their house. The accused reached there carrying knife and started giving knife blow to Meera Banchhor. Her-in-law begged with folded hand to the accused. She was

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requesting not to stab. Being unconscious from the knife injuries, Meera Banchhor fell down on the ground and witness out of fear runaway from the house through back-door. This witness was also cross-examined at length but the incident could not be rebutted. According to statement of this witness, Chhannu Banchhor was in 'Byara' at that time and Meera and her mother-in-law Durga were sitting in the Varandah. In this matter, the defence party has taken defence in para 6 of statement of this witness that the accused had been assaulted and due to this he assaulted in his defence. However, on this point there is no suggestion, fact and evidence.

9. Meera Banchhor (P.W.06) is also injured witness. This witness has also stated that she was sitting in the Varandah along with her mother-in-law Durga Bai. Basanta Yadav (housemaid) was cleaning utensils. Sonu (Nati of Anandram) son of Ratna Bai came running to them and told them that the accused was assaulting his

grand-parents (Dada-Dadi) and his mother. They heard his matter and became surprised and asked him "why would assault". Very same time, the accused reached there with knife; his clothes were drenched with blood. Uttering this "I will kill you", gave knife blow on her chest. This witness caught hold of his hand and in the course of it, she also sustained injury on her hand, on her chest, left shoulder, and two knife blows on the back. Her Husband Chhannu Banchhor was sitting back side in *Khalihan* (place of keeping Unthreshed crops). Her mother-in-law prayed with folded hand not to assault her daughter-in-law. Then, her husband reached there. She became unconscious; she was got admitted in the hospital. Statement of this made in examination in chief could not be rebutted in cross-examination. Para-10 of cross-examination of this witness, the defence party has taken new defence that the accused is insane to which the witness has denied. On this point also, no other fact,

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evidence and suggestion has been adduced by the defence. Thus, this is also unsubstantial defence taken by the Defence party.

10. According to Gopal Ram Markandey (P.W.03), recovery of knife had been made from near the pond at the instance of the accused through Memorandum Exhibit P-09, P-10, and P-11. The defence has also not rebutted the statement of this witness. According to Anoop Sahu (P.W.02), he had gone to the house of his brother Ramswaroop. The accused had reached there carrying knife in his hand and he had asked as to where was brother Ramswaroop. When he replied that he was not at house, he had gone Market, the accused went back putting knife into pocket. The accused, while going back, he was telling that he would kill Ramswaroop. Thus, according to the prosecution, the accused was searching Ramswaroop following the same sequence of the incident to kill him also, but it was his chance that he could not meet him and his life got saved.

11. Shankar Lal Banjare (P.W.05) is witness for memorandum of the accused and seizure but this witness has turned hostile. However, this witness has admitted for going to Ghorari Talab, presence of witness Gopal Ram and coming of police taking the accused in vehicle. Police did not do maar-peet with him; did not put threat; Police had done writing and recording (documentation). Village of this witness is at a distance of 5 kilometer. This witness admits to be knowing about the incident. Santosh Kumar Ghirwani (P.W.04) is witness for seizure of blood stained earth and plain earth. Police had drawn site plan in the presence of this witness. This witness had taken snaps of the site incident. Evidence of this witness has not been refuted in the cross-examination. Tulsiram Sahu (P.W.01) husband of Ratna had gone out and on receiving the information he came back. He saw Meera Banchhor lying in pool of blood near her house.

His father Anandram was lying in pool of blood near on Chabutara. Thereafter, he went and saw then he found his mother Firanteen Bai lying in pool of blood in the court-yard. When he went in the room, he found Ratna Bai injured at her neck, abdomen and on nose. She was in pool of blood and crying "Bachao, Bacho" (save, save). On asking Ratna Bai, she told that accused Chhannu Verma had stabbed. This witness has also been cross-examined at length but these facts have not been rebutted. This witness has denied this suggestion that he had lodged rape case against the accused falsely. This witness has denied all other suggestions. Whatever this witness has stated for witnessing the points of the incident are uncontroverted.

12. In the instant matter, postmortem of the dead-bodies of all three deceased persons viz. Anandram Sahu, Ratna Sahu and Firanteen Sahu were got conducted. Stabbed wounds were found on all

the bodies and were fatal in nature and it could be caused with knife blows. Human Blood was found on knife and clothes of the accused. In this regard, Dr. Thakur Ajay Singh (P.W.23) has stated in detail of his statement made before the Court. The accused had been prosecuted earlier for offence under section 376 of I.P.C. After acquittal in the said matter, the accused by walking from one place to another place committed murder of 03 persons; attacked 03 persons with intention to commit their murder; also searched Ramswaroop with intention to commit his murder, in this regard Toshani Sahu (P.W.22) has also stated that accused while standing in front of his house and keeping knife in his hand, was asking him as to where was his father. The accused also told him that he was doing very leadership and he would kill him. Since Ramswaroop could not be found out, therefore, by chance he got saved his life. Thus, the accused killed 03 persons by giving forceful knife blows

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whom he wanted to kill; and 03 persons who did not sustain such serious injuries got saved their life because of timely treatment rendered to them; and one more person got saved because he could not be located. The accused, despite getting acquitted, he made rounds of search of people, kept on doing brutal act for 1- 1½ hours by picking and choosing persons. He did not do anything wrong with the person whom he did not want to kill meaning thereby that he did not cause harm to Durga Bai and Banchhor; he did not cause any injury to Jailal and Sukhdev working in 'Byara' of Chhannu Banchhor. He did not cause any injury to Basanta Bai who was cleaning utensils in the house of Meera Banchhor. Also, he did not cause any injury to Toshani Sahu son of Ramswaroop and brother Anoop Sahu. He merely asked for Ramswaroop. As a whole, whoever got saved in this incident, that is by chance and with their luck least the accused was having intention to commit their murder also. The

prosecution contended that it would be proper to sentence the accused with maximum sentence keeping in view and finding the accused in totality of offences such as the act of the accused, type of incident, assault on 06 persons with dozens of knife blows with the same knife, force applied in the blows, mentality and crime in planned manner.

13. The prosecution in support of its case, cited judicial citation - 2009 (3) Supreme, page 220 (Supreme Court), titled Akhtar and Others Vs. State of Uttaranchal, wherein it has been held that if story of the prosecution is supported with statement of injured eye-witness; statement made to police and statement made before Court are materially similar and consistent with medical evidences, in such situations, their evidence can not be discarded and some small contradictions are not fatal for trial. In the matter- 2012 (3) C.J.L.J. Page 312 (Supreme

Court), title Neel Kumar @ Anil Kumar Vs. State of Haryana, the Hon'ble Supreme Court has held that it is duty of the accused while making statement under section 313 of Cr.P.C. to explain criminal circumstances proved against him. Being silent and not explaining such circumstances would be addition in the series of circumstances getting proved against the accused. In addition to it, death sentence would only be awarded if court comes to the conclusion that it would be wholly inappropriate to award life imprisonment viewing the relevant circumstances of the crime. In the matter of rape case - 1999(3) Supreme Page 212 (Supreme Court), title- Nirmal Singh and Others Vs. State of Haryana, the appellant Dharam Pal was on bail during pendency of Appeal after conviction by the Court of Sessions in rape case. He and Nirmal Singh committed murder of 05 family members of the rape victim and earlier to it, they had also threatened to kill them whoever comes forwarded to give evidence in the

matter of rape. The Hon'ble Supreme Court had maintained death sentence awarded to Dharampal for subsequent incident of brutal murder of 05 members of the family of the victim. The prosecution has contented that in the instant matter also the accused after prosecution, being acquitted in trial, committed brutal act on the complainant of rape case, on her in-laws and on other people who were involved as witnesses in the said case or whoever was in support of the said family and thus committed murder of 03 persons in which so called complainant and victim of the rape were included. Three other persons got saved by chance due to timely treatment. One more person could save himself due to being absent. Therefore, the facts of instant matter are more grievous than the facts of above cited judicial citation. The prosecution places reliance on all these citations. Therefore, having found guilty, requested to award maximum sentence to the accused.

7.1. In the instant matter, the Defence has produced oral and written argument, according to which, inconsistencies have been found between the statement of witnesses and statements of Police. Oral evidences and medical evidences are not consistent. The circumstances under which the offence has been committed and inference drawn out of it should be proved cogently and firmly. According to Defence, Tulsiram Sahu (P.W.01) has stated in his statement para 04 that his wife crying " Bachao, Bacho, and she had sustained injuries on her abdomen, neck and nose; she was in pool of blood". When he asked his wife who has inflicted injuries, she replied that Chhannu Verma caused injuries to her. According to para 15 of statement, police had reached when he reached village. According to para 27 of Statement Santok Ram Lahare (P.W.30), he had seen Firanteen Bai lying at the site and Ratna Bai was lying in the room. Both were senseless

and door was opened. A lot of people went with him and people were coming and going along with him. On this, according to Defence, witness Tulsiram is stating false and his statement is suspicious in the light of statement of Santok Ram Lahare.

2. According to para 5 of cross-examination of Anoop Sahu (P.W.02), he did not tell anybody except police in the village about the fact of coming with knife. He had got lodged report with the police. He does not know as to whether knife was made of steel or iron. Therefore, according to the Defence, the witness is stating incorrect. If he had seen the knife, then he would have told the other people in the village before telling the police. He would have also given specific description of the knife. Gopal Markandey and Shankar Banjare are witness for seizure and memorandum. They were not given any notice. As per para 03 of statement of Gopal Markandey, he was sitting at the bank of the pond when police

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called him and later he went to police station once. He does not remember how many papers police had got his signature obtained and he did not read those papers. According to witness Gopal Markandey, no special statement of the accused was taken; police had interrogated. These people used to go to have bath in the pond and pond is located in open place. He cannot give any special description of the knife. He does not remember colour of the shirt.

3. According to Shankar Lal Banjare (P.W.05), he has denied to identify the accused. He has stated about putting signature on Exhibit P-09 on calling by the police. Police did not interrogate the accused and nothing was seized at his instances. He has only put signature on Exhibit P-10 & P-11. At this, the Defence has contended that since both the witnesses have not supported the prosecution, seizure has been made from open place where anyone can visit easily, therefore, memorandum and seizure are not proved.

According to Smt. Meera Banchhor (P.W.06), her husband had reached there on her cries; she fell down there itself and became unconscious. When she re-gained her sense, she came to know that she had been brought to Sector-09 Hospital for her treatment. Mishra Advocate is there in support of her. According to Defence, this fact that all three persons viz. Smt. Meera Banchhor, Gendlal and Chhannu Banchhor were talking and were in sense becomes false from the statement of Satok Ram Lahare. Witness is stating false and implicating the accused

4. Gendlal (P.W.07) has stated in his statement before the court that he had become unconscious in his house; he had re-gained his sense in sector 09 Hospital but according to Santok Ram Lahare (P.W.30), Gendram Verma was talking; Meera Banchhor and Chhanu Baanchhor were also talking. This fact becomes untrue in the statement of this witness. According to testimony

of Basanta Bai (P.W.08), Meera Bai had fell down becoming . unconscious after sustaining . knife injury and this witness has fled out of fear from back door of the house. According to Defence, Khalihan is separate and place of recovery is separate, therefore the fact which she is stating that she had gone to clean utensils in the Khalihan is false. According to Defence, it has been stated that husband of Meera Banchhor came there on call from Meera Banchhor but Basanta Bai is not sating anything about Chhanu Banchhor, therefore, statement of Basanta Bai is not admissible. According to Prosecution, Sukhdev Yadav is not aware about this that he went to the house of Chhannu Banchhor on hearing the cries and after little while, Chhannu Banchhor and Chhannu Lal Verma reached there in the Kothar. This witness does not even know that Chhannu Verma had gone from there after stabbing Chhannu Banchhor. Therefore, according to defence, this witness would have stated correct fact if he had

been present at the time of incident. Para 05 of cross-examination, this witness has stated that the accused was wearing 'Lungi' and Gamchha and Chhanu Banchhor had gone walking on foot at the time of taking to Hemu Nirmalkar.

5. Smt. Meera Banchhor (P.W.06) states in para 09 that the accused was wearing pant-shirt but she can not state as to what was the colour of the pant-shirt. Therefore, according to defence, it is suspicious as to what was the clothes which the accused was putting on. According to Jailal Dhankar (P.W.10), he has been tutored to depose. The defence has contended that Sonu is child witness and he must have been tutored so that he could depose false in the court. Therefore, the whole statements are suspicious. Smt. Durga Bai is old and she has stated that her daughter-in-law fell down unconscious; she has stated about not witnessing the incident occurred outside. Thus, this witness has not seen the incident. Durga Bai also does not know that Chhannu

Banchhor reached on call from Meera Banchhor. Witness Satyawar is stating correctly but there is contradiction in after thought and their statements contradict with each other. According to Sanjay Kumar Bhoi (P.W.13), Chhannu Banchhor had been brought to emergency room for treatment in the evening at 7.45 O'clock. He had been injured at his residence; Chhannu was conscious. According to Defence, Chhannu Banchhor did not specifically tell name of anybody in the hospital. According to Dr. Meenakshi (P.W.14), she had found Meera Banchhor in sense. Gendlal also did not tell name of anybody and he was also in sense. Therefore, the Defence has contended that both the witnesses are stating incorrect to be not in sense and they could tell the name of assaulter to the doctor when they were in sense.

6. The Defence has contended with regard to witness Sonu Sahu (P.W. 15) that he has been tutored. It has been stated that he does not

remember date and day when statement was recorded but he has stated time and date of the incident; and the accused has neither abused this witness nor has assaulted. This makes clear that this has been tutored. This witness states that he fled away out of fear but he does not state that he hid himself and saw the incident. He states about dropping at the platform of Meera Banchhor but Meera Banchhor does not support this fact. Witnesses state differently with regard to colour of the clothes. Therefore, statements of witnesses are suspicious. This witness did not feel fear and only felt after seeing the whole incident. Therefore, the innocent cannot be sentenced on the basis of statement of this witness. Soman Lal Ramteke (P.W.19) denies that 2-2 rooms are there in the house of Anand Ram Meera Banchhor. This makes clear that the witness was not present at the site of incident. If he had really been there then he would have stated that there are 2 rooms and 'Parchhi' in

the house of Anand Ram and 5 rooms are there in the house of Meera Banchhor. Therefore, this witness is stating false.

7. According to Toshani Sahu (P.W.22), Anand Ram and Sonu were coming shouting, "Bacaho, Bacho" (rescue, rescue). Blood was oozing from the body of Anand Ram. He rushed towards his house. Tulsiram is uncle of this witness by distant relation. This witness admits to have met his lawyer outside the court premises. This witness has not seen the accused assaulting but has seen him standing holding knife. This witness is interested witness. Grandfather (Dada) and grandson do not tell him name of the assaulters. It is clear that the accused has not done any maar-peet. According to Dr. Thakur Ajay Singh (P.W.23), he did not make out as to how deep the injury was. He had referred the injured to Intensive Medical Care Institution for treatment. He had not examined the nature of

injuries. This witness was not shown weapon on the date on which post-mortem was conducted. Police had written in the autopsy report that injuries were caused in attack with knife. This witness does not know as to what was impressed in the Seal and whose signature was. The knife was sent for examination after one month and two days. Till then, where was the knife- there is no evidence in this regard. Therefore, the statement is suspicious. Only human blood cannot be taken for consideration in the circumstances when assaults have been made on more than one person and it should be proved that what was their blood group, whether was there on weapon or not. Therefore, it is not proved as to whether or not blood of clothes of the accused and blood of the deceased were of the same blood group.

8. According to Dr. Jyotiranjay Puthal (P.W.27), there was no internal injury in the Sonography of Chhannu Lal Banchhor. There was no injury on

chest and abdomen in the sonography of Meera Banchho. Thus, no internal injury to both is proved. According to Parag Gupta (P.W.29), all three patients did not particularly tell name of the assaulter. According to para-27 of statement of Santok Ram Lahare Inspector (P.W.30), scene of room is not visible from the person standing in the courtyard. This witness has seen Firanteen Bai lying there at the site and saw Ratna Bai in the room; both were unconscious. According to para 31 of statement of this witness, he has found wooden handle on both ends of the knife; at present handle is visible at only one end and wooden is not there at other end. This witness has stated that other side (blunt side) of the knife was having teeth to some extent. Receipt for deposit of knife in the 'Malkhana' is not enclosed with the matter; and the knife had been sent to doctor after one month and two days. According to this witness, one single person cannot tackle 6 persons and if he

confronts then he will naturally sustain some scratches and abrasions on his body but the accused has not been examined. According to Defence, these all statements create suspicious.

9. The Defence contended that Ratna Bai, Firanteen Bai, Anand Ram Sahu, Gendlal, Tulsiram all in association under the leadership of Meera Banchhor by misusing power, they have been constructing false case against the accused. Incident has taken place but author of the crime is someone else. The Defence has contended that the accused was acquitted on 04.11.2009 in Case Crime No. 85/09 u/s 376, 506 of I.P.C. Crime No. 128/11 dated 19.10.2011, Crime No. 21/11 dated 14.02.2011 and Crime No. 43/11 dated 12.04.2011 have been falsely constructed against the accused. And now, he has been directly implicated in murder. Mishra Jee Advocate for the complainant has tutored witnesses. Statement of child witness is not proper to be

admissible. Earlier also, the accused had been falsely implicated for offence u/s 376 of I.P.C. Husband of the complainant had got lodged report giving threat. Statement of child witness is unnatural. Meera Banchhor pressurizing people of the village have been implicating the accused falsely in various cases. Therefore, considering the accused innocent, the accused is to be acquitted.

10. In support, the defence has cited 2004 Crl. Law Journal Page 438 (Bombay High Court) title- State Vs. I.S. Babar wherein it has been held that murder cannot be considered to be proved on the basis of recovery effected from an open place. According to preposition held in 2006(2) M.P.L.J. page-97 (Madhya Pradesh), blood stains found should not be considered against accused until blood group is matched. On the basis of the said preposition, the Hon'ble High Court set aside the order convicting and sentencing the

appellant. The motive of the murder was also not found. 2003(1) C.J.L.J. Page 343, title Mukesh Sahu Vs. State wherein it has been held that it cannot be considered that the said article or stone was only in the knowledge of accused in the circumstance where article is found from open place and where seizure witnesses have turned hostile. Hence, the disclosure is not found lawful and it is not found that blood found on the cloths of the accused is of the same blood group of the deceased. Therefore, Appeal was allowed and appellant was acquitted. 2004(3) M.P. H.T. 249 (Madhya Pradesh High Court) title- Jagannath Vs. State of Madhya Pradesh wherein witness has been tutored and his earlier statement had been read over. There was no other material evidence available on record. Therefore, Appeal was allowed setting aside the order on the conviction and sentence.

11. On the basis of all the above judicial

citations, the Defence has contended that Defence places reliance on all the these judicial citations and the accused be acquitted on the basis of rulings held in these citations. In the instant matter, the accused in his statement has not admitted any facts. All the questions have been replied as "Not known or it is incorrect" by the accused. Thus, the accused has not admitted any fact in the statement of the accused. On the other hand, during cross-examination of witness the Defence has not challenged the facts of deaths of Anand Ram Sahu, Ratna Sahu and Firanteen Bai and also the facts of injuries to Meera Banchhor, Chhannu Banchhor and Gendlal Verma. Thus, the above facts are undisputed and unchallenged. The accused has admitted the fact of his medical examination through Exhibit P-72. He has only stated that he was not feeling well due to this he had been taken for examination. All other facts are disputed in the matter and these have not been challenged by the Defence.

09. In this matter, total 30 prosecution witnesses have been examined in support of its prosecution version. From Defence side, no Defence witness has been produced in support of the version of the Defence.

10. According to the materials of statement of prosecution witnesses who have deposed in the Court, Tulsiram Sahu (P.W.01) is on the point that he is husband of Ratna Bai; he is son of Firanteen and Anandram; he had gone out on the day of incident and came back in the evening at 6 O'clock on calling of Manoj. He saw Meera Banchhor lying in pool of blood near her house. A lot of People had assembled there. His father was lying in pool of blood on Chabutara (Platform) out side her house. Then, he went to house where he saw his mother Firanteen Bai lying in pool of blood in the court-yard. When he went to room, he saw his wife injured on her abdomen,

neck and nose. She was lying in pool of blood and was crying, "Bachao, Bachao". When asked, she replied that Chhannu Verma had stabbed her. This witness is witness for notice of inquest of dead-body of Ratna Bai (Exhibit P-01), witness for Inquest (Exhibit P-02); he received dead-body of Ratna Bai through Supurdinama (Exhibit P-03); and site plan (Exhibit P-03) of the site of incident was prepared in his presence.

11. According to Anup Sahu (P.W.02), he had gone to the house of his brother Ramswaroop. The accused came there with knife and asked where is his brother Ramswaroop. When he replied that he was not there, he went back keeping knife in his pocket; he was uttering that he would go in jail for 20 years and he would kill Ramswaroop even after coming back from there. This witness is witness for notice (Exhibit P-05) of inquest of dead-body of Anandram Sahu and witness for inquest (Exhibit P-06) of the dead-body of

Anadram Sahu. This witness is witness for notice (Exhibit P-07) of the dead-body of Firanteen Bai and witness for inquest (Exhibit P-08) of the dead-body of Firanteen Bai. Gopalram Markandey (P.W.03) is on the point that the accused had made memorandum statement (Exhibit P-09) for throwing the knife across the pond and shirt in the water of the pond. Seizure memo of it is Exhibit P-10. Seizure Memo (Exhibit P-11) for the seizure of Full-Pant and Sando had been prepared in his presence. Santosh Kumar Ghirwani (P.W.04) is on the point that he took snap of the house (site of incident) of Meera Banchhor. Blood mixed earth had been seized from the 'Byara' of Chhannu Banchhor and 'Parchhi' of Meera Banchhor. Blood mixed earth had also been seized from the 'Chabutara' (Platform) which memo seizure is Exhibit P-12. Blood stained earth had been seized from the house of Firanteen Bai which memo seizure is Exhibit P-13. Blood stained earth from the house of Gendlal was seized which memo

seizure is Exhibit P-14.

12. Shankarlal Banjare (P.W.05) is witness for Memorandum (Exhibit P-09) and Seizure Memo Exhibit P-10 & P-11 but he has not supported the prosecution on these facts. According to him, police had only brought the accused in vehicle. They had brought him there; documentation was done there and obtained his signature. Smt. Meera Banchhor (P.W.06) is on the point that she was sitting in the Varandah of her house along with Durga Bai. Basanta Bai (house maid) was cleaning utensils. Very same time, Sonu son of Ratna Bai came running there and told that the accused was assaulting Anandram Sahu, Firanteen Bai and Ratna Bai. Very same time the accused came there with knife; his cloth was blood stained. He said that he would take her life and saying this, he stabbed on her chest. The accused gave several blows on her chest, finger, left shoulder and on back. Very same time, her husband was sitting in

Khalihan (Place for keeping crops). Mother-in-law of this witness requested the accused not to assault her. This witness fell un-conscious on arrival of her husband and thereafter she was got admitted in the hospital. Sari of this witness had been seized by the police through Exhibit P-16. Later on, this witness came to know that her husband had also been stabbed by the accused; Gendlal had also been stabbed. Thereafter, Firanteen, Anandram and Ratna died. Gendlal Verma (P.W.7) is on the point that when he was returning in the evening, he saw blood spread near the house of Chhannu Bachhor. Very same time when he was seeing the blood spread there, the accused reached there and told him that he had come there to be false witness. Uttering this, he stabbed on his abdomen. His abdomen got incised injury and intestine came out; blood started oozing; he pressed his stomach and rushed to his house. He stated to his wife that the accused stabbed him. He became

unconscious and remained admitted in the hospital for 10 days. Later on this witness came to know that Anandram, his daughter-in-law and his wife have died. The accused had also assaulted Meera Banchhor and Chhanu Banchhor with knife. Police had seized his shirt and Baniyan through memo seizure Exhibit P-17.

13. Smt. Basant Bai (P.W.8) is on the point that in the evening at 5 O'clock on the day of incident, she was cleaning utensils in the house of Chhannu Banchhor. Meera Banchhor and her mother-in-law were sitting in the Varandah of their house. Then, accused reached there holding knife and started giving knife blows to Meera Banchhor as a result she started bleeding and due to this she fell unconscious. Then, this witness fled away from the back-door of the house. Sukhdev Yadav (P.W.09) is on this point that he and Jailal were blowing air to remove paddy grains in the 'Khalihan' of Chhannu Banchhor;

Chhannu Banchhor was sitting there in the 'Kothar'. On hearing their alarm, "Bachao, Bachao", they went there and saw there that the accused Chhannu Bachhor was being assaulted with knife by the accused. The knife had hit near neck and blood was oozing from it. The accused had given two knife blows; and he had stabbed while uttering that he would kill him. Jailal Dhankar (P.W.10) has also deposed similar to Sukhdev Yadav (P.W.09). He has stated additional this point that when he went in the house of Chhannu Banchhor, he saw that Meera was also sustained knife injury and she was fallen on the ground. She was drenched in blood. She had sustained injuries on her head, shoulder and back. And Anandram Sahu was lying in pool of blood on Chabutara (Plateform) outside the house of Chhannu Banchhor; he had died. According to this witness, Police had seized sari of Meera Banchhor, Gamchha of of Anandram and clothes of Chhannu Banchhor which were wet in blood.

14. Smt. Durga Bai (P.W.11) was with Meera Banchhor in her house in the evening at 5 O'clock on the fateful day of incident. Basanta Bai was cleaning utensils. Very-same time, Sonu Son of Ratna came there crying and told that accused was assaulting Anandram, Ratna and Firanteen Bai. Then, she came out with him. Very same time, the accused reached there assaulting Anandram Sahu with knife and dropped him on the Chabutara of her house. Then, he entered her house and stabbed Meera Banchhor with knife behind her neck. He gave knife blows on other parts of the body also. Thereafter, he came out and went to 'Byara' and stabbed her son Chhannu Banchhor also there. This witness had got lodged Dehati Nalishi (Exhibit P-18). She had got lodged Dehati Marg (Exhibit P-19). Map (Exhibit P-04) and Exhibit P-15 had been prepared in the presence of this witness. Omprakash Sahu (P.W.12), after receiving notice (Exhibit P-05)

for inquest of the dead-body of Anandram Sahu, he participated in the inquest proceedings. Inquest Report (Exhibit P-06) had been prepared in his presence. Having received notice (Exhibit P-07) for inquest of the body of her mother Firanteen Bai, he participated in the inquest proceedings (Exhibit P-08). Police had also done inquest proceedings for deceased Ratna Bai. His father Anandram was having knife stabs injuries near his neck, elbow and in the left armpit. Firanteen Bai was having mark of knife injuries on her mouth. After postmortem, the body of Anandram Sahu was handed over to him for cremation through Exhibit P-20.

15. Dr. Sanjay Kumar Bhoi (P.W.13) had examined injuries of Chhannu Lal Banchhor and had found injuries on left side of back in upper region, parietal region of head, incised and stabbed injury on right side chest. He had been admitted to Hospital. His report is Exhibit P-21 and

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Admission slip is Exhibit P-22. Very same day, Ratna Sahu was brought dead in the hospital of which Merg intimation was prepared which is Exhibit P-23. Dr. Meenakshi Dave had conducted medical examination of Meera Banchhor. She had found total 05 incised and abrasion injuries on her body such as on her chest, left side neck, on her back in upper region, on her back between both scapula bones and on her left ring finger. She had recorded details of the injuries in Exhibit P-25. She had also got conducted medical examination of Gendlal Verma; She had found incised wound on left side in lower abdomen region. She had got admitted him in the hospital. Bed Head-ticket is Exhibit P-26 which has been signed by her. And according to Exhibit P-26, she had sent medical examination report (Exhibit P-27). Clothes had been produced before this witness and opinion had been sought as to whether it was containing human blood or not on which this witness suggested for chemical

examination. She had been asked opinion that whether the injured could die if treatment was not provided immediately. On this she gave opinion (Exhibit P-28) that death was possible if timely treatment was not provided. She had given information for admission in hospital of Gendlal Verma and Meera Banchhor by writing letter Exhibit P-29 and Exhibit P-30 respectively.

16. Roshan @ Sonu Sahu (P.W.15) who is child witness has stated on this point that 10 months ago from date of his deposition, in the evening at 5 O'clock on the eve of *Deepawali*, the accused had abused his mother and when objected by his grand-father, the accused took out knife and stabbed his grand-father Anand Ram, thereafter, he entered room and stabbed his mother Ratna Bai on her neck and abdomen; thereafter the accused stabbed his grand-mother Firtanteen Bai in the courtyard; thereafter dragged out his grand-father Anandram Sahu while assaulting and dropped

him on platform near the house of Meera Banchhor. This witness went to the house of Meera Banchhor and informed. The accused reached there also and caused knife injuries to Meera Banchhor and stabbed on waist of his grand-father. Thereafter, he went to the house of his uncle Ramswaroop (Bade Papa). In this incident, his grandparents and mother have died. Khuleshwar Gaikwad constable (P.W.16) have brought Merg Exhibit P-19 and Exhibit P-23 and submitted in the Police Station Ranitarai. In this regard, he had got lodged report of casualty and unnatural death (Exhibit P-31).

17. According to Man Singh Sonwani Head constable (P.W.17), he had registered Dehati Merg Intimation Exhibit P-19 (illegible) on the basis of Exhibit P-32. He had written First Information Report Exhibit P-33 on the basis of Dehati Nalishi (Exhibit P-18). According to Vindhyanchal Yadav (P.W.18) staff of sector 09

Hospital, he had got lodged report Zero Merg Intimation Exhibit P-34 in Police Station Sector 06 Kotwali Bhiloi on receipt of information for Ratna from Dr. Bhiloi. Somanlal Ramtek (P.W.19), had drawn site map (Exhibit P-04) of in the presence of witnesses and had obtained their signatures. Constable Santosh Soni (P.W.20) had got postmortem conducted of dead-body of Anandram Sahau through Exhibit P-36 and dead-body of Firanteen Bai through Exhibit P-36. He had handed over bodies of both to Omprakash through Supurdginama (Exhibit P-20). His duty certificates are Exhibit P-37 and Exhibit P-38. He had got seized sealed packet Exhibit P-39 relating to Anandram Sahu, Exhibit P-40 relating to Firanteen Bai and Exhibit P-41 relating to Ratna Bai.

18. According to Dr. Smt. Lata Dewangan (P.W.21), she had taken X-ray of Meera Banchhor which report is Exhibit P-42. She had also taken

X-ray of Gendlal Verma in which free gas was found. Its report is Exhibit P-43. X-ray of Chhannu Banchhor was also drawn which report is Exhibit P-44. According to Toshani Sahu (P.W.22), he saw that Anandram and Sonu were running shouting "Bachao Bacho". Blood was oozing from the body of Anandram. When he returned from 'Byara', he saw that the accused was standing in front of his house and he asked him where his father Ramswaroop had gone. At this he replied that he had gone to market. At this he told that he would take Ramswaroop and would assault him. Thereafter, this witness saw dead-body of Anandram lying in pool of blood near 'Chabutara' (platform) of Meera Banchhor. After coming back from there, he saw the accused standing near his house; he was keeping knife in his hand and it was blood stained. He was telling that he would not move from there until police arrive there and he would remain standing there only and he was there only.

19. Dr. Thakur Ajay Singh (P.W.23) had conducted medical examination of Chhannu Banchhor. There was one stabbed wound on his body near left scapular region; one incised wound was on parietal region; one incised and stabbed wound was on right shoulder on clivicular bone region. All three injuries were of sharp edged article. The injured had been referred to for further treatment. Blood was continuously oozing from the wounds. In this regard, his report is Exhibit P-45. This witness had conducted postmortem on the body of Firanteen Bai on 20.10.2011. He had found 04 incised wounds on the body in the postmortem which were on face, below the face, on left forearm in upper region and near temple region behind ear. He had found one stabbed wound above collar bone. One stabbed wound was there between the region of naval and chest. All injuries were fresh and had been caused with sharp pointed edge article. These

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injuries were sufficient to cause death in ordinary course of nature. Death occurred due to shock and bleeding from the incised injuries and death was homicidal. Death had occurred within 24 hours from the time of postmortem. Postmortem Report is Exhibit P-46.

20. The same medical officer conducted postmortem of the body of Anandram. There were total five injuries above right eye-brow, on left side root of mandible, on right forearm in upper region and on left shoulder joint. One stabbed wound injury on naval, one stabbed injury on above left clavicle bone, one stabbed injury on left chest were there. The injuries had been caused with sharp and pointed article and were sufficient to cause death in ordinary course of nature. Death had occurred due to haemorrhage and shock and it was homicidal in nature. Death had occurred within 24 hours from the time of postmortem. Postmortem Report is Exhibit P-47. This witness

along with other medical officers had conducted postmortem on the body of Ratna Bai. There was one incised injury on left side of head; one incised wound near nose; one incised stabbed wound from mandible to cheek and one above naval toward left were found. Injuries were sufficient to cause death in ordinary course of nature and these injuries had been caused with pointed sharp edged article. Death occurred due to shock and profuse bleeding from the incised injuries. Death had occurred within 24 hours from the time of postmortem. Its nature was homicidal. Postmortem Report is Exhibit P-48.

21. The same medical officer had examined the knife sent with Exhibit P-49 and had prepared sketch. He opined that lacerated, stabbed and incised wounds could be caused with knife and death was possible in absence of proper treatment. Blood was present on the knife, however, chemical examination should be done.

Blood was present on the cloths, however, chemical examination should be done. Dr.

Tushar Ranjan Mehere (P.W.24) took X-ray of Chhannu Banchhor which report is Exhibit P-50.

Hemlal Mahipal (P.W.25) Head Constable deposited the seized articles in the F.S.L. Raipur for chemical examination for which police memo is exhibit P-52 and F.S.L. Receipt is Exhibit P-53.

According to Lakhan Lal Tondon Assistant Sub Inspector (P.W.26), he issued notice to witnesses for inquest of the dead-body of Ratna Bai and got conducted inquest proceeding through Exhibit P-02. The dead-body was having multiple incised

wounds. According to Dr. Jyotiranjana Puthal (P.W.27), he did sonography of the chest and abdomen of Chhannu Lal which report is Exhibit P-54. He did sonography of the chest and abdomen of Meera Banchhor which report is Exhibit P-55.

22. According to Dr. Sumanta Mishra, Chhannu Banchhor was admitted in the night at 8.06 hours

on 19.10.2011. His Bed Head Ticket is Exhibit P-56. Patient had been discharged on 26.10.2011. Meera Banchhor had been admitted in the night at 8.16 hours on 22.10.2011 and her Bed Head ticket is Exhibit P-57. Gendlal Verma had been admitted in the night at 8.33 hours on 19.10.2011 and had been discharged on 25.10.2011. His bed head ticket is Exhibit P-58. According to Dr. Parag Gupta (P.W.29), he had done medical examination of Chhannu Banchhor; he was having multiple injuries on his body. There was incised wound on his left shoulder. One stitched injury was there on his left head. One incised injury on his left back. In addition, due to injury on lungs, air has gone inside the skin between chest and arm pit. Preliminary examination report is Exhibit P-59. He also did examination of Meera Banchhor. She was also having incised wound in lower region of chest. There was one incised injury on left supraclavicular region and near to it one incised wound. One incised injury was on

inter scapular region. She was also having one incised injury on her hand. Abrasion was on her face. All wounds were dressed. Examination report is Exhibit P-60. Gendlal Verma had also been examined. There was one incised injury on left iliac region which was inverted to abdomen. Air had gone inside the stomach. Small intestine had four holes. There was also one hole in big intestine. Rear region of abdomen had got filled with air and which was clinically treated. Holes had been closed and treated clinically. Medical examination report is Exhibit P-62.

23.P.W.30 Santok Ram Lahre has carried out investigation in this matter. He lodged *Dehati Nalishi* (Exhibit P-18) at the site itself. He had lodged *Dehati Merg Intimation* (Exhibit P-19) at the site itself. He had prepared site plan (Exhibit P-15); sent the injured persons to Hospital sector 9 for treatment. On 20.10.2011 he seized blood stained earth, plain earth

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through Exhibit P-12, Exhibit P-13 and Exhibit P-14. He gave notice Exhibit P-5 for inquest of dead body of Anand Ram Sahu and prepared Inquest report (Exhibit P-06). Due to death of Firanteen Bai, he lodged Dehati Merg Intimation (Exhibit P-63). He had given notice (Exhibit P-07) to witnesses for inquest of dead-body of Firanteen Bai and did inquest proceedings (Exhibit P-08) in the presence of witnesses. On production, he seized clothes of Anandram Sahu through Exhibit P-39 and clothes of Firanteen Bai through Exhibit P-40. On 21.10.2011, interrogated the accused after taking him into custody, the accused stated that he concealed the knife and clothes near Ghorari pond, prepared its Memorandum Statement (Exhibit P-09). After taking out iron knife and shirt from the bushes, seized them vide Exhibit P-10. Bloodstained full-pant and half sando were seized vide Exhibit P-11 after getting removed from the body of accused. Accused was arrested vide Exhibit P-64. His family members were

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informed vide Exhibit P-65. Merg intimation of Firanteen Bai was prepared vide Exhibit P-66 and Merg intimation of Ratna Bai was prepared vide Exhibit P-31.

24. According to this witness (Investigating Officer), Chhannu Banchhor vide Application (Exhibit P-45), Gendelal vide Application (Exhibit P-25), Meera Banchhor vide Application (Exhibit P.27) were sent to hospital for medical examination. Clothes of deceased Ratnabai were seized vide Exhibit P-41. When Channulal Banchhor was produced then bloodstained Gamcha was seized vide Exhibit P.67. Dot printed saree of Meera Banchhor was seized vide Exhibit P.16. When Gendlal Verma was produced then shirt and baniyan were seized vide Exhibit P.17. Opinion (Exhibit P.28) was taken regarding the possibility of death due to not getting treatment of the injuries on time, presence of human blood on the clothes Meera Banchhor and Gendlal. Letter (Exhibit P.49) for the opinion regarding as to

whether injury could be sustained to Channulal Banchhor from seized knife or not, whether he could die in lack of treatment or not, whether death of Firanteen Bai and Ratnabai can take place or not wherein it has been stated that death of the injured is possible due to not getting treatment. This is opined that injuries can be sustained to Anandram, Firanteen and Ratnabai with that knife. The chemical examination of the blood-stained clothes was suggested.

25. According to this witness, he issued Duty Certificate to Constable Santosh Soni for postmortem of dead bodies of Firanteenbai and Anandram (Exhibit P-37 and Exhibit P-38) respectively. Duty Certificate was given to the concerned constable by A.S.I S.L.Tondon, Police Station-Bhilai Nagar for the postmortem of Ratna Bai. Letter (Exhibit P.69) was written to Executive Magistrate to prepare site map. This witness recorded the statements of witnesses.

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After giving Requisition letter (Exhibit P.70), he received Bed Head ticket of Meera Banchhor, Chhannu Banchhor and Gendelal Verma and enclosed in the matter. Seized articles were sent to F.S.L. (Raipur) for chemical examination vide letter (Exhibit P.52) of which acknowledgment receipt is Exhibit P.53. Chemical report is Exhibit P.71. Medical examination of the accused was got conducted vide (Exhibit P.72). Copy of crime report related to accused (Exhibit P.73 to Exhibit P.76) was produced in the case. On 19.10.2011 and 20.10.2011, Sanha (entry) regarding arrival and departure (Exhibit P.77 and Exhibit P.78) from the place of incident were recorded. Knife article is S-01, which he seized and sent for chemical examination. According to this witness, after completing the investigation, he submitted charge-sheet in the Court.

26. In the instant matter, so far as the question of appreciation and determination of evidence on question No.1 for determination is concerned that

whether, on 19.10.2011, at 5:00 p.m. or around it, Anandram Sahu son of Ramdayal Sahu, Smt. Ratna Sahu wife of Tulsi Sahu and Smt. Firanteen Bai wife of Anandram Sahu died due to homicidal injuries and accordingly they were murdered, on this point, on 19.10.2011, at about 06:00 p.m., in village Borid, Tulsiram Sahu (P.W.1) had seen his father Anandram Sahu lying in the pool of blood in Chabutra of Meera Banchhor and he had already died. Thereafter, this witness went to his own house and saw his mother Firanteen lying in dead condition in the pool of blood in the courtyard of his house; then saw his wife in injured condition lying in pool of blood in the room of his house screaming 'Bachao-Bachao'. Thereafter, Ratnabai was taken to Bhilai Hospital Sector-09 for treatment where the doctors declared her dead. Thus, Ratnabai also died after the occurrence on the same date. This witness is the witness of Notice of *Panchnama* of dead body (Exhibit P.01) and *Panchnama* of dead body

(Exhibit P.02) and the dead body of Ratnabai was received for cremation vide Supurdnama (Exhibit P.03).

27. According to Anoop Sahu (P.W.2), on date 19th at the time of Deepawali, at 5:30 p.m., he came to know that Anandram, Firanteen Bai and Ratnabai have died. This witness is witness to Notice of *Panchnama* of dead body of Anandram (Exhibit P.05) and *Panchnama* of dead body (Exhibit P.06). In addition, this witness is witness to Notice of *Panchnama* of dead body of Firanteen Bai (Exhibit P.07) and *Panchnama* of her dead body (Exhibit P.08). According to the statement of the injured P.W.6 Smt. Meera Banchhor, incident took place on 19.10.2011 and he got this information that Firanteen Bai, Anandram and Ratnabai have died. According to statement of Gendelal Verma(P.W.7) the incident occurred on the day of Dhanteras. On the next day, when she was admitted in hospital he came to know that Anandram, his wife and his daughter-in-

law, all the three persons have died. The same fact has been stated by Smt. Basanta Bai (P.W.8) at para-02 of her statement given in court. According to Sukhdeo Yadav (P.W.9) he got to know on the next date of incident that 03 persons Anandram, his wife and his daughter-in-law have died.

28. According to Jailal Dhankar (P.W.10) he got the information on the next date of incident that Anandram, his wife and his daughter-in-law have died. According to Smt. Durga Bai (P.W.11) while assaulting, Anandram was thrown in the Chabutra (platform) of the house of this witness. Anandram had died. This witness gave the information of death of Anandram vide Dehati Nalishi (Exhibit P-18) and Dehati Merg Information (Exhibit P-19). According to Omprakash Sahu (P.W.12), who is son of Anandram, Notice (Exhibit P-05) for the Panchnama of dead body of his father Anandram was given to him on the next day of incident and Panchyatnama of dead

body of Anandram (Exhibit P-06) was prepared and on the very same day, Police gave Notice (Exhibit P-07) for Panchnama of dead body of his mother Firanteen Bai and Panchnama of dead body of his mother Firanteen Bai was prepared vide Exhibit P-08. Dead body of his Bhabhi Ratnabai was brought from Bhilai Hospital, Sector-09 and was kept in Mortuary, Patan where Police did proceeding for Panchnama of dead body. He saw injury marks on neck, buttock, left eye of his father Anandram, knife injuries on the face of his mother Firanteen Bai. After the proceeding of Panchnama, postmortem of the dead bodies of Anandram, Firanteen Bai and Ratna Bai were got conducted and dead body of Anandram was handed over to him vide Exhibit P-20 with Supurdnama to perform last rites.

29. According to Para-05 of statement of Dr. Sanjay Kumar Bhoi (P.W.13), at 8:00 p.m., on 19.10.2011, Smt. Ratnabai Sahu was brought in Casualty of Bhilai Hospital, Sector-09 in dead

condition then he sent the information of her death to Kotwali Police Station Bhilai, Sector-06 which is Exhibit P-23. According to statement given in Court by Roshan @ Sonu Sahu (P.W.15) before 10 months, on the day of Deepawali at 5:00 p.m., his grandfather Anandram, his grandmother Firanteen Bai and his mother Ratna bai had died. While assaulting, Anandram was thrown in the platform of the house of the house of Meera Banchhor. Firanteen Bai was murdered in the courtyard of the house and his mother Ratna Bai was murdered inside the house. According to Khuleshwar Gayakwad (P.W.16), Merg (Exhibit P-19) of deceased Ratnabai was registered as zero and he got registered Merg Information (Exhibit P-23) at Police Station Ranitarai which is Exhibit P-31. According to Head Constable Maan Singh Sonwani (P.W.17), he registered Dehati Merg (Exhibit P-19) lodged for Anandram Sahu which is Exhibit P.32 and he registered Dehati Nalishi (Exhibit P-18) which is

Exhibit P-33.

30. According to Vindhyachal Yadav (P.W.18), employee in Bhilai Hospital, Sector-09, Dr. S.K.Bhoi put his signature and asked him to produce Information of death of Ratna Sahu (Exhibit P-23) in Sector-6 Kotwali thereafter, he took it to Police Station-Bhilai Nagar and got it registered which is Exhibit P-34. According to Constable Santosh Soni (P.W.20), on 20.10.2011, SHO of Police Station had given him Application for postmortem of dead-body of Anadram Sahu; he took dead body of Anandram Sahu to Medical Officer of Community Health Centre, Patan and got conducted postmortem. The said Application is Exhibit P-35. Similarly, SHO had also given Application for postmortem of dead body of Firanteen Bai (Exhibit P-36). This witness took the dead body of Firanteen Bai to Community Health Centre, Patan with the said Application and got the postmortem conducted; thereafter, gave both the dead bodies to her son Omprakash

vide Supurdnama (Exhibit P-20). In regard to this, his Duty Certificate are Exhibit P-37 and Exhibit P-38. The sealed packet of the articles of dead bodies of the deceased persons was given to him by doctor which was seized vide Exhibit P-39 and Exhibit P-40 and sealed packet of deceased Ratna Bai was seized vide Exhibit P-41.

31. According to Toshani Sahu (P.W.22) about one year back, at about 5:30 p.m., he saw the dead body of Anandram lying in the pool of blood in platform of house of Meera Banchhor. Assistant Sub-Inspector Lakhan Lal Tondon (P.W.26) gave Notice (Exhibit P-01) to witnesses for panchanama of dead body on 20.10.11 after receiving information of death of Ratna Bai from Bhilai Hospital, Sector-09 and after identification of dead body in the presence of witnesses, Exhibit P-02 was prepared. The dead body of deceased was seen by female (Panch) witness by reversing dead body. There were incised injuries on the forehead, nose, right cheek, near mustache, below

rib in stomach on the body of deceased and dead body of deceased Ratna Bai was sent for postmortem.

32. According to Police Inspector Santok Ram Lahre (P.W.30), on 19.10.2011 at 7:30 p.m., on the information of Smt. Durga Banchhor, he wrote Dehati Nalishi (Exhibit P.18). On 20.10.2011, he went to Mortuary of Government Hospital, Patan and summoned Panches for panchnama of dead body of Anandram Sahu and its Notice is Exhibit P.05, after examining dead-body he prepared Panchnama in presence of Panches. Panches suggested to get the postmortem conducted because the injuries were inflicted by a sharpened edge weapon. On 20.10.2011, this witness prepared Dehati Merg Intimation (Exhibit P-63) on the information of death of Firanteen Bai given by Omprakash Sahu. Notice (Exhibit P-07) was given to the witnesses for the Panchnama of dead-body of Firanteen Bai and Panchnama of dead body was conducted in presence of the witnesses. The Panches stated

that Firanteen Bai died due to fatal injuries inflicted to her by assaulting her with knife and suggested for postmortem of which site map Panchayatnama is Exhibit P-08. This witness seized the clothes of deceased Anandram and Firanteen Bai vide Exhibit P-39 and Exhibit P-40 respectively on being produced by Constable. This witness registered Memo Information of Firanteen Bai vide Exhibit P-66 and Memo Information of Ratna Bai vide Exhibit P-31 on 20.10.2011. This witness issued Duty Certificate to Constable the postmortem of Firanteen Bai and Anandram vide Exhibit P-37 and Exhibit P-38 respectively. Duty certificate to Constable Govind Ram Shahu was issued by Assistant Sub-inspector S.L. Tondon for the postmortem of dead-body which is Exhibit P-68. This witness sent the articles for chemical examination to Forensic Science Laboratory, Raipur vide Memo (Exhibit P-52) through Constable and its acknowledgment receipt is Exhibit P-53 and Examination Report is Exhibit P-71.

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33. According to Dr. Thakur Ajay Singh (P.W.23), at 11:30 p.m., on 20.10.2011 when dead-body of Firanteen Bai wife of Anandram, aged 55 years was produced by constable Santosh Soni then he alongwith entire team of Dr. S.Rotela commenced the postmortem. During postmortem following injuries were found - Incised wound 9.5 cm x 2 cm left side, chin to cheek; Incised wound 3 x 2 cm right side of face; Incised wound 4.5 x 5 c.m on left forearm; Incised wound 3.5 x 3.5 cm present on left side of mastoid region; Stab wound 3.5 x .5 cm on collar bone; Stab wound 5.5 x 3.5 cm present on epigastric region on midline oblique direction.

All the organs Muscles, peritoneum, stomach, small intestine were cut. Injuries were inflicted by sharpened edge and pointed weapon and were sufficient to cause death in ordinary course of nature. Injuries were inflicted by knife. Death was caused due to acute haemorrhage and shock as a result of injuries. The injuries were caused

within 12 hours of death and death was caused within 24 hours of postmortem. Postmortem report is Exhibit P-46 which bears signatures of both the doctors.

34. According to this doctor, on 20.10.2011, he alongwith entire team of Dr. S. Rotela, conducted postmortem of dead body of Anandram son of late Ramdayal on being brought by Constable Santosh Soni. During postmortem following injuries were found: Incised wound 5 cm muscle and bone deep on right side of forehead just above eyebrow; incised wound 5 x 1 x 1 cm on left jaw; incised wound 5 cm x 3.5 cm on left side of lateral quadrant of gluteal region; incised wound 5 x 0.5 cm on upper forearm; Stab wound 2.5 x .5 cm muscle deep present on left paraumbicus region which punctured muscles, mucosa and pericodum, left chamber of heart was also cut. These injuries were sustained from sharpened edge and pointed weapon and were sufficient to cause death in ordinary course of nature. The cause of death

was acute haemorrhage and shock as a result of incised wounds inflicted by multi-purpose knife. At the time of postmortem, death was occurred within 24 hours of postmortem and injuries were inflicted within 12 hours of death. Postmortem report is Exhibit P-47 and it is jointly signed by him and Dr. S. Rotela.

35. According to this witness, he conducted the postmortem of dead body of Ratna Bai wife of Tulsiram, age 32 years on being produced by Constable Govind on 20.10.2011. Dr. Rotela was also involved in his joint team. During postmortem, it was found that Incised wound 5 x 2 cm bone deep on left side of forehead from root of nose; incised wound 5 x 3 cm bone deep from root of nose to tip of nose; incised wound 9 x 1 x 2 cm bone deep on mid-line of chin to angle of mandible; stab wound present on epigastric region, left side penetrated up to small intestine, stab wound 3 cm x 6 cm penetrating upto peritoneum. All the injuries were inflicted

by a sharpened edge weapon and were sufficient to cause death in ordinary course of nature. Death was caused due to acute haemorrhage and shock as a result of incised injuries by a multi-purpose knife. Injuries were caused within 12 hours of death and death was caused within 24 hours of postmortem. Injuries were fatal. Postmortem report is Exhibit P-48 which was jointly signed by him and Dr. Rotela.

36. Doctor sealed the clothes of the deceased persons and handed over to the concerned Constable to deposit them in the Police Station. On the application (Exhibit P-49), the doctor opined that knife was 20 cm long, 03 broad, one edge of the blade was sharp and pointed, sketch of the said knife was drawn and gave his opinion that incised wound, stab wound; lacerated wound can be inflicted with seized iron knife and death is possible in case of not getting proper treatment and injuries can be inflicted on the body of deceased persons by the said knife. The

concerned report is exhibit P-49.

37. There is no substantial challenge to the fact, evidence and documents produced on all these points in cross-examination. The point mentioned is unrefuted, unchallenged and admissible. Since, neither the first question for determination has been substantially challenged nor any fact, evidence or document has been produced nor any admissible medical facts have been produced against it, therefore, in opinion of Court, it is evident that death of Anandram, Firanteen Bai and Ratna Bai was caused due to acute haemorrhage and shock resulted with the injuries inflicted on the vital parts of their bodies with sharpened edge weapon with many powerful attacks. Death was homicidal. Injuries were sufficient to cause death in ordinary course of nature. All the three dead-bodies were found in village Borid, Police Station Ranitarai, District Durg (Chhattisgarh) on 19.10.2011 at about 5:00 p.m. Dead-body of Anandram was found

on Chabutra (platform) of the house of Meera Banchhor, dead body of Firanteen Bai was found in the courtyard of her own house, body of Ratnabai was found in injured condition in the room of her house. Ratna Bai had also died on the way to hospital. Thus, Prosecution has proved that death of all these three persons was caused as a result of fatal injuries and thus, Anandram Sahu son of Ramdayal Sahu, Smt. Firanteen Bai wife of Anandram Sahu, Smt. Ratna Sahu wife of Tulsiram Sahu died on 19.10.2011 at about 5:00 p.m. in village Borid, Police Station-Ranitarai, District Durg (Chhattisgarh) due to several fatal injuries inflicted on the vital parts of their bodies with sharpened edge weapon and they died accordingly.

38. So far as the question of appreciation and determination of evidence on determinable question No.2 and 06 is concerned whether on 19.10.2011 at 5:00 p.m. or around it, in village Borid, Police Station Ranitarai, District-Durg (Chhattisgarh), accused Chhannu Lal Verma has

committed the murder of Anandram Sahu son of Ramdayal Sahu, Smt. Ratna Sahu wife of Tulsi Sahu and Smt. Firanteen Bai wife of Anandram Sahu intentionally by inflicting injuries on the vital parts of their bodies with sharpened edge iron knife ? And whether on the same date, time, and place accused trespassed the house of Anandram so that he could commit murder of Anandram Sahu, his wife Firanteen Bai and Smt. Ratna Sahu daughter-in-law of Anandram Sahu which is an offence punishable with Life Imprisonment. According to the facts and evidences which have been adduced before the Court on this point, P.W.1 Tulsiram Sahu husband of deceased Ratna Bai has stated in para-04 of his statement that Ratna Bai was lying in the pool of blood in the room of his house and was screaming 'Bachao-Bachao', she sustained injuries on her stomach, neck, nose. On being enquired Ratna Bai revealed that Chhannu Verma has stabbed knife to her. On this point, this suggestion has been given by Defence that

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when this witness reached village then all the three persons had already died, this witness has denied this fact. According to P.W.6 Meera Banchhor, Sonu (son of Ratna Bai) (Nati of Anandram) rushed to her and told that Chhannu Lal is assaulting his grandfather, grandmother and mother. At the same time, Chhannulal Verma came there armed with knife and his clothes were bloodstained. According to para-02 of statement of Smt. Durga Bai (P.W.11), Sonu (son of Tulsi of village) came to her while crying and said that Channu verma is assaulting his mother Ratna bai, grandfather Anandram, grandmother with knife. According to this witness, she came outside with Sonu, at the same time, accused brought Anandram while assaulting him and thrown him in the courtyard of her house. At that time, accused was totally blood-smeared.

39. Roshan @ Sonu (P.W.15) is eye-witness, this witness is 10 years old, the statement of this witness was not recorded on oath and questions

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were asked in question-answer form in detail.

This witness has stated that accused Chhannu Lal had abused his mother. His mother had told about this to his grandfather. His grandfather objected accused for giving abuses then accused took out knife and stabbed in stomach of his grandfather. Chhannu entered the room of their house and accused stabbed knife to his mother on her stomach and cheek; thereafter, accused stabbed knife to his grandmother in courtyard and while assaulting he brought his grandfather near the house of Meera Banchhor and thrown him in courtyard. Then this witness went to the house of Meera Bai and told her mother-in-law that accused has killed his grandfather and grandmother. There accused again assaulted on the back of his grandfather; out of fear he went to the house of uncle (Bade-Papa). In cross examination, questions in detail have been asked from this witness but no such fact has emerged in the statements of this witness by which his

statements could be disbelieved.

40. Toshani Sahu (P.W.22) had seen blood-smeared dead-body of Anandram near the chabutra (platform) of the house of Meera Banchhor and when he returned to his house then he saw accused standing near his house, he was armed with bloodstained knife and was saying that he will stand here till the arrival of Police. P.W.30 Santok Ram Lehre had written Dehati Nalishi (Exhibit P-18) and Dehati Merg Intimation (Exhibit P-19) on the dictation of Smt. Durga Banchhor. Dehati Nalishi was got prepared on the date of incident after about 2 ½ hours of incident at the house of this witness. This fact is mentioned in Exhibit P-18 that Sonu came and told that accused was assaulting his mother and grandmother. This fact is also mentioned in this report that accused has stabbed knife to Anandram Sahu, of village, who is lying in the pool of blood in his platform and has died. Other facts related to incidents are also mentioned in Dehati

Nalishi. This fact is also mentioned in Dehati Merg Information (Exhibit P-19) which was got written at 7:40 hours at the house of Durga Banchhor, that accused inflicted injuries to Anandram Sahu with knife and as a result of which he died and his dead-body is lying in the courtyard of his house. Both the reports were got written at the spot by eye-witness without any delay. The presence of accused at the spot and in village was proved by other witnesses which include injured witness, natural witness. It was suggested by Defence to P.W.8 Smt. Basanta Bai at para-06 that accused was assaulted, therefore, he assaulted in his self-defence. On this point, no facts or evidences have been produced by Defence Party and there is no fact or suggestion on this point that the incident occurred in self-defence.

41. These suggestions have been given at para-10 of the statements of Smt. Meera Banchhor (P.W.6) that accused is insane, the witness has denied this suggestion. No suggestion has been given

anywhere to this effect that mental condition of the accused is not sound. There is no such fact on this point in the statement of accused. No defence evidence has been produced on this point by the defence. Therefore, under Right to Defence, defences made on committing the murder of these 03 persons or commission of incident due to mental imbalance etc. are baseless and inadmissible.

42. Knife and full-shirt were seized from the possession of accused vide Exhibit P-09 and Exhibit P-10 respectively and black coloured pant and sando Baniyan were seized vide Exhibit P-11. According to the chemical examination report (Exhibit P-71) of knife (article S-1) and seized clothes, human blood has been found. In regard to abovesaid, neither any examination has been conducted on the point of blood group nor any report has come. Gopalram Markanday (P.W.3) witness to Memorandum and seizure, has stated in cross examination that Police took out the

clothes from pond through the boys present there.

He can't tell about the particular identification of knife. Accused gave this statement that he

~~throw knife in~~ the pond. This witness has

supported documents Exhibit P-09, 10 and 11.

Other Panch witness Shankar Lal Banjare (P.W.5)

has not supported these three documents but this

witness has admitted the fact that he was present

at the spot, presence of Gopalram, accused was

brought by the Police in vehicle and reached

Gorari Pond and put his signature and has also

admitted that the papers on which he put his

signature were written by Police; Gopal had put

his signature on it, then he put his signature on

it. Police had come for the investigation of

commission of murder of several people by accused

in village Borid. Though, this witness has not

supported the document but in perspective of all

the facts disclosed by him and statement given by

Gopalram Markanday (P.W.3) in Court and para-07

and para-08 of statement given by Investigating

Officer Santok Ram Lahare (P.W.30) in Court are corroborated that an iron knife and a full-shirt were seized vide Exhibit P-10 at the instance of accused after taking it out from pond and were produced. In regard to these facts accused has given Memorandum statement (Exhibit P-09) and full-pant and half sando Baniyan of the accused were seized vide Exhibit P-11. There is no reason to disbelieve all three documents. Thus, on the Memorandum of accused, after taking out knife and shirt from the bushes near pond and full-pant and half sando baniyan of the accused were seized.

43. In the instant matter, bloodstained Earth and simple Earth were sized from the courtyard of the house of Firanteen Bai and from the room of her daughter-in-law. In this regard, Documents are Exhibit P-13 and Exhibit P-14. Police prepared site map of the spot. In Forensic Science Laboratory Report (Exhibit P-71), it has been found that blood was present in bloodstained Earth. Human blood was also found on the clothes

which were seized from the body of Firanteen Bai, Ratna Bai and Anandram vide Exhibit P-71.

44. Defence has prayed to disbelieve the statements of Roshan @ Sonu Sahu (child witness) (P.W.15) but there is no reason to disbelieve the statements given by this witness in complete cross examination. Apart from it, the statements of this witness get corroborated with the statements and facts of Durga Bai, Meera Banchhor and other witness. Accused also did not try to attack everybody; for example, despite the presence of Sukhdeo Yadav (P.W.9), Jailal Dhankar (P.W.10) and Durga Bai (P.W.11) and Basanta Bai (P.W.8), accused didn't attack them. Even on being stopped by Durga Bai from assaulting daughter-in-law, he didn't attack her. Also asked Toshan Sahu (P.W.22) about his father Ramswaroop and on being told that Ramswaroop had gone to market, accused said to kill him when he met him. Even on order of this witness to kill him, the accused replied that he wouldn't kill him.

Similarly, according to statement of P.W.2 Anoop Sahu accused asked him about his brother, then he told that that he was not present then he returned keeping knife in his pocket.

45. Thus, if accused did not attack child witness (P.W.15) Roshan @ Sonu Sahu then merely on this ground, this witness can't be considered unreliable. The statements of this witness are not corroborated with the statements of other injured witnesses and other witnesses and it has been held by Hon'ble Supreme Court in judicial citation of the matter Akhtar and others vs State of Uttaranchal (supra) produced by Prosecution that if the Prosecution case is supported by injured eye witnesses, whose statements recorded by Police and court are substantially similar and are medically supported then their evidence can't be rejected. In the instant matter, the statements of child witness gets corroborated with the statements of the injured witness Meera Banchhor and other witnesses, who have been

mentioned. As per decision in above mentioned case (Akhtar and others Vs State of U.P.) some minor contradictions don't affect the trial adversely. In the instant matter, there are not so admissible important contradictions in the statements of all the witnesses which are related to determinable question no.02, which could be disbelieved. In light of the statements of this witness, the accused entered the room of the house of his mother Ratna Bai and stabbed knife to her and in this incident, Ratna Bai died. In regard to the said determinable question No.06, it is proved that accused entered the house of Anandram to commit offence punishable with Life imprisonment/death sentence and thus committed house-trespass. So far as determinable question no.02 is concerned, it is proved that murder of Anandram, Ratna Sahu and Firanteen Bai was committed by accused intentionally by inflicting injuries on the vital parts of their bodies. On this, the arguments advanced by Defence are not

admissible being unsubstantial, having minor contradictions on the different points of the incident, being supported by the injured witnesses and medical evidence. Therefore, in opinion of the court, Prosecution has proved determinable question No.02 and 06 lawfully.

46. So far there is question of appreciation and determination of evidence on determinable question No.03 is concerned that whether on 19.10.2011 after 5:00 p.m., in village Borid, Police Station-Ranitarai, District Durg (Chhattisgarh), fatal injuries were inflicted on the vital parts of Smt. Meera Banchhor wife of Chhannu Lal Banchhor, Chhannu Banchhor son of late Brajlal Banchhor and Gendlal Verma son of Krishna Verma, on this point P.W.1 Tulsiram Sahu had seen Meera Banchhor at her house lying in the pool of blood. Many people had gathered there. According to P.W.6 Meera Banchhor, knife injuries were inflicted on her chest; when she caught hold the hand of accused then he cut her ring finger

and middle finger with knife, injuries were inflicted to her on chest, several injuries were inflicted on her left shoulder and back with knife and blood was oozing out. She was admitted in Bhilai Hospital, Bhilai. Thereafter, when she gained consciousness she came to know that knife injuries were also inflicted to her husband Chhannu Banchhor and he is also admitted in Bhilai Hospital, Sector 09.

47. According to P.W.7 Gendlal Verma, knife injuries were inflicted to him in his stomach near the house of Chhannu Banchhor, his abdomen was cut, intestine had come out, blood started oozing out, he went to his house pressing his stomach then he was taken to Bhilai Hospital, Sector-09. He got to know in hospital that Meera Banchhor and Chhannu Banchhor were also assaulted. According to Basanta Bai (P.W.8), knife was also stabbed to Meera Banchhor due to which she became unconscious and fell down. Thereafter, this witness came to know that

Chhannulal and one other person Gendlal were also assaulted with knife. According to Sukhdeo Yadav (P.W.9), injuries were inflicted on the neck of Chhannu Lal with knife. On the next day, this witness got the information that Gendlal and Meera Banchhor were also assaulted. According to Jailal Dhankar (P.W.10), knife was stabbed to Channulal on which blood oozed out. They had taken him and Meera Banchhor who were also assaulted with knife. This witness got the information that Gendlal was also assaulted. According to Smt. Durga Bai (P.W.11), knife injuries were inflicted to her daughter-in-law Meera Banchhor on the back of her neck and on other parts of body with knife and her son Channu Banchhor was also assaulted with knife.

48. Dr. Sanjay Kumar Bhoi (P.W.13) had conducted medical examination of Chhannu Banchhor in Bhilai Hospital, Sector-09. He found Stab wound 3 x 2 cm on left part of back , stab wound 10 x 4 cm bone deep on left parietal region of

head, stab wound 3 x 2 cm on right chest. The patient was in state of shock. This witness had prepared report (Exhibit P-21). He admitted the patient and prepared Admission slip (Exhibit P-22). According to Dr. Meenakshi Dave (P.W.14), on 19.10.2011 she conducted medical examination of Meera Banchhor in Bhilai Hospital, Sector-09. she was admitted in hospital at 8:00 p.m. During examination, she found incised wound 01" long in chest, incised wound 01 cm long near left part of neck, incised wound 01" long on back, incised wound ½" long on left index finger, 03" long scratch on left part of face. In this regard, she gave Examination Report (Exhibit P-25). According to this witness, she examined Gendlal Verma on the same date at 08:20 p.m. She found incised wound ½" long in iliac region of the left side of stomach, blood was oozing out. This witness examined his injuries vide Exhibit P-26 and sent application vide Exhibit P-27 to SHO Police Station. This opinion was given vide Exhibit P-28

that if the treatment would have not been given on time to all the injured persons then their death was possible and he gave information to Kotwali Police vide Exhibit P-29 and Exhibit P-30.

49. Dr. Smt. Lata Devangan examined X-ray film of chest and stomach of Meera Banchhor. Heart, lungs and stomach were found normal and its report is Exhibit P-42. This witness examined the X-ray film of chest and stomach of Gendlal Verma and in X-ray of stomach, free gas was found which is not normal condition. In this regard, gave report vide Exhibit P-43. This witness examined X-ray film of stomach and chest of Chhannu Banchhor. Heart, lungs and stomach were found normal, it was suggested to get conducted X-ray of cervical spine again. In this regard, report prepared by her is Exhibit P-44. This witness has stated that if there is stab wound then in such condition gas is found outside intestine.

50. According to Dr. Thakur Ajay Singh, Chhannu

Banchhor was medically examined on 19.10.2011. It was found that stab wound 3.5 x 2 c.m on left scapula region, incised wound 10 cm x 5 c.m. On left parietal region, incised and stab wound 3.5 c.m x 2 cm on clevicular bone on right shoulder. Injuries were bleeding. Injuries were inflicted from sharped edge weapon. Blood was oozing out continuously, patient was in state of shock, he referred to higher medical Institution. His report is Exhibit P-45.

51. According to Dr. Tushar Ranjan (P.W.24) he conducted X-ray of Chhannu Banchhor. In X-ray, it was found that liquid material got stucked in the mid space of wall of chest and its report is Exhibit P-50. Dr. Jyoti Ranjan Puthal (P.W.27) had conducted Sonography of Chhannu Banchhor and Meera Banchhor. Internal injuries were not found. Their reports are Exhibit P-54 and Exhibit P.55. According to P.28 Dr. Sumanta Mishra, Chhannu Banchhor was admitted on 19.10.2011, he was discharged on 28.10.2011. Meera Banchhor was

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admitted on 19.10.2011 and she was discharged on 22.10.2011. Gendlal Verma was admitted on 19.10.2011, he was discharged on 25.10.2011. In this regard, Bed-Head Tickets related to all these three persons are Exhibit P-56, Exhibit P-57 and Exhibit P-58.

52. According to Dr. Parag Gupta (P.W.29), on 19.10.2011 he examined Chhannu Banchhor, there were many injury marks on his body. Stab wound was found on left back, left head, right shoulder. Due to sustaining injuries on left chest and below armpit, lungs were filled with air. The patient has sustained grievous injuries. On 19.10.2011, he also examined Meera Banchhor, many stab wounds were present on her body. Below left breast, in left supracleavicular, suprascapular, inter scapular region, left index finger, left side of face. Thus, 05 injuries from sharpened edge weapon and one abraded wound were found. X-ray of chest and stomach were normal. All the wounds were stitched and patient was

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discharged on 22.10.2011..

53. According to Dr. Parag Gupta, he conducted medical examination of Gendlal Verma on 19.10.2011. During examination, he found deep incised wound penetrated upto left iliac region of stomach, stomach was filled with air which was possible due to laceration of any intestine. The patient was operated on the same night. Stomach was filled with air and dust. 4 wholes were present on small intestine. Blood was filled in the back side of stomach. After cleaning stomach, wholes were stitched, bleeding was stopped. Grievous injuries were sustained to the patient. Assessment letter of this witness are Exhibit P-59, Exhibit P-60 and Exhbit P-61.

54. According to Santok Ram Lahare (P.W.30), he wrote application (Exhibit P-45) for the medical examination of Channu Banchhor and letter (Exhibit P-25 and Exhibit P-27) for the medical examination of Gendlal Banchhor and Meera Banchhor respectively. This Police Officer had

seized the clothes of Channulal Banchhor vide Exhibit P-67, clothes of Meera Banchhor vide Exhibit P-16 and clothes of Gendlal vide Exhibit P-17. Opinion was sought for the human blood on the clothes and nature of injuries sustained to the injured persons, letter (Exhibit P-28) was written for it. The doctors have stated that injured persons could have died if they were not treated on time. According to this witness, he wrote a letter (Exhibit P-39) to seek the opinion regarding the possibility of death of Chhannulal for not getting treatment for which the doctor gave the positive reply. This witness had demanded bed-head ticket of Meera Banchhor, Channulal and Gendlal Verma vide Requisition Letter (Exhibit P-70). This witness has sent the seized clothes to Forensic Science Laboratory, the report received from said Forensic Science Laboratory is Exhibit P-71 according to which blood was found on the clothes of injured persons. Prosecution has produced the fact,

evidence medical evidence on all these points and after the perusal and in absence of any material challenge, in opinion of Court, the Prosecution has proved that on 19.10.2011, in village Borid, Police Station Ranitarai, fatal grievous injuries were inflicted to Meera Banchhor, Channu Banchhor and Gendlal Verma on the vital part of their bodies with hard and sharpened edge weapon and their lives were saved because of timely treatment. Hence, the Prosecution has proved the commission of incident of inflicting fatal grievous injuries on the vital parts of the bodies of all the aforesaid three persons.

55. So far as the question of appreciation and determination of evidence on determinable questions No.04, 05 and 07 is concerned that whether on 19.10.2011 after 5:00 p.m., in village Borid, Police Station Ranitarai, District-Durg (Chhattisgarh) Chhannulal Verma armed with iron sharpened edge knife inflicted fatal injuries to Smt. Meera Banchhor wife of Chhannulal Banchhor

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son of late Brajlal Banchhor and Gendlal Verma son of Krishna Verma on the vital parts of their bodies; whether the accused inflicted the said injuries on the said date, time and place intentionally or knowingly and committed this offence in such circumstance that if these persons would have died then he would be held guilty for the offence of committing murder; whether in village Borid, the accused armed with blood smeared knife entered the house of complainant Smt. Durga Banchhor on the said date, time and place, while giving filthy abuses to

Meera Bai wife of Chhannu Banchhor and threatened to kill her and executed this threat by giving knife blow. On this point, according to Smt. Meera Banchhor (P.W.6) accused inflicted knife injuries on her chest, hand and left shoulder while saying that he would kill her and gave two blows of knife on her back as a result of which blood started oozing out and she started saying 'Bachao-Bachao'. Her mother-in-law with, folded

hands, requested him not to kill her daughter-in-law. Thereafter, she got to know that the accused also stabbed knife to her husband and the accused has entered the house saying that you behave like leader, save Anandram and Ratna, now I will kill, now how will you save.

56. According to Gendlal Verma (P.W.7), when at 5:00 p.m., he stopped near the door of the house of Chhannu Banchhor on seeing the blood lying there then the accused came there and said to him that he has come for false witness and stabbed knife in his stomach, due to which his stomach was cut, intestine protruded; he went to his house while pressing his stomach, he narrated the whole incident to his wife and then he was taken to hospital. According to Smt. Basanta Bai (P.W.8), accused armed with knife had gone to the courtyard of the house of Meera Banchhor, he started stabbing knife to Meera Bai due to which blood started oozing out. Mother-in-law of Meera Banchhor was requesting the accused with folded

hands not to kill her. On sustaining knife injuries, Meera Banchhor became unconscious and fell down. According to this witness, on next day she got to know that accused has stabbed knife to Chhannulal Banchhor and Gendlal.

57. According to Sukhdeo Yadav (P.W.9), when he was working in khaliyan (place where unthreshed crop is kept), Chhannu Banchhor was sitting and reading newspaper there, on hearing 'Bachao-Bachao' they went to Channu Banchhor. They saw that accused was stabbing knife to Channu Banchhor which hit him near his neck, blood had oozed out, then they took him away. Accused had given 2 blows of knife to Channu Banchhor in his presence. On next day, he came to know that the accused has also stabbed knife to Gendlal and Meera Banchhor. All were admitted in the hospital. According to Jailal Dhankar (P.W.10), on the date of incident at 5:00 p.m., he was threshing paddy grains in Kothar of Chhannu Banchhor. Chhannu was sitting in Byara.

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Accused stabbed knife to Chhannu Banchhor in Byara threatening him to kill. Then Chhannu Banchhor cried 'Bachao-Bachao'. The blood was oozing out from his body, then they took away Chhannu Banchoor; he also stabbed knife to Meera Banchhor in his house. On next day, this witness got to know that Gendlal Verma was also assaulted with knife..

58. According to Smt. Durga Bai (P.W.11), who is mother-in-law of Meera Banchhor, accused while saying that this is the house of Meera Banchhor, ~~caught hold of the hand of her daughter-in-law~~ and gave knife blow on the back of her neck and gave several blows of knife on other parts of body, then she said that if he wants to kill then kill her (mother-in-law), don't kill her (daughter-in-law), then accused said that he is to be hanged definitely. The daughter-in-law of this witness became unconscious and fell down then the accused went to Byara from courtyard of her house and also gave knife blows to her son

fact that after inflicting grievous injuries to other persons and committing their murder; he inflicted injuries to these three persons Meera Banchhor, Chhannulal Banchhor and Gendlal Verma with knife by going here and there and the motive of the accused was to commit the murder of these three persons; prior to the commission of murder of three other persons, the accused gave several and powerful blows of knife to these three injured persons. Due to the effort made by them for saving their lives and getting better medical aid on time because Bhilai Hospital, Sector-09 is a specialized hospital and it provides medical medical service, due to this, lives of these three people were saved. In opinion of the Court, accused gave blows of sharpened edge knife to these three persons intentionally and knowingly; in such circumstance if all these three could have died even then the accused would be held guilty for commission of murder of Meera Banchhor, Chhannulal Banchhor and Gendlal Verma. In the

neck and other parts. Two other witnesses Sukhdeo (P.W.9) and Jailal Dhankar (P.W.10), while working in Kothar, has also witnessed the incident and they have also supported him. These two witnesses are not interested witnesses. Thus, the statements of the injured witnesses gets corroborated with the statements of independent witnesses. Similarly, Basanta Bai (P.W.8), who was cleaning utensils at the time of incident, has also supported the fact of stabbing knife to Meera Banchhor. This witness is also not related to Meera Banchhor, she is not interested witness. All these three witnesses don't have any old enmity with the accused. Thus, the statements of injured witnesses is also corroborated with the statements of other eye-witnesses and also supported by medical evidence.

60. It is evident from the kind of injuries sustained to the said injured persons that if they had not got timely treatment then they would have died definitely. It is evident from this

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opinion of Court, the accused inflicted fatal injuries on the vital parts of their bodies powerfully and intentionally; he also threatened Meera Banchhor to kill her and immediately after threatening her he gave gave several blows of knife to her. Thus, the threat to kill her was real threat in continuous of which he gave blows of knife. Therefore, in opinion of this Court, Prosecution has proved determinable question No.04, 05 and 07.

61. It has been laid down in the judicial citation in case titled 'State of Maharashtra Vs I.S. Babar (supra) which has been produced by Defence, that property was seized from open place where anybody could approach. The case of murder could not be proved merely on the ground of the said Memorandum and Seizure. In the present case, many eye-witnesses, independent witnesses and other direct evidence are present. In addition, knife was recovered from bushes near pond. Normally other people can't know about what is

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kept in bushes unless they go inside the bushes. Therefore, it is held that Section 411 of I.P.C is applicable in the judicial citation (supra) but it is not applicable in the instant matter because the instant matter is supported with direct evidence which is also supported with medical evidence and independent evidence; there is no reason to disbelieve on their statements and facts. The judicial citation produced by Defence in case of 'Dayaram and others Vs State' (supra) it had been held that merely on the basis of blood stains present on knife, it can't be used against appellant and the Prosecution can't prove case by incontrovertible and reliable evidence. The presence of blood on knife is not only the ground. Therefore, no benefit is given to Defence from this judicial citation. The judicial citation produced in case of 'Mukesh Sahu Vs State (Supra), witness to seizure had turned hostile. The article was found in an open place at the distance of 10 feet from dead body

and blood group was not proved. In the instant matter, one Panch witness has completely supported Memorandum and seizure, other Panch witness has also supported prosecution on the important points and the instant matter is based on direct, independent and medical evidence. The evidence of injured persons are also supporting Prosecution. The place of recovery is very far from dead-body outside village from bushes near pond Ghorari. Therefore, the said judicial citation does not support Defence in the instant matter.

62. According to judicial citation produced on behalf of defence in case of 'Jagannath Vs State of Madhya Pradesh '(supra), child witness was the only eye-witness. The deceased died due to strangulation. On this point, the child witness was completely silent. There was major contradiction between the evidence of child witness and medical evidence. The witness was read over his statement. No other substantial

evidence was available, therefore, appellant was acquitted. In the instant matter, only the child was not the eye-witness rather injured witness, independent witness and other circumstantial evidences were also present which have been supported. In addition, child witness has stated the fact of giving knife blows. Medical evidence also supports this fact. The child-witness was neither read over his earlier statement nor he was tutored. Therefore, on this point, the present judicial citation does not give any benefit to Defence.

63. In the instant matter, the judicial citations enclosed with the photocopy of said evidence of other cases and the concerned documents have been produced but neither all the truly attested photocopies have been produced nor Defence has got them exhibited and for the approval to take as evidence. Therefore, as the contents of photocopies are not admissible in evidence therefore, in this case, it is not fit

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to be read by Defence. In addition, in the instant matter, this fact has emerged in the statements of witnesses that the accused was tried in the rape case with the deceased Ratna Sahu earlier and in that case accused was acquitted. Suggestions are also given regarding pending of other case in minor Sections. Only on this ground that the accused was acquitted in rape case, it can't be considered that he is falsely implicated in the instant matter of murder because fully admissible evidences are present in the instant matter. In addition, if the said fact of falsely implicating him in the rape case is considered then also on this ground, the present murder case cannot be the case of false implication, he committed murder of 03 persons with knife on getting enraged and with planning, inflicted fatal injuries with knife to other 03 persons, fortunately, they were saved due to getting medical aid on time. Other person namely Ramswaroop was saved from being killed and

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fatal injuries due to his absence and all these said people were relative or her supporters of the said Ratna Sahu. Therefore, in opinion of Court, there is no proof of acquittal and innocence of accused in earlier case rather it provides alleged motive to the accused for commission of the incident in the instant matter.

64. No such material contradiction is present in the statements given by the witnesses before Police or in Court on the basis of which the statements of the witnesses could be considered false. In the case, report has been lodged instantly. Dehati Nalishi has been got registered. Its facts are completely matched with the facts of entire case. Immediate action has been taken. The statements of witnesses have been recorded without any delay. Eye-witnesses, injured witnesses, independent witnesses, circumstantial evidences and medical evidences are included in evidence which corroborate each other completely. In opinion of Court,

identification and all the facts related to knife are mentioned in Seizure Memo on the point of not stating about any particular identification of knife. The fact of missing of one more wood from wooden handle also does not affect the seizure of knife. While keeping, packing and investigating etc., the wooden handle can be loosened and separated. Therefore, the argument regarding the abovesaid is not admissible.

65. Tulsiram has also stated about the dying declaration of his wife that his wife had stated that Chhannu Verma had stabbed knife to her. When Santok Ram Lahare came near to the deceased Ratna Bai, then it is natural that she became unconscious and fell down because husband and Inspector had seen Ratna Bai at different time. It is evident on the point of not telling the name of assailant by the injured persons to the doctors that it is not necessary that the physical and mental condition of the injured is

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so good that he could tell about the full details of incident to the doctors. In addition, Durga Banchhor had already got registered Dehati Nalishi and Merg information before the arrival of the injured persons in hospital in which all the incidents committed by accused were clearly mentioned. Therefore, the injured persons didn't disclose the name of assailants to the doctor, it doesn't make the case doubtful. It is not necessary to give Notice to witnesses for Memorandum and seizure. If any Advocate is appointed to prosecute the matter then merely on this ground the statements of witnesses can't be disbelieved. If a witness met his Advocate outside the Court then on this basis it can't be presumed on its own that all the witnesses are tutored. If any eye-witness can't tell the colour of the clothes of accused then on this basis all the witnesses can't be held unreliable.

66. No question of identification exist in case.

The accused and all the Prosecution witnesses are

the residents of same village and the incident took place at 5:00-5:30 p.m.. At that time, sufficient light remains and thus, accused committed and made clear attempt to murder for about 1-1 ½ hours by going here and there. Witnesses had seen the accused at various stages. Therefore, it can't be possible that somebody else would have committed the incident. The accused didn't do anything on seeing the child witness, on this, the statements of child witness can't be disbelieved because the statement of child witness is corroborated with the statements of other witnesses and medical evidence. The series of incident of earlier case between both the parties is available. This incident has occurred on the ground of its history. Merely on this basis that the family of Meera Banchhor were having good relations with the family of Anandram Sahu, the statements of Meera Banchhor and her family members can't be disbelieved because murder of 03 family members of Anandram has been

committed exclusively and fatal injuries have also been inflicted to Meera Banchhor and her husband with intention to kill them. Therefore, merely having good relations, it can't be considered that these witnesses would falsely implicate any innocent. At last, no ground is available to these witnesses for leaving the real culprit. It can't be considered that offender is somebody else and the accused is falsely implicated.

67. A 70 years old lady Durga Bai has got registered Dehati Nalishi and report. Her son and daughter-in-law were seriously injured. Report was lodged instantly. It can't be accepted that a 70 years old lady would immediately make a plan to get the report written against the innocent leaving the culprit. In addition, other independent witnesses Basanta Bai, Jailal, Sukhdeo and other, who are directly or indirectly not related to Durga Banchhor, have any enmity with accused, why would they help Durga Banchhor

in falsely implicating innocent leaving the culprit. In the opinion of Court, all the arguments advanced by Defence are not admissible. Whether false report was got lodged under Section 376 of I.P.C. or not is not a matter of discussion in this case and accused has been acquitted in case under Section 376 of I.P.C. This fact indirectly shows the involvement of the accused to commit the present incident. The occurring of the offence or not and that being proved in the criminal court or not are two different situations to be considered. Moreover, if Prosecution was false then it gives ground to accused to commit incident. In opinion of court, the arguments of Defence on this point are totally inadmissible.

68. The cause of prosecution against the accused in the earlier rape case is acceptable in the instant matter, prosecution has proved that on 19.10.2011 at about 05:00 p.m., in village Borid, Police Station-Ranitarai, District-

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Durg(Chhattisgarh), the murder of Anandram Sahu, Smt. Ratna Sahu and Smt. Firanteen Bai was committed by inflicting fatal injuries to them as a result of which they died and accordingly they were murdered and accused Chhanulal Verma committed murder of aforesaid Anandram Sahu, Smt. Ratna Sahu and Smt. Firanteen Bai by inflicting injuries on vital parts of their bodies and at that time accused committed punishable offence of Life Imprisonment by trespassing the house and the accused trespassed the house only to commit murder of Anandram Sahu, Firanteen Bai and Smt. Ratna Sahu and on 19.10.2011 after 5:00 p.m., in village Borid, Police Station Ranitarai, District-Durg (Chhattisgarh) accused intentionally and knowingly inflicted fatal injuries on the vital parts of the bodies of Smt. Meera Banchhor, Chhannu Banchhor and Gendlal Vema with intention to kill them, if Smt. Meera Banchhor, Channu Banchhor and Gendlal Verma would have died by the said act then accused would be

held guilty for their murder and accused committed criminal offence by threatening Smt. Meera Banchhor to kill her.

69. As a result, accused Chhannulal Verma son of late Kamta Prasad Verma, age about 46 years, resident of Village Borid, Police Station Ranitarai, District Durg (Chhattisgarh) is sentenced to undergo Life Imprisonment for the offence punishable under Section 450 of I.P.C. for trespassing the house of Anandram Sahu illegally; for committing murder of Anandram Sahu son of Ramdayal Sahu under Section 302 of I.P.C.; under Section 302 of I.P.C. committing murder of Smt. Ratna Sahu wife of Tulsiram Sahu; for committing the murder of Smt. Firanteen Bai wife of Anandram Sahu under Section 302 of I.P.C.; for committing criminal offence for threatening Smt. Meera Banchhor to kill her under Section 506 (2) of I.P.C.; for attempt to murder of Smt. Meera Banchhor wife of Chhannulal Banchhor under Section 307 of I.P.C.; for attempt to murder of

Chhannulal Banchhor son of late Brajlal Banchhor under Section 307 of I.P.C.; for attempt to murder of Gendlal Verma son of Krishan Verma under Section 307 of I.P.C. Thus, while holding him guilty, he is convicted overall in total 08 count, under Section 450 of I.P.C., 03 count of Section 302 of I.P.C., Section 506(2) of I.P.C., 03 count of Section 307 of I.P.C.

70. The hearing is adjourned for writing judgment to hear on the point of sentence.

Durg,

Dated 25.06.2013

True/-

(C.B. Vajpayee)

Sessions Judge, Durg,

Chhattisgarh.

Resume:-

ORDER OF SENTENCE

71. Both the parties were heard on the point of sentence.

72. It has been pleaded by Public Prosecutor for State, taking reference of judicial citation in 1999 (3) Supreme page 212 (Supreme Court) party- Nirmal Singh and others Vs State of Haryana, that

the appellant Dharmpal, who was prosecuted earlier on charge of committing rape with Poonam and was sentenced to 10 years imprisonment by Trial court, the said appellant Dharmpal was released on bail after making appeal against the said order of sentence who committed the murder of 05 family members of the said rape victim. Before convicting in the said rape case, the appellant Dharmpal has threatened before conviction that if anybody gives evidence in rape case then his whole family will be murdered. Thereafter, in the series of incident, Dharampal committed the murder of 05 family members of victim with axe heinously. The said murder was committed very heinously along with his other companion. On the said act committed by Dharampal, the Hon'ble Supreme Court considered it the rarest of the rare case and the said Dharampal was awarded Death Sentence for the cruel and brutal act committed by him as a result of which 05 persons were murdered.

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73. In support of its case, Prosecution has taken reference of '2012 (2) CCSC page 689 (Supreme Court) party- Ajit Singh Harnam Singh Gujral Vs State of Maharashtra and 2009 (3) CCSC page 1693 (Supreme Court) party- 'Jagdish Vs State of M.P.' for the appreciation and determination as rarest of the rare case and has expressed that the present case falls in the category of 'rarest of the rare case' more than the case of Nirmal Singh and others because the accused of this Session case was acquitted from the rape case prosecuted against him before few months of the present incident, despite this, the accused after making well plan, entered the house of Smt. Ratna Bai in absence of her husband and inflicted fatal injuries on the vital parts of Anandram Sahu, Smt. Ratna Sahu and Firanteen Bai with several powerful attacks and committed the murder of all these three persons. He brought Anandram Sahu in the platform of the house of Meera Banchhor while assaulting him and thrown

him there and alleged Meera Bai that she is behaving like a leader and is protecting Anandram and Ratna etc., now he would also kill her, the accused also gave several blows of knife to her and he fled towards the back side of Kothar leaving her in the injured condition where Chhannu Banchhor husband of Meera Banchhor was threshing paddy grains, at that place also, the accused gave several blows of knife on the neck and other parts of Chhannu Banchhor. Thereafter, the accused went to the house of Chhannu Banchhor, where luckily Gendlal Verma had reached the house of Chhannu Lal and was seeing blood lying near the door of the house of Chhannu Banchhor; the accused said to him that he has come for giving false evidence and gave several blows of knife in his stomach, due to which his stomach was cut, intestine protruded, small intestine and large intestine were punctured at various places and thereafter, accused went to the house of Ramswaroop armed with knife and

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asked from Anoop Sahu (P.W.2) about Ramswaroop, on his reply that he is not present in house and has gone to the market, went from there keeping knife in his pocket saying that he will go to jail for 20 years and he will kill Ramswaroop even after his release.

74. Thereafter, accused asked Toshani Sahu (P.W.22) son of Ramswaroop, about his father then he replied that his father had gone to market then accused said that he will also kill his father. Thereafter, accused was standing near the house of this witness, he was holding knife in his hand, it was bloodstained and he was saying that he will not go from there unless Police arrived there. According to Prosecution, when Smt. Durga Bai (P.W.11) objected the accused for not stabbing knife to Meera Banchhor then accused told to him that he is to be hanged definitely. According to the statements of prosecution witnesses, accused kept on committing the incident for about 1-1 ½ hour by going here and

there; kept on searching other wanted people; accused is middle aged man of about 45-46 years. Despite this, blade of knife was 04", the length of its wooden handle was 4 ½" and breadth was 1", in view of committing murder of 03 persons with this knife and inflicting fatal injuries to other 03 persons with this small knife, dozens of knife blows were given on the bodies of these 06 persons in total and despite this also, several blows would have been given which could not hit the bodies of the concerned persons due to missing targets and defence made by the concerned persons. Thus, being middle aged, accused gave dozens of actual blows and made attempts for about 1-1 ½ hours during the series of incident which shows that accused made the plan with a sound mind and marked his targets and he committed the murder accordingly by picking up individually as per plan; on this point he was sure that he will not spare them and he will also not spare the said person namely Ramswaroop, even

if he returns after 20 years, he will kill him; during commission of the incident accused was also expressing his last thought which shows that he had no regret for his acts. He is not in state to improve himself, he is not fit to live in society. Therefore, he may be punished with Death sentence by considering rarest of the rare case as per judicial citations propounded in case of Nirmal Singh and others and other judicial citations.

75. Defence has pleaded that accused is 46 years old, it is his first offence, he has not been convicted earlier, keeping in view all the acts committed by him, he may be punished with sentence in alternate.

76. At this, the entire case was perused. It is evident from the perusal of the entire case that total 28 incised and stab wounds were inflicted with sharpened edge weapon to all 3 deceased persons and 3 injured persons. All the injuries were mainly inflicted on the vital parts

of body- neck, head, back, chest, stomach, face etc. Many blows were so powerful that large and small intestine of stomach were cut from several places in single blow. The said blows were given in order to commit murder and for attempt to murder. These blows effected the vital parts of body. Every blow and the place where these blows were given shows the mental condition of the accused. In addition, there would be so many blows of knife which would have given after getting enraged or would have not hit them in the self-defence made by the concerned persons, target would have been missed by him. Thus, it reflects that the accused gave several blows on all these 06 persons and many blows missed their bodies. All of it shows that the intention of accused was only to kill them. Therefore, the accused killed those persons which he chose and picked. Accused didn't kill Durga Banchhor, Sukhdeo, Jailal, Anoop Sahu, Toshani Sahu, Roshan @ Sonu Sahu, Bansanta Bai etc. even though they

were present which shows that the accused committed this act with a plan. There was no reasonable reason with the accused for this act. In opinion of the court, plea of the Prosecution is not admissible. The laborious act or dozens of blows were given on the alive persons with small knife like weapon with full power and mental condition. The whole act of accused shows that this act comes under rarest of the rare case, it can't be reformed. Therefore, the judicial citation propounded in case of Nirmal Singh and others Vs state and other judicial citation supports Prosecution that it is rarest of the rare case.

77. Accused has committed this act reaching at the maximum limit of cruelty. Therefore, keeping in view, this offence in the category of rarest of the rare case, accused Chhannulal Verma son of late Kamta Prasad Verma aged about 46 years, resident of village Borid, Police Station-Ranitarai, District-Durg (Chhattisgarh) is

sentenced to 05 years (five years) Rigorous Imprisonment and fine of Rs 1,000/- (Rupees one thousand) under section 450 of I.P.C.. In default of payment, to further undergo 06 months rigorous imprisonment, to undergo 05 years Rigorous Imprisonment for the offence punishable under Section 506(2) of I.P.C. and fine of Rs 1,000/- (Rupees one thousand), in default of payment of fine to further undergo 06 months rigorous imprisonment; to undergo 10 years rigorous imprisonment (ten years) and fine of Rs 5,000/- (Rupees five thousand) for the offence of attempt to murder of Smt. Meera Banchhor under Section 307 of I.P.C. and in default of payment of fine to further undergo 6 months rigorous imprisonment; to undergo 10 years (ten years) rigorous imprisonment and fine of Rs 5,000/- (Rupees five thousand) for the offence of attempt to murder of Chhannu Banchhor under Section 307 of I.P.C. and in default of payment of fine to further undergo 06 months rigorous imprisonment;

to undergo 10 years rigorous imprisonment (ten years) and fine of Rs 5,000/- (five thousand) for the offence of attempt to murder of Gendlal Verma u/s 307 of I.P.C. and in default of payment of fine to undergo 06 months rigorous imprisonment; and Death Sentence and fine of Rs 5,000/- (Rupees five thousand) for the offence under Section 302 of I.P.C. for committing murder of Anandram Sahu and default of payment of fine to further undergo 06 months rigorous imprisonment in relevant condition; Death Sentence and fine of Rs 5,000/- (Rupees five thousand) for the offence under Section 302 of I.P.C. for committing murder of Smt. Ratna Sahu and in default of payment of fine to further undergo 06 months rigorous imprisonment in relevant condition; Death Sentence and fine of Rs 5,000/- (five thousand) for the offence under Section 302 of I.P.C. for committing murder of Smt. Firanteen Bai and in default of payment of fine to further undergo 06 months rigorous

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imprisonment in relevant condition.

78. Since, there is single life and even though, the Death sentence is more in number, it will be executed simultaneously and in condition of execution of death sentence simultaneously, the other sentences of rigorous imprisonment will be adjusted in all the Death sentences executed as per law. Though, after the execution of Death sentence, it may not be possible to serve out the sentence of Imprisonment in other punishable Sections, therefore, accused Chhannulal Verma son of late Kamta Prasad Verma, aged about 46 years, resident of village Borid, Police Station-Ranitarai, District-Durg (Chhattisgarh) is awarded to Death Sentence collectively and it is ordered that accused Chhannulal Verma son of late Kamta Prasad Verma is to be hanged till death.

79. All the sentences will run concurrently.

80. In the present case, accused Chhannulal Verma has been in custody from 21.10.2011 till date of judgment, Certificate of this period may

be duly sent to Jail Superintendent, Central Jail- Durg (Chhattisgarh) so that if required, all the concerned should be acknowledged for proper utilisation.

81. Accused Chhannulal Verma son of late Kamta Prasad Verma be sent to Jail Superintendent, Central Jail, Durg (Chhattisgarh) with warrant under Form No.40 as per law for further proceeding under sub-section 02 of Section 366 Cr.P.C. Moreover, an enclosed Memorandum mentioning all the order of sentences awarded in this judgment and order of sentence be sent to the accused Chhannulal Verma son of late Kamta Prasad Verma so that the said may be duly utilised and executed as per law.

82. A true copy of judgment be immediately given to accused Chhannulal Verma son of Kamta Prasad Verma. In light of the directions of Hon'ble Supreme Court, an extra copy of judgment be sent to Jail Superintendent, Central Jail, Durg (Chhattisgarh) in case it is required for

his interest.

83. Another true copy of judgment be immediately sent to District Magistrate, Durg (Chhattisgarh) for information and necessary action. Another true copy of judgment may be given to Public Prosecutor, Durg (Chhattisgarh) as per directions of Hon'ble High Court for information and for maintaining record.

84. Being valueless and useless, seized property of the case-knife, bloodstained Earth, simple Earth, clothes and other be destroyed after two more months of the expiry of period of Appeal in case of Appeal is not allowed. If Appeal is allowed and there is any order of the Hon'ble Appellate Court, the property be destroyed as per abovesaid.

85. The accused is informed that period of Appeal against conviction is 30 days (thirty days). If he wishes then he can file Appeal within 30 days against every order on Sentence in Hon'ble High Court, Chhattisgarh, Bilaspur

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(Chhattisgarh).

86. Under sub-section 01 of Section 366 of Cr.P.C., after putting the case in order, all the proceedings of the case be respectfully sent to Registrar General, High Court, Chhattisgarh, Bilaspur (Chhattisgarh) for further necessary action which is as laid down in Chapter 28 of Cr.P.C. and be placed before Hon'ble High Court, Chhattisgarh, Bilaspur, (Chhattisgarh) for the confirmation of order of sentence.

Place:Durg(Chhattisgarh)

Date:25th June, 2013

Sd/-

(C.B. Bajpayee)
Sessions Judge, Durg
(Chhattisgarh).

Copy to :-

1. Accused Chhannulal Verma son of late Kamta Prasad Verma free of cost for information/necessary action.
2. Jail Superintendent, Central Jail, Durg (Chhattisgarh) as per directions of the Hon'ble supreme Court, if required, for the interest of accused.

3. District Magistrate, Durg (Chhattisgarh) for information and necessary action.

4. Shri Sudarshan Mahalwar, Public Prosecutor, Durg (Chhattisgarh) as per directions of the Hon'ble High Court for information & maintaining record and for necessary action.

Date: 25th June, 2013

Sd/-
(C.B. Bajpayee)
Sessions Judge, Durg
(Chhattisgarh).

Translated by :-

Vandana (Jr. Translator)

V. lo
28/5/14.

Ganesh Kumar (Jr. Translator) (Off duty)