High Court of Pur Chan

INI

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Simmal Appear No. 153-128-2008

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Smoth and other.

State of Haryana

Petitioner/s Appellant/s

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

	CRIMINAL APPEAL NO. 153-DB-2008	naem/s
 Ombir @ Omi S/o Ram Manoj @ Manju S/o Jag Both residents of Village Silot 	gmender.	
State of Haryana.	Appellants VersusRespondent	
·	Appeal against the Order/Judgement of Sh. R.S. Baswana, Addl. Sessions Judge, Jhajjar dated 09.02.2008 convicting and sentencing the accused.	
CHARGES AND SENTENCE	TES सत्यमेव जयते	
U/s 302 r/w 34 IPC	The accused namely Ombir and Manoj are sentenced to undergo Imprisonment for life each and to pay a fine of Rs.2,500/-each. In default of payment of fine further RI for a period of three months each.	
U/s 452 IPC	Both the accused are also sentenced to undergo RI for five years each and to pay a fine of Rs.500/-each. In default of payment of fine further RI for a period of one month each.	
U/s 25 Arms Act	Both the accused are also sentenced to undergo RI for five years each and to pay a fine of Rs.1,000/-each. In default of payment of fine further RI for a period of two months each. All the substantive sentences shall run concurrently.	

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL APPEAL NO. 153-DB-2008

- 1. Ombir @ Omi S/o Ram Kishan.
- 2. Manoj @ Manju S/o Jagmender.

Both residents of Village Silothi, District Jhajjar

....Appellants

Versus

State of Haryana.

...Respondent

Appeal against the Order/Judgement of Sh. R.S. Baswana, Addl. Sessions Judge, Jhajjar dated 09.02.2008 convicting and sentencing the accused.

CHARGES AND SENTENCES

The accused namely Ombir and Manoj are sentenced to undergo Imprisonment for life each and to pay a fine of Rs.2,500/-each. In default of payment of fine further RI for a period of three months each.
Both the accused are also sentenced to undergo RI for five years each and to pay a fine of Rs.500/-each. In default of payment of fine further RI for a period of one month each.
Both the accused are also sentenced to undergo RI for five years each and to pay a fine of Rs.1,000/-each. In default of payment of fine further RI for a period of two months each. All the substantive sentences shall run concurrently.

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In the Court of Shri R.S.Baswana, Additional Sessions Judge, Jhajjar.

Sessions Case No. 47 of 2006.

Date of Institution := 18.10.2006.

Date of Decision := 9.2.08.

State

Versus.

1.Ombir alias Omi son of Ram Kishan resident of village Silothi Distt Jhajjar.

 Manoj alias Manju son of Jagmender resident of village Silothi Distt. Jhajjar.

F.I.R No. 158 dated 16.7.2006.

Under Section: 302,452,34 IPC and section 25 of the Arms Act.

Police Station: Sadar Bahadurgarh.

Case Committed by 'Ms. Ashu Sanjeev Tinjan, Ld. Sub Division Judicial Magistrate Bahadurgarh vide order dated 4.10.2006.

Charges and Conviction: Both the accused are sentenced under section 452 of Indiman Penal Code to undergo rigorous imprisonment for five years each and to pay a fine of Rs.500/- mix each. In default of payment of fine, the accused shall further undergo rigorous imprisonment for one month each. Both the accused are further sentenced under section 302 read with section 34 of Indian Penal Code to undergo life imprisonment and metal to pay a fine of Rs. 2500/- each. In default of payment of fine, the accused shall further undergo rigorous imprisonment for three months each. Both the accused are also sentenced under section 25 of the Arms Act to undergo rigorous imprisonment for five years each and to pay a fine of Rs. 1000/- each. In default of payment of fine, the accused shall further undergo rigorous imprisonment for two months each. All these substantive sentences shall run concurrently.

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committed to the court of Asignary Tipe, Thad are by the court of Ma, Ashi Sanjiv Tinjan, Judicial Calendra of case Mag strate Ist Class, Bahadirgan, Sr.No- Name & parentage of accused . Ombir son of ram Kishan Manoj son of Jagmender both residents of village State vs. ombir FIR No. 158/ 16.7. 2006 ups 303/452/34 LPC PS Sadar Bahadirgarh Hate of 26.7.06 23.7.06 arrest Judicial Magistrate BSt Class, In custody. In custody. on bail or accused 16 Whether m custo dy Bahadurgarh. 16. C Raj Kumar 784 A/MM PS Sedar Bahadurgarh 10. Dr.Anil Rathi MO GH Bahadurgarh l2. ASIKaptan Singh PS Sad≃r Bahadurgarh l3. C Mahinder No.523 PS Sadar Bahadurgarh 8. HC Rajinder Singh No.34 PP Mandothi 5. Rambir s/o Burma Nand 3. Dalbir s/o Rohtas Jat r/o 7. ASI Burm Parkash PS Sadar Bahadmgarh 4. C Jai Chand Draft CRO Branch BP Office, JJR 6. Shamphul s/o Bhim Singh 4. Mina d/o sadhu Ram List or P. Wo. Dr Sriviwas Rao MO Burm Shakti Sanjivni Sudhir s/o Daya Nand r/o B.Garh now ASI Rajphul I/c PP Mandothi Dr.Manju Bala MO GH Bahadurgerh HC Naresh Kumar No.62 MM PS Sadar Bahadurgar Bale Ram s/o Bhup Singh Bhup Singh s/o SukhLal Jat r/o Sdloth Insp/Ramdutt SHO PS Sadar Bahadurgarh Hospital Bahadurgarh Tr.Subh Jyoti Parkash MO GH Bahadurgarh Photographer Royal Photo Studio Sankhol pader to DC Jhajjar with sanction order. do 401 901 1001 do

In the court of Ms. Ashu Sanjeev Tinjan, Judicial Magistrate Ist Class, Bahadurgarh.

Crl.case No.255 of 2006.

Date of Instt.: 9.9.2006.

Date of Order: 4.10.2006.

State

-9-

Versus 1. Ombir @ Omi son of Ram Kishan, 2. Manoj @ Manju sonof Jagmender, Both residents of village Silothi.

Case FIR No.158 dt. 16.7.2006. Under Sections:302/452/34IPC & 25 of A.Act. Police Station: Sadar, Bahadurgarh.

Present: Sh.S.C.Hooda, APP for the State.

Both accused are ir ustody with Sh.V.S.Dalal, Advocate.

ORDER:

Abovenamed accused have been sent up before the court to face trial under sections 302/452 read with section 34 IPC and Section 25 of Arms Act by SHO of Police station Sadar, Bahadurgarh.

2. Briefly stated, the case set up by the prosecution is that on 16.7.2006, on receiving a telephonic message from Police Post Mandothi in P.S.Sadar,. Bahadurgarh, ASI Braham Parkash alongwith other police officials reached Braham Shakti Sanjivni Hospital, Bahadurgarh and obtained doctor's rukka. Thereafter, ASI Braham Parkash recorded the statement of Bhoop Singh son of Sukh Lal who alleged that he is resident of village Silothi and is agriculturist by profession. He has two sons. Elder is Phool Kanwar and younger to him is Balle. Both of them were residing separately. He was residing with Phool Kanwar. Phool Kanwar has a son namely Sadhu Ram and a

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State Versus Ombir etc.

-2-

daughter Usha. Sadhu Ram was married. His grand-son Sadhu Ram used to practise wrestling in the arena. Ombir has also used to practise wrestling in the said arena. His grand-son Sadhu Ram was of good physicheas compared to Ombir. Sadhu Ram had also defeated Ombir in 2-3 fights in wrestling. Due to which Ombir was having ill-will with Sadhu Ram. Ombir had also threatened to kill Sadhu Ram, 2-3 times. On that day, his grand-son Sadhu Ram and his wife Meena were sleeping in the courtyard of their house. He(Bhoop Singh) was also sleeping on a cot in the street. At about 1.20 a.m., he heard noise of bullet shots. He saw in the bulb light that Ombir son of Ram Kishan who was having pistol in his hand and one other person to whom he could not identified, jumped from the house of Sadhu Ram and ran away in the street. He went inside the house and saw that Meena wife of his grand-son Sadhu Ram was crying and his grand-son Sadhu Ram had received bullet injuries on his back and lying unconscious. Thereafter, he and his neighbour Jai Singh son of Ram Singh took Sadhu Ram to Braham Shakti Hospital, Bahadurgarh, where doctor declared him as dead.

On this statement, present case was registered and the investigation was carried out. During the course of investigation, both above named accused were arrested in this case and produced before the court for trial. Site plan of the place of the occurrence was prepared and the statements of the witnesses under Section 161 Cr.P.C. were also recorded. After completion of necessary investigation, challan was

presented before the court for trial.

Copies of the challan were supplied to the accused free of costs under section

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State

Versus Ombir etc.

207 Cr.P.C.

5. Heard. From the perusal of the case file, a prima facie case punishable under Sections 302/452 read with Section 34 IPC and Section25 of Arms Act is made out. Since, offence under Section 302 IPC is exclusively triable by the court of Sessions, therefore, present case is committed to the court of Learned Addl.Sessions Judge(I), Jhajjar for 18.10.2006 for trial. Both the accused are remanded to judicial custody during and until the decision of the case and be produced before the court concerned on the date fixed at 10.00 a.m.sharp. Learned APP for the State stands notified of this commitment order as the order is being passed in his presence. Reader of this court is directed to prepare the calendra in this case. Ahlmad concerned is also directed to send the case file complete in all respect to the court concerned ,well before the date fixed.

lows. The John

Announced on .c1344.10.2006.

Judicial Magistrate Ist Class, Bahadurgarh.

Note:-All three pages of this order have been checked and signed by me.

Judicial Magistrate 1st Class,

Bahadurgarh.4.10.2006.

Present

Assigned to Similar Language Paul As Thygan

Addi. District Judica The Company of the Control of the C

Versus

O.biretc.

Ombir & Omi S/o Ram Kishan
 Manoj alias Manju S/o Jagmender
 Both residents of village Nilothi.

FIR NO. 158 dated 16.7.2006. U/SS; 352/452/34 IPC & 25/54/59 of Arms Act.

P.S. Sadar Bahadurgarh.

Charge Sheet.

I, Dharampal, Additional Sessions Judge, Jhajjar, do hereby charge you the above named accused as under:-

hat on 16.7.2006 at about 1.30 A.M. in the area of village Silethi, you both in furtheranceof your common intention committed house tres-pass by entering into the house of Bhup Singh, complainant, used as human dwelling havingmade preparatio for causing murder of Sadhu Ram and thus you both thereby committed an offence punishableunder section 452 read with section 34 of the Indian Penal Code and which is in my cognizance.

Secondly, on the same date, time and place you both the above named accused in further of your common intention did commit themurder of Sadhu Ram and thus you both thereby committed an offence punishableunder section 302 IPC read with section 34 of the Indian Penal Code and which is in my cognizance.

And I hereby direct that you be tried by this court on the aforesaid charge.

Dt: 8.11.2006.

Dharampal

Additional Sessions Judge, Jhajjar 8.11.06.

Versus Om Bir etc.

Ombir alias Omi S/o Ram Kishan, R/o Silothi.

Charge Sheet. .

I, Dharampal, Additional Sessions Judge, Jhajjar, Mohereby charge you the above named accused as under:—
That on 25.7.2006 in the area of Silothi Mehndipur Daboda Road near Huda Canal you the above named accused found in your conscious possession one country made pistol without having any permitor licence and thus you thereby committed an offence punishable under section 25/54/59 of Arms Act and whichis in my cognizence.

And I hereby direct that you be tried by this court on the aforesaid charge.

DT: 8.11.2006.

(Dharampal)
Additional Sessions Judge,
Jhajjar 8.11.06.

Certified that the contents of the charge have been read over and explained to the accused in simple Hindi. Let their statements be recorded.

Dt: -8.11.2006.

(Dharampal)

Addl. Sessions Judge,

Jhajjar 8.11.06.

Ombir etc. Vs.

Statement of accused Ombir S/o R m Kishan

Have you heard and understood the above xharge? Q1:

Ans. YesSir.

Do you pleas quilty and claimes trial? Q2:

I do not plead guilty and claimed trial.

RO & AC.

8,11,2006.

(Dharampal

Andl. SessionsJudge,

Jhajjar8.11.06.

vs. Ombir etc.

Manoj alias Manju

Statement of accessed One S/o Jacmender.

R/e Nilothi, age ____ years, profession finicalist

W/O

Q1: Have you hears and understood the above wharge?

Ans. YesSir.

Q2: Do you plead guilty and claimed trial?

Ans. I so not pleas guilty and claimes trial.

RO & AC.

8.11.2006.

(Dharampal)
Addl. SessionsJudge.

Thajjars.11.06.

Markes

Charge sheet

In the Court of Shri R.S. Baswana, Additional Sessions Judge I, Thajjar

State Versus

Manoj son of Jagme idd: resident of village Slinthi

... /iccused.

Case FIR No.158 dated 16 7,2000 Under section 352,452/31 Indian Penal Code, and 25 of ArmsAct, Police station Sadar Bahadurgarh

I, R.C. Baswana, Additional Cessions Ludge-I, Jhajjar, do heroby charge you accused named above, as under:-

That on 28.7.2006, in the area of Silothi Mehandipur Daboda Road near HUDA canal you, the above named accused well found in your conscious possession one country made pistol without having any permit or licence and thus, you, thereby committed an offence punishable under section 25 of Arms Apt. which is in my cognizance.

And I hereby direct that you be tried by this court on the aforesaid charge.

ASJ, Jhajar, 5.2 2008

Certified that all the contents of charge have been read over and explained to the accused in simple Hindi.

AGJ, Jhajar, 5, 2, 2008

State Versus Ombir etc.

Statement of Accused Manoj son of Jagmender, Age. 21 Years, resident of village Silothi

Without oath.

Have you heard and understood the contents of charge? Q.

Ans Yes Sir

Q. Do you plead guilty or claim trial?

Ans I plead not guilty and claim trial

RO&AC

ACJ I, Jhajjar.5.2.2008

mana

Versus Ombir etc.

Present:-Shri P.K.Bhardwaj, P.P for the state.

Accused in custody represented by Shri Sunder Singh,

Advocate.

Case received by assignment. It be checked and registered. Now to come upon 8.11.06 for consideration on charge.

(Dharampal), ASJ/JJR.18.10.06.

Present:- Shri R.S.Tanwar, P.P. for the State.

assisted by Shri S.N.Kaushik, Advocate.

Both accused in custody represented by

Shri J.K.Gakhar, Advocate.

Dharampal)

Addl. Sessions Judge, Jhajjar 8.11.06.

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Versus

Ombir etc.

Present:-Shri R.S.Tanwar, P.P for the state.

Both accused in custody represented by Shri J.K.
Gakhar, Advocate.

Four witnesses are present and examined. PWs Balle and Kuldip are present but could not be examined due to the fact that the case property has not been received from FSL. Now to come upon 16.4.07 for remaining prosecution evidence. Long date is given due to heavy pendency.

\$6.00 W.XX

(Dharampal), ASJ/JJR.Dt.6.2.07.

Present:

Sh.R.S.Tanwar.PP for the State.

Both accused in custody represented by Sh.J.K.Gakhar.Adv.

Five PWs present and examined. One PW is given up. Sudhir Photographer has not come present despite service. Bailable warrants be issued against PW Sudhir in the sum of Rws.1000 - with one surety in the like amount PW Raj Kumar sent his request, which is found genuine. HC Rajinder is present but could not be examined due to piecemeal objections as he is to be examined with the I.O. Now the case is adjourned to 29.5.2007.

for prosecution evidence. PWs be summoned.

(Pharampal).

ASJ.Jhajjar.

16.4.2007.

Present:

Shri Dalip Singh, P.P. for the State. Accused Ombir and Manoj in custody.

Accused Ombir and Manoj have been produced before me today as Shri R.S.Baswana, Addi.Sessions Judge, Jhajjar, is on jolining time from 28.5.07 to 3.6.07. Now both the above named accused be produced before the concerned court on 11.6.07.

Additional Sessions Judge,
Jhajjar. 29.5.07.

Frank of As Torwar II for the State

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State Vs. Ombir etc.

Present: Sh.Dalip Singh, Public Prosecutor for the State.

Both accused in custody represented by Sh.J.K.Gakhar, Advocate.

Four Pws present and examined. Ld. APP gave up three Pws namely Dr. Manju Lata, Dr.Anil Rathi and Sh.Ram Dutt, Inspector being unnecessary. For remaining evidence of the prosecution case is adjourned to 23.10.2007.

3/1/2

ASJ,Jhajjar.12.9.2007.

State Versus Ombir etc.

Present:- Shri Dalip Singh, Public Prosecutor for the State escorted by Shri S.N. Kaushik, counsel for the complainant.

Both accused in custody represented by Sh.J.K. Gakhar.

Advocate.

Two PWs are present and examined. The third one Dr.Shri Niwas Rao has been given-up being unnecessary by learned Public Prosecutor for the State vide his statement recorded separately. No other PW is present. Now, for remaining prosecution evidence case is adjourned to 13.11.2007. Service of summons be got effected through special messenger.

12/10/01

ASJ-I, Jhajjar. 23.10.2007

Present:- Shri R.S. Tanwar, Pubic Prosecutor for the State. Both accused in custody represented by Sh.P.K. Verma, Advocate.

One PW is present and examined. Learned Public Prosecutor has closed the prosecution evidence vide his statement recorded separately. Now case to come up on 19.11.2005 for recording statement of accused under section 313 of Code of Criminal Procedure.

ASJ-I, Jhajjar. 18.11.2007

Present. Shri R.S. Tanwar Public Prosecutor for the State escent of by Sh.S.N. Kaushik. Advocate for the complainant Both accused in custody with Sh.J.K. Gal han. Advocate

Statements of accused under section. 313 of Code of Criminal Procedure recorded who have denied all the allegations and to them thereunder and claimed their innocence. They are called the enter into defence. Now for defence evidence if any and for arguments case to come up on 3 12.2007.

ASJ I, Jhajjar 19 11 2007

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State Versus Ombir etc.

Shri R.S. Tanwar, Public Prosecutor for the State. Present:-Both accused in custody.

Accused Ombir and Manoj produced before me as Sh.R.S. Baswana, learned Addl. Sessions Judge, Jhajjar is stated to be on leave today. Now, they be produced before that court on 4 12,2007. File be sent there forthwith.

たいキー フ ASJ, Jhajjar 3.12.2007

Provent Sh As Tonwor II for the State

Both Greens in custory

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HO DW is promot beguest for what 400 to come 4/200 29-1-50 low defence evilence it my ond Addl Cassians tudge,

State Vs. Ombir etc.

Present:

Sh. P.K. Bhardwaj, Public Prosecutor for the state.

Sh. S.N. Kaushik, counsel for the complainant. Both the accused in custody.

The defence counsel is stated to be away to Chandigarh to argue some date bound case. On request of the accused, case is adjourned to 5.2.2008 for defence evidence if any and arguments.

ÀSJ, Jhajjar,29.1.08.

پرر

Present: Sh. O.P. Yadav, Public Prosecutor for state escorted by

Shri S.N. Kaushik, counsel for complainant.

Both accused in custody with Sh. G.K. Gakhar, Adv. &

Sh. P.K. Verma, Adv.

At this stage, it has been pointed out by the Public Prosecutor as well as by the defence counsel that inadvertently charge-sheet against accused Manoj for committing an offence punishable under section 25 of the Arms Act was not framed on 8.11.2006 despite the fact that an order to this effect was passed by mg Ld. Predecessor. A careful perusal of the order sheet as well as charge-sheet would reveal that that was an inadvertent omission on the part of my Ld. Predecessor. To rectify this mistake, the accused Manoj is hereby ordered to be indicted to face trial under section 25 of the Arms Act. Formal charge-sheet has been drawn. In reply to the charge, the accused pleaded not guilty and claimed trial.

Neither the prosecution nor the ld, Defence counsel wanted to lead any fresh evidence after rectification of the above clerical omission at the time of framing of the charge. Ld. Defence counsel did not want to further cross-examine the witnesses already examined. They made their statements in this regard at the bar. In view thereof, after framing the charge, I proceed further.

The accused in view of their respective statements recorded separately, are not desirous of leading any fresh defence evidence. Arguments have been heard. For orders, to come up on 9.2.2008.

(R.S. Daswana)

ASJ, Jhajjar.5.2.2008

State Versus Ombir etc.

Present; Shri O.P.Yadav, Public Prosecutor for the State

escorted by Shri S.N.Kaushik, counsel for

complainant.

Both accused in custody with Shri J.K.Gakhar and

Shri P.K. Verma, Advocates.

Vide my separate order of even date, both the accused have been held guilty and convicted for the offences punishable under sections 452 and 302 read with section 34 of Indian Penal Code. Both of them are also held guilty and convicted under section 25 of the Arms Act. Let the accused be heard on the quantum of sentence on 14.2 2008.

Announced in open court, Dated; 09.2.2008.

Additional Sessions Judge, Thajjar.

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State Versus Ombir etc.

Present: Shri O.P.Yadav, Public Prosecutor for the State

escorted by Shri S.S. Chauhan, counsel for

complainant.

Both the convicts/accused in custody with

Shri Sunder Singh, Advocate.

The statements of the accused under section 235 of Cr.P.C. have been recorded. Arguments on the point of sentence have been heard. Vide my separate order of even date, the accused have been sentenced under sections 452 and 302 read with section 34 of Indian Penal code as also under section 25 of the Arms Act. Fine has not been paid by the accused. Case property is ordered to be confiscated to the state. The same is also ordered to be disposed of as per rules only after expiry of the period of appeal or revision, if any. File be consigned to records.

Announced in open court, Dated; 14.2.2008.

Additional Sessions Judge, Jhajjar.

State Versus Ombir etc.

PW10

Dr.Subh Jyoti Parkash, Medical Officer, Civil Hospital, Bahadurgarh.

On s.a.

On 16.7.2006 also I was posted as Medical Officer at Civil Hospital, Bahadurgarh. On that day I alongwith Dr.Manju Lata and Dr.Anil Rathi conducted post mortem examination on the dead body of Sadhu Ram s/o Phool Kumar r/o village Silothi and found the following injuries on his body:-

1. There was lacerated wound oval shaped with inverted abraded margins measuring 4 X 2 cm. on the posterior aspect of upper chest wall just left to the mid line. Surrounding tattooing was present. The track of the wound was going towards right anterior and down words. It was ending in the right pleural cavity where a metallic bullet was recovered. It was handed over to police after sealing. The track was haemorragic and black and passes through the left pleural cavity left lung, right lung and right pleural cavity. Bilateral haemothorax was present.

Skull membranes of the brain was healthy larynx pericardium and heart was healthy. Stomach was healthy and contained 270 ml. Of semi digested food with no particular smell. Small intestine was healthy and contained digested food and intestinal juices. Large intestine was healthy and contained fecal matter and gases. Liver, spleen and kidney were healthy and pale.

We gave our opinion that the cause of death in this case was due to haemorrage and shock due to injury to vital organs. All the injuries are ante mortem in nature and sufficient to cause death in normal course of nature. Probable duration between injury and death was within minutes and

probable duration between death and post-mortem was between 6 to 24 hrs. I handed over to police:-

- 1. A well stiched dead body after post mortem with its belongings;
- 2. A copy of PMR
- 3. Police papers No.1 to 18 signed by me.
- 4. A packet with 12 seals containing clothes of the dead body.
- 5. A sealed packet with 6 seals having bullet recovered from the dead body.

Ex.P14 is the correct carbon copy of original PMR. It is signed by me, Dr. Manju Lata and Dr. Anil Rathi, whose signatures I identified there on. This post mortem was conducted on police request Ex.P14/A. I signed inquest report Ex.P14 containing 18 papers. At this stage a sealed parcel open it found containing shirt Ex.P14/D and pent Ex.P14/E. The witness has identified this clothes pertaining to deceased Sadhu Ram. At this stage another sealed parcel open it found containing fired bullet .315 bore Ex.P14/F. The witness has identified this bullet the same which was taken out from the dead body of deceased Sadhu Ram at the time of post mortem examination.

X x x x x x x Sh.J.K.Gakhar,Advocate

It takes 6 hrs. make the stomach completely empty after taking the meals. It may takes 1½ to 3½ hrs. to make the food semi digested but in any case the time may be taken as less than 6 hrs. I cannot give the distance between the assailant and the deceased as I am not a ballastic expert. It was a single injury case. It was a case of instanttaneous death within minutes.

RONE AC.

19/1/2007

12/1/2007

Parties habers

Addl. Sessions Judge,

Jhajjar.12.9.2007.



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FORENSIC SCIENCE LABORATORY, HARYANA MADHUBAN, KARNAL

(An ISO/IEC 17025 Accredited Laboratory)

<u>Accredited By</u> National Accreditation Board for Testing & Calibration Laboratories

Please quote the Report / Opinion No. & Date in case of any further correspondence or summons.
 Report shall not be reproduced except in full, without written approval of the Director.

REPORT (OPINION) FSL (H) No. F-06/2994 DATED 25-08-06

To

The Dy. Supdt. of Police,

Bahadurgarh.

Your forwarding memo.No. <u>362</u>; 380 dated 19-7-06; 31-7-06 regarding six sealed parcels in connection with <u>FIR No. 158 Dated 16-7-06 U/S 452/302/34 IPC P.S Sdr. Bahadurgarh etated by you to have been dispatched vide <u>R.C No. 77, 88 dated 20-7-06, 31-7-06 through C. Raj Kumar No. 784 and received in this division on 20-7-06; 31-7-01.</u></u>

Description of parcel (s) and condition of seai(s)

The seals on the parcels were found intext and tallied with the specimen seals as per forwarding authority.

Description of article(s) contained in parcel (s)

Parcel No.	No. & seal Impression	Description of parcel (s)
ī	5 of K.L.	Stated to contain bean of cot (Sent to Serology division in original packing).
11.	6 of K.L	Stated to contain blood stained piece of bedding (gadhe). (Sent to Semiogy division in original peckeng).
III	11 of doctor	Stated to centain clothes of deceased Sauhu Ram (Sant to Serology division to enginel packing).
N O	6 of doctor	Contained one .315' fired builet stated to have been taken out from the body of Sadhu Ram. (Marked BC/1 by me).
VI ASS	3cFR.P	Contained one countrymade pistol (chambered for .315" cartridges) stated to have been recovered from accused Ombir @ Omi .(Marked W/1 by me).
AI N	7 of D.R	Contained one countrymade pistol (chambered for .315" cartridges) stated to have been recovered from accused Manoj @ Manju .(Marked W/1 by me).

LABORATORY EXAMINATION

Products of combustion of smokeless powder were detected from the harrels of countrymae pistols marked W/1 & W/2(each chambered rof .315" cartridges). Test firings were done in the laboratory from countrymade pistols marked W/1 & W/2. Their firing mechanism were found in working order.

The class as well as individual characteristic marks on .315" fired bullet marked BC/1 and those on test bullets fired from countrymade pistols marked W/1 & W/2 were examined and compared under stereo and comparison microscope.

Based on the examination carried out in the laboratory, the result of analysis is as

under.

P.T.O.

RESULT

- 1 The countrymae pistols marked W/1& W/2 (each chambered for .315" cartridges) are first as defined in Arms Act 54 of 1959. Their firing mechanism were found in working order.
- 2 The countrymade pistol marked W/2 had been fired through. However, scientifically, the time of its last firing can not be given.
- 3 The .315" fired bullet marked BC/1 has been fired from countrymade pistol marked W/1 and not from any other firearm even of same make and bore/calibre because every firearm has got its own individual characteristic marks.
- 4 Report, in original from Serology division is enclosed herewith.

Note:- Exhibits after examination in the Ballistics division were resealed alongwith the original wrappers with the seal of A.D (Balli) / FSL. (H).

(Dharambir)

Dharambir
Senior Sciencific Culticer (Balliarica)
cum ex-othero -sisi thermical
Examiner to the of Helyana
Forensic Science Lab. (H)
MAURUBAN (Aurusi)

PO,LICE DE PARTMENT. FORM NO. 25.35 (1) A

DISTRICT

Death Report -Sudden death from natural Casses.

Death Report No.

Police Station. Sadar Bahadurgarh.

Dated. 16.7.06

1. Name of place where death occurred.

Braham Shakti Sanjeevani Hospital Bahadurgarh.

2.Distance and direction from the police station in whose jurisdiction it is.

P.s. City Bahadurgarh.

1. Shamphool s/o Bhim singh, Jat

2. Rambeer s/o Brahma Mand, jat r/o

3.Date and hour of discovery of the death.

16.7.06 at 2.5 A.M

r/o silothi.

silothi.

- 4. Names, parentage and residence of two or more persons who identify the \$ body as that of the deceased person named in this report.
- Note: Relatives of deceased or two responsible witnesses to identifi--cation should be obtained, if possible.
- Name: parentage, caste, residence and condition in life of deceased.
- 6. Age and sex.
- 7. Condition of clothes, ornaments, etc. as not including an unnatural death.
- 8. Position of the limbs, eyes and mouth.
- %. Sadhu Ram s/o Phool Kanwar, Jat, r/o silothi .
- Male of 23 years.

Grey coloured shirt & pent of grey terricot around the body.

Mouth is opened & eyes are closed

9.Expression of the countenance.

Death poleprevaling.

10. Injuries or mark of violence the body may have received "Wounds and bruises " Position, length and breadth. One fire arm injury on the waist.

11.Blood liquid or dotted where oozed from and to what amount.

Liquid.

- Due to sustaining fire arm shot . 12. In what manner, or by what weapon or instrument such marks or injuries or of violance appear to have been inflicted.
- 13. Is the body well nourshed and wigdrous, Healthy & stout. or emaciated and weak?

Conti page a

Translation of Ex.P14/B

14. Assarent cause of death.

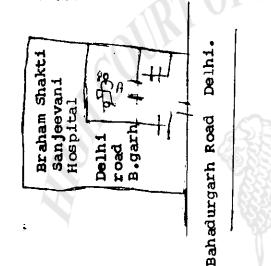
Due to fire-arm shot sustained ... the waist.

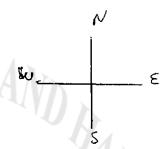
15. Any sign of death having been caused by violence orppoision or any runours of such being the cause.

Nil.

Description of each article of clothing, ornaments wearing, weapons etc found so of near the body. Shirt around the neck & pent around the waist of grey colour.

2. Sketch plan of the scene of death





Explanatory note: - Mark 'A' in the site plan indicates the place where dead body of deceased Sadhu Ram s/o Phool Kanwar Jat r/o silothi is lying on a cot.

Sd/- (English)
Braham Parkash
ASI
I/C PP Mandotni
Dt. 16.7.66

75

Translation of Ex.P14/B.

sir,

Brief facts of the case are like this :-

That today a telephonic meassage was received in police station Sadar Bahadurgarh to the effect that Sadhu Ram · · s/o Phool Kanwar R/o village Silothi was brought /admitted as dead in Braham Shakti Hospital Bahadurgarh. Investigating Officer be sent . Upon which, I (A.S.I.) alongwith Rajinder Singh H.C no.34 & Randhir singh EHC no.73/, reached Braham Shakti Sanjeevani Hospital Bahadurgarh. Medical ruqa was collected from the hospital & thereafter I reached near the dead body of deceased Sadhu Ram, where Bhup singh s/o sukhLal Jat, r/o village Silothi came acrose/met and he got recorded his statement which is as follows: - Stated that I am resident of the above mentioned address and I do agriculture work. I have two sons, name of elder son is phool Kanwar and younder to him is Bale Ram. Theylive separately. I live with Phool Kanwar. Phool Kanwar has a son namely Sadhu Ram and a daughter Usha . Sadhu Ram is also married. My grand son Sadhu Ram did practice of wrestling in wrestling ground (Akhara)at village Dabodha Khurd. Where Ombeer alias Omi son of Ram Kishan, caste Jat, resident of the village also did practive of wrestling . My grand son Sahdu Ram was stronger to Ombeer. He gave defeat him one or two times. Due to that reason, Ombeer nursed grudge with Sadhu Ram. Ombeer had given threat to Sadhu Ram to kill. Today, at night my grand son Sahdu Ram was sleeping with his wife in adjoining court-yard of his house. I was also sleeping outside in the street on a cot. Theard a voice of fire-arm, at about 1.20 A.M(night) I saw in the electric light that Ombeer alias Omi son of Ram Kisha, had a pistol in his hand and another person to whom I did not know, were jumping from the house of sile son of Balwant and cont. page44

Translation of Ex.P14/B

and running away in the street .

Dated Signature of two or more respectable inhabitants of the neighbour -hood present at the investigation.

> 1. Sham Phool s/o Bhim singh Jat silothi. Sd/-(Hindi) Sham Phool

2.Randhir s/o Brhama Nand Jat r/o silothi.

Simgnature of Officer conducting investigation

Name Braham Parkash

Rank AST 40 JUR.

Sd/- (Hindi) Rambir

I enter in the house and saw that Meena wife of my grand son was weeping and Sadhu Ram my grand son had a fire-shot in his waist. Blood was obzing from his person and he was lying unconscious. Having arrange a private vehicle, I and my neighbourer Jai Singh son of Ram Singh, caste Jatcarried my grand son Sadhu Ram to Braham Shakti Hopsital Bahadurgarh for treatment, where the doctor declared him as dead . I got recorded my statement to you Heard it, which is correct. The aforesaid statement having been recorded, verbatim it was read over to him. He admitted it to be correct & he put his left thumb impression on it, to which I testify. From perusal of above statement on offence punishable under section x 302/452/34 IPC & 25/54/59 arms act is made out so, writing is being sent to the police station for registeration of a case FIR through Randhir singh Fig no.731 . After registration of a case , its no be initimated special reports be sent to the Cont1. page 5.

higher officers The SHO be informed for reaching the spot. I (ASI) become busy in initiating proceedings U/s 174 Cr.pc.

At this time, Rohtash son of Surat Singh, Inder Singh son of Sudham, jat, Bale Ram s/o Bhup Singh, Jat, Balraj s/o Mange Ram, jat, Shamphool son of Bhim Singh Jat, Rambeer Singh s/o Brahma Nand, Jat, rs/o village Silothi and Jagpal son of Dharam Singh Jat r/o Dawla have found present near the dead body of deceased Sadhu Ram son of Phool Kanwar Jat R/o Silothi. In presence of these persons, I inspect whethe spot.

At this time, I (ASI) started inspedtion of the dead body . Dead body of deceased Sadhu Ram son of phool singh, Jat r/o Silothi is lying on a cot in emergency block of Braham Shakti Sanjeevani Hospital Bahadurgarh . Hea-d of the dead body is towards the west mf its legs are twan towards the East the dead body is lying downwards. There is a gunshot mask in his waist shirt has also been burnt aloggwith injury of the dead body . The wound is in themidst of the waist . Blood is oozing from the injury. The injury is caused by fire arm shot. The body has worn_saleti(grey) coloured shirt & pent . The dead body was turned straightly & checked it. There is no other injury except this fire arm injury. On examination of spot, it is found that main 2 gate of emergency ward of Braham shakti Sanjeevani Hospital Bahadurgarh open inthe south. These is another gate toward -ras North of this gate. Its rough site plan has been drawn separately.

At this time on interogation what ever is stated by Sham Phool s/o Bhim Singh, Jat r/o village Silothi has and Conti.page no.6.

Translations of Ex.P14/B

/6/

been recorded U/s 174 Cr.PC, which would be enclosed with the proceedings u/s 174 Cr.PC.

At this time on interrogation what ever is stated by Rambeer Singh s/o Brahama Nand, Jat, r/o village Silothi has been recorded U/S 175 Cr.PC which would be annexed with the proceeding U/S 174 Cr.PC.

This time, all the presentees stated jointly in a voice that strict action be taken against the assailants. Till this time, proceedings U/s 174 Cr.PC is being conducted in presece of the present persons. Form no.25.35(b) has also been filled in, dead body is being sent to the dead house after post mortem examination under the escort of Randhir Singh HC no.761.

(Seal of PS.Sadar Bahadurgarh.)

Sd/-(English)
Braham Parkash
ASI
I/C PP Mandothi.
16.7.06

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Translation of Ex.P14/B

P.S.Sadar Bahadurgarh

District Jhajjar.

Statement of Rambeer Singh son of Brahma Nand ,Jat, resident of village Silothi, aged 20 years U/s 175 Cr.P.C

Stated that I am resident of the above mentioned address and I am a driver. On receipt to information regarding death/murder of Sadhu Ram son of Phool Kanwar, Jat r/o Village Silothi, who was brother in family, I have come to the hospital. I have seen the dead body of Sadhu Ram, which is to be of Sadhu Ram. I identify the dead body.

Sd/-Ramheer (Hindi)

Attested.

Sd/-

Braham Parkash, ASI Incharce

P. B. Mandothi

16.7.06

(Seal of P.S.) Sadar Bahadugarh.



Translation of Ex.P. 14/B

/8/

P.S.Sadar Bahadurgarh.

District, Jhajjar.

Statement of Sham Phool son of Bhim Singh, Jat, r/o Silothi aged 50 years, U/s 175 Cr.P.C

Stated that I am rasident of the above mentioned address and do agriculture work. Today I came to m know that Sadhu Ram son of Phool Kanwar, jat, r/o village Silothi. who was nephew of mine in my family, had been murdered causing him fire arm shots. I have seen the dead body of my nephew Sadhu Ram son of Phool Kanwar, which is to be of my nephew Sadhu Ram. I identify dead body of Sadhu Ram.

Sd/-ShamPhool (In Hindi)

Sttested
Sd/Braham Parkash,
ASI
I/€ PP Mandothi.

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Run by : BRAHM SHAKTITRUST (REGD.) OPP. TELEPHONE EXCHANGE, DELHI ROHTAK ROAD, BAHADURGARH, DISTT. JHAJJAR, HARYANA

Date :..[.b.]..07/2006

¥	POLICE ENQUIRY
	To, The S.H.O Saclas Police Station Bahadurgarh Distt-Jhajjar
	We hereby informed you that Mr. Mrs. Sadu male 20 you
js	S/0, D/0, W/0. Pallad
لسائل . دا ا	Resident of UPO Siloti
(ort	/ / Admitted in our Hospital (Brahm Shakti Sanjivani Hospital)
	Due to Bullet injury, brought dead at 2.05 Am
	At
	We request you to please enquiry this matter.
	Thank you For:
. (Brahm Shakti Savilvani Hospital Opp. Telephone Exchange Bahadugarh

10 C JANY

TRANSLATION OF EX. P1/B

FIRST INFORMATION REPORT.

FIRST INFORMATION OF A COCHIZABLE CRIME REPORTED UNDER SECTION 154, CRIMINAL CASE AT POLICE STATION Sadar B/garh. IN THE DISTRICT OF JRAJUAR 1,20

DATE AND HOUR OF OCCURRENCE 16.7.06 FIR NO. 158 dated 16.7.06 Sunday

Date of despatch from Date and hour when place of occurrence and its distance and direction police station. reported. from police station.

AT 5.15 16.7.06 Immediate. In the area of vill. A.M Silothi at a dista-

Daily Diary No.42 .

nce of about 12 K.M

towards the West. Beat No. 29

3. 2.

Mame and residence tene and residence f inform of the Score og.

Description of offence with section and of propeerty carried off, if any.

Step takin regarding investigation and emplaination of delay in recording information is any.

No delay

at once.

Result of the case

Bhup singh Ombeer U/ss 302/ s/o SukhLal alias 452/34 r/o silothi. Omi s/o Ram Kis- IPC & shan Jat, 25/54/59 silothi Arms Act.

2.Un-known.

contd. Page 2

Statement of Enup Singh son of Sukh Lal, caste Jat, resident of village Silothi, aged 75 years.

Stated that I am resident of the above mentioned address and I do agriculture work. I have two sons. name of elder son is Phool Kanwar and younder to him is Bal Ram. They live se parately. I live with Phool Kanwar. Phool Kanwar has a son namely Sadhu Ram and a daughter Usha. Sadhu Ram is also married. My grand son of Sadhu Ram fild practice of wrestling in wrestling ground(Akhara) at Village Daboda Khurd, WhereOmbeer alias Omi son of Ram Kishan, caste Jat, resident of the village also did practice of wrestling. My grand son Sahdu Ram was stronger to Ombeer. He gave defeat him one or two times. Due to that reason, Ombeer mux nursed grudge with Sadhu Ram. Ombeer had given threat to Sadhu Ram to kill. Today, at night, my grand son Sadhu Ram was sleeping with his wife in adjoining court-yeard of his house. I was also saceping outside in the street on a cot. I heard a voice of a fire-arm, at about 1.20 A.M(night). Ram Kishan had a pistol in his hand and another person to I saw in the electric light that Ombeer alias Omi son of/whom I did not know, were # jumping from the house of Sile son of Balwant and running away in the street. I entered in the house and a saw that Meena wife of my grand son was weeping and Sadhu Ram my grand son had a fire-shot in his waist. Blood was oczing from his person and he was lying unconscious. Having arranged a private ex vehicle, I and my neighbourer Jai Singh son of Ram Singh, caste Jat, cerried my grand son Sadhu Ram to Braaham Shakti Hosptial at Bahadurgarh for treatment, where the dotor declared him as dead. I got recoverded my statement to you. Heard it, which

Conti. page no.3.

Translation of Ex. P143

/3/

which is correct.

Sd/- Bhoop Singh(In Hindi)

Attested: Sd/=

Braham Parkash ASI/Incharge P.P Mandothi.

16.7.06

Police proceedings: Today, a telephonic message was received in the plice station to the effect that Sadhu Ram son of Phool Kanwar resident of village Silothi was brought dead in Braham Shakti Hospital, at Bahadurgarh. Investigating officer be sent. Uponwhich, I (A.S.I.) alongwith Rajinder Singh H.C. No.34 and Randhir Singh E.H.C. No.731 reached Braham Shakti Hospital, Bahadurgarh, where from having collected a medical ruqqa, I reached near the deceased Sadhu Ram, where Bhup Singh son of Sultan, Jat, resident of village Silothi came across. He got recorded his statement to me (A.S.I.) It was reduced into writing verbatim and read over to bim. He admitted it to be correct and put his left thumb impression on it, to which I testify. From perusal of the above statement, an offence punishable under sections 302/34 IPC read with section 25/54/59 Arms Act is made out. So, writing is being sent to the police station for registration of case /FIR, through Randhir Singh E.H.C. No.731 . After registration of case, its m number be intimated. Special reports be sent to the higher Officers. The station House Officer(S.H.O.) be also informed for reaching the spot. I (A.S.I) become busy in the investigation

Conti.Page no.4.

Translation of Ex.P.14/B

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of the case.

At: Braham Shakti
Sanjivini Hospital,
Bahadurgarh.

Sd/-Braham Parkash ASI/Incharce Police Post Mandothi 16.7.06 at 5 A.M.

At Police station. On receipt of above writing, case/FIR under the aforesaid offences having been registered, carbon copies have been prepared, which are being sent to the officers concerned as a special report through Mohinder singh special constable no.523 i.e to the Illaga Magistrate, Halqa Officer and Superintendent of police. Copy of police file(FIR) alongwith original writing is being sent back to the A.S.I through the incoming constable for investigation of the case. The S.H.O. has also been informed through telephonic meassage.

Sd/-(English)
Kaptan singh
ASI

87/JJR

सत्यमव जयत

Et P/A Statement of Bhus. (Rugue)

Et P/A Enelst

Et P/A Enelst

Et P/A Scalet St blow

Et P/A — Scalet St blow

Et P/A — A fficient of the Navat

Et P/A — By closure statement of ombir

Et P/A — Miclosure statement of More,

Et P/A — Silete 4.

Ex.P.14 P.M.R.
Ex.P.14/A Application PMR.
Ex.P14/B Inquest report.

Ex.P.15 Affidavit -C-Raj Kumar.

Ex.P.16 Recovery memo cot. Ban(rope).Ouilt's.cloth.

Ex.P.17 Seizure memo Pallet and clothes packets.

Ex.P.18 Police Enquiry(Medical ruga)

Ex.P. 19-23 Photographs.

Ex.P.24 -28 Negatives.

Ex.P.30 Rough site plan.

Ex.P.31.&31/A. F.S.L.report.

Ex.P.32.& 33.Sanction ordefs.

Ex. DW. 2. Statement U/s 161 Cr.p.c.of Sh. HC. Naresh. Statement of Sh. Bale Ram U/s 161 Cr.pc.

p.S Sadar Bahadurgarh

District Jhajjar

Case F.IR.No. 158 dt. 16.7.06, U/s 452/302/34 IPC, 25/54/59 A.Act. Police Station Sadar Bahadurgarh.

Statement of Sham Phool s/o Bhim Singh Jat r/o Silothi, P.S. Sadar Bahadurgarh, U/s 161 Cr.PC.

I am resident of the above mentioned address and do agriculture work. Today I came to know that Sadhu Ram Jat, r/o village Silothi who was nephew in my family had been murdered causing him fire-arms. I have seen the dead body of my nephew Sadhu Ram., which is to be of Sadhu Ram. I identify it. I got recorded my statement to you. Heard it which is correct.

Attested
Sd/=(English)
ASI
I/C PP Mandothi.

Sd/- (English)

Braham Prakash

ASI

I/C PP Mandothi

16.7.06

P.S.Sadar Bahadurgarh

District Jhajjar.

Statement of Rambeer Singh son of Brahma Nand ,Jat, resident of village Silothi, aged 20 years U/s 175 Cr.P.C

Stated that I am resident of the above mentioned address and I am a driver. On receipt to information regarding death/murder of Sadhu Ram son of Phool Kanwar, Jat r/o Village Silothi, who was brother in family, I have come to the hospital. I have seen the dead body of Sadhu Ram, which is to be of Sadhu Ram. I identify the dead body.

Sd/-Rambeer (Hindi)

Attested.
Sd/Braham Parkash,
ASI jIncharge
P. p. Mandothi
16.7.06

(Seal of P.S.) Sadar Bahadugarh.

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Tr.cf Ex.P4 "State Vs.Ombeer"

FIR.no. 158 dated 16-7-2006 U/Ss 302/34 IPC Police Station Sadar Bahadurgarh. 25/54/59A.Act.

Versus:Ombeer alias Omi son of Ram Kishan, Jat, r/o Silothi.

Demarcated by:- Bhup Singh son of Sukh Lal, Jat, r/o Silothi

Note:-This scaled site plan has been prepared by a D/man.

It is impossible to draw.More-over its marginal notes have been translated. Original scaled site plan is enclosed herewith for perusal.

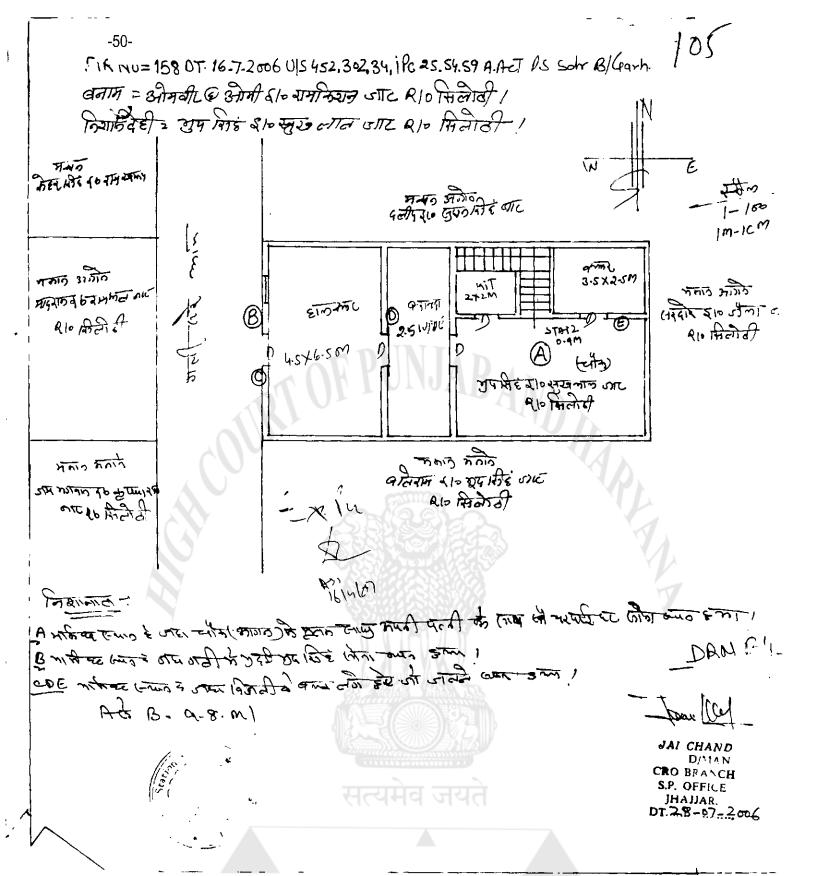
Explanatory notes:-

Mark 'A' in the p site plan indicates the place where deceased Sachu Ram was sleeping with his wife on a cot in the court-yard/chowk, as stated.

- 2. Mark'B' in the site plandenotes the place where complainant Bhup Singh was sleeping in the street, as stated.
- 3. Marks D and E depict the place where electric bulbs are titted and lighting .

A to B. 9.8 M (Seal of P.S.)
Sadar Bahadurgarh.

Sd/-Jai Chand, D/Man C.R.O.Branch S.P.Office, Jhajjar. 28-7-2006



P.S.Sadar Bahadurgarh.

District Jhajjar.

State through :- Bhup Singh s/o SukhLal caste Jat , r/o Nilothi.

FIR No.158 dated 16.7.06 , U/s 452/302/34 IPC, 25/54/59 A.Act. P.S.Sadar Bahadurgarh.

Versus :- Ombeer @ Omi s/o Ram Kishan Jat r/o N Silothi.

Disclosure statement of accused Omberr @ Omi

In presence of the following witnesses, accused Ombeer alias Omi son of Ram Kishan, Jat r/o village Silothi in police socustody without any fear & greed made suffered or disclosure statement on the intervening night of 15/16.7.06, I alongwith Manoj alias Manju son of Jagmender caste Jat r/o village Silothi with common intention murdered Sahdu Ram s/o Phool Kanwar, caste Jat, r/o village Silothi. While entering in his house. The pistol was used in that murder had been thrown by me near a small bridge in the HU da Canal leading from road of village Silothi & Mehandipur no body else except me has knowledge about it. I can get it recovered on pointing out. Disclosure statement of the accused was reduced into writing.

Ombeer the afore said Sd/-(Hindi) Ombeer

 Bale Ram s/o Bhup Singh Jat R/o Silothi.

Sd/- (English)

Sd/-(English)

25.7.2006

(Seal of PS Sadar Bahadurgarh. ASI I/c PP Mandothi

Dt. 25.7.06

 Dalbir s/o Rohtash Jat, r/o Silothi

Sd/-(English)
Dalbir Singh
25.7.2006

P.S.Sadar Bahadurgarh

District Jhajiar.

State through: Bhup Singh s/o SukhLal Caste Jat r/o Silothi.

Case FIR No.158 dated 16.7.06, U/s 452/302/34 IPC, 25/54/59 A.Act.

P.S Sadar Bahadurgarh.

Versus :- Ombeer @ x Omi s/o Ram Kishan Jat r/o Silothi.

Seizure memo of country made pistol of .315 bore

Ombeer alias Omi, the aforsaid, in police custody, led the police party, as per his disclosure statement to the small bridge of NU da canal leading to the road of villace Silothi & Mehandipur. He recovered and produced a pistol, of .315 bore sketch of the recovered pistol of .315 bore was drawn separately. It was measured. Length of its barrel was found 5"-7 CM, Length of its body was found 4 inches & length of its butt was found 2½ inches. Packet of recovered pistol was prepared separately. The same was sealed with the seal of R.P and the pistol packet was taken into police possession vide memo as a mode of proof Seal after use, was handed over to Bale Ram s/o Bhup Singh, Jat. R/o village Silothi

 Bale Ram s/o Bhup Singh Jat. r/o Silothi.

Sd/-(English)

ASI

Sd/-(English) 25.7.06

(Seal of PS Sadar Bahadurgarh.)

I/g PP Mandothi Dt. 25.7.06.

2. Dalbir s/o Rohtash Jat
r/o Silothi

Sd/-(English)

Dalbir Singh 25.7.2006.

Y

Translation of Ex.P8

P.S. Sadar Bahadurgarh

District Jhajjar.

State through: Bhup Singh s/o SukhLal casteJat R/o Silothi.

Case FIR No.158 dated 16.7.06. U/s 302/452/34 IPC, 25/54/59 A.Act.

P.S.Sadar Bahadurgarh.

Versus. :- Ombeer alias Omi s/o 2 Ram Kishan Jat r/o Silothi.

Sketch of ristol i.e Ex.P8 is attached in original.

Wistness

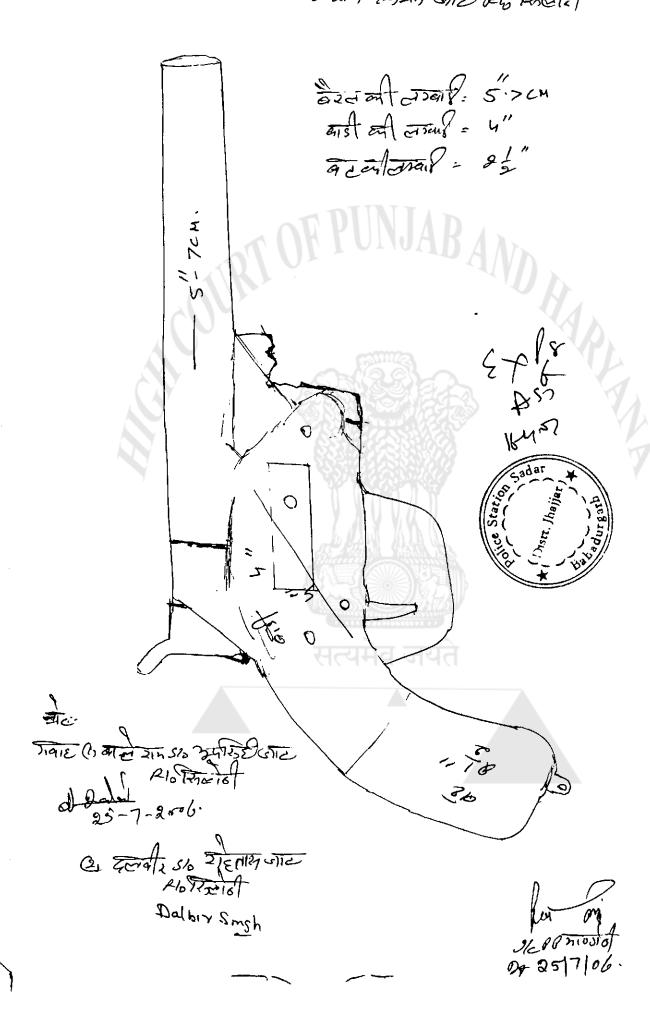
1.Bale Ram s/p Bhup SinghJat r/o Silothi. Sd/- (English) 25.7.2006.

(Seal of P.S.Sadar Bahadurgarh. 3

2. Dalbir S/o Rohtash Jat
r/o Silothi.
Sd/- (English)
Dalbir Singh.

Sd/-(English)

ASI I/C P.B.Mandothi. Dt. 25.7.06



Translation of Ex. P8/A

P.S. Sadar Bahadurgarh.

District Jhajjar.

State through :- Bhup Singh s/o SukhLal Jat r/o Silothi.

Case FIR No.158 dated 16.7.06, U/s 452/302/34 IPC, 25/54/59 A.Act. P.S. Sadar Bahadurgarh.

Versus :- Ombeer alias Omi s/o Ram Kishan Jat r/o Silothi.

Rough site plan EX.P8/A is attached in original.

		North
Field Dhupe s/o Ram sarup jat, r/o Mahandipur. Govt. tubewell.	(w) Canal	Field Dhupe s/o Ram Sarup x/m Jat r/o Mahendipur. South
Silothi Road	Br 1d	Pacca Dabodhu Mahendipur.
Field Ved zz s/o DighRam Jat, z/o r/o Mahendipur.	нира	Field Mir Singh s/o Sheo Ram Jat r/o Mahandipur.

Expalanatory Note: -

Mark "A" shown in the site plan is that place from where accused got recovefed a country made pistol of 315 bore as per his disclosure statement.

Sd/- English. ASI, I/c P.P.Mandothi. dt. 25.7.06. 21 on SIRI! The PASES 27 29 CHCI SIC BLORISCHED

300 158 15 min 16.706 US 752 14 RC 25 59 AACT PS SIL

BONN: 31 n alz (3 3-1) 1 Sto 2 in two 20 50 AACT PS SIL

BONN: 31 n alz (3 3-1) 1 Sto 2 in two 20 50 AACT PS SIL

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THE CONTRACTOR AND THE C

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A (Hist. Jaaijar)

Dichtrandothi Di 25/7/06.

P.S.Sadar Bahadurgarh

District Jhajjar.

State through: Bhup Singh s/o SukhLal Jat, R/o Silothi.

Case FIR No.158 dated 16.7.06, U/s 302/452/34 IPC, P.S.Sadar Bahadurgarh.

Versus :- Manoj @ Manju s/o Jagmender Jat r/o Silothi.

Disclosure statement of accused Manoj alias Manju .

In presence of the following witnesses accused Manoj alias Manju son of Jagmender, Jat r/o Village Silothi in police custody without any fear and greed suffered a disclosure statement. On the intervening night of 15/16.7.06, I alongwith Ombeer alias Omi s/o Ram Kisha, Jat r/o Silothi with common intention had murdered Sadhu s/o Phool Kanwar, Jat R/o Silothi . while entering in his house. The pistol, which was used at the time of the crime has been kept concealed by me, while burried in the soil wrapping in x a polythene small bag in Norther side toward out side of Northern wall of state tubewell near a small bridge of Hu-da Canal of road leading to mehandipur and Silothi villages. No body else except me has knowledge about it. I can get the same recovered x on pointing out.

1. Bale Ram s/o Bhup Singh Jat
R/o Silothi.
Sd/= (English)
28.7.2006

Sd/-(English) (Smal of PS ASI Sadar I/C PP Mandothi

Dt. 28.7.06

Bahadurgarh)

2. Dalbir S/o Rohtash Jat
r/o Silothi
 Sd/- (English)
 Dalbir Singh
 28.7.2006.

P.S.Sadar Bahadurgarh.

District Jhajjar.

Sketch of Pistol.

State through ;- Bhup Singh s/o Sukhlal Jat r/o Silothi. Case FIR No.158 dated 16.7.2006, U/s 302/452/34 IPC, 25/54/59A.Act. P.S.Sadar Bahadurgarh.

> Sketch of pistol Ex.P10 is attached in original.

Witness.

1. Bale Ram s/o Bhup Singh Jat, r/o Silothi. Sd/- English) 28.7.2006.

(Seal of P.S.Sadar Bahadurgarh.)

2. Dalbir Sio Rohtash Jat r/o Silothi.
Sd/- English)

Dalbir Singh 28.7.2006.

Sd/- (English) ASI 1/C P.P ^Handothi. Dt. 28.7.06

थाना सम्बद्धाद्याह oreal erail = 6" oist and and significant नटनी त्याचारी 31 " 6 Dalbir Singh 28-7-2006



P.S.Sadar Bahadurgarh.

District Jhajjar.

State through :- Bhup Singh s/o SukhLal Jat r/o Silothi. Case FIR No.158 Dated 16.7.2006, U/s 302/452/34 IPC, P.S.Sadar Bahadurgarh.

Versus :- Manoj @ Manju s/o Jamender Jat r/o Silothi .

Seizure memo of country made pistol of .315 bore.

In presence of the following witnesses accused Manoj alias Manju son of Jagmender, Jat r/o Silothi in police custody according to his own disclosure statement led the police party. He recovered and produced a country made pistol of .315 bore from the soil, while removing it, which was burried wrapping in a small polythene, from Northern side of the room wall of state tubewell, the recovered pistol of .315 bore was packed se parately . Its sketch was also drawn. It was measured. Length of its barrel was found 6 inches, length of itsbutt was found three and half inches, and length of its body in found Packet of recovered ps.-tol was sealed with the seal of monogram DR and taken into police possession vide memo, as a mode of proof. Seal after . use was handed over to witness Dalbir S/o Rohtash , Jat r/o village Silothi

1. Dalbir S/o Rohtash Jat r/o Silothi. Sd/=(English) Dalbir Singh 28.7.2006

SD/- (English)

I/C PP Mandothi Dt. 28.7.2006

2. Bale Ram s/o Bhup Singh ,Jat r/o Village Silothi.

> Sd/-(English) 28.7.2006

(Seal PS Sadar

Bahadurgarh)

Translation of Ex.P11/A

P.S.Sadar Bahadurgarh.

District Jhajjar.

State through :- Bhup Singh s/o Sukh Lal Jat r/o Silothi .

F.I.R No. 158 dated 16.7.06 , U/s 302/452/34 IPC & 25/54/59 A.Act. P.S. Sadar Bahadurgarh.

Versus. :- Manoj @ Manju s/o Jagmender Jat r/o Silothi.

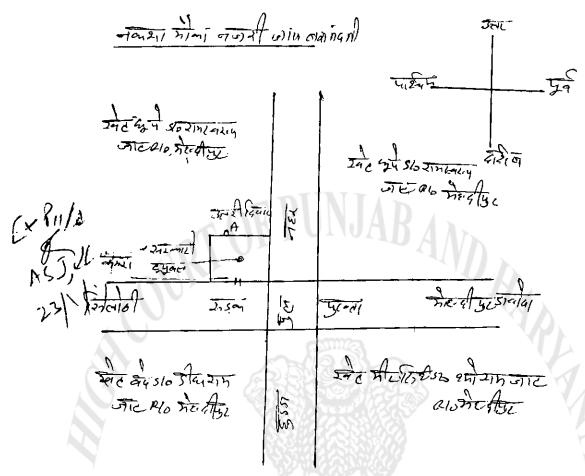
Site plan of the place of recovery site plan Ex.Pll/A is attached in original.

Explanatory Notice:- In the site plan is that places from where accused got recovered a country made pistol 315 bore as per his disclosure statement.

Seal

P.S. Sadar Bahadurgarh. Distt. Jhajjar. Sd/-English

ASI I/c P.P. Mandothi Dt. 28.7.06 .



जिया क्रामणार्थी: नवारा में Amen कर यान हजार ह होती ने उत्तरा किया है कराम के मुनाव का प्रमान के प्रमान क

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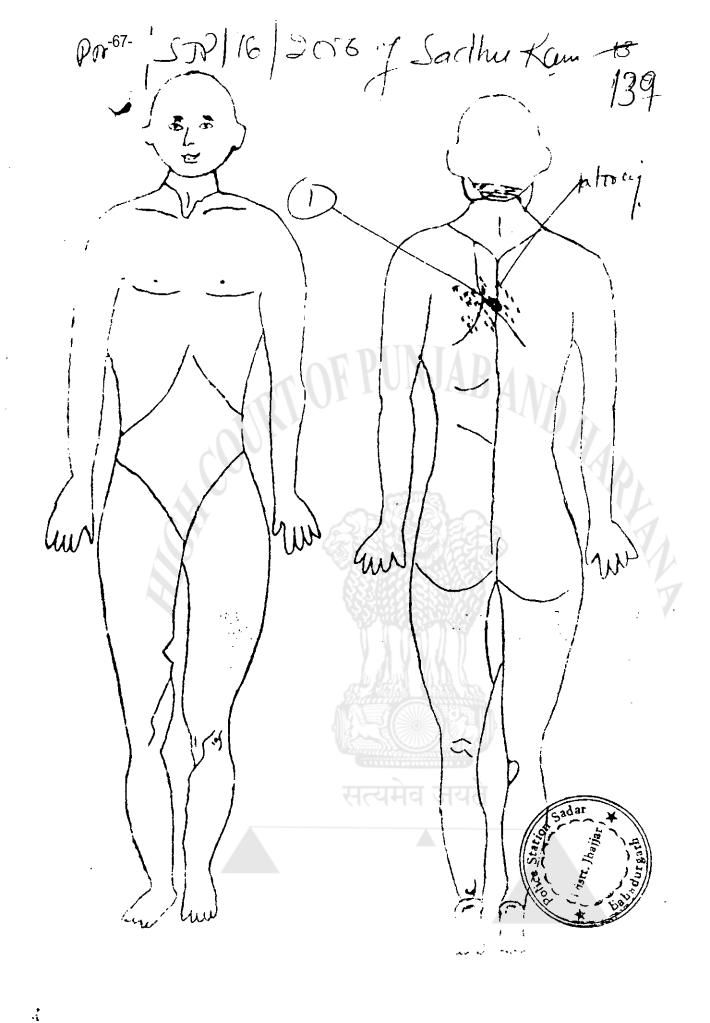
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FATHER'S NAME PHOOL K		
OR		
· · · · · · · · · · · · · · · · · · ·	CMHON	
On the body of HUSBAND'S NAME		
CASTE		
RESIDENCE # VIII. SILOT	HĴ	
SEX Male A	GE 2342 M.	
District Date_	16/3/2006	
Body brought by EM Randhir Sight Body identified by	() Shyam Phool	
Whence brought: Brahan habli Shijee vair village, thana, district & garl (2) Ram Birshil	So Brahmanand.	
DATE AND HOUR OF	रामकीर	
Death FExamination of body Despatch of material Examination of body to Chemical Examination of body		
2.05 pm 10.35 AM		
Symptoms observed before death		
Information furnished by Police An Z in Since C	W10 H 5.4031	
N.B. The Medical Officer will observe the state of all the organs and when he finds no disease or injury he should write in the appropriate place the word "Healthy". 1. EXTERNAL APPEARANCE		
1. Length of body		
2. Mark of ligature on neck and dissection, etc.	, Sea.	
3. Condition of subject— Stout, emaciated, decomposed, etc. clothing Stout Stout Ship Ship Ship Ship Ship Ship Ship Ship	trologica short	
4. Wounds, bruises position, size, tenure Sacelet Out (D) West.	Tyes closes mouth	

131

	Scalp, skull and vertebrae	6. Membrances—Brain, Spinal Cord
	Heavy.	III-THORAX Healty
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_	Lest lung as Soph	antenoc and dominando endy in-tue (R) Pleus
	Pericardium Heady	Carty where a metalic
	Heart Hear	bullet is seconcred.
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	hajjar	En luga plemal Cauty.
		15 U. harvofibras Plase

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	-65-	IV—ABDOMEN
	ame ST	p/ 16 Deos of Jachu Fair 135
1.	Pulse & An I nau	Healty
2.	Peritoneum	trealty
3.	Mouth, Pharynx and Oesophagus	trealty
4.	Stomach and its contents	Sendigst food, Mopail culous
5.	Small intestines and their contents	toods internal juices.
6.	Large intestines and their contents	fath goon
7.	Liver	Healy a Bal
8.	Spleen	Heally & Pale
9.	Kidneys	Healy & Vale
10.	Bladder	trealy (see See) He see)
/ 11.	Organs of generation External and Internal	trally

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ab belongings. (a) Ploty of Pon R (b) A Packet will (1) (c) A Sealed pack (5) A Sealed pack (5)	500/16/	2016	



P.S.Sadar Bahadurgarh.

District Jhajjar.

Case FIR No.158 Dt. 16.7.06 U/s 452,302,34 IFC ,25/54/59 A.Act. P.S. Sadar Bahadurgarh.

To

The Medical Officer
General Hospital, Bahadurgarh.

Application for conducting post mortm examination.

Sir,

It is submitted that death of deceased Sadhu Ram son of Phool Kanwarr caste Jat r/o village Silothi is stated to have been occurred while causing him fire arms shot injur-y. It is necessary to get conducted its post mortem examination. So, dead body of the deceased is being sent to you post mortem examination under the escort of Randhir Singh EHC no.731. After post mortem examination, its number be intimated. Clothes of the deceased be packet and handed over to the police.

Sd/= (Englssh)

Brham Prakash
ASI

I/C P.P. Mandothi
16.7.06

(Seal of P.S.Sadar Bahadurgarh)

P.S. Sadar Bahadurgarh.

District J hajjar.

state through: - Bhup singh s/o sukla/casteJat r/o silothi
Versus.

Case F.I.R. No. 158 dt. 16.7.06, U/s 452/302/34 IPC, 25/54/59
A.Act, P.S. Sadar Bahadurgarh.

Seizure memo of Cot, rope and quilt's Cloth

In presence of the following witnesses, rope of the Cot, belonging to deceased Sadhu Ram son of Phool Kanwar Jat, r/o village Silothi were removed packet them separately, sealed them with the seal of 'K L' and taken into police possession vide memo, as a mode of proof.

Witness

Rajinder singh HC 34 Police Chowki Mandothi.

sd/-Eng. HC Rajinder singh.

sd/-(English)

Braham Prakash ASI

I/C P.P. M andothi 16.7.06

Police Station Sadar Bahadurgarh

Distt.J hajjar.

State through: Bhup Singh s/o SukhLal CasteJat (ilothi.

Versus.

Case F.I.R. No. 158 dt. 16.7.06,U/s 452/302/34 IPC, A. Act P.S. Sadar Bahadurgarh.

Seizure memo of pallet and Clothes packets belonging to deceased Sadhu Ram.

In presence of the following witnesses Ran-Dhir singh EMC, no.731 produced one packet of the Clothe belonging to deceased and one packet of pallet both packets were duly sealed with the seals of the doctor alongwith sample of seal after getting conducted post mortem examination of the dead from the doctor to the police. The same were taken into police possession vide memo as mode of proof. Memo was reduced into writing.

Winness

Rajinder simh HC 34 Police Post Mandothi

(Sd/-English)

HC Rajinder singh

sd/-(English)
Branam Parkash

ASI

I/&P.P. Mandothi.

16.7.06

Tel.:- 236666, 231336, 230898 Fax.: 01276-235666

BRAHM SHAKTI

Run by : BRAHM SHAKTI TRUST (REGD.) OPP. TELEPHONE EXCHANGE, DELHI ROHTAK ROAD, BAHADURGARH, DISTT. JHAJJAR, HARYANA

D-4	Ma	
Ket.	No	

Bahadugarh

Date :..|.b.|.07/2006

	POLICE ENQUIRY
	To, The S.H.O Saclar Police Station Bahadurgarh Distt-Jhajjar
~ Que	We hereby informed you that Mr. Mrst. Sadtu male 29 484
The state of	S/OD/O,W/O. Pallad
45	S/0. D/0, W/0. Pallad Resident of U.P.O. Siloti
12/01/	' / Admitted in our Hospital (Brahm Shakti Sanjivani Hospital)
·	Due to Bullet injury, brought dead at 2.45 Am
	We request you to please enquiry this matter.
	Thank you
	Brahm Shakti Salijiyani Hospital Opp. Telephone Exchange
	Opp. Telephone Exchange

Sessions Case No. 47 of 2006.

State Vs. Ombir

F.I.R. 157/06 U/s 302/452/34 IPC. P.S.Sadar B-Garh.

sr. No.

Nature of documents.

149 -170

Photo -graphs and negatives. Ex-P-19 to Ex.P-28.

1. See original Lan



Translation of Ex. P 30

P.S. Sadar Bahadurgarh.

District Jhajjar.

State through Bhup Singh s/o Sukh Lal Jat r/o Silothi. Versus.

F.I.R No. 158 Dt. 16.7.06, U/s 452/302/34 IPC & 25/54/59 A.Act. P.S. Sadar Bahadurgarh.

Rough site plan without scale of the place of occurance Ex.P30 is att-ached in original

Explanatory notes: - Mark 'A' in the site plan is that place

where deceased Sadhu Ram alognwith his

wife was sleeping on the seprate cots

in theroom. Mark 'B' is that place

where complainant Bhup Singh was sleeping.

Seal

P.S. Sadar Bahadurgarh. Distt. Jhajjar. Sd/Brahm Parkash
ASI
I/C P.P. Mandothi.
Dt. 16.7.06.

2134 STETZ 724The Sto Grammer ATTE Co Anorth 5 गाना जिस करापुरा । Jaly L 7754 TO 158 CH7 16 26 Uld 452 34 1Pc 41 25 59 popul Possel Byon नामका भाम गामी विना स्वाल बाद्याकावाल में JOD नि विषय प्तमा नानराम १७ ३५ मिर् आर केरिक स्मिप्रभागा र्मे प्र विशारित उपलामी क्रमा के मार्मि भूति साधार अपनी जली भीता हाय सहित के अन्तर ने नार्याहरी। बा हो रहे जी B प्रार्थ वह स्थात है जहां दे मुडी प्रपति। का रहा था।



SANCTION ORDER

Whereas, I have gone through the case file of case FIR No. 158 dated 16-07-2006 u/s 302, 452, 34 IPC and 25/54/59 Arms Act P.S. Sadar Bahadurgarh. On 28-07-2006 A.S.I. Raj Phool Incharge P.P. Mandauthi P.S. Sadar, Bahadurgarh has recovered one country made pistol 315 bore on disclosure statement from the possession of accused Manoj @ Manju S/o Jagmender Jat R/o Silothi P.S. Sadar Bahadurgarh Distt. Jhajjar in the presence of Bale Ram S/o Bhup Singh Cast Jat and Dalbir Singh S/o Rohatas Cast Jar both R/o Silothi P.S. Sadar Bahadurgarh Distt. Jhajjar in the area of village Mahindipur Dabodha near HUDA canal Bridge Silothi Mahindipur Road. Accused was arrested for keeping one country made pistol 315 Bore in his possession without valid licence. During the course of investigation exhibits were seized from the possession of the accused, statement of witnesses persons recorded and exhibits were sent to F.S.L. Madhuban and the result of this pistol is awaited.

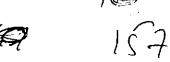
That I, Suprabha Dahiya, I.A.S. District Magistrate Jhajjar have gone through the case file, report of SP, the statements of witnesses etc. and of the considered view that there is sufficient evidence to prosecute Manoj @ Manju S/o Jagmender Jat R/o Silothi P.S. Sadar Bahadurgarh Distt. Jhajjar under section 25/54/59 of the Arms Act, 1959.

I, Suprabha Dahiya, IAS, District Magistrate Jhajjar therefore accord sanction u/s 39 of the Arms Act, 1959 for launching prosecution against Manoj @ Manju S/o Jagmender Jat R/o Silothi P.S. Sadar Bahadurgarh Distt. Jhajjar accuses in the court of competent jurisdiction.

Place: Jhajjar

Dated: 24-8-2006

Suprabha Dahiya, I.A.S.
District Magistrate
Jhajjar



SANCTION ORDER

Whereas, I have gone through the case file of case FIR No. 158 dated 16-07-2006 u/s 302, 452, 34 IPC and 25/54/59 Arms Act P.S. Sadar Bahadurgarh. On 25-07-2006 A.S.I. Raj Phool Incharge P.P. Mandauthi P.S. Sadar, Bahadurgarh has recovered one country made pistol 315 bore on disclosure statement from the possession of accused Ombir @ Omi S/o Ramkishan Jat R/o Silothi P.S. Sadar Bahadurgarh Distt. Jhajjar in the presence of Bale Ram S/o Bhup Singh Cast Jat and Dalbir Singh S/o Rohatas Cast Jar both R/o Silothi P.S. Sadar Bahadurgarh Distt. Jhajjar in the area of village Mahindipur Dabodha in HUDA canal Bridge Silothi Mahindipur Road. Accused was arrested for keeping one country made pistol 315 Bore in his possession without valid licence. During the course of investigation exhibits were seized from the possession of the accused, statement of witnesses persons recorded and exhibits were sent to F.S.L. Madhuban and the result of this pistol is awaited.

That I, Suprabha Dahiya, I.A.S. District Magistrate Jhajjar have gone through the case file, report of SP, the statements of witnesses etc. and of the considered view that there is sufficient evidence to prosecute Ombir @ Omi S/o Rankishan Jat R/o Silothi P.S. Sadar Bahadurgarh Distt. Jhajjar under section 25/54/59 of the Arms Act, 1959.

I, Suprabha Dahiya, IAS, District Magistrate Jhajjar therefore accord sanction u/s 39 of the Arms Act, 1959 for launching prosecution against Ombir @ Omi S/o Ramkishan Jat R/o Silothi P.S. Sadar Bahadurgarh Distt. Jhajjar accuses in the court of competent jurisdiction.

Place: Jhajjar

Dated: 29-8-2006

Suprabha Dahiya, I.A.S. District Magistrate

Tr. of Ex.D1

P. S. Sadar Bahadurgarh.

District: Jhajjar.

FIR no. 158 dated 16-7-06 U/Ss 302/452/34 IPC. and 25 Arms Act P. S. Sadar Bahadurgarh.

Statement of H.C. Naresh Kumar No. 62 Moharrir Malkhana/Store-room, P.S. Sadar Bahadurgarh u/s 161 Cr.P.C.

Stated that I am posted as Moharrir Malkhana/Store room in police station Sadar Bahadurgarh. Key of the store-room remains in my possession.

On 16-7-06. (06), Braham Parkash, A. S. I. had deposited with me in the store-room case property of this case i.e. one packet of ROPE (BAAN) of cot clotted with blood duly sealed with the seal of monogramK.L. (2) on-e packet of blood stained piece of quilt duly sealed with the seal of monogram K.L. alongwith sample of seal (3) one packet of clothes belonging to the deceased Sachu Ram duly sealed with the seal of the doctor, (4) one packet of pallet duly sealed with the seal of the doctor alongwith sample of seal.

On 20-7-06, I had got deposited those packets in F. S.L. Machuban through Raj Kumar C. No. 784 vide R.C. No. 77.

On 25-7-06, you had deposited with me in the store-room one packet of pistol .315 bore duly sealed with the seal of the monogram R.P. alonwith sample of seal.

on 28-7-06, case property of this case i.e. one packet of pistol (country-made). 315 bore duly sealed with the seal of the DR alongwith sample of seal, was deposited

with me in the store-room of the police station.

The same were got deposited in F.S.L.Madhuban through Raj Kumar C.No.784 vide R.C.No.88 dt. 31-7-06.

Troof Example(2).

Raj Kumar constable had deposited the same (packets)
in F. S.L. Madhuban and receipts were handed over to me.

So, long as those packets remained in my possession neither I nor anybody else tempered with them. I got recorded my statement to you. Heard it which is correct.

Sd/-A. S.I./Incharge Police Post Mamchothi 1-8-06

Attested:-Sd/-ASI/Incharge, P.P.Mandothi.

(Seal of police station)

Dr. of Ex. D2

P. S. Sadar Bahadurgerh. District: Jhajjar.

FIR. no. 158 dt. 16-7-06 U/Ss 302/452/34 IPC, P. S. Sadar B/garh.

Statement of Bale Ram son of Bhup Singh, caste Jat, resident of Village Silothi, u/s 161 Cr.P. C.

Stated that I am resident of the above mentioned address. To-day I and Dalbir son of Rohtash Singh, Jar, r/o village Silothi had come to Bahadurgarh in connection with our personal work. You met us on the gate of the police station. You joined us in investiation of the case and you made interr - ogation from accused Manoj alias Maju son of Jagmer, Jat, r/o Silothi taking him out from judicial - lockup our presence. On your interrogation, accused Manjoj alias Manju suffered a disclosure statement on the intervening night of 15/16-7-06, I and Ombeer alias Omi son of Ram Kishan, Jat, r/o V. Silothi with common intention had entered in the house of Sachu son of Phool Kumar, Jat. r/o V. Silothi forcibly and we fired bullet shots at him and murdered him. The pistol, which was used in that murder/crime, has been kept under the ground concealed by me wrapping in a pholothene in North direction towards outside of Northern wall of room of state tubewell near a small bridge of HUDA canal flowin-g from villages Silothi, Mehandipur and Daboda road, No-body else except me has knowledge about it. I can get it recovered on pointing out. Hence, you recorded disclosure statement of the accused. Accused Dalbir son of Rohtash , Jat r/o V. Silothi and I put signatures on the disclosure statement. There-after, you carried us as well as to the accused near Hooda canal at village Silothi and paboda turning, where accused Manoj

Tr. of Ex. D2(2)



alwias Manju was directed to get recovered the pistol following the police party according to his own disclosure statement. Upon-which, accused Manoj alias Manju, in police custody, led the police party to HUDA Canal. He got recovered a pistol of .315 hore was wrapping in a polythene digging the soil/earth in North direction, we towards outside of North side of room of state tubewell, in our presence. Having drawn sket—th of the recovered pistol, it was packed, sealed with the seal of monogram D.R. and it was taken into police possession vide memo, as a mode of proof. You handed over the seal to Dalbir son of R-ohtas. Dalbir and I put signatures on the memo. I got recorded my statement to you. Heard it, which is correct.

A. S.I. /Incharge, Police Post Mandothi. 28-7-06

Attested

(Mark A)

Sđ/-

ASI/Incharge P.P. Mandothi.

Deposition sheet of the witness recorded on oath.

Witness No. 1

State Ve. ombir etc.

Bhup Jingh s/o Jhri JukhLal Age:-75 years. Agriculturist. r/o Silothi.

Deposition of the witness has been recorded by me (Tharampal), Addl. Sessions Judge, Jhajjar, who on this 6-2-07 has been recorded on oath:

On S.A.

That on 16.7.05, this occurrence took place. I have two sons elder son is Phool Kumar and the other son is Balle Ram Both my sons reside separately. I live with my son Phool Kumar. Phool Kumar had two children, one son namely Sadhu Ram max since deceased. One daughter namely Usha. My grand-son Sadhu Ram was student and used to go in Wrestling Arena (Akhara) for res wrestling. Ombir accused present in the court today also used to go in the same wrestling Arena. My grand son was more powerful than accused Ombir. My grand son being stronger used to win the wrestling from accused Ombir. Due to this reason accused ombir had grudge with my grand son sadhu Ram and also threatened him for dire consequences. On

On 16.7.06, my grand son sadhu Ram and his wife

Meena was sleeping in our house in bagad (Court yard). I was sleeping
in the street in fron of my house. At about 1/1.30 A.M. I heard
noise of fire arm (pistol). There was electric light at that time.

I saw accused running over the wall of her house. One of them was
Ombir present in the Court today and the name of known other accused
was not known to me. He is also present in the court today to whom I
identify the same whom I saw running from the spot. Both the
accused were armed with pistol. Meena the wifie of my grandson Sadhu
Ram which unbolted the door from inside. I saw her weeping. I saw
my grand son Sadhu lying on the cot and blood was blowing from his

State

۷s.

Ombir etc.

PW1(2)

body and was unconscious. I saw fire arm injury on his beek.

(mangar). Then I, Jai Singh and other ten/eleven persons took

my grand son Sadhu Ram to Braham Shakti Hospita, Bahadurgarh in
a private vehicle. Doctor declared my grand son gadhu Ram dead.

Police visited the caid hospital. I made the above statement
to the police which was recorded by the police and same is Ex.Pl.

which beers my thumb impressions.

My both the sons Phool Rumar and Balle have a common wall, although they are living separately. Out great gher is situated in the fields in the distance of two killa. My wife is alive. I am using the spectables for the last two years. We live in gher. and normally sleep there. It is incorrect to suggest that on the date of occurrence I was sleeping in my gher and not in the street. The house of Ombir accused is at the distance of half killa from my house. Meena andSantosh are real sisters. Meena was married with Sadhu Ram deceased while Santosh is married with Shailender. Shailender is the brother of Jagmender. Manoj is son of Jagmender. I cannot say if Santosh is not having good relations with her mother-in-law Kitabo. It is correct that there are house of Kehar, Daya Ram and Jai Bhagwan in front of/hike house. House of Dalip is on the Northern side and house of Shibe is on the western side. There is no fixed time of my sleeping in my gher. The main gate was bolted from inside where Sadhu and his wife were sleeping. She unbolted the door after the accused/away. I was sleeping at the distance of about 40 feet from the place where Sadhu was sleeping. The stair case from which the accused fled away belongs to us located inside the house and the cot of deceased was near it. The wall in between is a house which is 10' in height.

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State

PW3 (3)

Ombir etc.

the distance of the stair case and where I was sleeping is 40 feet. It is incorrect to suggest that I was/in a position to see from that what is happening outside. However, the wall of court yard is 7 feet. Where I was sleeping behind that thre is room of length 20 feet and 35 feet and the roof is dokariya. Thereafter there is is a verandha and then a **Kath** Court yard where the deceased was sleeping. However, it was month of July, it is a rainy season but in those day there is no raining. It is incorrect to suggest that there was interaption of electricity supply on the day of occurrence. I informed the police while going to Bahadurgarh through telephone by some one. The blood has not fallen on the ground because khex my grand son was lying on the cot having a dadda. No blood had fallen on my cloth and Meena's cloth. On my raising alarm 10/15 persons came there. I raised alarm. The names of those persons are Shamphul, Jai Singh, Rambir etc. and I do not remember the name of all the persons. The house of jai Singh is at a distance of 15 feet. We have taken kke Sadhu Ram in the tempo of Rambir. The vehicle was of tata make. I am an illiterat and I do not know the number of said vehicle. I have not seen the blood in the tempo I saw the blood on the cot. Rambir had taken the dead body to hospital. The police has also inquired from Rambir. We started from the village at 2.00 A.M and reached Bahadurgarh at 2.30 A.M. Police came after our reaching there after one hour. The distance of police postMandothi is five kos from the hospital. Police checked the dead body and after that our statement was recorded. Meena had not gone with us in the hospital. Police has not recorded the statement of any other person in my presence. It is incorrect to suggest that we had made confebulation before getting the statement My statement was recorded in the police station, recorded.

State Vs. Ombir etc.

PW1(4)

Thereafter, the dead body was taken into possession. I went to the hospital with the dead body. We reached the hospital at 8.00 A.M. And after post-mortem the dead body was handed over to us and crimation was done. Police used to come to us and used to ask us. No other proceeding was done in my presence

Regarding/threat given at the time of wrestling in the Akhara we have not made any complaint to any authority. Volunteered however./prior to this incident of firing I have complained to the police. The Akhara was in village Daboda, which is at a distance of one kos from our village. The owner of the Akhara is one Baba but I do not know his name. The dispute in the Akhara was 5/6 years old. I do not know about the said incident at Akhara because I was not present there. I have stated to the police in my statement that alongwith Ombir oneother person was there to whom I can recognise if he comes before me. Confronted with statement Ex.P1, where this fact is not mentioned. I have told the name of Ombir. I have not recorded that I cannot recognize the other person, volunteered, if this fact is mentioned in Ex.Pl that should be right. I know the other accused also because he lives in the village. He does not go to Akhara nor he was having any dispute akanguakk in Akhara. I have stated in my statement Ex.P1 that both the persons were having pistols. Confronted with Ex.P1 where it does not find mention. incorrect to suggest that my grand son had gone to Village Gopalpur about 2 years ago for getting the possession released and where a dispute arose. Volunteered we were have no relation in village Gopaapur. It is incorrect to suggest

State Vs. Ombir etc.

P41(5)

my grandson Sadhu and that configuration—had taken place time and again. It is incorrect that it was a blind murder. It is futher incorrect that I on that day I was sleeping in my cher. It not not is further incorrect that I was/sleeping outside the house of my grandson. It is incorrect to suggest that after the occurrence I was called for gher and introduced as witness. It is further incorrect that being grandfather of deceased I am deposing falsely.

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(Dharampal), ASJ/JJR.Dt.6.2.07.

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Deposition sheet of the witness recorded on oath.

Witness No.2

State Vs. Ombir etc.

RM2 Meena widow of Sadhu Age: 20 years, House wife r/o Silothi. Deposition of the witness has been recorded by me (Dharampal), Addl.
Sessions Judge, Juajjar, who as this has been recorded on eath:-

on s.A.

I am a daughter of village Machroli. I was married to Sadhu five yearsago. I have a son of 21 years. My husband was usually used to do wrestling in an Akhara of village Daboda. Ombir accused today present in the court also used to go to the Akhara. My nusband was stronder then Ombir accused. My husband used to win the wrestling. Due to this Ombir used to noursh a grudge against my nusband. This was told to me by my husband. (Objected). In the intervening night of 15/16.7.06 Thand my husband were sleeping in the Court yard of my house alongwith the child. My husband was sleeping on one not and I am my child was on another not. At about 1.30 A.M. I came after urinating, Ombir and Manoj came through stair case. Both were having pistols in their hands. Ombir fired First, which hit on the back of my husband. The other fire was shot by Manoj which did not hit my husband. Both the accused today are present in the court. Both of them flad away through stair. I also chasedthem. When I came down my husband was uncontious and blood was coming from his back. When I raised of my husband alarm and opened the gate, grand-father/Bhup Singh came. Jai Singh and Ram Singh came there. Other persons were also there. The accused have fled through stair case by jumping on the roof of the adjoining house, which is on lower height. Boup Singh and other persons took my husband to Bahadurgarh in a Tata vehicle. And after that my husband died. In the day police came and my statement was recorded.

State Vs. Ombir etc.

PW2(2)

XXXXXXXXX by Shri J.K.Gakhar, counsel for the accused.

It is incorrect to suggest that I Mecame unconscious at the time of shot. The dispute of Akhara was of the period after my marriage. The said dispute of Akhara was one your prior to the incident. I do not know the name of Baba of owner of the Akhara. Bhup singh used to sleep in the village house and not in the gher. It is incorrect to suggest that Bhup Sin in used to sleep in the gher. We used to sleep in the court yard after bolting the main door of house. It is incorrect to suggest that it was rainy seaon and there used to be interruption in the electricity. I raised alarm when I saw them running. None came on hearth my hue and cry. They have fled after firing. They had not fired at me, when I chased them. No empties were lifted by the police from the place of occurrence in my presence. Only two fires were shot. I do not know the number of Tata Vehicle. I do not know to whom it belongs. Again said it belongs to Rambir. No blood had fallen on the ground nor it fell on my clothes. After the accused have run away then I unbolted the door and then Bhup Singh came. morning at 5.00 A.M I came to know the death of my husband. I did not go to the hospital. My statement was recorded by the police at my house. Santosh is my sister and is married to Shailender. name of mother-in-law of Santosh is Kitabo. The distance of Santosh is at about 1 killa from my house. Shailender is the uncle of Manoj Accused. It is incorrect to suggest that I am deposing falsely naming Omoir and Manoj as assailants. It is also incorrect to suggest that I have named Manoj on the asking of my sister Santosh because she was having strained releations with her mother in law. Manoj was having no altercation in Akhara with my

State Vs.

Ombir etc.

PW2 (3)

husband. It is incorrect to suggest that I am deposing falsely.

RO&AC

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(Dharampal), NSJ/JJR.6.2.07.

Deposition sheet of the witness recorded on oath.

Witness No. 3

State Vs. Ombir etc.

Shyamphul son of Bhim Singh Deposition of the witness has been Age: 50 years, agriculturist recorded by me (Tharampal), Addl.

Sessions Judge, Jhajjar, who on this 6.2.07. has been recorded on oath :-

On s.A.

I do not know how many statements were recorded.

My house is at two/three kills from the house of deceased. I went to the hospital at 9/10.00 A.M. I went in the private hospital near bus stand, Bahadurgarh. At that time there was several persons men and women, I cannot say whether Meena was there. No rain came on the night of said date. However, there was interruption in the night. After sleeping one cannot say whether there is light or not.

ROSAC

(Digrampal), ASJ/JJR.Dt.6.2.07.

Deposition sheet of the witness recorded on oath.

Witness No.4

Rambir s/o Brahmanand Age: 28 years, Agriculturist r/o Silothi. State Vs. Ombir etc.

Deposition of the witness has been recorded by me (Iharampal), Addl. Sessions Judge, Jhajjar, who on this 6.2.07. has been recorded on oath:

On S.A.

On 16.7.06, on receiving information regarding fire arm injuries of Sadhu Ram, I visited Braham Shakti Hospital at Bahadurgarh. I identified the dead body of Sadhu Ram. After that wetook the deady body in my vehicle to village. My signatures on Ex.P3 were taken by police officials. I have signed this Ex.P3 after reading it.

XXXXXXXXX by Shri J.K.Gakhar, counsel for the accused.

I received information at 5.30/6.00 A.M. I alongwith the villagers went to Bahadurgarh. Dead body whad already gone to the Bahadurgarh. I do not know and it did not come in my knowledge who fired him. I have not seen meenain hospital. However, his grand-father Bhup Wsingh was there.

RO SAC

(Dharampal), ASJ/JJR.6.2.07.

Deposition of the witness has been recorded on oath.

State

Vs. Ombir.

Deposition of this witness has been recorded by me (Dharampal, ASJ, Jhajjar,) today on 16.4.2007 who stated on oath, which is as under:-

PW5 Jaichand, Con.777,S.P. Office, Jhajjar.

On 28.7.2006, I was posted in SP Office. Jhajjar and I have gone to village Silothi and on the pointing out of Bhup Singh. I prepared the scaled site plan Ex.P4 correctly, which bears my signature. Margin il notes are in my hand. Scale used is I meter x1cm. I am a trained D.M. and I have made thousand of site plans

Xxxxxmn by Sh.J.K.Gakhar,Adv.

Between point A and B in Ex.P4, there are three doors. If one want to see from B to A then only doors seems. At point A, deceased Sadhu was lying with his wife on two separate cots, as told to me. (Contradicted with Ex.P4, wherein no mention of two cots and only one cot is there). The distance between A and E is 9.5 meter. I have not mentioned the name of wife of Sadhu. It is wrong to suggest that I have prepared the site plan in my office on the saying of I.O. or that I am deposing falsely.

RO&AC.

·Dharampal).

ASJ Jhagar.

16.4.2007,

Translation of Ex.P5.

Affidavit_

FIR No.158 dt. 16.7.06 , U/s 302/34 IPC, 25/54/59 A.Act , P.S.Sadar 452

Bahadurgarh.

Versus := Omherralias Omi son of Ram Kishan, Jat r/o Silothi P.S.Sadar Bahadurgarh.

Affidavit on behalf of Naresh Kumar H.C.No.63 IRB 4 th company Panipat.

I do here by solemnly affirm and declared as under :-

- 1. That on 16.7.06, I was posted as Moharrir Store-room (Malkhana) in P.S.Sadar Bahasurgarh. Key of the store room remained with me.
- On 16.7.06, Braham Parkach ASI had deposited with me in the store-room(Malkhana) case property of this case i.e one packet of roope (Baan) of the cot, which was stanied with blood & sealed with the seal of KL, one packet of blood stained quilt's piece duly sealed with the seal of KL, alongwith sample of seal, one packet of clothes belonging to deceased Sadhu Ram duly sealed with the seal of the doctor, one packet of pallet duly sealed with the seal of the doctor alongwith sample of seal. I sent the same to F.S.L Madhuban on 20.7.06 vide R.C no.77 dated 20.7.06 through Raj Kumar C No.784.
- That on 28.7.06 one packet of contry made pistol of .315 bore duly sealed with the seal of R.P. alongwith sample of seal was also deposited with me in store room/Malkhana, which were sent to F.S.L Madhuban vide R.C no.88 dated 31.7.06 through Raj Kumar C.No.784, for analysis receipt was handed over to me.
- So long as those packets remained with me, neither a

Translation of Ex.P5.

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nor any body else tampered with me.

Sd/- (Hindi) HC Naresh K_umar 63 IRB 4 th Com Pagnipat.

Verification: I verify that contents of para no. 1 to 3 are correct as per records & contents of para no.4 are correct according to the best of my knowledge & belief Nothing has been kept concealed therein.

Sd/-(Hindi)

HC Naresh Kumar 63 IRB

4 th Com. Panipat.

16.4.07

Identified

by me.

Sd/-(English)

ADA

16.4.07

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Sd/-English

Judicial Magistrate Ist Class, Jhajjar . 16.4.07

Duty Magistrate JJR.

Deposition of the witness has been recorded on oath.

State

Vs. Ombir.

Deposition of this witness has been recorded by me (Dharampal, ASJ, Jhajjar,) today on 16.4.2007 who stated on oath, which is as under:-

PW6 HC Naresh Kumar, No.63, IRB, Escort Com.Panipat.

On 16.7.2006, I was posted in Malkhana Mohrar, P.S. Sadar, B.garh. I tender in evidence my affidavit Fx.P5 and it bears my signatures and attested by JMIC. Jhajjar. The same be read as part of my evidence.

Xxxmn by Sh.J.K.Gakhar, Adv.

My statement was recorded u/s 161 Cr.P.C. by Braham Parkash.SI. It is wrong to suggest that I have given false affidavit. Both the pistols were deposited with me on the same day. It is wrong to suggest that one pistol was deposited on 25.7.2006 and other was on 23.7.2006. (Confronted with statement Ex.D1 from portion A to A wherein one country made pistol was shown to be deposited on 25.7.2006 and the other on 23.7.2006. It is wrong to suggest that I am deposing falsely.

RO&AC.

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(Dharaanpal).

ASJ, Jhajjar.,

164 2007.

Deposition of the witness has been recorded on oath.

State

Vs. Ombir.

Deposition of this witness has been recorded by me (Dharampal, ASJ, Jhajjar,) today on 16.4.2007 who stated on oath, which is as under:-

PW7 ASI Kaptan Singh, No.87,JJR, P.S.,Sadar, B.garh.

On 16.7.2006. I was posted as I.O. in P.S., Sadar, B.garh. I received a ruqa Ex.P1 with Endst. Of Braham Parkash, SI Ex.P1 A through EHC Randhir Singh. I recorded the formal FIR Ex.P1 B correctly and made Endst. Ex.P1 C. on the ruqa, duly signed by me. I also send special report through Con. Mohinder no:.530.

Xxxmn by Sh.J.K.Gakhar.adv.

I received ruqa 5.15 a.m. and 5.45, EHC was allowed to go. It is wrong to suggest that I am deposing falsely or It is wrong to suggest that entire proceedings were done in the police station. It is further wrong to suggest that no ruqa was received in the police station and that the ruqa was received in the police station.

RO&AC.

(Dharampal).

ASJ, Jhajjar.

16,4,2007.

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Deposition of the witness has been recorded on oath.

State

Vs. Ombir.

Deposition of this witness has been recorded by me (Dharampal, ASJ, Jhajjar,) today on 16.4.2007 who stated on oath, which is as under:-

PW8 Con.Mohinder Singh, 523,P.S., Line paar. B.garh.

On 16.7.2006. I was posted in P.S., Sadar, B.garh. On that day, I was handed over the special report of this case, which was to be given to Barham Parkash. ASI, for delivering to Illaqa Magistrate, SP,DSP, without any delay.

Xxxxmn by Sh J.K.Gakhar.adv.

Special report was given to me at 5.45a.m. and I handed over to Illaqa Magistrate at 6.05 and a.m. on the same day.

RO&AC.

1410- XE-98XE

(Dharampal). ASJ, Jhajjar. 16.4.2007.

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A the witness has been recorded on oath.

Vs. Ombir.

Deposition of this witness has been recorded by me (Dharampal, ASJ, Jhajjar,) today on 16.4.2007 who stated on oath, which is as under:-

PW9 Bale Ram s/o Bhup Singh, 37 years, Agri. R/o village Silothi. Jhajjar.

On 25.7.2006, I and Dalbir had gone to Bahadurgarh for personal work, where at Bus-stand, Rajphul met us who took us to the Police station, where Ombir accused, present in the court, was taken out from the lock-up. SI has interrogated him in our presence. On the intervening night of 15/16.7.2006, he along with Manoj has murdered Sadhu son of Phul Kumar while entering his house with a country made pistol. He has thrown the country made pistol in the bushes near the HUDA canal.

Q: Whether the pistol was thrown in water or in the bushes near the water?

A: The pistol was thrown on the bank near the water in the grass bushes.

(Objected to)

Nothing more was said before me. ASI was writing something and my signature and signature of Dalbir Singh were obtained on the writing in the Police Station after preparing disclosure statement. The said writing is Ex.P6. Then, we all along with police had gone to the HUDA canal, from where accused Ombir got recovered the country made pistol after leading the police party there. (objected to) The sketch of the said pistol Ex.P8 was also prepared, which was also signed by me. Then, recovered pistol was made into parcel by putting in a cloth and seal was also fixed on it and same was

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taken into possession. The seal was affixed on papers on asking by PP. witness told that I do not know on which other things the seal was fixed. However, it was handed over tome after use. After writing work at the spot, signature of Dalbir and my self were also obtained on recovery memo Fx.P7.On 28.7.2006. I and Dalbir went to Police station, where SI Rajphul met us, who took us in the police station. Then, accused Manoj accused present in the court was taken out and was interrogated, who disclosed that on the intervening night of 15:16.7.2006, he along with ombir had murdered Sahdu Ram while entering his house with country made pistol (objected to). That country made pistol had concealed by him near HUDA canal, where in a kotha of tube well he has concealed it on the northern side wall by wrapping in a polythene. The writing was done and signature of Dalbir were obtained. Said disclosure is Ex.P9. Then, police has taken up to the HUDA canal and accused Manoj got recovered the country made pistol from the disclosed place, wrapped in polythene. Its Sketch Ex.P10 was prepared and. same is signed by me and Dalbir Singh. The pistol was wrapped in the white cloth and seal D.R. was affixed on it and seal after use was given to me. The same was taken by police and writing work was done and same is Ex.P11.

(At this stage, a sealed parcel produced and ordered to be opened which found to contain a country made pistol Ex.P12, which is the same as recovered from Manoj.)

(At this stage, another sealed parcel produced and ordered to be opened which found to contain a country made pistol Ex.P13, which is the same as recovered from Ombir.)

XXXXXXXXXXnn by Sh.J.K.Gakhar.adv.

I am a retd. Army officer and brother of Phul Kumar. Deceased

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Sadhu Ram is son of Phul Kumar. The house of Phul Kumar and my house are adjacent to each other. Sadhu Ram was also living in that house. On the night of murder, I was in Delhi not in the village. I reached village at 11.00a.m. At that time, dead body was at Bahadurgarh. Then I went to Bahadurgarh. Police has arrested Ombir on 25.7.2006 and Manoj on 28.7.2006. On 25.7.2006, I had gone to Bahadurgarh for personal work at 7.00a.m. I had gone to Truck union as I have a Truck. I have not signed my presence there in Truck union. We had come to Bua-stand for going to home where ASI Rajphul met us by chance. Rajphul ASI was not knowing earlier but after the registration of the case. I know him. Rajphul had me as at 9 9.30a.m. Rajphul ASI on foot with two police officials. The interrogation of Ombir was done for about 30/45 minutes. At that time of recording disclosure statement, people were coming and going in the police station. Dalbir is uncle of deceased. Wee had gone to HUDA canal in a private jeep. The place of recovery is about 10/12 KM from the police station. I have not remembered the number of jeep, make of jeep, driver owner of jeep, which was already parked there. We reached the HUDA canal at 12 12.30 noon. The water in the canal was about one and half feet. The pistol which was got recovered by Ombir was wrapped in a cloth under the grass. I do not remember the colour of cloth. At the time of taking out the pistol, grass was not dug, but by hands it was taken out by accused after removing grass. The said place of recovery is a local place and assessable to all. It took about one hour there. The place where the pistol was recovered is at a distance of 10 feet from the bridge of canal. There are nearby fields but at that time, none was working there. I cannot say the exact timing of the canal when it is wet and when it is dry. The depth of canal is about 5.6 feet. The pistol was recovered from the bank where grass is growing and the water was low from

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that place in the canal. I don't know whether any official of HUDA canal used to go there or not, but on that day none was there. I and Dalbir went to village. I cannot say where the police had gone. Oiur4 village falls on one side of the bridge while Bahadurgarh falls on the opposite direction of village from the bridge of canal. We had reached at about 3.3.15p.m. in village. It is wrong to suggest that no disclosure statement was made by accused Ombir in my presence or that no recovery was effected from him. It is wrong to suggest that police has got obtained our signature on Ex.P7 at the ticked portion mark-A and B in the police station on blank paper.

On 28.7.2006, when we went to police station. Rajphul SI met us on the gate. I had gone to police station of my own. I was not called by the LO., I was not aware of the fact whether Manoj had already been arrested by police or not. We reached Police station at 9,00a.m. The interrogation was started after one one and half hour after reaching there and it took about 30 45 minutes in the interrogation. On that day, Dalbu was also with me. At about 11.00a.m., I started from the police station. There was a private jeep but it was not same jeep of 25.7.2006. However, I do not tell the number, make, driver/owner of the jeep. The jeep was called by police. We reached at 12.30 noon. The tube well was of Gram Panchayat. It was not abundance and tube well is not in working condition. Kotha of the tube well was having door and it was locked. The recovery was effected from the outside the kotha and there was no need to open the door. Said kotha is in Govt. Land. No official was there. I have not seen anyone working there in the nearby fields. The pistol was recovered after digging the earth. It was wrapped in a polythene. No public person came there. We remained there for one and half hour. Seal DR remained with me for 2 3 days. It was having a handle and a rubber stamp. Police has recorded my statement.

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(court observation: There is a cutting on the date in the statement of Bale Ram ws 161 Cr.P.C. at mark-A.)

The distance of the places of recovery of two pistols is about 12 feet. We were allowed to go at 2.45 p.m. We went to our village. It is wi5ong to suggest that no disclosure statement was given by accused Manoj before me or that no recovery was effected from me. It is wrong to suggest that I am deposing falsely.

RO&AC

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(Dharampal).

ASJ Jhajjar.

16.4.2007.

Translation of Ex.P 15

P.S. Sadar Baha durgarh.

District J hajf dr.

Affidavit

F.I.R No.158 dt. 16.7.06,U/s 302/452 IPC, and 25/54/59 A.Act. P.S. sadar Bahadurgarh.

Versus: - Bhup Singh s/o Sukh Lal ,Jat R/o Nilothi etc.

I do hereby solemnly affirm and declared as under:
1. That on 20.7.06, I was posted as A/MM in P.S. Sadar
Bahadurgarh.

2. That on 20.7.06, Naresh Kumar M.M. no.62 had taken out from the store room/malkhana one packet of repe/baan of cot, duly sealed with the seal of monogram K.L. and a packet of torn quilt's piece duly sealed with the seal of K.L alongwith sample of seal, one packet of clothes of the deceased duly sealed with the seal of the doctor, one packet containing the pallet of fire-arm alongwith sample of seal of and were handed over to me for depositing the same in F.S.L Madhuban for analysis vide R.C. No.77 dt. 207.06. The same were deposited by me on the same deay.

On 31.7.06, one packet containing country made pistol of .315 bore duly sealed with the seal of monogram R.P along with sample of seal, was taken out from the st.ore room/malkhana and was handed over to me for depositing in F.S.L Madhuban for analysis vide RC No.88 dt.31.7.06. The same was Conti page No.2.

Translation of Ex.P15.

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deposited on the same day. Receipts were handed over to the Moharrir Malkhana.

- That all the packets of the case property were deposited by me on the same days and receipts were handed over to the Moharrir Malkhana.
- 4. That so long as these packets remained in my possession, neither I nor any body else tampered with them.

sd/-HI ndi) Raj Kumar C.No.784

P.S. Sadar Bahadurgarh.

12.9.07

I verify that contents of para nos 1 to 3 are correct as per records and contents of para no.4 are correct according to the best of my knowledge and belief. Nothing a has been kept concealed there-in.

Sd/-(Hindi) C Raj Kumar 784

P.S. Sadar Bahadurgarh

Dt. 12.9.07.

Attested by

sd/-

Chief Judicial Magistrate Jhajjar. 12:9:07

Seal
pp
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sd/-English
p.p
12.9.07

State Versus Ombir etc.

<u>PW11</u>

Constable Raj Kumar No.784, Police Station Sadar, Bahadurgarh.

On s.a.

On 20.7.2006 also I was posted as Police Station Sadar, Bahadurgarh.

I tender my affidavit Ex.P15 the same be read as part of my evidence.

X x x x x x x Sh.J.K.Gakhar, Advocate.

NIL (opportunity given.).

RO & AC.

C 2143714 784

Addl. Sessions Judge,

Jhajjar.12.9.2007.

State Versus Ombir etc.

PW12

HC Rajender Singh No.34, I.G.P. Office, Rohtak Range, Rohtak.

On s.a.

On 16.7.2006 also I was posted as I.O. in police post Mandauthi. On that day Braham Singh, ASI Incharge of Police Post Mandauthi took into possession Warp and woof (baan) and cloth of guddar (Mat) in my presence during investigation of this case vide memo Ex.P16. This memo is signed by me and is attested by Braham Singh, ASI. The Warp and woof (baan) Ex.P16/A and cloth of mat (guddar) Ex.P16/B. The witness has identified these both articles the same which were taken into possession vide memo Ex.P16 in his presence. Thereafter, the clothes and bullet which was recovered from the dead body of Sadhu Ram and were handed over to by doctor after post mortem examination to EHC Randhir Singh were also taken into possession vide recovery memo Ex.P17 by Braham Singh, ASI.

 $X \times X \times X \times X \times Sh.J.K.Gakhar,Advocate.$

I reached the spot at about 5.00 a.m. Number of persons were present there including father and grand father of the deceased. The information was received at 3.00 a.m. Only the statement of Bhup Singh was recorded at the

spot. No other witness was examined. It is incorrect to suggest that I am

deposing falsely.

RO & AC.

augunder.

Addl. Sessions Judge,

Jhajjar.12.9.2007.

State Versus Ombir etc.

PW13

ASI Braham Parkash No.40 JJR. C.I.A. Staff, Jhajjar.

On s.a.

On 16.7.2006 also I was posted as Incharge Police Post Mandauthi. On that day I received a telephonic message from Police Station Sadar, Bahadurgarh that Sadhu Ram s/o Phul Kumar r/o Silothi has been brought that at Braham Shakti Hospital, Bahadurgarh. Upon this information I reached at Braham Shakti Sanjivni Super Speciality Hospital, Bahadurgarh and obtained ruqqa Ex.P18 from there. There I recorded statement of Bhup Singh s/o Sukh Lal r/o Silothi which is Ex.P1. Upon this statement I made by endorsement Ex.P1/A and sent the same through EHC Randhir Singh at Police Station sadar, Bahadurgarh for registration of the case. Thereafter, I conducted inquest report Ex.P14/A on the dead body of Sadhu Ram and vide application Ex.P14/A sent the dead body through HC Randhir Singh for post mortem examination. Photographs were also obtained of the dead body in Braham Shakti Hospital itself. The photographs are Ex.P19 to Ex.P23 positives and negatives Ex.P24 to P29. From there I took into possession Warp and woof (baan) and cloth of guddar (Mat) vide memo Ex.P16. The Warp and woof (baan) Ex.P16/A and cloth of guddar (Mat) is Ex.P16/B. The memo Ex.P16 is signed by PW HC Rajinder Singh and is attested by me.

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After post mortem examination EHC Randhir Singh brought cloths of the deceased and a fired bullet which were given to him by doctor after post mortem examination were taken into possession by me vide memo Ex.P17.

This memo is signed by HC Rajinder Singh and is attested by me.

Thereafter, from Braham Shakti Hospital I went village Silothi at the place of occurrence. I inspected the place of occurrence and prepared rough site plan of the place of occurrence which is Ex.P30. Its marginal notes are in my own hand-writing and it is signed by me. I recorded statement of Meena w/o Sadhu Ram under Section 161 Cr.P.C. there. Thereafter I went the search of the accused but on that day they could not trace by me. Thereafter, I went to the police station and deposited the case property with MHC of Police Station Sadar, Bahadurgarh. Report under Section 173 Cr.P.C. of this case was prepared by Sh. Ram Dutt, Inspector, the then SHO, P.S. sadar, B. garh whose signature I identified their own.

 $X \times X \times X \times X \times Sh.J.K.Gakhar,Advocate.$

I got the information at 3.00 a.m. and reached the hospital at about 4.00 a.m. I recorded the statement of Bhup Singh in the hospital. It is incorrect that I recorded the statement at his house after verifying the facts and the spot. I got free from the hospital at about 5.30 a.m. It is correct that site plan Ex.P30 I am not given the name of any accused and the place where from the accused fired the shot. I also not shown the inter se distance

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between the assailant and the deceased and the eye witness. I have also not shown any source of light in the site plan. I have not shown the distance between A and B however, a door intervenes. There is a complete wall where the door is affixed. Bhup Singh was sleeping outside the door and near it. No complaint was received from the complainant party against the accused at any point of time during my posting since two months earlier and prior to the occurrence. Except the version given in the FIR was collected regarding motive so long the investigation remained between till 17.7.2007. We have reached the spot at 9.00 a.m. when the site plan was prepared. No independent PW or the neighbored was associated in the investigation except Veena eye witness, however, number of people have assembled there. It is incorrect that I wrongly recorded the statement of Bhup Singh and Meena naming the accused falsely. It is also incorrect to suggest that the pistol was found near the spot and later on planted upon the accused. I correctly recorded the statement of the witnesses.

RO & AC.

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Addl. Sessions Judge

Jhajjar.12.9.2007.

PW14

Sh. Kanwar Singh, Reader to District Magistrate, Jhajjar.

On s.a.

I have brought original file pertaining to sanction order dated 29.8.2006 Ex.P32 which is with regard to accused Manoj alias Manju son of Jagmender. Jat, resident of Silothi, Police station Sadar, Bahadurgarh, under section 39 of the Arms Act. It is signed by Smt.Suprabha Dahiya, IAS, the then District Magistrate, Jhajjar. I identify her signatures on this sanction order as I had seen her signing the official papers pertaining to court cases etc.

I have also seen another sanction order Ex.P33 of even date qua accused Ombir alias Omi son of Ram Kishan Jat, resident of Silothi, P.S. Sadar, Bahadurgarh, district Jhajjar. It is also signed by Smt.Suprabha Dahiya, the then District Magistrate, Jhajajr. I also identify her signatures on this sanction order also.

XXXXXMn. By Sh.J.K.Gakhar, counsel for the accused.

The District Magistrate had signed a drafted sanction order which bears my initial. I had taken the sanction order draft alongwith my initials thereupon and the file. District Magistrate signed thereafter.

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ASJ-I, Jhajjar. 23.10.2007

PW15

ASI Rajphool Singh. Police Lines, Rohtak.

On s.a.

Investigation of this case was entrusted to me on 18.7.2006. Thereafter on 19.7.2006 statement of constable Mahender Singh was recorded by me to whom the special report of this case was handed-over for delivering the same to the Illaqa Magistrate and higher police officers. On 23.7.2006 when I alongwith other police officials was present at T point situated at Daboda-Mandothi road which leads towards village Silothi. At that time accused Ombir alias Omi present in the court was produced before me by his brother Sombir. I joined the accused in the investigation of this case and when I was satisfied that he was the accused in this case, I arrested him in this case and therefrom brought the accused in police station Sadar, Bahadurgarh and put him behind bars in police lock-up. On 24.7.2006, I produced accused Ombir before Illaqa Magistrate and obtained his police remand upto 26.7.2006.

On 25.7.2006, when I alongwith Rajender Singh HC and EHC Randhir Singh was going to police station Sadar, Bahadurgarh from police post Mandothi then at bus stand Bahadurgarh Dalbir and Bale Ram PWs met us there. We took them with us and reached police station Sadar, Bahadurgarh. As accused Ombir alias Omi was already in police custody at police station sadar, Bahadurgarh, he was took out from police lock-up and interrogated him in the presence of PWs Bale and Dalbir and during interrogation accused suffered his disclosure statement Ex.P6 qua the occurrence of this case (objected

to). Thereafter as per this disclosure statement the accused led the police party and got recovered pistol Ex.P13 from the narrated place. which was taken into possession vide recovery memo Ex.P7. Sketch of the same was prepared which is Ex.P8. I also prepared rough site plan of the place of recovery which is Ex.P8/A. Its marginal notes are in my own hands and the same is signed by me. The recovered pistol was made into parcel which was sealed and the after use was handed over to PW Bale Ram. Sketch and recovery memo were signed by PWs Dalbir and Bale Ram, while disclosure statement is signed by accused Omi alias Ombir and is further signed by PWs Bale Ram and Dalbir and was attested. Thereafter | recorded statements of witnesses under section 161 Cr.P.C. there. PWs were got freed from there and I brought the accused in the police station Sadar, Bahadurgarh and put the accused behind the bars and deposited the case property with MHC of the police station. Thereafter on 26.7.2006 accused was produced before Illaga Magistrate from where he was sent to judicial custody.

On 26.7.2006 when after leaving accused Ombir alias Omi in District Jail, Rohtak we were returning to police station Sadar. Bahadurgarh then at bus stand Bahadurgarh Manjit resident of Machhroli produced accused Manoj present in the court before us. who was joined in the investigation of this case and when I was satisfied that he was accused of this case, then I arrested him in this case. I brought accused in police station Sadar, Bahadurgarh and put him behind the bars. On 27.7.2006 accused Manoj was produced before Illaqa Magistrate and police remand was obtained.

On 28.7.2006, I interrogated accused Manoj in the presence of Dalbir and Bale Ram PWs and during interrogation he suffered disclosure statement Ex.P9 qua his involvement in this occurrence and disclosed with regard to the place of concealment of

weapons of offence. This disclosure statement Ex.P9 was signed by accused Manoj, PWs Bale Ram and Dalbir and was attested by me. Thereafter the accused led the police party to the disclosed place and got recovered pistol Ex.P12. Sketch of the pistol was prepared and the same was taken into possession—vide memo Ex.P11. Both recovery memo and sketch were signed by the same set of the witnesses and accused. I prepared the rough site plan of the place of recovery which is Ex.P11/A the marginal notes of which are in my own hand writing and the same is signed by me. Thereafter I recorded the statement s of witnesses under section 161 of Cr.P.C. and from there the witnesses were set free. Then accused was put behind the bar in police lock up and case property was deposited with MHC concerned. Thereafter accused was produced before Illaqa Magistrate and he was sent in judicial custody.

On 29.7.2006, I recorded statement of constable Jai Chand and photographer Sudhir under section 161 Cr.P.C. Report under section 173 Cr.P.C. was prepared by Ram Dutt Inspector/SHO of police station on 5.8.2006 whose signatures I identify thereon. While FIR of this case was recorded by Kaptan Singh ASI whose signatures I also identify thereon.

XXXXMn. By Sh.J.K. Gakhar, counsel for the accused.

On 23.7.2006, I had interrogated Ombir accused for about 1% hours. On 25.7.2006, I started interrogation of accused Ombir at about 10.00 a.m. in the police station for about an hour or forty five minutes. We had gone for recovery in a private jeep. I can not give the detains of number, name and owner or driver of the said vehicle. No independent witness was associated either on the way or from the spot. There were fields adjoining the place of recovery. There was about 1 ½ feet deep water in the canal. We stayed for about two hours. The seal used by me in sealing the parcel was of metal. There

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was no seal of rubber. The seal after use was returned to me after four-five days by Bale Ram. It is incorrect to suggest that neither any disclosure statement was made nor any recovery was effected at the instance of the accused. It is incorrect to suggest that I obtained the signatures of the recovery witnesses at the tick marked places in the recovery memo Ex.P7. Bale Ram May be uncle of the deceased.

On 28.7.2006, Bale Ram and Dalbir PWs met me at the gate of police station. They had come on their own there. On that day also I did not join any independent witness in the investigation because no independent witness was on the place of recovery of weapons of offence. No independent witness is generally prepared to be a witness. In this case I cannot give the name of any person who was asked to join the recovery. It is correct that both the recovery places are access to the public.

On 28.7.2006, we had left the police station at about 11.00 a.m. and became free at about 1/1.30 p.m. We had gone in a private jeep. I cannot give the details of the same like that of recovery from Ombir accused. I correctly recorded the statement of Naresh Kumar MHC Ex.D1 without any addition or omission. I have seen at A to A in Ex.D1 wherein there is no overwriting. It is incorrect to suggest that there is an overwriting in Ex.D1. I have seen statement Ex.D2. There is no cutting at mark-A about the date of recording the statement of Bale Ram PW in Ex.D2. It may be due to carbon. It is incorrect that there is an overwriting. It is incorrect to suggest that the pistol was recovered from the spot and planted upon accused Ombir. It is further incorrect to suggest that no pistol was recovered from accused Manoj. I had gone through the contents of FiR. Admittedly accused Ombir was named while the other accused was not named. However Manoj accused (not named in the FIR) was not subjected to identification parade. Volunteered - because he was named by

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eye witness Smt. Meena. It is incorrect that recoveries were planted upon the accused in connivance with the complainant party and the accused were falsely implicated in this case.

I had used the seal of DR for recovery of pistol from accused Manoj. I cannot tell as to whom this seal belonged. This seal was with HC Rajender Singh. I did not record the statement of Rajender Singh about taking of the seal from him for use nor he has been cited as a witness at the time of disclosure statement or recovery. It is incorrect to suggest that the recoveries were planted upon the accused falsely. It is incorrect to suggest that I am deposing falsely.

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ASJ, Jhajjar. 23.10.2007

PW16

Sudhir Kumar.
Son of Dayanand, Age:30 years.
Photographer and Prop. Of Royal Photo Studio,
Sankhol.

On s.a.

On 16.7.2006, I went to Civil hospital. Bahadurgarh on the direction of ASI Braham Parkash and took five snaps of cot and mattress stained with blood. The photographs are Ex.P19 to P28 and negatives thereof are Ex.P214 to P28. I prepared these photographs without any addition etc. After preparation same were handed over to the police by me.

XXXXmn. By Sh.P.K. Verma, counsel for the accused.

I was called at 10.00 a.m. on that day through a person resident of Sankhol for taking the snaps. But I do not know the name of that person. This information was received by me through my mobile phone. On receipt of the information I reached Civil Hospital, Bahadurgarh at about 10.30 a.m. I took all the snaps stated above in the hospital itself. I got freed within half an hour. It is incorrect to suggest that I am deposing falsely.

RO&AC

ASJ, Jhajjar. 13.√1.2007

State Vs. Pawan.

Statement of Sh. R.S.Tanwar, PP for the State.

I give up PW Dalbir as unnecessary.

RO&AC.

16/4/07

(Dharampal).

ASJ.Jhajjar.

16.4.2007.

Statement of Sh.Dalip Singh, Public Prosecutor for the State.

Without Oath.

I give up PW Dr. Manju Lata. Dr.Anil Rathi, and Sh.Ram Dutt,

Inspector as unnecessary and tendered in evidence report of FSL Ex.P31 and

Ex.P31/A in two leaves.

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RO & AC.

Addl. S

II. Sessions Judge,

Jhajjar.12.9.2007.

Statement of Sh.Dalip Singh, Public Prosecutor for the State.

On s.a.

I give up PW Dr.Shri Niwas Rao being unnegessary.

RO&AC

23/2/07

ASJ-I, Jhajjar. 23.10.200x

Statement of Sh.R.S. Tanwar, Public Prosedutor for the State.

Without oath.

I close the evidence on behalf of the prosecution.

RO&AC

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Statement of accused Manoj alias Manju son of Jagmender, Age.—

years, Occup:- Student resident of village Spothi under section 313 Cr.P.C.

Without oath

It has come in evidence against you that:-

Q. On 16.7.2006 on receipt of information ASI Braham Parkash (PW13) reached Braham Shakti Hospital, Bahadurgarh and obtained ruqqa Ex.P18 and recorded statement of Bhup Singh s/o Sukh Lal (PW1) which is Ex.P1 and said Bhup Singh deposed that he has two sons elder his Phul Kumar and other is Balle Ram, who resided separately. Phul Kumar has two children namely Sadhu Ram (since deceased) and one daughter Usha. His grand son Sadhu Ram was husband and used to go in wrastling Arena (Akhara) for wrastling. Your co-accused Ombir also used to go in the same wrastling arena. His grand son was more powerful than your co-accused and he being stronger used to win the wrestling from him. Due to this reasons you r co-accused had grudge with said Sadhu Ram and also threatened him with dire consequences. What you have to say?

A. It is incorrect.

Q. Bhup Singh (PW1) further stated that on 16.7.2006 his grand son Sadhu Ram and his wife Meena were sleeping in their house in the court yard. He (PW1) was sleeping in the street in front of his house at about 1 / 1.30 a.m. he heard noise of firing. There was electric light at that time and he saw you and your co-accused running over the wall of his house. Your both were armed with pistols Meena w/o his grand son Sadhu Ram unbolted the door from inside and he (PW1) saw her weeping and then saw his grand son Sadhu Ram lying on the cot and blood was oozing from his body and he was

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unconscious. Said PW1 saw fire arm injuries on his back and then he (PW1), Jai singh and other 10 / 11 persons took his grand-son sadhu Ram to Braham Shakti Hospital, Bahadurgarh in a private vehicle where the doctor declared Sadhu Ram brought dead.PW2 Meena has also supported the version of PW1 Bhup Singh almost on the same line. What you have to say?

A. It is incorrect.

Q. On having been recorded the statement of PW1 Bhup Singh (Ex.P1) ASI Braham Parkash (PW13) made his endorsement Ex.P1/A over the same and sent the same through constable EHC Randhir Singh to Police Station sadar, Bahadurgarh on the basis of which FIR Ex.PW1/B was recorded by ASI Kaptan Singh (PW7) who also made his endorsement Ex.P1/C on the ruqqa and sent special reports of the same to the Ld. Illaqua Magistrate and higher Police Officers through Constable Mahender Singh (PW8). What you have to say?

A. It is incorrect.

On 16.7.2006 itself ASI Braham Parkash after sending the statement of complainant Bhup Singh to police station conducted inquest proceedings on the dead body of Sadhu Ram and prepared inquest report Ex.P14/A and then sent the dead body through constable Randhir Singh for conducting the post-mortem examination on the dead body, who moved application Ex.P14/A to doctors Manju Lata, Dr. Anil Rathi and Dr. Subh Jyoti Parkash (PW10) who conducted the post-mortem examination on the dead body of Sadhu Ram and prepared post-mortem report Ex.P14 describing the injuries etc. on the dead body and opined that the cause of death was due to haemorrhage and shock due to injuries to vital organs and all the injuries were anti mortem in nature and sufficient to cause death in normal course of nature. Probable duration between injury and death

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was within minute and that of between death and post-mortem was between 6 to 24 hrs. The doctors also handed over to the police a well stiched body and after postem with its belonging, a copy of PMR, Police paper 18 in numbers, a package with 12 seals containing cloth of deceased and a sealed packet with 6 seals having bullets recovered from the dead body. PW 10 also identified the shirts Ex.P14/D, pants Ex.P14/E, fired buttlet .315 bore Ex.P14/F which he had sealed after post-mortem examination. What you have to say?

- A. It is incorrect.
- Q. PW3 Sham Phul and PW4 Rambir identified the dead body of Sadhu Ram and made their statement to the police Ex.P2 and Ex.P3 respectively in this regard. What you have to say?
- A. It is incorrect.
- Q. PW13 ASI Braham Parkash also got photographed the matress through Sudhir Kumar, photographer Ex.PW16 who proved photographs Ex.P19 to Ex.P23 the negative of which are Ex.P24 to Ex.P29. What you have to say?
- A. It is incorrect.
- Q. ASI Braham Parkash (PW13) took into possession wrap of woof (Baan) and cloths of gadda (Mat) which are Ex.P16/A and Ex.P16/B respectively vide memo Ex.P16 in presence of HC Rajender Singh (PW12) who also handed over the cloths and bullets recovered from the dead body of Sadhu Ram, which were given to him by the concerned doctor after post-mortem examination, to HCV Randhir Singh and said HC Randhir Singh took the same into possession vide memo Ex.P17. What you have to say?
- A. It is incorrect.
- Q. Thereafter from Braham Shakti Hospital PW13 went to village Silothi at the place of occurrence and inspected the same and

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then prepared rough site plan Ex.P30 with correct marginal notes and also recorded statement of Meena (PW2) under Section 161 Cr.P.C. and then went in search of the accused, but on that day could not trace out the accused and thereafter reached police station and deposited the case property to MHC of Police Station Sadar, Bahadurgarh. What you have to say?

- A. It is incorrect.
- Q. On 18.7.2006 the investigation of this case was entrusted to ASI Rajphool (PW15) who on 19.7.2006 recorded statement of Constable Mahender Singh (PW8) and on 23.7.2006 he along with other police officers was present at T point situated at Daboda Mandauthi Road leading towards village Silothi. At that time your coaccused Ombir was produced by his brother Sombir before him and said ASI joined him in the investigation of this case and then arrested him and thereafter brought him in police Station sadar, Bahadurgarh and put behind the bar. Then on 24.7.2006 he producing him in the court and obtained police remand upto 26.7.2006. What you have to say?
- A. It is incorrect.
- Q. On 25.7.2006 when PW15 ASI Rajphool Singh along with Rajender Singh, HC (PW12) and Randhir Singh EHC was going to police station Sadar, Bahadurgarh from police post Mandauthi at Bus Stand Bahadurgarh Balle Ram (PW9) and PW Dalbir met them and then they all reached Police Station Sadar, Bahadurgarh. There your co-accused Ombir was taken out from the police lockup and was interrogated in presence of both the aforesaid Pws and during interrogation he suffered his disclosure statement Ex.p6 qua this occurrence and pursuant thereto got recovered pistol Ex.P13 from the disclosed place which was took into possession vide recovery memo Ex.P7, sketch of the same was prepared as Ex.P8. PW15 also



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prepared a rough site plan of the place of recovery Ex.P8/A with correct marginal notes and then made the recovered pistol into parcel and sealed the parcel with seal and the seal after use was handed over to PW9 Balle Ram, sketch and recovery memo were signed by PW Dalbir and Balle Ram and thereafter said ASI recorded the statement of witnesses under Section 161 Cr.P.C. and then brought him in the police station and put behind the bars. He also deposited the case property with MHC there. What you have to say?

A. It is incorrect.

On 26.7.2006 at Bus Stand Bahadurgarh you were Q. produced by Manjeet resident of Machhroli before ASI Rajphool (PW15) joined you in the investigation of this case and said ASI arrested you in this case and then brought you in the police station Sadar. Bahadurgarh. On 28.7.2006 ASI Raiphool interrogated you in presence of PW Dalbir and PW9 Balle Ram and during interrogation you suffered your disclosure statement Ex.P9 qua your involvement in this occurence and disclosed with regard to the place of concealment of weapon of ofofence. Said disclosure statement was signed by the aforeosaid witnesses and then you led the police party to the disclosed place and got recovered pistol Ex.P12, sketch of which was preapred and the same was taken into possession vide memo Ex.P11. Both the recovery memo and sketch were signed by the same set of witnesses and the accused. PW15 also prepared the rough sit eplan of the place of recovery ex.P11/A with cororect marginal notes and thereafter recorded statements of the witnesses under section 161 Cr.P.C. And then put him behind the bars and deposited the case property with MHC of the police station. On 29.7.2007 ASI Rajphool Singh also recorded statement of Sudhir constable Jai Chand PW5 who on 28.7.2006 had prepared the scaled site plan Ex.P4 of the place of occurrence on

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having been pointed out by Bhup Singh (PW1). What you have to say?

- A. It is incorrect.
- Q. PW6 HC Naresh Kumar tendered his duly swornin affidavit Ex.P5 stating therein that on 16.7.2006 when he was posted as MHC in police station sadar, Bahadurgarh, ASI Braham Parkash deposited with him in the malkhana one sealed parcel containing blood stained Baan alongwith one piece of blood stained metress as well as one lead in sealed parcel etc. And on 28.7.2006 two sealed parcels of country made pistols of .315 bore each alongwith sample seal were also deposited with him in the malkhana which he on 31.7.2006 sent to FSL, Madhuban through constable Raj Kumar (PW11) who also tendered his affidavit Ex.P15 in this regard besides stating that he deposited the same with FSL, Madhuban and handed-over the receipt of the same to the MHC. What you have to say?
- A. It is incorrect.
- Q. PW14 Sh.Kanwar Singh, Reader to District Magistrate, Jhajjar on the basis of the summoned record proved sanction orders Ex.P32 and Ex.P33 issued by Smt.Suprabha Dahiya, the then District Magistrate, Jhajjar with regard to launch prosecution under section 39 of Arms Act against you and your co-accused. What you have to say?
- A. It is incorrect.
- Q. Prosecution also tendered into evidence FSL reports Ex.P31 and Ex.P31/A. According to FSL report Ex.P31 the pistols recovered from you and your co-accused were opined that their firing mechanism were in working order and that the .315" fired bullet marked BC/1 had been fired from country made pistol marked W/1 and not from any other fire-arm even of same make and bore/calibre

because every firearm has got its own individual characteristic marks. What you have to say?

- A. It is incorrect.
- Q. On completion of necessary investigation the report under section 173 of Cr.P.C. was prepared against you and your coaccused by Ram Dutt, Inspector/SHO, police station Sadar, Bahadurgarh. What you have to say?
- A. It is incorrect.
- Q. Why this case against you and why the witnesses are deposing against you?

Ans. The case is false one and the witnesses are deposing falsely.

Q. Do you want to say anything else?

Ans. I am innocent. I have been falsely implicated in this case at the instance of Santosh sister of Meena PW because she was having strained relations with her mother-in-law Kitabo. Santosh is the wife of my uncle Shailender. My father and Shailender are brothers.

Q. Do you want to lead defence evidence or not?

Ans. Yes Sir. I want to lead defence evidence.

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Addl. Sessions Judge-I.

Jhajjar 19-11-07



Without oath.

It has come in evidence against you that:-

Q. On 16.7.2006 on receipt of information ASI Braham Parkash (PW13) reached Braham Shakti Hospital, Bahadurgarh and obtained ruqqa Ex.P18 and recorded statement of Bhup Singh s/o Sukh Lal (PW1) which is Ex.P1 and said Bhup Singh deposed that he has two sons elder his Phul Kumar and other is Balle Ram, who resided separately. Phul Kumar has two children namely Sadhu Ram (since deceased) and one daughter Usha. His grand son Sadhu Ram was husband and used to go in wrastling Arena (Akhara) for wrastling. You also used to go in the same wrastling arena. His grand son was more powerful than you and he being stronger used to win the wrestling from you. Due to this reasons you had grudge with said Sadhu Ram and also threatened him with dire consequences. What you have to say?

A. It is incorrect.

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Q. Bhup Singh (PW1) further stated that on 16.7.2006 his grand son Sadhu Ram and his wife Meena were sleeping in their house in the court yard. He (PW1) was sleeping in the street in front of his house at about 1 / 1.30 a.m. he heard noise of firing. There was electric light at that time and he saw you and your co-accused running over the wall of his house. Your both were armed with pistols Meena w/o his grand son Sadhu Ram unbolted the door from inside and he (PW1) saw her weeping and then saw his grand son Sandh Ram lying on the cot and blood was oozing from his body and he was unconscious. Said PW1 saw fire arm injuries on his back and then he



(PW1), Jai singh and other 10 / 11 persons took his grand-son sadhu Ram to Braham Shakti Hospital, Bahadurgarh in a private vehicle where the doctor declared Sadhu Ram brought dead.PW2 Meena has also supported the version of PW1 Bhup Singh almost on the same lines.. What you have to say?

A. It is incorrect.

Q. On having been recorded the statement of PW1 Bhup Singh (Ex.P1) ASI Braham Parkash (PW13) made his endorsement Ex.P1/A over the same and sent the same through constable EHC Randhir Singh to Police Station sadar, Bahadurgarh on the basis of which FIR Ex.PW1/B was recorded by ASI Kaptan Singh (PW7) who also made his endorsement Ex.P1/C on the ruqqa and sent special reports of the same to the Ld. Illaqua Magistrate and higher Police Officers through Constable Mahender Singh (PW8). What you have to say?

A. It is incorrect.

Q. On 16.7.2006 itself ASI Braham Parkash after sending the statement of complainant Bhup Singh to police station conducted inquest proceedings on the dead body of Sadhu Ram and prepared inquest report Ex.P14/A and then sent the dead body through constable Randhir Singh for conducting the post-mortem examination on the dead body, who moved application Ex.P14/A to doctors Manju Lata, Dr. Anil Rathi and Dr. Subh Jyoti Parkash (PW10) who conducted the post-mortem examination on the dead body of Sadhu Ram and prepared post-mortem report Ex.P14 describing the injuries etc. on the dead body and opined that the cause of death was due to haemorrhage and shock due to injuries to vital organs and all the injuries were anti mortem in nature and sufficient to cause death in normal course of nature. Probable duration between injury and death was within minute and that of between death and post-mortem was





between 6 to 24 hrs. The doctors also handed over to the police a well stiched body and after postern with its belonging, a copy of PMR, Police paper 18 in numbers, a package with 12 seals containing cloth of deceased and a sealed packet with 6 seals having bullets recovered from the dead body. PW 10 also identified the shirts Ex.P14/D, pants Ex.P14/E, fired buttlet .315 bore Ex.P14/F which he had sealed after post-mortem examination. What you have to say?

- A. It is incorrect.
- Q. PW3 Sham Phul and PW4 Rambir identified the dead body of Sadhu Ram and made their statement to the police Ex.P2 and Ex.P3 respectively in this regard. What you have to say?
- A. It is incorrect.
- Q. PW13 ASI Braham Parkash also got photographed the matress through Sudhir Kumar, photographer Ex.PW16 who proved photographs Ex.P19 to Ex.P23 the negative of which are Ex.P24 to Ex.P29. What you have to say?
- A. It is incorrect.
- Q. ASI Braham Parkash (PW13) took into possession wrap of woof (Baan) and cloths of gadda (Mat) which are Ex.P16/A and Ex.P16/B respectively vide memo Ex.P16 in presence of HC Rajender Singh (PW12) who also handed over the cloths and bullets recovered from the dead body of Sadhu Ram, which were given to him by the concerned doctor after post-morten examination, to HC Randhir Singh and said HC Randhir Singh took the same into possession vide memo Ex.P17. What you have to say?
- A. It is incorrect.
- Q. Thereafter from Braham Shakti Hospital PW13 went to village Silothi at the place of occurrence and inspected the same and then prepared rough site plan Ex.P30 with correct marginal notes.



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and also recorded statement of Meena (PW2) under Oction 161 Cr.P.C. and then went in search of the accused, but or that day could not trace out the accused and thereafter reached police station and deposited the case property to MHC of Police Station Sudar. Bahadurgarh. What you have to say?

- A. It is incorrect.
- Q. On 18.7.2006 the investigation of this case was a triusted to ASI Rajphool (PW15)—who on 19.7.2006 recorded statement of Constable Mahender Singh (PW8) and on 23.7.2006 he along with other police officers was present at T point situated at Dabeda Mandauthi Road leading towards village \$ilothi. At that time you were produced by your brother Sombir before him and said ASI juined you in the investigation of this case and then arrested you and the cufter brought you in police Station sadar. Bahadurgarh and put I chilid the bar. Then on 24.7.2006 he producing you in the court and obtained police remand upto 26.7.2006. What you have to say?
- A It is incorrect.
- On 25.7.2006 when PW15 ASI Rajphool Singh along with Rajender Singh, HC (PW12) and Rundhir Singh EHC was going to police station Sadar Bahadurgarh from police post Mandauthr at Tab Stand Buhadurgarh Balle Ram (PW9) and PW Dulbir met them and then they all reached Police Station Sadar, Bahadurgarh. There yes were took out from the police lock and were interequited in presence of both the aforesaid Pws and during interrogation you suffered your disclosure statement Ex.p6 qualithis occurrence and pursuant thereto yet recovered pistol Ex.P13 from the disclosed place which was took into possession vide recovery memo Ex.P7, sketch of the same was prepared as Ex.P8. PW15 also prepared a rough site place of the place of recovery Ex.P8/A with correct marginal notes and then made the recovered pistol into parcel and sealed the parcel with seal and

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the seal after use was handed over to PW9 Balle Park affects and recovery memo were signed by PW Dalbir and Balle Park and thereafter said ASI recorded the statement of withe sea under Section 161 Cr.P.C. and then brought you in the police station and put behind the bars. He also deposited the case propert, with MHC there. What you have to say?

- A. It is incorrect.
- On 26.7.2006 at Bus Stand Bahadurgarh your co-accused Q. Manoj was produced by Manjeet resident of Machholi Seforc ASI Rajphool(PW15) who was joined in the investigation of this case and said ASI arrested him in this case and then brought him in the police station Sadar, Bahadurgarh. On 28.7.2006 ASI Rajphool (PW15) interrogated your co-accused Manoj in presence of PW Dulbir and PW9 Balle Ram and during interrogation he suffered his disclosure statement Ex P9 qualhis involvement in this occurence and disclused with regard to the place of concealment of weapon of often a Suid disclosure statement was signed by the aforeosaid witnesses and then your co-accused led the police party to the disclosed place and got recovered pistol Ex.P12, sketch of which was preapred and the same was taken into possession vide memo Ex.P11. Both the recovery memo and sketch were signed by the same set of witnesses and the accused. PW15 also prepared the rough sit eplan of the place of recovery ex.P11/A with cororect marginal notes and thereafter recorded statements of the witnesses under section 161 Cr.P.C. And then put him behind the bars and deposited the case property with MHC of the police station. On 29.7 2007 ASI Rajphool Singh also recorded statement of Sudhir Kumar and constable Jan Chand PW5 who on 28.7.2006 had prepared the scaled site plan Ex.P4 of the place of occurrence on having been pointed out by Bhup Singh (PW1). What you have to say?

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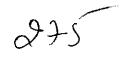
Q. PWE HC Naresh Kuma tendored his duly swornin affectivit ExP5 stating therein that on 16.7.2005 which his was posted as MHC in police station sadar. Bahadurgarh ASI Braham Parkash deposited with him in the malkhana one seated parcel containing blood stained Baan alongwith one piece of blood stained metabolac well as one lead in sealed parcel etc. And on 23.7 2000 two sealed parcels of country made pistols of 1315 born each alongwith out pick seal were also deposited with him in the malkituna which he will seal word also to ESE. Madhuban through controlle Pay Kuma. (PW11) who also to deced his affidavit Exitation that a egard because stating that he deposited the same with ESE Madhuban and financed over the receipt of the same to the MHC. What you have it say?

A. It is incorrect.

District Magistrate Uhajjan with regard to launch prosecution under section 39 of Arms Act against you and your ce accused. What you have to say?

A. It is incorrect.

Q. Prosecution also tended into evidence FSL mount Ex.P31 and Ex.P31/A. According to FSL in port Ex.P31 the problem recovered from you and your co-a cubed were opined that their firing mechanish were in working order and that the 315" fixed bullet marked BC/1 had been fired from countly made pistol marked W/1 and not from any other fire-arm even of same make and bore/cubbre because every fixerm has get its own individual characteristic marks. What you have to say?



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A. It is incorrect.

Q. On completion of necessary investigation the contrands section 173 of Cr.P.C. was prepared against you and your coaccused by Ram Dutt, Inspector/SHO, police station Sadar, Bahadurgarh. What you have to say?

A. It is incorrect.

Q. Why this case against you and why the witnesses are deposing against you?

Ans. The case is false one and the witnesses are deposing falsely.

Q. Do you want to say anything else?

Ans. I am innocent. I have been falsely implicated in this cauc.

Q. Do you want to lead defence evidence or not?

Ans. Yes Sir. I want to lead defence evidence.

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Statement of accused Manoj son of Jagmender, aged 21 years, resident of Silothi, Tehsil Bahadurgarh, District Jhajjar.

W/o

- Q. Vide separate detailed order dated 9.2.2008, you have been held guilty and convicted under sections 452 and 302 read with section 34 of Indian Penal Code and under section 25 of the Arms Act. What have you to say on the point of sentence?
 - A. I have old parents. I am not a previous convict. I am a poor student. I may be shown leniency.

R.O.&.A.C.

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Addl. Sessions Judge, Jhajjar, 14.2.2008.

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State Versus Ombir etc.

Statement of accused Ombir son of Ram Kishan, aged 21 years, Agriculturist, resident of village Silothi, Tehsil Bahadurgarh, District Jhajjar.

W/o

Q. Vide separate detailed order dated 9.2.2008, you have been held guilty and convicted under sections 452 and 302 read with section 34 of Indian Penal Code and under section 25 of the Arms Act. What have you to say on the point of sentence?

A. I have old parents. I am the sole bread winner in my family. I am not a previous convict. I may be shown leniency.

R.O.&.A.C.

Addl. Sessions Judge, Jhajjar, 14.2.2008.

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In the court of Shri R.S.Baswana, Additional Sessions Judge, Jhajjar.

Sessions Case No.47 of 2006. Date of Institution; 18.10.2006. Date of Decision; 9.2.2008.

State Versus.

1.Ombir alias Omi son of Ram Kishan resident of Village Silothi Distt.Jhajjar. 2.Manoj alias Manju son of Jagmender resident of Village Sillothi Distt. Jhajjar.

....Accused.

FIR No.158 dated 16.7.2006. Under section 302,452,34 IPC and Section 25 of the Arms Act. Police Station; Sadar, Bahadurgarh.

Sessions case committed for trial by Ms.Ashu Sanjiv Tinjan, learned Judicial Magistrate Ist Class, Bahadurgarh vide order dt. 4.10.2006.

Present; Shri O.P.Yadav, Public Prosecutor for the State escorted by Shri S.N.Kaushik, counsel for complainant.

Both accused in custody with Shri J.K.Gakhar and Shri P.K.Verma, Advocates.

JUDGMENT:-

In this case, having been sent for trial by Police Station Sadar Bahadurgarh and committed by Ms. Ashu Sanjiv Tinjan, learned Judicial Magistrate Ist Class, Bahadurgarh vide order dated 4.10.2006, both the accused arraigned above were indicted to face trial under sections 452 and 302 read with section 34 of Indian Penal Code. Both of

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State Versus Ombir

them were separately indicted to face trial under section 25 of the Arms Act.

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- 2. Briefly stated the allegations of the prosecution are that deceased Sadhu Ram was a wrestler. Accused Ombir was also a wrestler. Sadhu Ram was somewhat stronger than this accused Ombir. They used to go to wrestling arena. Sadhu Ram had wrested this accused Ombir @ Omi on one or two occasions. This accused Ombir @ Omi was, therefore, nourishing a grudge against this Sadhu Ram and he had extended a threat to his life also.
- 3. On the night of 15/16.7.2006 at about 1.00/1.30 am both the accused having armed themselves with country made pistols entered into Sadhu Ram's house. There this Sadhu Ram and his wife Meena were sleeping in the courtyard. Both the accused fired single shots from their respective pistols. The bullet fired by accused Ombir @ Omi from his pistol hit Sadhu Ram on his back. Meena had witnessed all this with her own eyes. She raised alarm and also chased this accused but they having climbed the staircase scaled the outer wall from the neighbouring house. Complainant Bhup Singh (PW1), grand father of Sadhu Ram, who was sleeping in front of the gate of his house in the street

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saw both the accused scaling the wall in the electric light an fleeing them from there. Meena (PW2) opened the gate of the house. Then the complainant entered into the house and found Sadhu Ram having sustained firearm injuries on his back. He was lying unconscious. Having arranged a private vehicle, this Bhup Singh (PW1) accompanied by his neighbour Jai Singh shifted Sadhu Ram to Brahm Shakti Hospital, Bahadurgarh. There Sadhu Ram was declared dead. Ruqua Ex.P18 was sent to SHO Police Station Sadar Bahadurgarh. From there telephonic message was given to ASI Brahm Parkash (PW13) who was in-charge of police post, Mandothi .This ASI Brahm Parkash, PW13, on receipt of above ruqua reached the above hospital. There the complainant Bhup Singh was found present. His statement Ex.P1 was recorded wherein he narrated the occurrence as above. Having made his endorsement Ex.P1/A this ASI Brahm Parkash sent the same to police station Sadar Bahadurgarh where formal FIR Ex.P1/B was registered by ASI Kaptan Singh (PW7) who made his endorsement Ex.P1/C in this regard.

4. ASI Brahm Parkash (PW13) thereafter conducted the inquest proceedings on the dead body of Sadhu Ram and prepared inquest report Ex.P14/B.The dead body of

State Versus Ombir

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Sadhu Ram was then sent for postmortem examination along with request Ex.P14/A through EHC Randhir Singh. Dr.Subh Prakash(PW10) who conducted the post mortem Jvoti examination on the dead body of deceased Sadhu Ram found him to have sustained one lacerated wound oval shaped with interted abrade margins measuring 4x2cm on the posterior aspect of upper chest wall just left to the midline. Surrounding tattooing was present. The track of the wound was going towards right anterior and down-wards. It was ending in the right pleural cavity where from a metallic bullet Ex.P14/F was recovered. It was made into a parcel and handed over to the police. The track was haemorragic and black and passed through the left pleural cavity, left lung, right lung and right pleural cavity. Bilateral haemothorax was The death was opined to have occurred due to haemorrage and shock on account of injuries to vital organs as detailed here-in-above. All these injuries were opined to be ante mortem in nature and sufficient to cause death in the ordinary course of nature. Probable duration between injuries and death was given to be within minutes. Probable duration between death and post mortem was given between 6 to 24 hours. Post mortem report Ex.P14 was issued to this effect by

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the above medical officer who had also signed the inquest report Ex.P14/B containing 8 pages. He had taken into possession the wearing apparels of the deceased as shirt Ex.P14/D and pants Ex.P14/E. Having made the same into a parcel sealed the same and handed over to the police. After conducting the post mortem examination, dead body was handed over to the legal heirs of the deceased.

After sending the dead body for post mortem examination and conclusion of inquest proceedings, ASI Brahm Parkash (PW13) had gone to the place of occurrence.. He got the site photographed. Photos Ex.P19 to Ex.P23 were taken by Sudhir Kumar, negatives of which are Ex.P24 to Ex.P28. From the spot woof from warp Ex.P16/A and cloth of mat Ex.P16/B were taken into possession vide recovery memo Ex.P16. The bullet recovered from the dead body of deceased as Ex.P14/F was taken into possession vide recovery memo Ex.P17. Rough site plan of the place of occurrence was prepared as Ex.P30 with correct marginal notes. Statements of P.Ws were recorded under section 161 of Cr.P.C. Further investigations were handed over to ASI Ramphool PW15 on 18.7.2006. On 19.7.2006 he recorded the statement of constable Mahender Singh as envisaged under section 161 of

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Cr.P.C. On 23.7.2006 before him accused Ombir @ Omi was produced by his brother Sombir. He was accordingly arrested and was brought in the police station. While in custody this accused Ombir suffered disclosure statement Ex.P6 regarding concealment of weapon of offence and occurrence and in pursuance thereof got recovered pistol Ex.P13 which was taken into possession vide recovery memo Ex.P7 after preparing its sketch plan Ex.P8. The place of recovery was shown in the drawn up rough site plan Ex.P8/A.

On 26.7.2007 accused Manoj was produced 6. before the above ASI Ramphool (PW15) by one Manjit. He was taken into custody. While in custody he suffered disclosure statement Ex.P9 regarding the occurrence and concealing the weapon of offence and in pursuance of the same got recovered the pistol Ex.P12 which was taken in possession vide recovery memo Ex.P11 after preparing its sketch plan Ex.P10. Place of recovery was shown by way of drawing its rough site plan Ex.P11/A. The items recovered from the spot as well as both the pistols including bullet recovered from the dead body of deceased Sadhu Ram at the time of post mortem examination were sent to Forensic Science Laboratory, Madhuban for examination. From there reports Ex.P31 and Ex.P31/A were

received. According to these reports woof and the piece of cloth were found stained with human blood. Shirt and pants of deceased were also found smeared with human blood. Pistol Ex.P13 recovered from accused Ombir was found to be in working order and the bullet having been recovered from the dead body of Sadhu Ram was opined to have been fired from this pistol. Pistol Ex.P12 having been recovered from the possession of accused Manoj Kumar was also found in working order. Sanctions for challaning the accused under section 25 of the Arms Act were obtained from District Magistrate as Ex.P32 and Ex.P33. On completion of necessary investigation the challan was presented in the court for trial.

- 7. This about sums up the prosecution in this case.
- examined Bhup Singh as PW1. He deposed about the previous enmity between accused Ombir @ Omi and deceased Sadhu Ram besides stating that he had seen both the accused scaling the wall and fleeing from the site immediately after the occurrence at about 1.00/1.30 am when he was awaken after hearing the sound of firing from the fire arm.

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- deposed that at about 1.00/1.30 am on 16.7.2006 when she and her husband Sadhu Ram were sleeping in their court yard both the accused entered into their house through staircase, having armed themselves with pistols. Both of them fired shots with their respective pistols. Sadhu Ram sustained injuries on his person with the shot fired by accused Ombir. The bullet fired by accused Manoj did not hit Sadhu Ram. Both of them then fled through the stairs. She also chased them but when she came down from the stairs she found her husband lying unconscious and the blood was cozing out of his back. She raised alarm and opened the gate. Bhup Singh (PW1) then entered through that gate.
 - 10. Shyam Phool PW3 was a formal witness who had identified the dead body of Shadu Ram. Rambir PW4 was also a formal witness. He had also identified the dead body of Sadhu Ram.
 - Jai Chand PW5 was a formal witness who had prepared scaled site plan Ex.P4 on the pointing of Bhup Singh. HC Naresh Kumar PW6 was a formal witness examined on affidavit Ex.P5. ASI Kaptan Singh PW7 was a formal witness who had recorded formal FIR Ex.P1/B on receipt of

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ruqua Ex.P1. Constable Mohinder Singh PW8 deposed that he had delivered the special report to the concerned quarters without any loss of time.

- Bale Ram PW9 deposed that accused Ombir had suffered disclosure statement Ex.P6 and accused Manoj had suffered disclosure statement Ex.P9 in his presence and in pursuance thereof got recovered pistols Ex.P13 and Ex.P12 respectively. Dr.Subh Jyoti Parkash PW10 proved the post mortem report Ex.P14 and its contents as narrated here-in-before besides identifying the bullet Ex.P14/F recovered from the dead body of Sadhu Ram. Constable Raj Kumar was a formal witness examined on affidavit Ex.P15. HC Rajender Singh PW12 deposed that case property was recovered in his presence from the spot as well as from the concerned medical officer after post mortem examination of the deceased.
- ASI Brahm Parkash PW13 deposed about the usual chain of investigation as highlighted hereinabove. Kanwar Singh PW14, Reader to District Magistrate, Jhajjar, proved the sanctions Ex.P32 and Ex.P33 accorded for challaning the accused under section 25 of the Arms Act. ASI Ramphool PW15 deposed about arresting of accused, suffering of disclosure statements by them and effecting of recovery of

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State Versus Ombir

pistols in pursuance of their disclosure statements at the instance of accused as narrated here-in-before.

- In the end Sudhir Kumar PW16 deposed that he had taken snaps Ex.P19 to Ex.P23 negatives of which are Ex.P24 toEx.P28. Thereafter the prosecution evidence was closed as per statement of learned Public Prosecutor recorded separately.
- 15. Examined under section 313 of Cr.P.C both the accused pleaded their false implicity denying the allegations of the prosecution as a whole. They denied to have committed the alleged crime. They denied to have kept in their possession the alleged pistols Ex.P12 and Ex.P13.Accused Ombir stated that he has been falsely implicated in this case whereas accused Manoj stated that he has been falsely implicated in this case at the instance of Santosh sister of Meena PW2 as Santosh was having strained relations with her mother-in-law Kitabo. Santosh was wife of his uncle Shailender who was real brother of his father.
- 16. Called upon to enter upon their defence, neither of the accused led any defence.
- 17. Arguments advanced by learned Public Prosecutor for the State and learned defence counsel have

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been fully appraised and the material placed before me has been gone through thoroughly and carefully.

In order to establish the charges against the 18. accused prosecution in this case was required to prove that both the accused in furtherance of their common intention having committed house trespass had entered into the dwelling house of Bhup Singh PW1 for causing the murder of his grant son Sadhu Ram and then in furtherance of their common intention had committed murder of Sadhu Ram by intentionally causing his death. Prosecution was further required to prove that accused Ombir @ Omi was having in his conscious possession .315 bore country made pistol Ex.P13 without any licence or permit and accused Manoj was found keeping in his conscious possession .315 bore country made pistol Ex.P12 without any licence or permit. The points in issue in this case are, (i) whether accused had entered into the dwelling housebelonging to Bhup Singh (PW1) and had fired shots with their respective pistols Ex.P13 and Ex.P12 as a result of which deceased Shadu Ram sustained fatal injuries;(ii) whether accused shared common intention for committing the above crime; (iii) whether accused were having

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State Versus Ombir

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in their conscious possession the alleged pistols Ex.P13 and Ex.P12 without any permit or licence.

19. Referring to the ocular testimony of Meena PW2 fully corroborated by the statement of Bhup Singh PW1 who had seen the accused fleeing from the site after committing the crime, post mortem report Ex.P14 coupled with .315 bore bullet Ex.P14/F recovered from the dead body of Shadu Ram, recovery of alleged pistols Ex.P13 and Ex.P12 having been effected from accused in pursuance of their disclosure statements Ex.P6 and Ex.P9 by ASI Ramphool (PW15) in the presence of Bale Ram (PW9) coupled with the chain of investigation besides reports Ex.P31 and Ex.P31/A received from FSL learned Public Prosecutor for the state submitted that the prosecution has been able to bring home the guilt of the accused to the hilt.. He submitted that this evidence has remained unblemished and unstained. There is no reason to disbelieve the ocular testimony of Meena PW2 and Bhup Singh PW1 particularly when no discrepancy could be pointed out in their testimony as could create a dent therein and when the same was further corroborated by medical and scientific evidence referred to here-in-above the prosecution has fully established the charges against the

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accused. The charges against the accused were further proved beyond doubt as neither of the accused could show any licence or permit to keep in their possession the alleged pistols Ex.P13 and Ex.P12. With these contentions learned Public Prosecutor prayed for convicting the accused.

20. There is merit in the above submissions made by learned Public Prosecutor. I have meticulously gone through the statements of Meena PW2 and Bhup Singh PW1. Both of them have fully supported the prosecution version. ASI Ramphool (PW15) categorically deposed that both the Ombir and Manoj suffered their disclosure statements Ex.P6 and Ex.P9 respectively while in custody and in pursuance of the same they got recovered pistols Ex.P13 and Ex.P12. Both these pistols were found to be in working order as is evident from the report Ex.P31.Dr.Subh Jyoti Parkash (PW10) who had conducted the post mortem examination and issued post mortem report categorically deposed that the duration between injuries and death was within minutes and duration between death and post mortem was within 6 to 24 hours. In view of the same the occurrence could definitely be taken to have taken place at 1.00/1.30 am on 16.7.2006 as deposed by Meena PW2 and

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Bhup Singh PW1. Bullet Ex.P14/F, recovered from the dead body of Shadu Ram at the time of post mortem examination by this doctor PW10 was opined to have been fired from the pistol Ex.P13 got recovered by accused Ombir @ Omi. It was further made clear in this regard that this bullet could not be fired from any other weapon. Pistol Ex.P12 was got recovered by accused Manoj Kumar. The investigating officer ASI Brahm Parkash (PW13) found the occurrence to have taken place in the fashion as highlighted in the FIR Ex.P1/B. FIR Ex.P1/B was registered in the police station Sadar Bahadurgarh with regard to the occurrence without any loss of time. In such a situation the version narrated therein can be used as corroborative piece of evidence. From the above chain of investigation and evidence led by prosecution it stands established on the file that both the accused entered into the residential house of this complainant Bhup Singh and that of Shadu Ram deceased with the intention to commit murder of Shadu Ram. They were also armed with pistols Ex.P13 and Ex.P12. Both the accused fired shot from their pistols. Bullet fired from the pistol Ex.P13, held by accused Ombir, hit Shadu Ram on his back and the same proved fatal for him as per post mortem report Ex.P14. Even if the bullet fired by

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accused Manoj Kumar did not cause any injury on the person of Shadu Ram, this accused Manoj Kumar could not be given a clean chit as he had shared common intention with accused Ombir. Neither of them was holding a licence or permit to keep the above pistols in their possession. Thus, the charges against the accused stand proved beyond doubt.

- 21. Learned defence counsel referred to the testimony of PW1 Bhup Singh in his cross-examination wherein he had stated that his statement was recorded in the police station. He also referred to the statement of PW 12 HC Rajender Singh who stated that the statement of this Bhup Singh PW1 was recorded at the spot. In view of this material contradiction learned defence counsel submitted that the testimony of PW1 is not worthy of giving credence.
- 22. There is hardly any substance in the submission made by learned defence counsel. This Bhup Singh PW1 had categorically deposed in the earlier part of his statement that having checked the dead body of deceased Sadhu Ram the police had recorded his statement. The dead body was not shifted to police station and the same was lying in the hospital. In such a situation when PW12 stated that his statement was recorded at the spot, it could not be taken that

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he was referring to the site of occurrence. According to him the statement was recorded where Bhup Singh was present at the time of giving statement when the police arrived at the hospital. This contradiction, in view of the over-whelming evidence and recording of FIR spontaneously after the occurrence, pales into insignificance and the same is not going to help the accused.

It was next contended by learned defence counsel that testimony of Bhup Singh PW1, Meena PW2 and Bale Ram PW9 did not inspire confidence as this Meena PW2 admittedly, was wife of deceased whereas this Bhup Singh PW1 was his grand father and Bale Ram PW9 was the uncle of deceased. In the absence of examination of any independent witness from the locality in addition to these witnesses in relation their testimony is highly doubtful and the same deserve to be discarded. Reference was made to the authority of Hon'ble Supreme Court reportd as Mathura Yadav @ Mathura Mahato and other Versus State of Bihar 2002(3) RCR (Criminal) 625.

24. The above submission made by learned defence counsel is not going to create any dent in the prosecution case. Merely because the eye witnesses were

6-6-8

related to deceased as such, it could not be taken that their testimony can not be believed. Division Bench of our own Hon'ble High Court in case Sudagar Singh and others Versus State of Punjab, 2007(4) RCR (Criminal) 769 held that even if the witness is the relation of the deceased, but if his testimony passed through the test of cross-examination and stood sound if synchronized with the check of due caution, then mere fact that it was a case of sole eye witness does not in any way affect the prosecution case. It is the quality of the evidence that matters and not its quantity. That case of murder was based on the solitary statement of wife of deceased. She was believed holding that ordinarily people from the public avoid entangling in the criminal matters as they want to keep themselves aloof from the harassment in the courts due to complicated process of law. In view of the above law laid down in the above authority there is no reason to disbelieve the testimony of these witnesses merely on the ground that they were related to deceased and their testimony inspire confidence in all respects.

State of Maharashtra 2007(2) RCR (Criminal) 893, even the Apex Court relied upon the testimony of son of deceased

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who was sole eye witness of the occurrence and up-held conviction recorded by lower court. It was held that presence of son at the house was natural at 3.00 when the murder had taken place. He could not be taken to be a chance witness. He had also chased the accused who escaped due to darkness. This authority is applicable to the facts of this case. Meena PW2 was most natural witness obviously sleeping by the side of her husband at 1.30 am at night on 16.7.2006. Bhup Singh PW1 was also most natural witness being the old man of the family and sleeping just in front of the house. When he had seen the accused fleeing from the place of occurrence immediately after the occurrence there is no reason to disbelieve either of the two P.Ws. In Mathura Yadav's case (supra) the prosecution case was not disbelieved only on account of the fact that the eye witnesses were related to deceased. Rather their testimony had been disbelieved in view of the major discrepancies having occurred in their statements and particularly when two independent witnesses not related to deceased were not examined. There were even glaring lapses in the prosecution case. In such a situation, this authority is not going to help the accused.

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26. It was next contended by learned defence counsel that the recovery of pistols Ex.P13 and Ex.P12 at the instance of accused is highly doubtful. It is not believable that accused after assaulting Shadu Ram might have thrown away their pistols Ex.P13 and Ex.P12 just by the side of canal in the open. He further submitted that the distance between the place of recovery of both these weapons was only 12 feet, it seems to be a case of padding particularly when there is no independent witnesses examined by the prosecution to prove this recovery.

Again this submission of learned defence counsel is not going to render the recovery to be doubtful. Had anything been planted, as submitted by learned defence counsel, the police might have easily managed to show two different places for concealing the weapons. But it brought the true picture before the court. On earlier occasion when the recovery of pistol Ex.P13 was got effected by accused Ombir, he led the police party to that particular place where he had thrown the weapon and got the same recovered. The police was not at all even thinking at that time that another pistol might be recovered at the instance of Manoj Kumar from there. Subsequently this accused Manoj Kumar also got

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recovered the pistol from the same site at a distance of 12 feet. There can not be any doubt about it. It looks just natural that both the accused after committing the crime might have thrown away their weapons in the open. Both of them have got recovered these weapons from the sites where they had respectively thrown these weapons. In such a situation when the weapons were lying concealed and were not visible to any passerby the story of prosecution seems to be quite genuine and the recovery can not be held to be doubtful.

- 28. It was next contended by learned defence counsel that the testimony of this Bhup Singh PW1 was not believable as he being an old man could not be taken to have identified the accused while fleeing from the site particularly when it was at night in rainy weather.
- 29. This submission is also not going to create a dent in the testimony of this Bhup Singh PW1. The authority referred by learned defence counsel in support of his above contention was reported as Ajaib Singh Versus State of Haryana.

 1992(1) Recent Criminal Reports, 598(Supreme Court). In that case the witnesses had stated that they had seen the accused from a distance of 36 feet in the cloudy and rainy Eveather. In this case in hand there is no such evidence on the

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file that the weather was cloudy and it was also raining. In such a situation when this PW1 made it clear that electric light from the bulb was there at that time he could easily be taken to have identified the accused particularly when the accused were not stranger to him as they belong to the same village. He gave a very natural version by naming accused Ombir to whom he had identified as such. Accused Manoj was not identified by him and accordingly he stated that this Ombir was accompanied by one more person. Regarding this Manoj Kumar Meena PW2 made categorical statement as she had witnessed the occurrence from a very close range while standing by the side of her husband. The testimony of PW1 and PW2 seems to be convincing and there is no reason to discard the ocular account given by them.

30. No doubt in the site plan reflecting the site of occurrence the investigating officer did not show the distance between various significant points but that laxity on the part of investigating officer is not rendering the case of prosecution to be doubtful particularly when the ocular testimony coupled with medical and scientific evidence has remained unstained and un-eclipsed.

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31. learned defence counsel further contended that in this case ruqua Ex.P18 was sent by the doctor to S.H.O, Police Station, Sadar, Bahadurgarh but instead of sending a person to the spot the police had informed ASI Brahm Parkash (PW13) telephonically.. In such a situation, the FIR should have been recorded on receipt of information on telephone and thereafter other proceedings could be conducted. With these submissions learned defence counsel submitted that the FIR Ex.P1/B could not be relied upon as corroborative piece of evidence as it is not the first version having been given to the police. In support of his contention learned defence counsel has referred to the authority reported Parkash Singh Badal and another Versus State of as Punjab and another 207(1) RCR (Criminal) 1.

32. This submission made by learned defence counsel is also without any substance. This authority is not applicable to the facts of this case. That was the case registered under the Prevention of Corruption Act wherein raid was to be conducted. In this case in hand, nothing abnormal was done by the police. Ruqua Ex.P18 was received in the police station and immediately the information regarding it was given to the incharge, police post Mandothi

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within whose jurisdiction the occurrence had taken place. I fail to understand how the said move could be taken to be fatal to the prosecution.

- In the end learned defence counsel submitted that accused Manoj is not shown to have participated in the occurrence and therefore, he could be taken to have been falsely roped in this case particularly when no motive has been attributed to him for the commission of crime.
- 34. This submission made by learned defence counsel also does not appeal to the reasons. The Apex Court in the authority reported as Nandu Restogi @ Nandji Rastogi and another Versus State of Bihar 2002(4) RCC, 410 held that to attract section 34 of IPC it is not necessary that each one of the accused must assault the deceased. It is enough if it is shown that they shared a common intention to commit the offence and in furtherance thereof each one played his assigned role by doing separate acts, similar or diverse. In another authority reported as Rajesh Vovind Jagesha Versus State of Maharashtra 2000(1) RCC. 142 the Apex Court also held that no pre-meditation or previous meeting of mind is necessary for the applicability of section 34 of the Code. The existence of common intention can be inferred from

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the attending circumstances of the case and the conduct of the parties and no direct evidence is necessary. For the purpose of common intention even participation in the commission of the offence need not be proved in all cases. The common intention can develop even during the course of an Relying upon the law laid down in the above occurrence. authorities which are fully applicable to this case I am constrained to hold that both the accused in this case shared common intention. They entered into the house of deceased Sadhu Ram at 1.00/1.30 am at night. Both of them were armed with pistols Ex.P13 and Ex.P12. Both of them then fired shots from their respective pistols. Merely because the bullet fired from the pistol held by accused Manoj Kumar did not hit the deceased and the bullet fired from the pistol Ex.P13 held by accused Ombir proved fatal it could not be taken that accused Manoj was innocent or he was falsely implicated in this case. There was no motive for the complainant Bhup Singh or Meena PW2 to falsely implicate him in this case. There was no such enmity between the parties which might have led the complainant Bhup Singh PW1 and Meena PW2 to get this accused Manoj falsely roped

this case. Merely because the bullet fired by him as was

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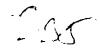
211

missed was not recovered from the site or at the instance of Manoj could not prove his innocence in view of the authorities referred to here-in-above. This contention raised by learned defence counsel stands repelled.

35. No other point was advocated before me.

As a totality of my foregoing discussion I hold 36. that the prosecution has been able to establish the charges against the accused beyond reasonable manner of doubt by leading cogent and satisfactory evidence. The ocular testimony of Meena PW2, the most natural witness being the wife of deceased Sadhu Ram, fully corroborated by the testimony of Singh PW1 has remained un-shattered unblemished. The same finds further corroboration from the medical and scientific evidence. The chain of investigation conducted in this case inspires full confidence. FIR was spontaneously registered in the police station. No material discrepancy could be pointed out in the statements of Bhup Singh PW1, Meena PW2 and Bale Ram PW9 which may render their testimony to be doubtful. Accordingly relying upon this consistent evidence I hold that the accused in furtherance of their common intention caused the murder of Sadhu Ram by intentionally causing his death after having entered into his

1 -6-B



residential house where he along with his wife Meena PW2 was sleeping in the court yard. Accused Ombir got recovered pistol Ex.P13 and accused Manoj got recovered pistol Ex.P12 in pursuance of their disclosure statements. They could not produce any licence or permit for keeping these pistols in their possession. Accordingly, I hold both the accused guilty and convict them under sections 452 and 302 read with section 34 of Indian Penal Code.. I further hold them guilty and convict them under section25 of the Arms Act. Let the accused be heard on the quantum of sentence on 14.2.2008.

Announced in open court, Dated; 9.2.2008.

Additional Sessions Judge, Jhajjar.

ATT. STEED



Order on Quantum of Sentence:

Present: Shri O.P.Yadav, Public Prosecutor for the State

escorted by Shri S.S. Chauhan, counsel for

complainant.

Both the convicts/accused in custody with

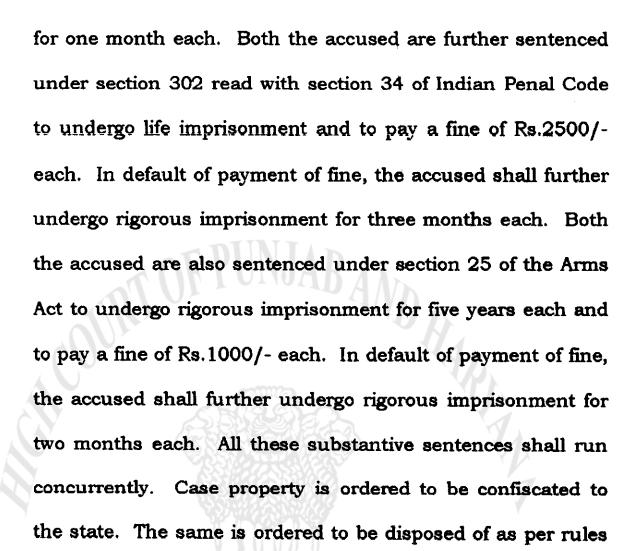
Shri Sunder Singh, Advocate.

Order:

Arguments on the point of sentence have been heard. The submissions made by the accused in their statements recorded under section 235 of Code of Criminal Procedure have been considered. The accused submitted that they are poor persons. Neither of them is a previous convict. Both of them have old parents who were dependent upon them. Accused Ombir submitted that he was the sole bread winner for his family. Accused Manoj submitted that he was a student. They accordingly craved for leniency.

Taking into consideration the above submissions made by the accused and the facts and circumstances of the case and above all, the nature and gravity of the offence, I sentence both the accused under section 452 of Indian Penal Code to undergo rigorous imprisonment for five years each and to pay a fine of Rs.500/- each. In default of payment of fine, the accused shall further undergo rigorous imprisonment

16.6-B



but only after expiry of period of appeal or revision, if any.

Fine has not been paid by the accused. File be consigned to

Announced in open court,

Dated; 14.2.2008.

records.

Additional Sessions Judge, Jhajjar.

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Stamp on Petition of appeal 341

stereo H.C.J.D./B-1

District

Opening Shoot for Criminal Appeals (Section 419, Criminal Procedure)

In the High Court of the States of

Punjab and Haryana

JUDICIAL DEPARTMENT

Criminal Appeal No. 153 DA of 19 2 ever

Whether filed by appellant in person or by Counsel or Agent

Divisional Register No.

Date of filing Petition

	27-2-9003	TASTIT SMEN BEDI ATTUCKATE FOR MIZ AMELIANTS	
	Firty attached	versus	Appellage
_	m the order of Addi.	28 sions Judge, They'er	Respondent
	1-01/2 302/452		
ج ب - ن	ndebault of Payment of District of Arment of Payment	I for five years & time if it ent of fine further RI for Life 9 on pair son ment & fine of the reason of the fire five years and cont of fine further RI for the fire further RI for	one month. there months each There of B: Tool = Each

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GROUNDS OF APPEAL

- I. That the impugned judgment dated 09.02.2008 passed by the Addl. Sessions Judge, Jhajjar, is against the facts and law.
- That in woodcut the case of the prosecution is that the deceased Sadhu Ram was a wrestler and was scrused Ombir and they had professional rivalry. ON the night of 15/16.7.2006 at about 1.00/1.30 A.M. both the accused entered into the house of Sadhu Ram armed with country made pistol. Both the accused fired single shot at deceased Sadhu Ram, who was sleeping countyard with his wife. The bullet fired by accused Ombir hit Sadhu Ram at his back. Wife of Sadhu Ram raised agarm but the accused had climbed over the wall. The complainant Bhup. Singh, grandfather of Sadhu Ram deceased who was sleeping in front of the gate of his house in the street saw both the accused scaling the wall in the electric light. After arranging the private vehicle Bhup Singh shifted Sadhu Ram to Brahm Shakti Hospital Bahadurgarh where he declared dead. Ruga Ex.P18 was sent to the S.H.O. Police Station Sadar Behadurgarh. From there telephonic message sent to ASI Snabm Frakash, Incharge P.P. Mandothi who reached the nospital and recorded statement of Bhup Singh Ex.P1 upon which formal FIR was registered.
- That all the independent witnesses i.e. Bhup Singh PW1, Meena PW2 and Bale Ram PW9 are related to

the deceased as Meena is wife of the deceased. Bhoop Singh is grandfather and Bale Ram is uncle of the deceased.

- That the recovery of the pistol Ex.P13 and Ex.P12 is highly doubtful as the accused will not have thrown away the pistol in the canal just twelve feet from the place of occurrence. Also the prosecution abstol examined the single independent witness to prove the recovery.
- 5. That PWI Rhup Singh could not have identify the accused as per his testimony because he was fleeing from the site and it was a night in the rainy weather.
- f. That in the site plan the investigating of figure did not show the distance between various significant points which goes on to show the laxity of the prosecution.
- 7. That the FIR Ex.P1/B is not the first version given to the police as ruqa Ex.P18 was sent by the doctor to S.H.O. Police Station Sadar Bahadurgarh but the same was not reduced in the FIR.
- 3. That no motive has been attributed to the accused Nanoj and neither has he been shown to be participated in the offence. This shows that he has been falsely roped in and as such the whole case of the prosecution becomes doubtful.

That there are other lacunas and discrepancies in the evidence adduced by the prosecution which shall be brought to the notice of this nonlike Court at the time of arguments.

Under these circumstances, it is, therefore, praced that the present appeal may kindly be allowed by selling aside the impugned judgment dated 09.02.2008 passed by the ld. Addl. Sessions Judg, Jhajjar and the unreliants be acquitted of the charges framed against them.

Not see

No such or similar appeal has earlier been filed by the appellants either in this Hon'ble Court or in the Hon'ble Supreme Court of India.

CHANDIGARH:

February 27, 2008

(JASJIŤ SINGH BEDI)

Advocate

Counsel for the Appellants



>===F@RENSIO&CIENCE LABORATORY, HARYANA MADHUBAN, KARNAL

(An ISO/IEC 17025 Accredited Laboratory)

<u>Accredited By</u> National Accreditation Board for Testing & Calibration Laboratories



T-0767

 Please quote the Report /Opinion No. & Date in case of any further correspondence or summons. 2. Report shall not be reproduced except in full, without written approval of the Director.

REPORT (OPINION) FSL (H) No. _06/F-2994; S-467/06

DATED 05

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The Dy. Supdt. Of Police,

Bahadurgarh.

_____regarding <u>_3</u>_scaled Your forwarding memo. No.____<u>d</u>ated parcel(s) in connection with FIR No. 158 dated _16.07.06 U/S _452/312/349 IPC P.S. Sadar Bahadurgarh stated by you to have been dispatched vide R.C. No. dated _..._ through _Ballistic Division and received in this division on _18.08.06.

Description of parcel (s) and condition of seal (s)

Received three_sealed parcel(s). The seals were intact and tallied with the specimen seals as per forwarding authority letters.

Description of article(s) contained in parcel (s)

	l No. & Seal	Description of parcel(s)
No.	<u>Impression</u>	# 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
L	6-KL	It contained exhibit-1. Exhibit-1. Cut piece of baan stained with dark brown stains.
2.	v 171	It contained exhibit-2. Exhibit-2. Cut piece of Gudri stained with dark brown stains.
3. A	11-Doctor	It contained exhibit-3. Exhibit-3a. One green shirt stained with dark brown stains. Exhibit-3b. One grey Pants stained with few dark brown stains.

LABORATORY EXAMINATION

1817 Laboratory examinations were carried out to detect the presence of blood on the exhibits through chemical tests. Blood thus detected was subjected to serological tests to determine its species of Origin. Based upon these examinations the results obtained are given below:-

1. Exhibit-1(Baan piece), exhibit-2(gudri), exhibit-3a(Shirt) and exhibit-3b(pants) were stained with blood stains. were stained with blood stains.

NOTE: 1. Results of serological analysis of blood are attached herewith.

2. After the examinations the exhibits along with their original wrappers have been sealed with the seal of SSO (S) SPS FSL (H) MBN.

3. The results relates only to the items tested above.

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The second of th



Forensic Science Laboratory, Haryana Madhuban (Karnal)

Report (Opinion) No. FSL (H) _06/F-2994; S-467/06 ___ Dated __ 05 0 2 0 7

FIR No. 158

Dated <u>16.07.06</u>

U/S 452/312/349 IPC

P.S Sadar Bahadurgarh

Results of serological analysis of blood

1. Baan piece Human 2. Gudri Piece Human 3a. Shirt Human	Sr.No.	Name of exhibit	Origin	
2. Guan Freez	1.	Baan piece	Human	112-77/41
3a. Shirt Human	2.	Gudri Piece	Human	19/27
	3a.	Shirt	Human	
3b. Pants Human	3b.	Pants	Human	

Senior Scientific On Lar Geroton cum-ex-officio A. A.A. Che no Pxaminer to Gold, et Hara e Forensic Science Lab (Hara e NACHUB)

Translation of Ex.Pl.

Statement of Bhup Singh son of Sukh Lal, caste Jat, resident of village Silothi, aged 75 years.

Stated that I am resident of the above mentioned address and I do agriculture work. I have two sons. name of elder son is Phool Kanwar and younder to him is Bale Ram. They live se parately. I live with Phool Kanwar. Phool Kanwar has a son namely Sadhu Ram and a daughter Usha. Sadhu Ram is also married. My grand son of Sadhu Ram Bid practice of wrestling in wrestling ground(Akhara) at Village Daboda Khurd, WhereOmbeer alias Omi son of Ram Kishan, caste Jat, resident of the village also did practice of wrestling. My grand son Sahdu Ram was stronger to Ombeer. He gave defeat him one or two times. Due to that reason, Ombeer - nursed grudge with Sadhu Ram. Ombeer had given threat to Sadhu Ram to kill. Today, at night, my grand son Sadhu Ram was sleeping with his wife in adjoining court-yeard of his house. I was also saceping outside in the street on a cot. I heard a voice of a fire-arm, at about 1.20 A.M(night). Ram Kishan had a pistol in his hand and another person-to I saw in the electric light that Ombeer alias Omi son of, whom I did not know, were i jumping from the house of Sile son of Balwant and running away in the street. I entered in the house and a saw that Meena wife of my grand son was weeping and Sadhu Ram my grand son had a fire-shot in his waist. Blood was oozing from his person and he was lying unconscious. Having arranged a private vehicle, I and my neighbourer Jai Singh son of Ram Singh, caste Jat, cerried my grand son Sadhu Ram to Braaham Shakti Hosptial at Bahadurgarh for treatment, where the dotor declared him as dead. I got reco-rded my statement to you. Heard it, '

Conti. page no.2.

Translation of Ex. pl

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which is correct.

Sd/- Bhoop Singh(In Hindi)

Attested:
Sd/-

Braham Parkash ASI/Incharge P.P Mandothi.

16.7.06

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Police proceedings: Today, a telephonic message was received in the plice station to the effect that Sadhu Ram son of Phool Kanwar resident of village Silothi was brought dead in Braham Shakti Hospital, at Bahadurgarh. Investigating officer be sent. Uponwhich, I (A.S.I.) alongwith Rajinder Singh H.C. No.34 and Randhir Singh E.H.C. No.731 reached Braham Shakti Hospital, Bahadurgarh, where from having collected a medical rugga, I reached near the deceased Sadhu Ram, where Bhup Singh son of Sultan, Jat, resident of village Silothi came across. He got recorded his statement to me (A.S.I.) It was reduced into writing verbatim and read over to him. admitted it to be correct and put his left thumb impression on it, to which I testify. From perusal of the above statement, an offence punishable under sections 302/34 IPC read with section 25/54/59 Arms Act is made out. So, writing is being sent to the police station for registration of case /FIR, through Randhir Singh E.H.C. No.731 . After registration of case, its za number be intimated. Special reports be sent to the higher Officers. The station House Officer(S.H.O.) he also informed for reaching the spot. I (A.S.I) become busy in the investigation

Conti.Page no.3.

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Translation of Ex.Pl

/3/

of the case.

At: Braham Shakti Sanjivini Hospital, Bahadurgarh. Sd/-Braham Parkash ASI/Incharce Police Post Mandothi 16.7.06 at 5 A.M.

Sir,

On recipt of writing, case (F.I.R.) no.158 dated 16.7.06, U/s 302/34 IPC read with section 25/54/59 Arms Act. Ra

Police Station Sadar Rx Bahadurgarh has been registered.

(Seal of P.S.)
P.S.Sadar Bahadurgarh.

Sd/- Kaptan Singh (English)
P.S.Sadar Bahadurgarh
16.7.06

TRANSLATION OF EX. P1/B

FIRST INFORMATION REPORT.

PIRST INVORMATION OF A COGNIZABLE CRIME REPORTED UNDER SECTION 154 CRIMINAL CASE AT POLICE STATION Sadar B/garh. IN THE DISTRICT OF

16.7.06 date and hour of occurrence FIR NO. 158 dated 16.7.06 Sunday

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te and hour when place of occurrence and its distance and direction police station. from police station.

Date of despatch from

AT 5.15 In the area of vill Silothi at a dista-A.M

Immediate.

Refult of the case

Daily Diary No.42 .

16.7.06

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Description of offence with section and of propeerty carried off, if any.

Step taken regarding investigation and emplaination of delay in recording information if any.

Bhup Singh Ombeer U/ss 302/ s/o SukhLal alias 452/34 r/o silothi. Omi s/o IPC & Ram Kis- 25/54/59 shan Jat, 25/54/59 silothi Arms Act.

2.Un-known.

Both the accused are m senten-No delay -ce under section 452 of IPC at onee. to undergo rigorous imprison--ment for five years each and to pay a fine of Rs.500/- each. In default of payment of fine, the accused shall further undergo rigorous for one montheach. Both the accused are

further sentenced u/s 302 read with section 34 of IPC to undergo life imprisonment and and to pay a fine of Rs.2500/- each. In default of payment of fine, the accused shall further undergo rigorous imprisonemen for three months each. Both the accused are also sentenced u/s 25 of the Arms Act to undergo rigorous imprisonement for five years each and to pay a fine of Rs.1000/- each. In default of payment of line, the accused shall further undergo rigorous imprisonment for

two months each. All these substantive senten -ces shall run concurrently. Date of Decision :- 9.2.2008/14.2.2008.

Translation of Ex.P1/B

Statement of Ehup Singh son of Sukh Lal, caste Jat, resident of village Silothi, aged 75 years.

Stated that I am resident of the above mentioned address and I do agriculture work. I have two sons, name of elder son is Phool Kanwar and younder to him is Bal Ram. They live se parately. I live with Phool Kanwar. Phool Kanwar has a son namely Sadhu Ram and a daughter Usha. Sadhu Ram is also married. My grand son of Sadhu Ram fild practice of wrestling in wrestling ground(Akhara) at Village Daboda Khurd, WhereOmbeer alias Omi son of Ram Kishan, caste Jat, resident of the village also did practice of wrestling. My grand son Sahdu Ram was stronger to Ombeer. He gave defeat him one or two times. Due to that reason, Ombeer mex nursed grudge with Sadhu Ram. Ombeer had given threat to Sadhu Ram to kill. Today, at night, my grand son Sadhu Ram was sleeping with his wife in adjoining court-yeard of his house. I was also seeping outside in the street on a cot. I heard a voice of a fire-arm, at about 1.20 A.M(night). Ram Kishan had a pistol in his hand and another person to I saw in the electric light that Ombeer alias Omi son of/whom I did not know, were # jumping from the house of Sile son of Balwant and running away in the street. I entered in the house and a saw that Meena wife of my grand son was weeping and Sadhu Ram my grand son had a fire-shot in his waist. Blood was obzing from his person and he was lying unconscious. Having arranged a private ex vehicle, I and my neighbourer Jai Singh son of Ram Singh, caste Jat, carried my grand son Sadhu Ram to Braaham Shakti Hosptial at Bahadurgarh for treatment, where the dotor declared him as dead. I got recoverded my statement to you. Heard it, which

Conti. page no.3.

Translation of Ex. Pi/B

/3/

which is correct.

Sd/- Bhoop Singh(In Hindi)

Attested: Sd/-

Braham Parkash ASI/Incharge P.P Mandothi.

16.7.06

Police proceedings: Today, a telephonic measage was received in the plice station to the effect that Sadhu Ram son of Phool Kanwar resident of village Silothi was brought dead in Braham Shakti Hospital, at Bahadurgarh. Investigating officer be sent. Uponwhich, I (A.S.I.) alongwith Rajinder Singh H.C. No.34 and Randhir Singh E.H.C. No.731 reached Braham Shakti Hospital, Bahadurgarh, where from having collected a medical ruqqa, I reached near the deceased Sadhu Ram, where Bhup Singh son of Sultan, Jat, resident of village Silothi came across. He got recorded his statement to me (A.S.I.) It was reduced into writing verbatim and read over to bim. He admitted it to be correct and put his left thumb impression on it, to which I testify. From perusal of the above statement, an offence punishable under sections 302/34 IPC read with section 25/54/59 Arms Act is made out. So, writing is being sent to the police station for registration of case /FIR, through Randhir Singh E.H.C. No.731 . After registration of case, its m number be intimated. Special reports be sent to the higher Officers. The station House Officer(S.H.O.) be also informed for reaching the spot. I (A.S.I) become busy in the investigation

Conti Page no.4.

Translation of Ex.PI/B.

14/

of the case.

At: Braham Shakti Sanjivini Hospital, Bahadurgarh. Sd/-Braham Parkash ASI/Incharce Police Post Mandothi 16.7.06 at 5 A.M.

At Police station. On receipt of above writing, case/FIR under the aforesaid offences having been registered, carbon copies have been prepared, which are being sent to the officers concerned as a special report through Mohinder singh special constable no.523 i.e to the Illaga Magistrate, Halqa Officer and Superintendent of police. Copy of police file(FIR) alongwith original writing is being sent back to the A.S.I through the incoming constable for investigation of the case. The S.H.O, has also been informed through telephonic meassage.

Received today at 6,30 A.M

Sd/Duty /Judicial Magistrate
Ist Class, Bahadurgarh
16.7.06

Sd/-(English) Kaptan singh ASI

87/JJR