

Karnataka High Court

Sunil S/O Arjun Kittur vs The State Of Karnataka on 3 June, 2008

Author: Jawad Rahim

= Q? 'R--\$%5~:3{'?AKA

is; THE Hm; mun? OF KARNATAKA AT 6Ai¥x,'T:3ALQRE
DATED THIS THE 93*" DAY OF sums, 2oe3%._ __
55903: j %

"me 'r\$€ii'é'BLE MR. ausnce;5v¢AaM%aA\$S*;§,3 %~%fAjj[j

cm. A, ?'\i€:, ?3G :25 zsaéfi
sawsssm:

: sum; \$59 Aagutxi i(I'z'T¥JR,_
AGE; 30 'ms, QCC;AGRIL, V'
RXAT NA'\?EG;5;LL\$,V SHAH P%;}'\$.,=
saasmm. * : '

2 \$Ai~.§T0sH Sm AR3;;£=i Kz?'?u2i V
me; 22 YRS,"-f}CC:;fi;_C5\$§\$L,-._

REAT fsiA%{IG;5;i;LIi,.vf£H£iifia?.§_iR.,v

APPELLANTS

(B? SR:-a,%5%;%\$ESs§§;;a.fi\$b'E, fi:D'v'.}
mo: 'V V

A _ _ RESPQi'sfiZ>ENT
A _ » V{B:";§\$RI~ §.s.PAv;;r«:, mm. aw.)

\$931!"?

'1:-i%:s .CZiR\$~'¥It~.iAL APPEAL ES £11.50 uzs, 3.74:2) 32.9.:

TTHE"\$5{¥3VGcf\TE FOR THE APPELL.ANTfs AGAMST THE
_ f3i.i\$§i(5--EM:'\iT ST. 17'.4.2fi03 PASSES 83' THE PEQI FAST
V CGURT, A931,. 5.3., BELGAUM IN SC Ni}.
' 1634/199?, CQNVICTING THE APPELIAN'¥'-ACCLISED 1 8:. 2
FOR THE GFFENCE ?i}NESA8LE WS. 333 AM? 594 RJVV
SEC. 34 GP IFC ANS SEf\§"¥"EhECI!'~3G EACH 0? THEN TC}
V " EWDERGO R.I, FER ?' YEARS FGR AN GFFEBJCE P;'U./*5, 333

R/'W 34 6? IPC FURTHER' SEE'~JTE?=\$CI¥\§G EACH GF THEM 3'0
UNDERGQ RJ. FOR 1 Y'Efir FOR AN QFFENCE PXUXS, 564

Hm}

MW 34 0? 152:2. BQVH mg sararerxszas fiaRE :fa f~\$,ms;

CGNCU RRENTLY, E'¥'C.§

'ms AMA; IS csmxns ow ¥- 'GR HEAR1rs: ;:f:~+i%:s%%9.eW; k

THE CQURT DELIIVERED THE FGLLG'\$5!AIN_G:~ I

The arzpéai is fiiefi by t'r\$é».é.&3n;ii:téli.V_a'c::i:sé;2f gfgfaiiist
the judgement in S.C'.i_'!'*s'r::. fie Gf tha
Sessions Judge, fast 'ifraV\$:\$€VV passed an
17-04-2333

, 2," "" ié'aV;rf;☐:d é☐urzéei far ameiiantg and Sri ☐avin, ti☐é §ear'néd; far?' respermcient -
Estate. T3327 ..\$::ii\$sté's1cé af aiiegaticn, on the basis at? 4,5-'iii: §1 'zjiég. aéaaseé were trie☐far
the affente punishabie %un;aa:s'e:t;e\$::33:33, 343., 353, 504 am 506 19:, are: T%z--é'a:\$'3:§ei\$ants
are residents Qf Navigaiii viiiage ef . S\$'!E:?'_ '\$a\$ii'E"; ☐équmg in the "year 1995 there wag a
reiiaiéus ;~1_'::§%'e:VriAeny ta ifnstaii iciai cf Ganesha in the said viiiage. To VJ "'3-tziaintain Saw
ané aréer during such cérémmy PW1- Gcxsaí Siéram Harmer? and PW2 --~ Kaliapba Marat?
Pawade, who were werking as Hame Guarég, were wt an sgeciai éufy 'L14 ai-sag with Mr, AA. Zenée,
Foiice Caznstabie, W.\$f1'\$~\$£\$_"--«i:haey were an gush saeciai dasiy, an 91~--Q9-1995
the.. '\$'éc:i.\$S:e.€:"'iitt~.A * :3 went ta the piate cf ceremcrsy arsé
1:1L;esiéic%t}V'ét;%.«'jvi:'\$1érri_-1;n:-3 being in irztméicate state 31' mind, inéyigél☐ 5:1

4. ☐kccerdiruj te tiié'v:V:..}:ri;seéé:t\$cf_ij were a☐t\$§\$i"iiZ&☐when they Gf☐ers an éuty' triaé
te_advYc☐H_ retartaé that Wail, PW2 iheir é:..2tie\$ cérectiy; :\$';5 ☐harrei once main usirsa {☐
Lmifcrm éf Para ané 3S\$§U\$§é\$!i' PW1 anti FW2 ir☐arve☐ed ta su☐é☐fi 2%; agma \$5.1 a☐sauied
with i1i\$ fist cm the ' V'"\$ig%it--éh\$'uYd'é;§é:auéi%:\$"him im☐act injuries, Thereafter, FW2
w:as-'as;-3:é:s's.t'~.r:=☐T~.§_y aha Marathi. Accuieé IsYz:.a,3 pr☐iaéme☐ti*:a}i:..he
sxsagfxjésériqing as Psi and wiii teacz them a fesscars. if! \$aE'f\$V,.i5*u:éde☐ PW: ☐ifféfé☐
éisiécaiitm Q? hand and W5 A T:."\$3;1ff;&\$'§2d ifmgact injury, regan☐ng which a fé☐ift viée
EX.F'3- _fr;s\$és subrnéitéé ta juriséictienai Péliiiié statian, eeeéeeee te ieee erzy evidence in
eefeeeee. Ceneieeriee such meerieie the friei eeri fame? the ecfcesee eeiisr ef e☐rees ☐eeéeee'
eeeiéet them emf eemzieteci them es; i?Ie..._i_§j'£'sE;1:~*\$.3\$?';~1Eé%'f5j. jedeemeet,

8. '☐e ieereee eeeeeei fe'2"e'eeeAi£eAete .e:'s?«e_eVeei:eY£\$r. ergee" feet the ease ée feieijee
bi;VeAe;;eeeé:e'--~eVe~.VV eeeeeee e\$0,3 'wees werkéne ee Peisee SL':e~E:ieeete:\$,V"'§e eise V'
'?sf\z'{\$, is": the eeid Peiizte Stet'iee_': Were xeee "erzimeeity between them eee an ☐e.e,eete7'ef
"withcaut there eeewg eje"\$%%'\$5:'ea::eeetAi':é\$e tee'_"Ve'ec:ueee; the Heme éeeeee W53: ~
f3--:::eei VShiVeé\$?Vej;*:*;"v\$~i:e'reeer\$, PW2 ~ Keiieepe Marathi PeveeeVe_vendL"Pv'v*s\$§
.-VV';:xes:Ev;;i'i'<'ii:ede:r ééexee ue euerrei wit☐ihe e.:euv-eeci ;_eec;.._e": ☐\$e'se'e%☐ it ☐
eeeeibie that eeme ef them 'fr":e'jvte"e\$.3'etVe'\$:~ee? iejeréee without there izaeirse em; ever: eete
effhe .e'ee_eeee as eiieeee.

A. : ☐ ceeteeeee that there was ☐eiiher arty" feetive 'en? ieieetiee in tee miee ef the eceeeee ☐ eeeee
any VT '::'_':";3\$*:';?eic:e\$ iejeriee te either ef there, He euemite that the " eietereerzt eg the
eemeieirat iieeif reveeie feet the eceeeee ☐h'.I9'\ haé Caiféii L%£Z2f3i'! WJ1, M2 and ?'v'v'5 is
perfsrm ti1;ei\$_T»::§::z;t:es weii, This \$t\$e\$§ shews that the accuse☐had nc:_t;_:\$:~:~i~is';;:~{e:☐

_ any at reizuring any atitiéfi arm' their aa'vi_§&-'iéjj~?§Ef:«?%':{,2 2 arm' Pvfé sfimws that ihéfé was sarrég m§s+Ai;%e?sT§§'§-éf'-by" 't{ %3_§rr:, AA 16\$ é-£3 wmfia' than §i;i:vrf:{;1'i~==';_tiF2aVt if 'a'r::f;_v_; af \$i:s ?aTé.;i'if has V' iaké□mace it is witizaut ,:f;2a m. §t*£a;é.{_:':.%f"'i::ie.*:i§§'r;;-A E□the spar sf mamar□t betwee□twa §'r'c;_%;2:::si.L.;{z.ig:§rr§□fiLTvW32;giacé, if': whith same might §3ay'e 's::ffegf'éf□' §: r z ; i : i ; r § : é é [" _ ' : 2 L s § ' m i b e c a u □ a o f f □ é a p g e i é r z t g . Z.-:..t.iie.';=\$i. §yiA,[§jV.v-ir"*:'--_¢.=.-:"xs§g.;;1§ii_Vs:§_&s?f:§*:__i§1at eve□aresuming ifhai érzjs□ée sarrzéV§ersu:»*:1s, it woaid mt be vesith érziéhiicr: fa Vd:éf;é;:%_ 'a':2_§'"mi□ét gezrvatrai frsm aerfsrming arty' iéghjfit "E"%2éEafé"e, the aharee far the cffe□v " 'i.3L3::§2i:i%: é::«§_e.. 'LE~¥"?;□E7i" Ssés:'=E§'é:: 353 if-'ii: is '!TY§S-(:Tf.3¥':CEiVEé, 'me '£:§:fi..%§_é§. :é;23is§"V";"§é_1:har§éé far the a□énce pfuraighaizié émdér S&€;□g_§ §é 32;;L?:s.f AA .-__::, " 'v'x.f§th regaré ta \$é¥'i1&□C&, he cerztemjg that the . ' §£éVf¥'éCet:': tria§ fudge has □at agrxretiater□the evidence is: the

-- . ; +§§□ serapeciivé, due ta whieh very" harm sentence af " xsaxxesí yearé imgsrmenment is impssed, He further submits that the accugeé are in the age gmp as? 23 is 22 yaars at the tima af i□□□éfzig Therefére, Lifi□éi" the prgviv\$í§:"rf§fs._V_@f □é□ié□6 9f the ?2""@§at§§r: af Qfferzdars □at; _ cmzié □at have awardéé serstenca far"

bags": 65:13.

:2: The §eameé mas, s?§;:~: ai%::%%ai:eV;:»;;:;%':;;:§f;t.g as; □fééi□d□iéf□éd by ihé Eaar::=:éc::A_y'::::V§.2;1sefi*._f¢':E a§;pa§§ar;is asseriiveiy □□fié□dée the? ¢a\$vé"~.«:nv%"%:.3_ad is very □ea: that aceugeé 1 afrz□2, =are:§;éQ□§.6f"5§::é:::1s&§ fi:3=3, a Péiriicié Cs_f□ei€,[""§§:'§é_AVé?akef,"»§§aé:_ □g": their awn faarxés. Thay Efl□éi□é Ait":V_tt':jea'ts=;_□§:i[;; §_6€éE'«§§puEatian as aisa Q□cés are éaty, f;:"~:'i1Q wéré pagtéé fa maintai□Eaw and furdar if": a §e:e:*;5'i'i:'i%§%e5»s:*a~.:2'és":2 a2*:'g,i iéikiéénsiaiiatiezsr: af azanesfia iéai, i:3,... '=.\$%\$iaVéggrehanéing that thare was iiieiaiiharmi sf §rea}ar;;~é3__ QfV_;;~;;§%'c peace depicted iézmcerrséé Paice □□ers 33 ""~._f§.za%§ as %3%xf::réie E□é□□ at iha piace éf irsgtaiaaiien. ifsiééra ?Ws

2.._a%:d :3 arzé acmgaé as: their §a:r""i were reaisireé if} V% ""V.:1ja_5%;ta§:3 the my a□é er□er sisiaatis□ they tried ta □lb□fé " ---~ i:Lha Eaw &5§'§§é?!€;§\$T§'E§ a□iér□3:16 5?': that bfC?C;E\$§ i□éiii□éd if"? }9 shysicai viéiance causirzq grievmzg injuries. W513. sustained é§S§('3C:aiiéF"3 cf harm' 3:36 ??:'\:'5 sustairzed i'r?"1§§€§~~§fé}5i,i_f§\$§ resuitirzg in sexier" gain. A32 ihese aii□ wara azitusea' with the main iitia□icéé éf%p;:r¢::e:2t§éé'ig*V*é£:%'; d é?;e {r§::va; £313 seaubiic gewargts fmm per□czrmi□g t§*:';ai:f5'*;u*'£'2§i:. :dT;@t§'a:~i\$-...;a'%" ;1s;i: maintaé□ag £55152! arzé m□er as a:_p?4:..;§§i: □é-1'i§&'{'1fS'. :4' '§'§*:§ éeameéi *;£s..□di, .§;=P nf1;rit§?:&_r su§r%§§tS'Vvthat the cage faiis sauas□y Ti!*.F§iF'lii'1't§i"§.éV a:rr:'§E:i 333 1% and

5..

as grievous in_§..c<:*§gs. has igeégh-«.: 'Zai::jse§ fa Pwi, which :5 surgrmftcgé b*..rjTAi17';';sfaVé.iV§3i% «&'A4?§§a:»: _f:f:c:.e,' the accused ca□□t ciaim fer

§a%r:ie\$'::'3;VV_ei'ver':\$;f; t☐ cf Em☐ositim cf serzterzcie, He submiifgmfijjai u£?:é_attém tst Enade by the aéuscitaé that there 7:29:23 é;::~~r2é ::\$i\$£☐ betséééen accu-sea' 1 and 2 arzé M5, was 3 ☐ing the triai. The éeferzca was S☐eebie ' am '?;G£1\$§\$"fi\$'?iA£i\$£3\$3Cé the main atcusatisrz asairssi the " ': T' '-.é£;£;i3V\$Eéxihiéi tfzey had irséuige☐in V\$CiE'f"1CE arid irrjurad the A P;aié:...t.£é§\$:: ééifaiéi☐ ☐ Submits that if at aii ?W1 haé ggg☐éréé '-3:..':3;5 injuriég by ether méarzs he wauid rm: have faisaiy " ~ "ir":*:QEicateé i☐ attuseé, Thus, he seeks C☐fffraiié☐6f the jigégement imgzug☐ed.

13.. I have heard bath si☐eg. Even cm re-axjaraisisia the avicierzce, 'I ☐at: magi 3f the aspectg ☐nd suffécient prcéf frerrrz the évédence ied by the garosecuticarz. The C){';£:i.}ETEd er: Q:-G\$-1<:v:»9S. Piace cf czccurrenca the Gfarzesha iééai was to be itjzstaiied .~wit!\$jj~_.féhigigzé" carerncny. as is usuaiiy dame the 1V*3_;ta°\$£:T\$;if'\$' érdfér' 'ia"e'2f:-Ls;_ur=:,_ that there was hr: iaw and «ifrd.e_r \$%u.b'i'em, TV't\$é<':ivv:é_He bi\$tevc:i Pwsi, 2 and 6, whiz are Heme al☐a☐g☐éizth EJ££:HSE☐ who are mice Gf☐iais E5---i*af»gv enforcement.

if Esvéi:a\$..§\$ie.i»i"&\$t'a..19\$ished by the pragecution that 'accused 1 é';::~=_d'.'.»j é'ic;z{☐.wiff_;V accused' Nn.3 hat: acme to the __.spot i?2\$'tjigéc:iV--.§1:\$%;_§\$fC\$3tiO☐with them and than assauiteé Ti;::é.c*éf£.-rgce gut forward by the accused that thare 'v\$1é~3 i9%'qhi"igéiwehéhnPW1 and 2 on cue giée and PW5 on the V at\$ier "azn\$:\$ \$s.;i}i:'.;i such zcuf☐ 9W1 an☐6 has suffereé V" "_i:.*.\$_jé;::§s-..=.§ cértair:\$y' net wrth acceatance. If N51 has

--.fa.\$':--féffe é injuries of éishacation :3? arm in the scuf☐a, he T ""--4 \$#ib'uié net have named the accused. East, PW1 in 34;

Lmequivocai terms had indicted the accuééd No.1 for cay☐ng injuries to him. Simi☐ar is the accusatic.-n cf Pwsz 17'. There is fuii carrsbratié☐£21 materiai .

reiaténq is the incicient 3:15 hardi'y_t\$u=-._re 'la':s\$é'1';vsé£§\$:fe té:" écmibi, It E3 aisc: an recerci that whaiiiié a:::us:ed TT1_'té::3 'éT'\$ \$'L%A1z\$éis_:A :9 have demi☐ahce over tbesié 'e::☐cia\$'s. xa-2: Vpa*:ft'\$é;:'}asiV{2éacé and time. It #5 further ngcticed £:_\$*_'_1_L:af'jt» _t_ir';\$.\$_v5nji:.'ri&\$ _'\$u\$ered by pw: and M6 was 'fa 2;:_ti\$.«2""-.f%\$is:a_i Gf☐ter, wha exami☐ed them. Yhe &}. "\$""ti£.i*'i:I:Z;f\$V☐.'*»☐\$;:\$si\$£.&".§3\?\$'5 -- F.V,Patii, bears fa;-stifrf:ié%3Jg;.*vV::3_.vA:t\$:e'féEt___ihat injuries suffered by :--'W1 were gs*ia*~'.z';:=-._2:.\$'§s.\$☐zzaiiz☐hi☐a:."d' injurv suffered by W16 was simpiajn sizaiufa'-.» . _ "

Sjiéihat may, we are €G't'YCEY'f\$E€Y with the ☐f☐k V-5:;- ii☐.é servants an ciaty. The duty that t☐ey _were""4«g3erfi3éA::3\$'i1\$ was enfréémehi af \$335: and erder, that ;£T.1f\$'3*\$:t\$"%.';;C1iE£'i arm? éefferaa' ☐y the accused, T☐areferé, E .a;:rr:_V'5»ai:..§\$&☐that c☐arge against the accuseé fer the efferzce 'jj'_V;2.L\$2{E3\$1abie under Eeitiers 353 E9: is proveé fr: esta☐ishirzg VA " '☐at the :-'W3. had sustai☐ed iftjilfié☐arzd there is no separate Nv :»u a...

charge far the cffenie aanishabie under Sectizrm 324 IPC. As regards simpie injury' ta PW6 the accused have 713*-::2\$*r"z Cféarge☐far t☐ offence pu☐shabié under Seciimi which i\$ a☐e mt right in the ciraumgtances. E';52._ 'fa.:t, i:\$ie» H accuge☐s☐auié have been charge*\$"-fer7._t\$:ze

'~::fféné:2 pur2§3'na'£2§e urmfe? Seéiii□□332 IPC as i§z§_;;:i*'\$§\$ aire5
;:_r':ef~»ic~:2.is_'i';-s. " naiure. □awever, the Earne□::z{i7aw5_ji2□§ee.havjEv:1¢□'>f%ér:§eé
such Charge has ccmvictete' .:'nérn«'fcarA f?":é""S1_fJr'Cr'1C E""[3Uf"§§4Sh3§§é zmcier Sectizrm
323 arsd Su□ffaesf v":.§?C«._.ar:é hag net remréeé .:'&'i't'y*=f€:'F . 't--i§e□'offesfce punishaéie
gnéer section 323:, 34;; m%s:»As 34 39:2.

19. T'r§e. rr*:ater_ia*i..Vés...~~ho%§c:éé above is □hf□cient Er: "i=":~.;e3f t_;>' ?ri:§*r':1e
'*E§*:ve...gs.:iit cf the accusaé. gas the medicai .eT'=xfiéeVt'3'r;:'s:_E'sa§'ésié'□ished safferarzce sf
§Y'"1§£.ii'§ES by. PW1 and ?'s:'v'6',; .§a §:' tir:é3t*%:Vij;é: %:~%csec;tién baa tar esiabii□h was
haw they ~..____s;; ?□&re□ :.r:j"u<;r'iiéis. The evidence sf PW: ---- victim arzci Wm - II!
a%éc§:v'§t:t§rn, is %::Year, They" have dascribeci the sequence cf ____'1e '§3e§'if:s, 'which □éi□
f)Y':§'Y' ta the 3663526 1, 2 am 3 as the '4éV:z□f:crs cf the injuries caused tr: théM. Thia ieaés rm
\$«:~%\$;»e V' is Siam? gr is geek any farther carmmratian. E am {1 &,%--h,» 1:3 M392 Sci: (CR!)
540 and SE3 subséauent d&I2E§i{§i'§\$ _----_Y_ "17a§ reiterated the Qfi□□□é that in View af
amenérne:'§1t.Vté.L_~%§§e_. act, Section :3 i□mandatary. The Ccsiirts are resirféinm□ " amsiné the
arm? éf imprisanment o§':"t'h22. Co?iivict§éAt3V:v'ar::;e--§'&d-.¢ V beiaw the age of 23 'years
zmiess, 5%«V§s:"§:.étis□éCiA"i%ia:Vt§é.§;é . are reasons mi □ grant them v':~e*.§iE.~f§t
efV'\$e¢ti§%:'s 3~--fé':3□i; a? " ' the Act. Thus, it becémasf. rie:§\$3éL_r"y"f:~§
t%1é'tr--5a§.vv£:aurt ti; take inter cansideraiicrz théég"pé'<:2s.3*§s?<:§::r§43-Targ□ fecmrd
tease-ns if they feei tha§__ti'ziei ems? n§f'g%;r:::t.e;«:«k% -as berzafit unéer □ectéans
.3'%aT:1□AV %§;'arf""ii5%?:a ;é:e;t;«. '1'§'s i)?.';§':E;?l§* wérés, as a matter {sf rife □he
'::3siy?_ict3cf" ~Vé4"éc%u5§ééT..::*§:§iéw the age «if 2: years is antitieé ii} .?ée"rae fii_
□f.vt7?z€§~~'L';3rervi§§a□\$ zméer Seciimis 3 and ""~*?2:f3f i'§_ 'i§2 V;1z1Ee9sC§=..f1:2'ri: is
éatisfied that tine circair□iancas 'z:i§ .:r':Véa*:rwi=:»j§.za:~ffaz::%;'V:%.§2*,-"?:_2=':i {sf such
bar2.@fits= :r;A.3§he irzsta□ case, the ieamed t□ai judge £336 at é.§i"v--sé□□dédé□the imgxaét
§f Seiticm 6 3116 has net {§26-é:~2'»-Eéféafd the accuéed with re□aré ta.) □é□é□é. Furi□er, it
:_V%\$:::§t§::e□tiéai ihe material an reszard béfcré the ma: éaurt A " " ' §%w:r~:e□that fine 39\$
5:~? aécsjsed □s.2 ---- Sa□□ésh wag e□y 29 years at the time sf mmmigian of é□eace, It is ciaariy
seer; frem the baii mad as aisé from the statemeniféiéé-r.§iaad ufra□ar Eectién 313 Cr.P.C. by {□
triaf ceigrt tfae aaczsed 559.2 WES crzfy' Z9 'year§%, "A'§i~:eir&fs;re_, "2;3:'§é3f::i:1bt?3éxi3,£
the accugad 2%,: was beiaw er under 2.1 gééaé□. _éf~a§«e time éf %\$>YTIY'□f\$§i€:s'r1 cf
affenée._{ah § héhcé '□ir2ra§~--h'é::eésa:ry'V' far the triai CGEJFE ta h,a'§;e
c;:VY5a§ii""L_:fcii*'»-._t §1e'fé;2a.rt.-frem the wsbatéon Offfiéf□ar
sec'i:'§\$=_.'Sikhf':f{ia';€§§9§a§A.:??h§€h Wéruid Shaw the c□haractef anaf'
._ai§:t£¢'□éff§df'eL'§?§§t.é:::ofvL'--_a;; □Vu:§§£%'39,2 Sf) 3g is: éééirie aé
t::{_.aras§;::~_1&}&§§5"§§%v_:\$_s:§i\$uid mt izie granted tr: him, 1"

24.3 'T: e ?.;riVa"iAI_§,;<:-2;;'*.f.._j:'i'2:a\$ f net caieé far suc□2 remrf and shfiawsf' évwafvf
éenfé□tea' the at.'§';USéd 3355.2 far ' '§m§ri'sé':1§i:~sa□zfer 37""§éri§é cf '2' years far the affarsce
"□sft§s□a%isjé;».' u:%t,§é;ij..Sec□ara 333 anti 56:~? with the aéci ef Setiécg□34, far as acéuseé 2%.:
i§ cezncer□aé his age sfmwri .a __§;~ 22 years in baii □end arm' fr: statement reccrdea
'\;§:~ié;AAc;?af:f;j;A€'-feciiciw 313 Cr.P.€ by the triai céuii tire age is Shawn 33 yeais. T□ara is as
éther mate□ai tr: ghcxw that he was ~ . f.;§r;der the age o?' 21 "years as an the éata of Gffenie, 5
□ix, Tfserelfare, it is éif□uit is accept the ccmntention that accuéd Y~».§<:=.1 is also entitled to

benefit :21'? Section 6 éf tine Act;

25. Being satisfied that in the matter ef _ the accusea' 1 and 2 were étanding an éi□ere□..f::§§t.iV:i§--T;::e.n§3Y " accused 559,2 is eratitieé tea the f.':vt4.'?::"i"l&'f"§'t Qf '1§!i;€§§?§§§§'□S._:Véf;T □ectien 65: cf the Act. E thérefmje, sét. _ési€£e tfzé 15§jr:€e□:é" inmesed Linen Accused §39.2 an€fV...:§iire:t *E'hati hV'e zééjail be ca□ed 'amen t-:2 execute E213_ a§ with we Suféfy' far keeping a□g□Vs:o1d}cf:§:ct~"eaVvii:3 1'..'jvtuéehaviar far a peried sf::;ioné _§%'e7é.§ §;_:'~}f3% t~:; é;:¢ea;r before t□a mutt which cémiicteé 5:33'; 'is; rec_éi§g \$ é~;r'§§és%te Er; casé cf any vioiatitm, "Fi□ t?3ar3*t,i1_e \$' énrive'□Yé ifr:□.sed an him ta: any periaé cf ' § ni'r:r § s é □ r é *: é ? ; i é " s . § < a p t i § { é é 2 e ' y a n : e . S c f a r a 5 a c c u s e d £ ' ~ i ¢ . i % s ' V ' c . a ' % 1 : e f § a é é ' - i h é j ' f : é ; § é * : t e : 1 c e i m m é é é u m f r r r h i m i s f a r a p e r i c d 2 ' ! ' 3 f 7 a s é a r s f f : 1 § " t L i - i é e f f e r r c e g u a i □ h a □ e u r s é é r S e c t i o n 3 3 3 a n d ... f 4 A f § T V " " " § p e r i . é » § 7 3 f w e y e a r f e r t h a c □ e n c e p u n i s h a b i e u □ □ e r A 3 3 4 r f w S e t , 3 4 I F C . T h e s e n t e n c e i m a s s e d f e r ' . V % ' j p f f £ _ r f : e u n é e r S e c t i a r z s 3 , 3 3 & E C - 4 m i : a r e c m t h e h i g h e r " : " " h e " r ' e f é r e , i t i s m c d i □ e d 3 2 3 6 r é é a c e d i s a □ e f i □ e c f " t i i f é é ' y e a r g w i t h é e f a a h t s e n t e r z c a f a r □ f f e □ □ e u n d e r S é □ f i □ □ e > } j § . .

333 39:: arrci fer a period sf three moraé~%:1\$1"§§':9:§;§i'e. Emgariscnmersi far sfferxce urséer Secien Bété'i~ Sé□é□é□EC? §"Y.3?'E CE3□UY"{'éY"3fYY.

25. Accéréingiy, ar:r:éai~». :f §~~..é§s§é\$a□efj"§r1VV'V'i:v§'{'é""a'Tbaire V' tarma.