



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of reserving: 10th April, 2026

Date of Decision: 16th April, 2026

IN THE MATTER OF:

+ CRL.A. 973/2013

DINESH MURMU

.....Appellant

Through: Mr. Rahul Shyam Bhandari, Ms. G. Priyadharshni & Mr. Satyam Pathak, Advs.
Ms. Manika Tripathy, Adv. (DHCLSC).

versus

STATE OF THE NCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for the State with SI Vijay Dahiya PS Model Town and SI Akanksha PS Parliament Street.

CORAM:

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT

VIMAL KUMAR YADAV, J.

1. A futile attempt to stage a Dharna/sit-in protesting the corruption in Railways, landed the Appellant in a mess where not only a case under Section 307 Indian Penal Code, 1860 ('IPC') was registered against him but he was ultimately held guilty and convicted too.

2. Precisely, the facts against the backdrop of which the impugned judgment of conviction dated 11.04.2013 and sentence dated 15.04.2013 emerged via FIR No. 21/2012, under Section 307 IPC, traversing through the trial reveals that the Appellant, who happened to be a Railway employee,



was aggrieved by the so called rampant corruption in Railways and had sought permission to stage a sit-in. He, in fact, had even given a notice to the Government about his proposed hunger strike/Anshan at Ramlila Maidan from 05.02.2012, but instead of granting the permission, he was allegedly falsely implicated in this case.

3. On the fateful day, i.e. on 15.02.2012 at about 1:45 PM, the victim-Bhagwan Singh was attacked by the Appellant with a “Farsa”. However, the assault was in full public glare at the “In Gate” of Rail Bhawan, Rafi Marg, New Delhi, where apart from a number of public persons, some security personnels were also deployed and one of them ASI Dharm Dev Ojha, (PW-3) of the RPSF (Railway Protection Special Force) caught hold of the Appellant, disarmed him and ultimately, handed him over to the police. The statement made by Dharm Dev Ojha (Ex. PW-3/A) led to the registration of FIR under Section 307 IPC. The victim Bhagwan Singh remained unconscious for two days on account of the injuries sustained by him in the occipital region.

4. The police officials concluded the investigation by doing the needful such as taking the victim to the RML Hospital, preparation of the sketch of the weapon of offence i.e. Farsa (Ex. PW-3/B), seizure of the same (Ex. PW-3/B), preparation of site plan (Ex. PW-10/B), arrest of the Appellant and taking his personal search through Arrest Memo (Ex. PW-3/D) and Personal Search Memo (Ex. PW-3/E) respectively, recording the statement of the witnesses. The blood stained shirt of the Appellant was also seized through Memo (Ex. PW-4/A) on 18.02.2012 and sending the weapon of offence and shirt to the FSL, obtaining the report thereof and ultimately filing a charge-sheet.

5. In all, 10 witnesses were examined by the prosecution, statement of



accused was also recorded and the Appellant himself examined as DW-1 and, thereafter, on conclusion of the trial and arguments, the Appellant was held guilty through the impugned Judgment under Section 307 IPC. Incidentally, it is informed by the learned counsel for the Appellant that the Appellant has already completed the custodial sentence of 04 years awarded to him, but has not paid the fine. However, the Appellant has been denied his retiral benefits and that is why the instant appeal is pressed by the Appellant.

6. Broadly, learned counsel for the Appellant has challenged the impugned Judgment on the following counts that despite the presence of independent public witnesses, there is no public witness to the proceedings, the so called weapon of offence i.e. “Farsa” has not been examined for the fingerprints, no blood was found on the Farsa as indicated in the FSL report, seizure of the blood stained shirt was after two days of the incident and the evidence on record is full of inconsistencies and discrepancies, which reflect that it is a false case.

7. It is further submitted that the kind of injury caused is not possible, in the first place and in any case, if it is presumed that the injury was caused, then a simple injury, as opined by the Doctor in the MLC (Ex. PW-1/A), cannot render anybody unconscious for two days. The Doctor who had opined on the MLC that the victim was unfit for statement has not been examined, therefore, there is every possibility that the Appellant has been falsely implicated in this case and this is nothing but a cooked up case against the Appellant.

8. Learned APP, on the other hand, submitted that in view of the clear and cogent evidence of the victim and PW-3 apart from other witnesses, there appears no reason to disbelieve the prosecution’s case. The contention



which was raised by learned counsel for the Appellant with regard to the motive, has been countered by learned APP by asserting that the motive is insignificant in view of the overwhelming evidence against the Appellant including that of the victim, whose testimony is to be kept at a higher pedestal.

9. Having considered, the submissions, it appears that the Appellant has no case. So far as joining independent public witness is concerned, there is no such requirement of law in the first place and in any case, PW-7 Om Prakash can be put into the definition of independent public witness, who was present at the spot and has supported the case of the prosecution, substantiating and supplementing the testimony of injured Bhagwan Singh, who has been examined as PW-4 and for that matter, corroboration is there to the testimony of the victim from more than one quarters i.e. PW-3 ASI Dharm Dev Ojha and the MLC, which go hand-in-hand with the version of the victim/prosecution complementing, supplementing and substantiating the core issue of the case i.e. attempting to commit the murder of victim Bhagwan Singh by the Appellant.

10. Although, there appears no motive as such as to why this particular man was attacked in the name of fighting against the corruption. Nevertheless, motive effaces into insignificance once there are direct ocular evidence on record. The reference in this context can be made to **Chandan v. The State (Delhi Admin)**, (2024) 6 SCC 799, wherein it was held as under:

“The argument of the defence that the prosecution has not been able to establish any motive on the accused for committing this dastardly act is in fact true, but since this is a case of eye- witness, the motive itself is of little relevance. It would be necessary to mention some of the leading cases on this aspect which are as under:



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In Shivaji Genu v. State of Maharashtra, AIR 1973 SC 55, it was held that it is a well – settled principle in criminal jurisprudence that when ocular testimony inspired the confidence of the court, the prosecution is not required to establish motive. Mere absence of motive would not impinge on the testimony of a reliable eye-witness. Motive is an important factor for consideration in a case of circumstantial evidence but when there is direct eye witness, motive is not significant”

Further reference in this context can also be made to **Bhagirath and Ors v. State of Haryana**, AIR 1996 SC 3431 and **Molu v. State of Haryana**, AIR 1996 SC 2499.

11. So far as the fingerprints on the weapon of offence i.e. Farsa is concerned, there was no occasion with the investigating agency to go for it in view of the clear and categorical evidence of the use of Farsa, as deposed by not only the victim Bhagwan Singh, examined as PW-4, but ASI Dharm Dev Ojha and PW-7 Om Prakash also. Therefore, when there was no doubt about the complicity of the Appellant and the use of weapon by him, there was no reason/opportunity with the Investigating Agency to go for this exercise of connecting and examining the fingerprints on the Farsa.

12. Blood stained shirt was seized after two days, which has been questioned by the learned counsel for the Appellant as to why such a delay was there. However, the evidence on record explains it inasmuch as the Appellant was lying unconscious or in a delirium, therefore, it was not seemingly possible to take off his shirt and hand it over to the Investigating Agency. As such, this cannot be faulted as a flaw which may dislodge the case of the prosecution nor can it be taken against the prosecution.

13. Absence of blood stains on the weapon of offence i.e. Farsa has been put forth as another ground to dismantle the prosecution's case by the Appellant. According to the connected argument that the so called blood stained shirt of the victim was seized after two days of the incident and if it



was so, then the Farsa also should have blood on its blade or anywhere. Not even a drop of blood or even a trace of the blood was found on the Farsa, clouding the prosecution's case and in the process putting a question mark on the recovery of the blood stained shirt of victim Bhagwan Singh.

14. Countering the contention in this context, learned APP has argued convincingly that it is not mandatory to find the traces of blood on the weapon of offence for the simple reason that the way Farsa was used from above to downwards and sideways motion coupled with the shape and depth of the incision, in addition to the fact that the upper body part i.e. occipital region was the targeted body part. The blood, if any, would come and flow down. The blood on the shirt reflects this aspect. Since the Farsa was used parallelly or from the up to down, therefore, unless there is a very deep cut, the traces of blood may not be found on the weapon. In such circumstances, the contention raised on the behalf of the Appellant to make the case vulnerable, is not strong enough to dismantle the case of the prosecution.

15. As regards the fact that the victim Bhagwan Singh was lying unconscious in the hospital for two days, it is asserted that the doctor, who declared him 'unfit for statement' or for that matter 'fit for statement' has not been examined. Therefore, the case of the prosecution cannot be believed. The MLC having details of the injuries and the endorsement about the fitness is Ex. PW-1/A and the doctor who had prepared the MLC has been examined as PW-1, who has proved the MLC as Ex.PW-1/A detailing the two injuries i.e.:-

- i. Incised wound over occipital region left side around 8x2 cm.
- ii. Incised wound 4x0.5 cm over middle of neck interior (front side aspect).



16. He does not say anything about the fitness as a fact, however, examination of PW-9 Dr. Trilok Chand is there about the nature of injury being simple as per the endorsement, as can be seen on MLC itself i.e. Ex.PW-1/A. However, there is no word in the testimony about the victim being 'unfit for statement' as opined on 15.02.2012 at 05:00 PM and 'unfit for statement' opined again by some medical professional on 15.02.2012 itself, that is, the date of incident, seemingly at around 04:45 PM. The third endorsement on Ex.PW-1/A dated 18.02.2012 at 10:25 AM, declares the victim fit for statement. The issue is whether this can be read in evidence or not. In the absence of any specific evidence or deposition about this, it should not be read in evidence, but it cannot be ignored either. However, even if this endorsement is ignored, still the testimony of the victim cannot be. He has specifically stated about two blows of Farsa given to him near his head near his left ear and the front portion of the neck. He has categorically stated that after receiving the blows he fell down, got up but then fell unconscious while bleeding from the injuries. It is categorically stated by him that he regained consciousness on 17.02.2012 and found himself in Dr. Ram Manohar Lohia Hospital (RML). There appears no reason why he should not be believed, when the Investigating Officer (IO) examined as PW-10 too says about this fact.

17. The IO has been examined as PW-10 and has categorically stated that on the date of incident i.e. 15.02.2012, the doctor had declared the patient unfit for statement. He has also stated that he recorded the statement of the victim on 18.02.2012 i.e. a day after when the victim was declared fit for statement as per the endorsement on the MLC. These testimonies are enough to explain the delay of two days in seizing the shirt and recording the statement of the victim on 18.02.2012 and about victim being unfit to make



statement. And for that matter in the MLC Ex. PW-1/A, Dr. Yashwant Singh Tanwar has made an observation about the gait and speech. The victim was unable to walk and seemingly was not able to speak though he has found him oriented. In such circumstances, even if doctor concerned, who has opined about the fitness of the victim, has not been examined and the endorsement being there on the MLC, can certainly be referred while appreciating the testimony of the victim and the statement of IO (PW-10), to conclude that the victim was not available to make statement being unconscious or sort of under spell of delirium or shock. As such this contention also fails to cut through the case of the Prosecution.

18. Testimony of injured witness has to be treated differently while appreciating the evidence, as that the injury itself speaks even if victim does not. In this context, reference can be made to the judgements in:-

Balu Sudam Khalde v. State of Maharashtra, 2023 SCC OnLine SC 355, wherein the Hon'ble Supreme Court expounded on the key principles that are to be kept in mind while assessing the credibility of an injured witness, the relevant part has been reproduced hereunder:

“26. When the evidence of an injured eyewitness is to be appreciated, the undernoted legal principles enunciated by the courts are required to be kept in mind:

26.1. The presence of an injured eyewitness at the time and place of the occurrence cannot be doubted unless there are material contradictions in his deposition.

26.2. Unless, it is otherwise established by the evidence, it must be believed that an injured witness would not allow the real culprits to escape and falsely implicate the accused.

26.3. The evidence of injured witness has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly.

26.4. The evidence of injured witness cannot be doubted on account of some embellishment in natural conduct or minor contradictions.

26.5. If there be any exaggeration or immaterial embellishments in the evidence of an injured witness, then such contradiction, exaggeration



or embellishment should be discarded from the evidence of injured, but not the whole evidence.

26.6. *The broad substratum of the prosecution version must be taken into consideration and discrepancies which normally creep due to loss of memory with passage of time should be discarded.”*

In ***State of U.P. v. Naresh***, (2011) 4 SCC 324, it was held that the evidence of an injured witness must be given due weightage being a stamped witness, thus, his presence cannot be doubted. His statement is generally considered to be very reliable and it is unlikely that he has spared the actual assailant in order to falsely implicate someone else. The testimony of an injured witness has its own relevancy and efficacy as he has sustained injuries at the time and place of occurrence and this lends support to his testimony that he was present during the occurrence. Thus, the testimony of an injured witness is accorded a special status in law. The witness would not like or want to let his actual assailant go unpunished merely to implicate a third person falsely for the commission of the offence. Thus, the evidence of the injured witness should be relied upon unless there are grounds for the rejection of his evidence on the basis of major contradictions and discrepancies therein.

19. In the instant case also, there appears no reason to disbelieve the victim or to express any kind of doubt about his credibility and trustworthiness, notwithstanding the fact that learned counsel for the Appellant has contended that the testimony of the victim is not trustworthy. In the instant case, it is not that the testimony of the victim alone is there, rather two more eye witnesses to the incident are there, who have narrated about the incident i.e. PW-7 Om Prakash, who was working with Railway on deputation and was present at the spot at the time of incident. Reiterating the incident, as has been deposed by the victim Bhagwan Singh examined as



PW-4, on the similar lines the testimony of PW-3 Dharam Dev Ojha, who was on duty near the entry gate of the Rail Bhawan on 15.02.2012. It was he who had neutralized the Appellant and witnessed the incident also. It was he, who had called the police, which took victim Bhagwan Singh to the hospital and it was he, whose statement laid the foundation of the present case i.e. Ex.PW-2/A. This goes hand in hand with the facts of the case inasmuch as the victim was not found fit for statement and that is the reason why it is ASI Dharam Dev Ojha, who had stepped into the shoes of the complainant and lodged the FIR. As such, apart from the testimony of PW-4 Bhagwan Singh, two more witnesses are there i.e. PW-3 and PW-7 who have supplemented, complemented and substantiated the testimony of the victim Bhagwan Singh.

20. Corroboration to the case of the prosecution further comes in the form of MLC Ex.PW-1/A, which cemented the fact that the deposition of the victim and the other two witnesses PW-3 and PW-7 that victim was given injuries, as described in the MLC Ex. PW-1/A and deposed by the victim, witnesses and Dr. Yashwant Singh Tanwar. As such, the MLC, the victim and PW-3 and PW-7, all are on the same page, so far as the nature of injury, weapon used and the body part which was targeted by the Appellant are concerned. The witnesses have held their ground firmly in the cross-examination and their testimony could not be shaken. Therefore, testimony on record being credible and stands and stares directly against the Appellant, unequivocally reflecting about his complicity in the offence.

21. Learned counsel for the Appellant has vehemently argued that there are inconsistencies and discrepancies in the deposition of the witnesses and has drawn the attention of the Court to the chart forming part of the written submissions:-



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TESTIMONY	CONTRADICTION
PW-3 (ASI Dharam Dev Ojha) has deposed that he has disarmed the accused meaning thereby the Farsa had already been taken from the accused (kindly refer to page 112-115)	As per PW-6 (Constable Sonu), the Farsa was in the hands of the accused, when PW-6 reached the spot alongwith the Investigating Officer i.e. PW-10 (Refer to Page No. 121)
PW-3 (ASI Dharam Dev Ojha) stated that he has telephoned the PCR van and thereafter the Police Official of PCR has come, and they have taken injured Bhagwan Singh to Hospital (Refer to Page No. 112)	However, as per PW-7 (Om Prakash), he stated in his Section 161 Cr.P.C. Statements that though there were many people in the crime spot, it was he who took the victim to the Hospital. (Refer to Page No. 128)
PW-7 (Om Prakash, the eye witness)- in Chief-examination on 11.12.2012 said <i>"I found the crowd was gathered there and I saw that one person had attacked Bhagwan Singh with Farsa on his earlobe and the front portion of the neck, the crowd was already there which means the incident had already happened.</i> (Refer to Page no. 125)	Whereas in the cross-examination 04.01.2013, he said, <i>'I saw that accused had attacked on the injured in my presence'.</i> (Refer to Page No. 128)
As per PW-3 (ASI Dharam Dev Ojha Complainant), there was only a single blow which caused the injury (Refer to page 115)	However, as per PW-4 (Bhagwan Singh, the injured victim) there were two blows. (One each on head near left ear and the front portion of the neck) (Refer to Page 116)
According to PW-4 (Bhagwan Singh, the injured) he bled profusely after the attack and became unconscious on 15.02.2012 and regained his consciousness on 17.02.2012	However, as per FSL Report, no blood stains were found on the weapon (Refer to Page 181)



after two days.	
According to statement of PW-9 (Dr. Tirlok Chand) who analyzed and given the opinion on the MLC Report, injuries were simple in nature. (Refer to Page 131) Further, according to PW-10 (I.O), he has seized blood-stained shirt only on 18 th of February, after 2 days of the incident	However, PW-4 i.e. the victim sad that as a result of injury by sharp weapon on his neck, he remained unconscious for almost two days. (Kindly refer to Page No. 181)
PW-10 also revealed that dimensions of Farsa which is 37 cm in length, 23 cm blade length, and width is 7.9 cm.	It is submitted that the dimension of the weapon reveals that the weapon is a sharp edgy weapon therefore the finding that there is no blood found on the weapon does not inspire confidence and lacks credence that too when a bloodstained shirt of the victim was recovered after two days.

22. No testimony can be given immunity from discrepancies and inconsistencies inasmuch as human mind and memory have its own limitations and the narratives gets modified with certain slips here and there when the event is narrated at the initial stage and later. Time gap, limitations of memory and capacity of the mind to retain things etc. do play their role in shaping up the testimony. However, as long as the core and crux of the deposition remains unalloyed, the testimony remains credible and believable irrespective of the discrepancies here and there. Reference in this context can be made to ***Balu Sudam Khalde v. State of Maharashtra, (2023) 13 SCC 365:***



“25. The appreciation of ocular evidence is a hard task. There is no fixed or strait jacket formula for appreciation of the ocular evidence. The judicially evolved principles for appreciation of ocular evidence in a criminal case can be enumerated as under:

I. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the Court to scrutinise the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief.

II. If the court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of evidence given by the witness, the appellate court which had not this benefit will have to attach due weight to the appreciation of evidence by the trial court and unless there are reasons weighty and formidable it would not be proper to reject the evidence on the ground of minor variations or infirmities in the matter of trivial details.

III. When eyewitness is examined at length it is quite possible for him to make some discrepancies. But courts should bear in mind that it is only when discrepancies in the evidence of a witness are so incompatible with the credibility of his version that the court is justified in jettisoning his evidence.

IV. Minor discrepancies on trivial matters not touching the core of the case, hypertechnical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the root of the matter would not ordinarily permit rejection of the evidence as a whole.

V. Too serious a view to be adopted on mere variations falling in the narration of an incident (either as between the evidence of two witnesses or as between two statements of the same witness) is an unrealistic approach for judicial scrutiny.

VI. By and large a witness cannot be expected to possess a photographic memory and to recall the details of an incident. It is not as if a video tape is replayed on the mental screen.

VII. Ordinarily it so happens that a witness is overtaken by events. The witness could not have anticipated the occurrence which so often has



an element of surprise. The mental faculties therefore cannot be expected to be attuned to absorb the details.

VIII. The powers of observation differ from person to person. What one may notice, another may not. An object or movement might emboss its image on one person's mind whereas it might go unnoticed on the part of another.

IX. By and large people cannot accurately recall a conversation and reproduce the very words used by them or heard by them. They can only recall the main purport of the conversation. It is unrealistic to expect a witness to be a human tape recorder.

X. In regard to exact time of an incident, or the time duration of an occurrence, usually, people make their estimates by guesswork on the spur of the moment at the time of interrogation. And one cannot expect people to make very precise or reliable estimates in such matters. Again, it depends on the time-sense of individuals which varies from person to person.

XI. Ordinarily a witness cannot be expected to recall accurately the sequence of events which take place in rapid succession or in a short time span. A witness is liable to get confused, or mixed up when interrogated later on.

XII. A witness, though wholly truthful, is liable to be overawed by the court atmosphere and the piercing cross-examination by counsel and out of nervousness mix up facts, get confused regarding sequence of events, or fill up details from imagination on the spur of the moment. The subconscious mind of the witness sometimes so operates on account of the fear of looking foolish or being disbelieved though the witness is giving a truthful and honest account of the occurrence witnessed by him.

XIII. A former statement though seemingly inconsistent with the evidence need not necessarily be sufficient to amount to contradiction. Unless the former statement has the potency to discredit the later statement, even if the later statement is at variance with the former to some extent it would not be helpful to contradict that witness."

23. Reference in this context can also be made to ***Narayan Chetanram Chaudhary v. state of Maharashtra***, (2000) 8 SCC 457, ***State of Rajasthan v. Smt. Kalki & Anr.***, (1981) 2 SCC 752, ***Sunil Kumar Sambhudayal***



Gupta (Dr.) v. State of Maharashtra, (2010) 13 SCC 657 and ***Raj Kumar Singh alias raju alias Batya v. State of Rajasthan***, (2013) 5 SCC 722.

24. In view of the aforesaid facts and circumstances, discrepancies pointed out by the learned counsel for the Appellant does not hit the core of the issue nor does it uproot or dislodge the case of the prosecution.

25. In view of the foregoing discussion, where there is clear and categorical evidence about the incident, wherein the Bhagwan Singh was attacked by the Appellant with Farsa, as has been deposed by victim PW-4 and two more witnesses i.e. PW-7 and PW-3, therefore, no reason to question it is there. Their deposition cannot be questioned merely because they were employees of the Railways and for that matter the Appellant himself was an employee of the Railways. Incidentally, one of them was not strictly an employee of Railways being on deputation with Railways.

26. The weapon of offence has been recovered. The Appellant was arrested at the spot itself, therefore, there is no doubt about the involvement or identity of the Appellant. The testimony of witnesses and the injuries go hand in hand in tandem with each other, which brings credibility and strength to the case mounted by the prosecution.

27. The Hon'ble Supreme Court in ***Hari Singh v. Sukhbir Singh and Others***, (1988) 4 SCC 551, has discussed as what the Court has to see in order to bring a case under Section 307 IPC. The relevant portion of the judgment is as under:-

“7. Under Section 307 IPC what the court has to see is, whether the act irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in that section. The intention or knowledge of the accused must be such as is necessary to constitute murder. Without this ingredient being established, there can be no offence of “attempt to murder”. Under Section 307 the intention precedes the act attributed to



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accused. Therefore, the intention is to be gathered from all circumstances, and not merely from the consequences that ensue. The nature of the weapon used, manner in which it is used, motive for the crime, severity of the blow, the part of the body where the injury is inflicted are some of the factors that may be taken into consideration to determine the intention.”

28. In the case in hand, the kind of weapon used, the body part attacked and the blow being not single blow rather two blows were given, thus, in such circumstances no other inference can be drawn about the intention of the Appellant except that he wanted to kill the victim. Although, there is no apparent reason or motive to target the victim, even if it is presumed that the Appellant wanted to sit in protesting the corruption in Railways, nor there appears any reason or ground as to why the victim was chosen as the target, whereas the issue, as portrayed by the Appellant, was the large scale corruption in the Railways. Nevertheless, as discussed hereinbefore too, motive pales into insignificance in view of the direct and cogent ocular evidence that too coming from the mouth of the victim and corroborated by two independent witnesses with further corroboration in the shape of the medical evidence.

29. Learned counsel for the Appellant has informed that the Appellant has already completed his custodial sentence, but for the fact that he wanted to clear his name, therefore, pursued the Appeal. However, in view of the observations made hereinbefore, the appeal has no substance and, therefore, stands declined. So far as the sentence is concerned, there appears no ground to interfere at this stage, as the custodial sentence has already been completed by the Appellant and it is the fine only about which some indulgence can be given to the Appellant considering the fact that he has retired from service, already served the custodial sentence and likely to be in



financial constraints. As such, the period of custodial sentence already undergone by the Appellant shall be treated as the sentence awarded to him. The fine part stands waived off.

30. As a result the appeal substantially stands declined and disposed of accordingly.

VIMAL KUMAR YADAV, J

APRIL 16, 2026/ps