

GAHC010123642015



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRL.A(J) 103/2015

1:DEBNATH ORAO

VERSUS

1:THE STATE OF ASSAM

2:SRI LAXMAN ORAON
S/O-GANGA ORAON
R/O-CHAIBARI T.E. NISPOTTY LINE
P.S.-CHAPAR
DIST.-DHUBRI
ASSAM

Advocate for the Petitioner : AMICUS CURIAE

Advocate for the Respondent :

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

HON'BLE MR. JUSTICE NELSON SAILO

Date of Hearing : 04.12.2018.

Date of Judgment : 29.11.2019.

JUDGMENT AND ORDER(CAV)

(M. R. Pathak, J)

This appeal from jail is preferred by the accused appellant, namely, Sri Debnath Orao being aggrieved with the judgment dated 31.08.2015 whereby the learned Additional Sessions Judge, Circuit Court, Bilasipara, Dhubri in Sessions Case No. 201/2014 arising out of GR Case No. 283 (CPR)/2011 corresponding to Chapar Police Station Case No. 283/2011, whereby said appellant was convicted under Section 326/307 IPC for voluntarily causing grievous hurt upon the victim Chandan Orao by dangerous weapons, i.e., by *dao* and for an attempt to commit murder of the said victim and sentenced to undergo Rigorous Imprisonment for life with fine of Rs. 10,000/-in default, to undergo Simple Imprisonment for 1 (one) year for committing the offence under Section 326 IPC and to undergo Rigorous Imprisonment for life with fine of Rs. 10,000/-, in default, to undergo Simple Imprisonment for 1 (one) year for committing offence under Section 307 IPC, where both the sentences to run concurrently and observed that the fine to be realised from the said accused/appellant shall be provided to the victim Chandan Orao as compensation under Section 357(1)(b) of CrPC.

2) Heard Mr. Hafiz Rashid Ahmed Choudhury, learned Senior counsel, assisted by Mr. Nurus Safa Laskar, learned counsel for the appellant and Mr. Nava Kumar Kalita, learned Additional Public Prosecutor, Assam for the State.

3) The prosecution case, as it emerges from the First Information Report dated 13.09.2011 (Exhibit-1) lodged by the informant Sri Lasman Orao (PW.1) before Chapar Police Station is that around 08:30 a.m. on 12.09.2011 when informant's son Chandan Orao, aged about 24 years was about to return home after a chat with his friends in front of his house, the accused Debnath Orao, in a pre planned manner came there with a sharp weapon, i.e. *dao* and dried chili powder, yowled at his son, threw chili powder on his eyes for which he became sightless and taking advantage of that said accused Debnath Orao with an intention to kill his son, hacked him with the *dao* and also gave him *dao* blows in various parts of his body, which he was carrying in his hand, due to which his son was injured grievously. In the said *ejahar*, the informant also stated that victim was admitted in Kokrajhar Civil Hospital for

treatment and the said FIR, was registered as Chapar Police Station Case No. 283/2011 under Sections 341/326/307 of the Indian Penal Code corresponding to G.R. Case No. 283 (CPR)/2011 was registered against the accused person, the appellant herein.

4) During investigation, the Investigating Officer visited the place of occurrence, drawn its sketch map (Exhibit-4), recorded the statements of the persons acquainted with the facts of the case under Section 161 Cr.P.C., arrested the accused person on 15.09.2011, who surrendered before police at Chapar Police Station, obtained the Medico Legal Case Report of the victim from the authorities of RNB Civil Hospital, Kokrajhar (Exhibit-2) and on completion of the investigation, finding prima facie evidence, against the appellant/accused person, filed the Charge Sheet vide No. 186/2011 dated 06.11.2011 (Exhibit-3) against the accused appellant, for the offence under Sections 341/326/307 of the IPC. Finding the offences triable by the Court of Sessions, learned Judicial magistrate First Class, Dhubri by his order dated 04.07.2014 committed the said G.R. Case No. 283 (CPR)/2011 to the Court of learned Sessions Judge, Dhubri.

5) On receipt of the case record of said G.R. Case No. 283 (CPR)/2011 it was registered and numbered as Sessions Case No. 201/14 in the Court of learned Sessions Judge at Dhubri. By order dated 25.07.2014 learned Sessions Judge, Dhubri transferred the said Sessions Case No. 201/14 to the Court of learned Additional Sessions Judge, Bilasipara Circuit Court, who on 10.11.2014 framed charges under Sections 341/326/307 of the IPC against the accused/appellant, which was read over and explained to him, to which the accused appellant pleaded not guilty and claimed to be tried. Accordingly, the Trial of the case began.

6) In the trial, the prosecution adduced 7 (seven) witnesses and defence cross examined them. Defence did not adduce any evidence. On conclusion of recording of evidence of prosecution witnesses, the learned Trial Court recorded the statements of the accused/appellant under Section 313 Cr.P.C. on 25.06.2015. After conclusion of the trial, on perusal of evidence on record, the Trial Court came to a finding that the guilt of the accused/appellant under Sections 326/307 IPC have been proved and was accordingly convicted and sentenced as aforesaid, which gave rise to this appeal.

7) Mr. HRA Choudhury, learned Sr. counsel for the appellant submitted that the evidence

on record adduced by the prosecution discloses many contradictions and that the learned Trial Court on the basis of such evidence came to the conclusion that it is the accused who voluntarily caused grievous hurt upon the victim Chandan Orao by dangerous weapons - *dao* and also made an attempt to murder the said victim, need to be interfered by the Court as the prosecution failed to prove the guilt of the accused beyond all reasonable doubt and therefore, the accused appellant should be set at liberty. Mr. Choudhury also stated that the punishment imposed upon the accused by the Trial Court is disproportionate.

8) However, Mr. N.K. Kalita, learned Additional Public Prosecutor submitted that the prosecution by adducing sufficient evidence proved the guilt of the accused beyond all reasonable doubt and that the learned Trial Court by the impugned judgment have rightly convicted and sentenced the accused person of the case. Mr. Kalita submitted that leaving aside others, victim's evidence as well as medical evidence of the victim proved by the doctor concerned, where both the victim and the doctor adduced their evidence as prosecution witnesses, they could prove the guilt of the accused and therefore, Mr. Kalita submitted that the impugned judgment of conviction and sentence does not call for any interference.

9) Let us briefly go through the evidence recorded by the learned Trial Court.

10) PW.1, Lasman Orao, Sardar of Choibari Tea Estate stated that on 12.09.2011 around 8:30 am while he was at home and his son Chandan Orao was sitting at village road outside his house playing with his child, all of a sudden the accused Debnath Orao assaulted his son Chandan by a *dao* on the backside of his head and on hearing hue and cry he came out of the house and saw the accused assaulting his son with a *dao*. He also deposed that seeing him and others the accused chased him, threatened them with dire consequences and then he ran away from the place of occurrence and thereafter, they took the victim to the hospital of the tea garden and noticed several cut injuries on victim. He also deposed that from garden hospital the victim was taken to Chapar Hospital, police arrived therein, saw the victim in the hospital and there they came to know that the accused first threw chili powder on the eyes of the victim and then assaulted him with the *dao*. He further deposed that from Chapar Hospital the victim was shifted to Kokrajhar Civil Hospital where he was treated and operated and that he lodged the *ejhar* (Ext-1) of the case on the next day of the incident and indentified his signature in the said *ejhar* that was written by a scribe, as per his instruction.

During his cross examination by defence PW.1 reiterated whatever he deposed during his examination-in-chief and also affirmed that he saw the accused and the victim. However, in his cross examination PW.1 stated that only from Chapar police he came to know that the accused had thrown chili powder in the eyes of his son by the victim and that he lodged the *ejahar* as asked by police. He did not recollect the writer of the *ejahar* and its contents which was not read over to him, but he stated that it is he who went to the scribe for writing the *ejahar* and also denied that there is no corroboration between the *ejahar* and the statements he made before the Court. He also stated that the accused is from Jharkhand who does not belong to their society, denied the suggestion that there is a cross case against his son, the victim of the case and that the accused did not chase him and threatened him with dire consequences.

11) PW.2, Chandan Orao, the victim deposed before the Court that on 12.09.2011 around 8:30 am he came out of his campus with his 2 year old son, and while his son started playing in front of their house, he sat near to him and that time, all of a sudden the accused arrived at the place of occurrence and threw chili powder on his eyes, for which he could not see anything for a while and at that moment, the accused, with a long knife assaulted him on several parts of his body, twice on his back side and also on his neck, shoulder and hands. Because of profuse bleeding from all those cut injuries on his body, he became senseless and in that condition he was taken to Kokrajhar Civil Hospital where his injuries were stitched by doctors and that the scars of those injuries are still present in his body. He also stated that he is still taking medicine for the injuries that he sustained during the incident, still feels pain because of those cut injuries. He deposed that he does not know the reason for being assaulted by the accused and police recorded his statement. He further deposed that the accused belongs to Jharkhand and he was brought to their locality by his relatives, who started living in their village.

During his cross examination, said PW.2 stated that when the accused arrived at the place of occurrence, there was no one in the said place except him and the children and that he was about 10 meters away from his own house and that his father, informant of the case showed blood stained cloths to the police. He also stated that subsequently he came to know that the accused had filed a case against him and that he was not acquainted with the

accused prior to the incident, though he saw him in the locality.

12) PW.3, Jimmi Orai, tea garden worker wife of the victim deposed that her husband went out of their house along with their child around 08:30 am on 12.09.2011 and while he was sitting on the road in their village, after some time they heard hue and cry outside of their house and saw the accused assaulting and hitting her husband by a dao and when they tried to come forward, the accused threatened them with dire consequences and when they shouted for help, seeing other people coming rushing to the place of occurrence, the accused ran away from the said place. She also deposed that the victim was taken to Garden Hospital and then to Chapar Hospital and thereafter to the Kokrajhar Civil Hospital. She deposed that she saw the accused hitting her husband by a dao.

In her cross examination by the defence PW.3 stated that at the time of occurrence she was at home along with other family members and on hearing hue and cry they came out of their house and saw the incident.

13) PW.4, Raj Kumar Orai, brother of the victim, a student of Higher Secondary 1st year in his examination-in-chief deposed that the incident occurred on 12.09.2001 around 08:30 while he was at home and after hearing hue and cry he came outside of their house and saw the accused assaulting his elder brother Chandan Orai by a dao, injuring him in several parts of his body and when he came tried to reach the victim, the accused threatened him with dire consequences, as such they started shouting and on hearing it other villagers gathered at the place of occurrence and seeing them, the accused ran away from the said place and thereafter, the victim was taken to Garden Hospital and then to Chapar Hospital and thereafter to Kokrajhar Civil Hospital where he was treated for many days.

During his cross examination by the defence, PW.4 stated that he and his sister-in-law, i.e., the wife of the victim were inside their house before occurrence of the incident and that hearing hue and cry, they came out of their house, then one Sonamukhi told them that his elder brother was being assaulted and then on arriving the place of occurrence they saw his said brother lying with profuse bleeding.

14) PW.5, Dr. Nikunja Das, Senior Medical and Health Officer of RNB Civil Hospital, Kokrajhar, the concerned doctor who attended the victim on 12.09.2011 in a very serious

condition at Kokrajhar Civil Hospital and found the following injuries on the person of the victim –

- 1) Injuries on the neck of the victim – (i) 5 inches X 3 inches X 1 & ½ inches and (ii) 4 inches X 1 & ½ inches X 1 & ½ inches.
- 2) A sharp cut injury over the left shoulder joint, auxiliary arm and size of auxiliary injury as 3 inches X 1 & ½ inches X 1 & ½ inches.
- 3) Shoulder joint injury measuring 2 inches X 1 & ½ inches X 1 inch.
- 4) Arm injury measuring 1 inch X 1 X 1 & ½ inches X 1 & ½ inches skin deep.
- 5) Sharp cut injury over left fore arm of 2 inches X ½ inch X ¼ inch.
- 6) Sharp cut injury over the palm, surface of index, middle ring fingers.
- 7) As per x-ray report lordosis of service is disturbed.
- 8) Cut mark on part of vertebrae.

Said doctor PW.5 who attended the victim in the hospital opined that the injuries sustained by the victim were grievous in nature, caused by sharp cutting weapon, where Exhibit-2 is the said medical report of the victim and he identified his signature in it.

During his cross examination by defence, the PW.5 stated that the victim was in hospital for more than a month and he examined him as an indoor patient. He denied the suggestion that such kind of injuries may also occur by falling in sharp substance.

15) PW.6, Gossai Orao, tea garden labour, relative of the informant and cousin of the victim, deposed that while he was busy in cutting tea leaves in the garden on hearing hue and cry near their garden and near the house of the victim, he rushed to victim's house and found that he was already taken to hospital as he sustained cut injuries and also got to know that the accused attacked the victim by a dagger. He also deposed that he went to Kokrajhar Civil Hospital and saw deep cut severe injuries on his hands as well as in his other parts of body. He also deposed that the victim was in hospital for a month and that the witness Sonamoti Orao had expired.

During his cross examination by defence, PW.6 stated that when he visited Kokrajhar Civil Hospital to see the victim, he saw him lying in unconscious state, not in a position to speak. Said PW.6 also stated that the accused is from Jharkhand.

16) PW.7, Subal Sarma, was the Officer-in-charge of Chapar Police Station at the relevant time, deposed before the Court that around 11:00 am on 12.09.2011 he received telephonic information that the accused Debnath Orao made a serious attempt of murder of one Chandan Orao. Victim's father stated that while his son was standing outside in front of their house, the accused came along with a dao, assaulted his son, with the intention of committing his murder and the victim received severe cut injuries and had been admitted in the hospital. On receipt of said information, he made the GD Entry 310 of 12.09.2011, went to the place of occurrence, recorded the statements of the relevant witnesses, learnt that the accused Debnath Orao had assaulted Chandan Orao by a dao causing injuries and that the witnesses had seen the occurrence, drawn the sketch map. He stated that he visited Chapar Hospital to see the victim and found him in very serious condition and then the victim was shifted to Kokrajhar Civil Hospital and that the injuries he saw on the person of the victim found to be severe cut injuries and that the victim was saved from the jaws of the death and later on 15.09.2011 the accused surrendered before him. He also deposed that he recorded the statements of witnesses, like Jimmi Orao, Raj Kr. Orao, Gossai Orao, Sonamoti Orao, Sabitri Orao and victim Chandan Orao and all the witnesses implicated the accused of committing the crime.

During his cross examination by the defence PW.7 stated that the place of occurrence was shown to him by Jimmi Orao and that the witness Lasman Orao did not state before him that the accused had chased him with dire consequences. He stated that victim Chandan Orao did not state before him that the accused had assaulted him by a knife, but stated before him that he was assaulted by a dao and also did not state before him that accused ran away after 5 (five) minutes of the incident. PW.7 also stated that the victim told him that the accused had talked with him just before the incident and further the accused had lodged a case against the victim, which was investigated by him. He also stated that Jimmi Orao stated before him that the time of occurrence of the incident was around 07:00 in the morning and that she went out of the house. He also stated that the witness Raj Kr. Orao stated before him that he did not see the occurrence.

17) The accused in his Section 313 CrPC statement denied all the allegations made by the prosecution and stated that he is innocent and has been falsely implicated in the case.

Though asked by the learned Trial Judge, the accused refused to give any defence evidence.

18) The evidence of PW.1 Lasman O rao of chasing him and threatening him with dire consequences was not corroborated by PW.7, the Investigating Officer of the case. Similarly, said PW.7 also did not corroborate the evidence of PW.4, Raj Kumar O rao, brother of the victim, about witnessing the occurrence. Said Investigating Officer also did not corroborate the evidence of PW.2, the victim Chandan O rao that the accused had assaulted him by a long knife, as the victim stated before him that weapon of offence was a Dao.

19) At the same time said police officer, who investigated the case while visited Chapar Hospital to see the victim, found him in very serious condition, the injuries that he saw on the person of the victim were severe cut injuries and considering the injuries sustained by the victim, he stated that said victim survived from the jaws of the death. PW.5, the concerned doctor who attended the victim while he was an inpatient at RNB Civil Hospital, Kokrajhar also admitted the fact that the victim was brought to the said hospital in a very serious condition and he found sharp cut injuries on the neck of the victim, on his shoulder, arm, palm and cut mark on part of vertebrae, which were grievous in nature, caused by sharp cutting weapon and proved the medical report of the victim, Exhibit-2. Both PW.5, the doctor who attended the victim as well as the PW.7, the Investigating Officer of the case are independent witnesses and they proved the injuries upon the victim thereby proved the evidence of the victim, PW.2, Chandan O rao, about the assault made on him by the accused by sharp a sharp cutting weapon.

20) Considering the fact that during his evidence recorded on 11.03.2015 by the Trial Court that he was assaulted by a long knife and slight deviation from his statement made before police during investigation, recorded under Section 161 CrPC, about the incident occurred on 12.09.2011 that he was assaulted by a dao, we are of the view that said statement of the victim PW.2 in no way destroys the case of the prosecution as both are sharp cutting weapon. We cannot lose the sight that the incident involved in the case occurred in a tea estate and for pruning tea bushes, garden laborers use long knife and whereas *dao* is a cutting tool, bigger than knife, kept in almost all houses for cutting larger thing than vegetables, like coconut, bamboo etc.

21) From the perusal of Section 326 IPC and the law settled by the Hon'ble Apex Court in that regard, the essential ingredients of the offence under Section 326 IPC are that – (i) the accused must commit an act with the knowledge that thereby he/she was likely to cause hurt or grievous hurt to the victim, (ii) the accused caused grievous hurt to the victim, (iii) the accused caused the incident voluntarily and (iv) the accused caused it by means of – (a) any instrument of shooting, stabbing or cutting; (b) any instrument, if used as a weapon of offence, likely to cause hurt; (c) by fire or heated substance; (d) by poisonous or corrosive substance; (e) by explosive substance; (f) by any substance deleterious to the human body to inhale or swallow and (g) by means of animal.

22) Similarly the essential ingredients of the offence under Section 326 IPC are that – (i) the accused did some act and (ii) such act was done with the intention or knowledge that hurt was likely to cause death to the victim by the act.

23) It is well settled that that the punishment must be appropriate and proportional to the gravity of the offence committed. The Hon'ble Supreme Court in the case of *Santa Singh -Vs- State of Punjab*, reported in (1976) 4 SCC 190 have held that –

“..... a proper sentence is the amalgam of many factors such as the nature of the offence, the circumstances — extenuating or aggravating — of the offence, the prior criminal record, if any, of the offender, the age of the offender, the record of the offender as to employment, the background of the offender with reference to education, home life, sobriety and social adjustment, the emotional and mental condition of the offender, the prospects for the rehabilitation of the offender, the possibility of return of the offender to a normal life in the community, the possibility of treatment or training of the offender, the possibility that the sentence may serve as a deterrent to crime by the offender or by others and the current community need, if any, for such a deterrent in respect to the particular type of offence. These are factors which have to be taken into account by the court in deciding upon the appropriate sentence, and, therefore, the legislature felt that, for this purpose, a separate stage should be provided after conviction when the court can hear the accused in regard to these factors bearing on sentence and then pass proper sentence on the accused.”

24) In the case of *Jameel -Vs- State of U.P.*, reported in (2010) 12 SCC 532, the Hon'ble Supreme Court have held that –

“15. In operating the sentencing system, law should adopt the corrective machinery or deterrence based on factual matrix. By deft modulation, sentencing process be stern where it should be, and tempered with mercy where it warrants to be. The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused, the nature of weapons used and all other attending circumstances are relevant facts which would enter into the area of consideration.

16. It is the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed. The sentencing courts are expected to consider all relevant facts and circumstances bearing on the question of sentence and proceed to impose a sentence commensurate with the gravity of the offence."

25) The Hon'ble Supreme Court in the case of *Shailesh Jasvantbhai -Vs- State of Gujarat*, reported in (2006) 2 SCC 359 have held that –

"7. The law regulates social interests, arbitrates conflicting claims and demands. Security of persons and property of the people is an essential function of the State. It could be achieved through instrumentality of criminal law. Undoubtedly, there is a cross-cultural conflict where living law must find answer to the new challenges and the courts are required to mould the sentencing system to meet the challenges. The contagion of lawlessness would undermine social order and lay it in ruins. Protection of society and stamping out criminal proclivity must be the object of law which must be achieved by imposing appropriate sentence. Therefore, law as a cornerstone of the edifice of 'order' should meet the challenges confronting the society. Friedman in his Law in Changing Society stated that: 'State of criminal law continues to be—as it should be — a decisive reflection of social consciousness of society.' Therefore, in operating the sentencing system, law should adopt the corrective machinery or deterrence based on factual matrix. By deft modulation, sentencing process be stern where it should be, and tempered with mercy where it warrants to be. The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused, the nature of weapons used and all other attending circumstances are relevant facts which would enter into the area of consideration."

26) In the case of *Guru Basavaraj -Vs- State of Karnataka*, reported in (2012) 8 SCC 734, the Hon'ble Supreme Court have held that –

"It is the duty of the court to see that appropriate sentence is imposed regard being had to the commission of the crime and its impact on the social order. The cry of the collective for justice which includes adequate punishment cannot be lightly ignored."

27) The Hon'ble Supreme Court in the case of *Gopal Singh -Vs- State of Uttarakhand*, reported in (2013) 7 SCC 545 have held that –

"A court, while imposing sentence, has to keep in view the various complex matters in mind. To structure a methodology relating to sentencing is difficult to conceive of. The legislature in its wisdom has conferred discretion on the Judge who is guided by certain rational parameters, regard been had to the factual scenario of the case. In certain spheres the legislature has not conferred that discretion and in such circumstances, the discretion is conditional. In respect of certain offences, sentence can be reduced by giving adequate special reasons. The special reasons have to rest on real special circumstances. Hence, the duty of the court in such situations becomes a complex one. The same has to be performed with due reverence for the rule of law and the collective conscience on one hand and the doctrine of proportionality, principle of reformation and other concomitant factors on the other. The task may be onerous but the same has to be done with total empirical rationality sans any kind of personal philosophy or individual experience or any a priori notion."

28) We have already noted that the victim PW.2 Chandan Orao had no acquaintance with

the accused person and that the accused caused bodily injuries upon him, voluntarily assaulting him with a *dao* in various parts of his body, due to which he suffered multiple grievous injuries. From the above we are of the opinion that prosecution proved the guilt of the accused under Sections 326/307 of the IPC.

29) Though PW.7, Investigating Officer of the case noticing the injuries of the victim deposed that he survived from the jaws of the death, but PW.5, the concerned doctor deposed that the victim was in a very serious condition, was in the hospital as in-patient for more than a month and sustained multiple grievous injuries caused by sharp cutting weapon, but there was no such evidence by the Doctor, PW.5 that the injuries sustained by the victim were fatal in nature. Further no evidence with regard to animosity between the accused and the victim was placed either by the prosecution or by the defence. Accused was only 24 years at the time of committing the offence. Prosecution also did not place that the accused is a habitual offender or that there are other criminal case(s) is pending against him. Rather, police case filed from the side of the accused against the victim was found to be pending, which was again investigated by the PW.7 himself.

30) Considering all the above, we are, therefore, of the view that the impugned sentence dated 31.08.2015 of Rigorous Imprisonment of life for the offence under Section 326 IPC as well as the sentence of Rigorous Imprisonment for life for the offence under Section 307 IPC imposed upon the accused appellant, by the learned Trial Judge are dis-proportionate.

31) Accordingly, though we upheld the impugned conviction of the accused appellant under Sections 326/207 of the IPC dated 31.08.2015 passed by learned Additional Sessions Judge, Circuit Court, Bilasipara, Dhubri in Sessions Case No. 201/2014 arising out of GR Case No. 283 (CPR)/2011 corresponding to Chapar Police Station Case No. 283/2011, but as we found both the sentences to be disproportionate, we modify it to the extent that now the accused appellant shall undergo Rigorous Imprisonment for 7 (years) for committing offence under Section 326 IPC and he shall also undergo Rigorous Imprisonment for 7 (seven) years for committing offence under Section 307 IPC, where both the sentences to run concurrently, setting off the period in custody already undergone by him during investigation, trial and after the impugned judgment of conviction dated 31.08.2015.

32) However, other part of the sentence dated 31.08.2015, imposed by learned Trial Court dated 31.08.2015, like fine and others shall remain intact, as we have not interfered with it.

33) Registry shall return the Trial Court records alongwith a copy of this Judgment.

34) With the above direction, this appeal stands disposed of, to the extent above.

Judge

Judge

Comparing Assistant