

UPFD01 002256 2015



Presented on : 06.04.2015
Registered on : 06.04.2015
Decided on : 16.07.2026
Duration : More than
11 years &
3 months

In the Court of Sessions Judge, Firozabad.

(Presided Over by Dr. Babbu Sarang)

Session Trial No.- 84/2015

Prosecution(PROSECUTION):

State of U.P.

Through Police Station Officer Shikohabad

585, Civil Court Firozabad,

Firozabad.

State of Uttar Pradesh

VERSUS

Accused:

1. **Wasiuddin @ Wasiudiya** S/o Badruddin,
2. **Samiuddin @ Samua** S/o Badruddin,
R/o Karimganj, PS Ramgarh, District Firozabad.

**u/S- 147, 148, 149, 307, 302 IPC,
Case Crime No.- 585/2014,
PS- Shikohabad, Firozabad.**

UPFD01 008018 2021



Presented on : 20.10.2021
Registered on : 20.10.2021
Decided on : 16.07.2026
Duration : More than
4 years &
8 months

In the Court of Sessions Judge, Firozabad.

(Presided Over by Dr. Babbu Sarang)

Session Trial No.- 2159/2021

Prosecution(PROSECUTION):

State of U.P.

Through Police Station Officer Shikohabad

585, Civil Court Firozabad,

Firozabad.

State of Uttar Pradesh

VERSUS

Accused:

1. **Ateeq** S/o Bhura,
2. **Shanu** S/o Saleem,
R/o Mohalla Padhav, PS Shikohabad, District Firozabad.

**u/S- 147, 148, 149, 307, 302 IPC,
Case Crime No.- 585/2014,
PS- Shikohabad, Firozabad.**

UPFD01 009367 2021



Presented on : 25.11.2021
 Registered on : 25.11.2021
 Decided on : 16.07.2026
 Duration : More than
 4 years &
 7 months

In the Court of Sessions Judge, Firozabad.

(Presided Over by Dr. Babbu Sarang)

Session Trial No.- 2651/2021

Prosecution(PROSECUTION):

State of U.P.

Through Police Station Officer Shikohabad

758, Civil Court Firozabad,

Firozabad.

State of Uttar Pradesh

VERSUS

Accused:

1. **Shanu** S/o Saleem,
 R/o Mohalla Padhav, PS Shikohabad, District Firozabad.

**u/S- 25 Arms Act,
 Case Crime No.- 758/2014,
 PS- Shikohabad, Firozabad.**

JUDGMENT
(Delivered on 16.07.2026)

1. On the basis of charge sheet Exhibit Ka 10, submitted in Case Crime No.- 585/2014 against accused persons **Wasiuddin @ Wasiudiya** and **Samiuddin @ Samua** under Section **147, 148, 149, 307, 302 IPC**, charge Sheet Exhibit Ka 18 submitted in Case Crime No.- 585/2014 against accused persons **Ateeq** and **Shanu** under Section **147, 148, 149, 307, 302 IPC** and charge sheet Exhibit Ka 25, submitted in Case Crime No.- 758/2014 against accused **Shanu** under Section **25/27 Arms Act**, the Ld. Trial Court had committed the above cases to the Sessions Court on 17.03.2015, 28.09.2021 and 22.11.2021 respectively. The above accused persons **Wasiuddin @ Wasiudiya, Samiuddin @ Samua** and **Ateeq** were tried by this Court for the charge u/S **147, 148, 149, 307, 302 IPC** and the accused **Shanu** was tried u/S **147, 148, 149, 307, 302 IPC and 25 Arms Act**.

Specimen Chart for Material Objects/Mudammals

<u>Material object No.</u>	<u>Description of Exhibit</u>	<u>Proved by/Attested by</u>
-	-	-
-	-	-

Specimen Chart for Exhibited Documents

<u>Exhibit No.</u>	<u>Description of the Exhibit</u>	<u>Proved by/Attested by</u>
1	Complaint	PW1
2	Postmortem report	PW3
3	F.I.R. (Crime No.- 585/2014)	PW4
4	G.D. Entry	PW4
5	Letter to SSP, Firozabad	PW4
6	F.I.R. (Crime No.- 758/2014)	PW5

7	G.D. Entry	PW5
8	Letter to SSP, Firozabad	PW5
9	Site Plan	PW6
10	Chargesheet (Crime No.- 585/2014)	PW7
11	Panchayatnama	PW8
12	Letter C.M.O.	PW8
13	Photo nash	PW8
14	Letter CMO	PW8
15	Sample Seal	PW8
16	Recovery report of weapon	PW9
17	Site Plan 2	PW10
18	Chargesheet (against accused Ateeq and Shanu)	PW10
19	Fard for possession of bullet recovered from body	PW10
20	Fard for recovery of clothes	PW10
21	Recovery of the scab at the site of gunshot	PW10
22	Recovery of front part of cartridge	PW10
23	F.S.L. report of bullets	PW10
24	Site plan of crime No.- 758/2014	PW11
25	Chargesheet (Crime No.- 758/2014)	PW11

Specimen Chart for Witnesses examined

<u>Prosecution Witness No.</u>	<u>Name of witness</u>	<u>Description</u>
1	Jamaludeen	Complainant
2	Abdul Qadir	Eye Witness
3	Dr. R.B. Singh	Medical Jurist
4	H/c Satyendra Singh	F.I.R. writer

5	H/c 169 Agyaram Singh	F.I.R. writer
6	Retired Inspector Rajeev Yadav	I.O.
7	Retired Inspector Shriprakash Yadav	I.O.
8	Retired S.I. Jitendra Singh	Wrote Panchayatnama
9	Retired Inspector Ajay Kumar Yadav	I.O.
10	Retired Circle Officer Ranveer Singh	I.O.
11	H/c 29 Shailesh Kumar	Witness for deceased I.O.

<u>Defence Witness No.</u>	<u>Name of witness</u>
1	Sultan Ali
2	Azhar
3	Waris
4	Mohommad Sharif
5	Masiuddin

2. Breif facts of the case registered in Case Crime No.-585/2014 are that, the complainant Haji Jamaluddin filed a complaint in the PS that, on 30.07.2014, he along with Faizan and others were coming from Green Park, Etah road to Firozabad. When they reached the highway to get an auto, a motorcycle suddenly appeared on which Salauddin @ Salua, Sharik, Asif Mota and on another motorcycel rode Wasiuddin and Samiuddin @ Samua. The above people with the intent to kill open fired at them, in which Sharik's bullet hit Faizan and others escaped narrowly. They got an auto and escaped. The above people fired towards the auto. Qadir informed at Faizan's house and they reached the District Hospital from where Faizan was referred to Agra. They went to Agra and were busy in his

treatment but they could not save them and subsequently Faizan died on 31.07.2014 at 08.00 A.M. The motive behind this incident is old rivalry and in order to take revenge. Hence, a report was registered.

3. Breif facts of the case registered in Case Crime No.-758/2014 are that, the complainant Ajay Kumar Yadav registered an F.I.R. at the PS stating that, on 28.08.14, he along with his team and along with government jeep and driver, along with accused Shanu S/o Mohd. Salim and accused Ateeq S/o Mohd. Shakeel, residents of Mohalla Padav, town and police station Shikohabad, district Firozabad, after keeping the daily report No. 61 time 18.10 from the police station and recovery of expected murder weapon related case No. 585/2014 under Section 147, 148, 149, 307, 302 IPC, he got the vehicle parked on Pratappura road about one kilometer towards Pratappur and said that after the incident, he had hidden the pistol in these bushes, so he along with accompanying police personnel, accused Shanu and accused Atiq, entered the bushes on the left side of the road, removed the pan and dug the soil near the root of a Neem tree standing there, accused Shanu took out a 315 bore pistol, on opening it, an empty cartridge was found stuck in the barrel, on the base of which 8 mm K.F was written, the barrel of the pistol was of iron approx 7 inches, the body was of iron approx 5 inches, in which a spring bolt was fitted for closing and opening the barrel and a trigger guard was fitted, for firing, a horse and a fire pin were fitted, the butt was of iron approx 4 inches, on both sides of which wooden plates were made. It has a hammer which is held by two iron screws and is in working condition. It was recovered after seeing it, accused Shanu said that sir, this is the same pistol with which he had shot Faizan. It was taken into police custody at about

18.30 hrs on the spot. It was kept in a cloth and stamped on the spot itself. A sample seal was made. The accused had shot with this pistol at the time of the incident. Hence, a report was registered.

4. On the basis of the above complaint, Exhibit Ka 1, an F.I.R., Exhibit Ka 3 was lodged in Case Crime No. 585/2014 against accused persons, u/S 147, 148, 149, 307, 302 IPC, which was disclosed in copy report, whose GD entry is available on the file as Exhibit Ka 4. Postmortem report of the deceased Faizan is available on the file as Exhibit Ka 2. Letter to SSP, Firozabad is available on the file as Exhibit Ka 5. F.I.R. under Case crime No.- 758/2014 is available on the file as Exhibit Ka 6 and G.D. entry of the same is present as Exhibit Ka 7. Letter to S.S.P., Firozabad as Exhibit Ka 8. Site plan of the incident is available on the file as Exhibit Ka 9 and chargesheet against the accused persons in case crime No.- 585/2014 as Exhibit Ka 10. Panchayatnama (Exhibit Ka 11) of the deceased Faizan was filled and the body was sent to District Hospital for postmortem along with C.M.O. letter, photo nash, challan and sample seal, which are present on the file from Exhibit Ka 12 to Exhibit Ka 15. Recovery of the weapon is available on the file as Exhibit Ka 16. Another site plan of the incident is present on the file as Exhibit Ka 17. The chargesheet against other 2 accused in the same crime No. is present on the file as Exhibit Ka 18. Recovery reports of the bullet from body of the deceased, clothes, scab at the site and front part of the cartridge is available on the file from Exhibit Ka 19 to Exhibit Ka 22. F.S.L. report is available on the file as Exhibit Ka 23. Site plan related to case crime No.- 758/2014 and chargesheet of the same crime No. is available on the file as Exhibit Ka 24 and Exhibit Ka 25 respectively. Taking cognizance of the

charge sheets filed in the Ld. Trial Court, the Ld. Trial Court summoned the accused persons for trial. The accused persons appeared in the court. The Ld. Trial Court committed the the above cases to the Sessions Court by orders dated 17.03.2015, 28.09.2021 and 22.11.2021.

5. Accused persons **Wasiuddin @ Wasiudiya, Samiuddin @ Samua, Ateeq** and **Shanu** appeared in the court. Charges were framed against them by P.O. When the charges were read out and explained to the accused persons, they denied the charges and demanded trial.

6. A total of 11 witnesses were examined on behalf of the prosecution, namely PW1 Jamaluddin, PW2 Abdul Qadir, PW3 Dr. R.B. Singh, PW4 H/c Satyendra Singh, PW5 H/c 169 Agyaram Singh, PW6 Retired Inspector Rajeev Yadav, PW7 Retired Inspector Shriprakash Yadav, PW8 Retired S.I. Jitendra Singh, PW9 Retired Inspector Ajay Kumar Yadav, PW10 Retired Circle Officer Ranveer Singh and PW11 H/c 29 Shailesh Kumar.

5 Defence Witnesses were examined on behalf of the defence, namely DW1 Sultan Ali, DW2 Azhar, DW3 Waris, DW4 Mohommad Sharif and DW5 Masiuddin.

7. As documentary evidence, PW1 has proved the written complaint as Exhibit Ka 1. PW3 has proved the postmortem report as Exhibit Ka 2. PW4 has proved the F.I.R. No.- 585/2014, G.D. and letter to SSP, Firozabad from Exhibit Ka3 to Exhibit Ka 5 respectively. PW5 has proved the F.I.R. No.- 758/2014, G.D. and letter to SSP, Firozabad from Exhibit Ka 6 to Exhibit Ka 8 respectively. PW6 has proved the site plan of the incident as Exhibit Ka 9. PW7 has proved the chargesheet filed in case crime No.- 585/2014 as Exhibit Ka 10. PW8 has proved the panchayatnama, Letter C.M.O., photonash, challan

and sample seal from Exhibit Ka 11 to Exhibit Ka 15 respectively. Recovery report of weapon and cartridge has been proved by PW9 as Exhibit Ka 16. PW10 has proved the second site plan of the incident, charge sheet filed against other accused, recovery reports of bullet from the body of the deceased, clothes, scab at the site, front part of the cartridge and the F.S.L. report from Exhibit Ka 17 to Exhibit Ka 23 respectively. PW11 has proved the site plan related to case crime No.- 758/2014 and the chargesheet for the same as Exhibit Ka 24 and Exhibit Ka 25 respectively. Through this, the prosecution concluded its evidence.

8. Statements of accused u/s 313 Cr.P.C. were recorded on 17.04.2026. The accused persons stated that, the prosecution story is false and all the witnesses have given false testimony, the witnesses have given evidence out of enmity and the case is being tried out of enmity. It has also been stated on behalf of the accused persons that, they are innocent.

9. No other oral or documentary evidence has been produced by the defence.

10. The Court heard the arguments of the Ld. D.G.C. (Criminal) and the Ld. Counsel for the accused persons and perused the evidence available on the file.

11. Witness PW 1 Jamaluddin, examined on behalf of the prosecution, has stated under oath that, this incident occurred about a year and a half ago, on the 30th of the month, the day after Eid at around 06:30 P.M. They had come from Green Park, Shikohabad, to Etah Road. He was accompanied by Qadir, Kamran, and Faizan (the deceased). They were standing on the highway, waiting for an auto-rickshaw to go to Firozabad. Suddenly, two motorcycles arrived; Asif, Shadik, and Salauddin were on one, while Wasiuddin and Shamiuddin

(alias Shamua) were on the other. With the intent to kill, these individuals drew weapons and opened rapid fire; a bullet struck Faizan, while the others narrowly escaped. Upon being shot, Faizan slumped down. They supported Faizan, placed him in an auto-rickshaw, and headed towards Firozabad. As they proceeded towards Firozabad, more shots were fired, though they could not see the shooters. While en route, Qadir informed Faizan's family that he had been shot. They took Faizan to the District Hospital; after examining him, the doctors referred him to Agra. He accompanied Faizan to Agra, where he underwent treatment. Faizan passed away on the morning of the 31st, the day after Eid. They could not file a report on the 30th as they were occupied with his medical treatment; the report was filed on the 31st after returning from Agra. They harbor no enmity towards anyone. The written complaint regarding the incident was drafted by Suhail Anwar (son of Haji Kafil Ahmed, resident of Hajipura, Police Station Rasulpur) at his behest. The complaint bears his signature, and the content reflects exactly what he had stated. The witness identified his signature on the complaint document (Paper No. 3A/2), which was marked as Exhibit Ka 1.

The above witness in his cross-examination has stated that, Kamaal, Rizwan, Imran, and Kamran are his sons. Of these four, Rizwan is currently in jail. His son Suleman is also in jail; he is incarcerated because he was implicated in false cases. Kamaal was released from jail seven months ago; he had served a ten-year sentence. Rizwan and Suleman are serving life imprisonment for murder. Imran is serving a ten-year sentence resulting from false cases. He does not know exactly how many cases are registered against Rizwan, Imran, and Suleman. He is unaware that police history sheets have been

opened for Kamaal, Imran, Rizwan, and Suleman. Sharif, the son of Zakir, is his grandson (daughter's son). Sadab is his brother-in-law (wife's brother); Sadab is serving life imprisonment in jail for a murder case. Kafeel is Sadab's brother-in-law; he has no other family and is serving life imprisonment in jail for a murder case, a case he claims is false. Rizwan, Suleman, Sadab, and Kafeel are all serving life imprisonment for the murder of Aamir. He does not know the relationship between Aamir, Samiuddin, and Wasimuddin. The author of the written complaint, Suhail Anwar, is the son of Kafeel, who is serving a sentence for a murder case. Zakir and Aslam are his sons-in-law. Aslam has a son named Qadir, and Zakir also has a son named Qadir. Sadab, who is in jail, is Aslam's maternal uncle; the Qadir named in the complaint is the same person who is Sadab's nephew (sister's son). He is Aslam's father-in-law. Qadir is his grandson (daughter's son). At the time of the incident, he was present with the deceased, Faizan, in Agra; he was not in Ramgarh. He informed the witness as noted in the complaint that on the evening of July 30, 2014, at approximately 6:30 P.M., Faizan, Qadir, and Kamran had returned to Firozabad from Green Park on Etah Road. When it was pointed out that his name was not mentioned in the document, the witness stated that the entry included "us" alongside those names. He admitted today that he was with the deceased, Faizan. The written complaint mentions that the complainant and others followed behind to the Agra hospital; this implies that the deceased, Faizan, was sent to Agra by ambulance while they followed. The ambulance was arranged from Firozabad; he and his son-in-law, Zakir, had gone to arrange it. The police had sent him to jail in a case under Section 307 of the IPC, deeming him a false complainant. In

that same case, he had named Master Sharif and his family members as accused persons. He does not know whether Wasiuddin and Shamiuddin are brothers of Master Sharif. He is aware of the parentage of Wasiuddin and Shamiuddin; their father is Badruddin. Master Sharif's father is also Badruddin. He does not know which neighborhood they reside in. The father of Asif and Haji Salau is also Badruddin Manager. In the case for which he was jailed, Sultan Ali and Imran had sustained gunshot injuries. He had lodged the report for that case, though he does not recall the number. He does not know if the FIR number for that case is 257/11. It is correct to say that in that case, his son Kamaluddin, his grandson Shakir (alias Sharif), his son Imran, and he himself were jailed, and the case is still pending in court. It is correct to say that in that case, he had presented himself and his son Kamal as eyewitnesses to the incident. It is correct that Jamal had lodged a case under Section 307 IPC against his sons Imran, Rizwan, and Kamal, as well as Imran (son of Ikrar). In that matter, Kamal, Imran (son of Jamaluddin), and Rizwan were convicted, while the case concerning Imran (son of Ikrar) was separated. The false case in which his children were convicted was lodged at the instance of Asik and Sharif. He himself stated that Imran whose case had been separated from the main trial was a relative of theirs. They reside in Makka Colony. Neither Sharif nor anyone named Asik is a witness in this specific case, though they are related as maternal uncle and nephew. Their houses are situated opposite each other. Makka Colony and Karimganj are distinct areas, separated by a road. He does not know the direction of Karimganj from the road or the distance to it; upon hearing the question, the witness stated it is at a distance of approximately 50 paces. He does not know the direction of Makka Colony

from the road, though it would be about 50 paces away. He has not seen Sharif's school or house. Upon seeing a person standing in the court identified as Zakir, the witness stated that he is his son-in-law. His son-in-law, Zakir, is a witness in this case. His wife's name is Smt. Jamila. He is unaware whether his wife, Jamila, had submitted an application to the Additional Sessions Judge-4 seeking the registration of a case under Section 156 of the CrPC against Asif, Sharif, and Aakib (sons of Badruddin). It is incorrect to suggest that he is aware of this application but is withholding the truth from the court. Iqbaluddin is his son. He is unaware whether Iqbaluddin lodged an NCR (NCR No. 27/12) at Police Station Rasulpur on March 28, 2012, against Aakib (son of Badruddin), Asif (son of Badruddin), and Faisal (son of Shamiuddin). He does not recognize Iqbaluddin's signature. It is incorrect to state that he is aware of NCR No. 27/12 or that, following a police investigation, a report under Section 182 was filed against his son Iqbal, a matter of which he would also be aware. She does not know whether or not a case under the Gunda Act is pending against her son, Kamal. She has heard that Kamal was externed from the district, but she has no personal knowledge of the matter. He is unaware of whether there are currently 16 criminal cases pending against his son, Kamaluddin. He does not recall whether or not he stood surety for Kamal in any case; if he did stand surety for Kamal in eight cases, he has no knowledge of it. It is incorrect to say that he is giving false testimony regarding this matter. He is also unaware of whether his daughter, Arjumand, has stood surety alongside him. Rizwan is his son, yet he has no knowledge of whether the first case against Rizwan registered at Ramgarh Police Station (Crime No. 108/2001) was lodged by Mohammad Hanif. He

does not remember if Shakir (son of Mohammad Hussain) lodged a case (Crime No. 113/2001 under Section 307 IPC) against his sons Kamaluddin, Sulaiman, Imran, and Kamran, or if he stood surety for Kamal in that case. He is unaware of any case registered by the Ramgarh police against his sons Kamaluddin, Imran, and Sulaiman under Section 34 of the Police Act. He also has no information regarding the initiation of proceedings under Section 110G of the CrPC against his son Imran (Crime Nos. 218, 219, and 221/2001). He does not know any woman named Shakir. He is unaware of whether Shakir lodged a case against his son Kamal at Ramnagar Police Station (Crime No. 167/2002 under Sections 323/504/506 IPC). Furthermore, he has no knowledge of whether the police arrested his son Kamaluddin in connection with Crime No. 197/2002 (under Section 25 of the Arms Act) at Ramgarh Police Station, nor does he know if he stood surety for Kamaluddin in that case. He does not know Javed Ahmed, son of Ashraf Ahmed, a resident of Power Wali Gali. He is unaware of whether this Javed Ahmed lodged a case (Crime No. 424/2002 under Sections 452/379 IPC) at Ramgarh Police Station against his sons Kamaluddin, Rizwan Ahmed, Imran, and Kamran. He has no information regarding whether Guddu, son of Maharaj (a resident of Noor Nagar), lodged a case (Crime No. 129/2004 under Sections 307/504 IPC) at Ramgarh Police Station against his son Rizwan, or whether he (the witness) stood surety in that matter. He does not know the people associated with 'Zaki Medical'. He is also unaware that his son Rizwan is an accused in the murder case of Zaki's son. He does not know Asif, son of Badruddin, a resident of Karimganj, nor is he aware of whether this Asif lodged a case against his sons Kamaluddin, Imran, and Kamran. He is

unaware that cases under the Gunda Act have been registered against his sons Imran and Kamaluddin on two occasions. Cases under the Gangsters Act are pending against his sons Rizwan, Sulaiman, and Imran, and they are brought from jail to attend court hearings. He does not know anyone named Salauddin; therefore, he cannot say whether or not that person filed a case against his son. He is unaware that Suhail, son of Kamil (a resident of Hajipura, Rasulpur Police Station) who wrote the complaint for the present case has faced proceedings under the Gunda Act and was externed as a result. On the day of the incident, he left Firozabad for Shikohabad at 09:00 A.M. He traveled by tempo. They reached Green Park, Shikohabad, at 11:00 A.M. That day coincided with the occasion of 'Barsi Eid'. Young men and women visit Green Park for recreation. He was sitting at the outer gate, specifically, the gate facing Etah Road. Green Park staff members operate from inside the gate where he was seated; however, as he did not go inside, he cannot specify the distance to the interior area. He remained seated at the gate until 06.00 P.M. Between 11.00 A.M. and 06.00 P.M., he had no conversation with Faizan or Qadir; they stayed inside. There were many food and beverage stalls near the gate where he was sitting. It was the day of Eid. There was a large crowd. He cannot specify which permanent shops were there or identify the permanent shops on the side where he was sitting. There were food and beverage stalls on both sides of where he sat. He did not see an ATM there, nor did he see a cold storage facility. Bottled items were being sold there. People were moving about, but there were no vehicles. The police were not allowing crowds to gather. There were food shops, carts, and hawkers there. The road where he was sitting leads towards Etah; vehicles would normally pass through that

road, but the police were not allowing them to pass on that day. He does not know if there is a Jasrana bus stop on this road, as he has never been to Jasrana. He was sitting on the ground at the Green Park gate, having spread out a handkerchief. He does not carry a mobile phone; Qadir and Faizan had the mobile phones. He cannot provide their numbers. The Etah intersection is about 50–60 paces away from Green Park, specifically, the distance from the 'Diwani' gate onwards is about 50–60 paces. It is incorrect to say that the distance between Green Park and the Etah intersection is two kilometers. It is also incorrect to suggest that he is stating the distance incorrectly because he has not seen Green Park or the Etah intersection. He did not see any board or banner for Green Park at the spot where he was sitting. He did not go inside Green Park, so he does not know if there is an entry ticket for visiting it. He also does not know if there is a charge for bathing or any other activity inside Green Park. It is incorrect to claim that he lacks information about tickets simply because he has never visited Green Park. The boys accompanying him came out on their own; he did not go inside to call them. These people emerged around 6:05. He did not have a watch. He has six sons named Kamaluddin, Imran, Iqbal, Suleman, Rizwan, and Kamran. Suleman's son is Usman. He has two daughters, Arjuman and Raunak Firdos. Arjuman's son is named Kadir. Raunak's husband's name is Zakir. Apart from her, her son Kamran and grandson Kadir are witnesses in this case. She is unaware whether her son-in-law Zakir and grandson Usman were subsequently made witnesses in this case. On the day the incident occurred, she did not meet Zakir or Usman at any point during the day; she met them at the District Hospital around 08:00 P.M. after the incident. It is correct to say that Haji Ali Ahmed, the father of Suhail Anwar,

who drafted her report had previously been convicted, along with his sons Rizwan and Suleman, in a case (Crime No. 444/2009) regarding the murder of Muhammad Amir; that case had been registered by the accused in the present case, Md. Sharif. It is correct to say that Sharif and Asif, accused in the current case had testified in the Muhammad Amir murder case. It is correct to say that she had lodged a case (Crime No. 257/2011 under Section 307 IPC) at Ramgarh Police Station, Firozabad, against Sharif, Asif, Samiuddin, Salau, and Faisal. It is also correct to say that the police deemed Crime No. 257/2011 to be a false case and subsequently named her, Jamaluddin, her sons Kamaluddin and Imran, and her grandson Shakir as accused; all of them were sent to jail in connection with it. That case is still ongoing. On the night of June 2–3, 2012, she was not at home; she was away. She did not learn about the incident that occurred that night while she was at home. She is entangled in so many false cases that she remains in a state of confusion; her mind does not function properly, which is why she cannot recount the details. Her son Iqbaluddin does not live with her. He has been living separately from him for about ten years. His son, Iqbaluddin, had lodged a report against Aakib, Asif, and Faisal, a fact of which he is aware. The police had dismissed that report as false after accepting a bribe. He did not submit a written complaint to any police officer stating that the report had been falsified in exchange for money; his son might have done so. He is unaware whether 'History Sheet' (H.S.) files, specifically H.S. No. 60A against his son Kamla alias Kamaluddin, H.S. 61A against Imran, H.S. 62A against Rizwan, and H 624A against Suleman were opened at the Ramgarh Police Station in 2010. It is incorrect to say that he is deliberately withholding information to conceal his sons'

criminal history. Badruddin lives away from his house approximately half a kilometer away and in a different neighborhood. He may have worked at a factory managed by Badruddin. Badruddin has eight sons; he knows five or six of them. The names of the sons he knows are Asif, Sharif, Salauddin, Wasiuddin, and Shashiuddin. He does not know their ages and cannot state them; nor can he say who is younger or older. He also cannot say what kind of work these boys do. He occasionally encounters these boys in the neighborhood, though there is no exchange of greetings. He does not know which households in the neighborhood these boys visit. He cannot describe their physical appearance, although he stated today that he could recognize them if they appeared before him. The Sub-Inspector did not question him or record his statement in connection with this case.

Question: During the entire investigation, did the police take you to the accused for any identification parade or procedure?

Answer: The police did not conduct any identification procedure involving him.

He knows Muhammad Aadab, son of Haji Shadab. None of Shadab Ahmed's sons are named Muhammad Sharukh or Muhammad Aslam. Haji Shadab is a resident of Hajipura; he does not reside in Mohalla Rasulpur. To the best of his knowledge, apart from himself, his sons, his son-in-law, his grandson, the family of 'Kafil Bhatti-wala', and the family of Muhammad Sadab, there are no other witnesses from that locality involved in this case. He has studied Urdu up to the fifth-grade level. On the day of the incident, only he and Kamran were present at his house; no other male members were there. At the time of the incident, only two males were living in his household. At that time, four members of his family, Kamal,

Imran, Suleman, and Rizwan were in jail. He and his four sons live separately. Kamran lives with him at his house, while Imran is in jail. At the time of the incident, his children and his wife were living there. His son Iqbal lives on Kohinoor Road, Kamal in Habibganj, Suleman in Didamai, and Rizwan at his in-laws' house in Hajipura. Rizwan's house is half a kilometer away from his own. Suleman lives one kilometer away from his house. Kamaluddin lives in Habibganj, four furlongs away from his house. Faizan lives with his parents and brother in Habibganj. At the time of the incident, he was aware that Faizan lived in Habibganj. Jatavpuri is half a kilometer away from Habibganj. None of his sons live in Jatavpuri. He had not stated Faizan's address as Habibganj anywhere; in his report, he had recorded the deceased Faizan's address as Madina Colony. Madina Colony and Jatavpuri are separated by a distance of just a furlong or two. While the report was being drafted, he had provided Faizan's address as Madina Colony to the person writing it. Madina Colony falls under the jurisdiction of Ramgarh Police Station. He had instructed the person drafting the report to record the police station for Madina Colony as Ramgarh. He does not know whether Jatavpuri falls under the jurisdiction of Rasoolpur Police Station or not. He had not told the person drafting the report to record Rasoolpur as the police station for Jatavpuri. After the report was drafted, it was not read out to Faizan, son of Kamaluddin (a resident of Madina Colony, Ramgarh Police Station). The witness then stated that he had personally instructed the drafter to record the address as Madina Colony, Ramgarh Police Station, Firozabad, and that this was what was read out to him. It is incorrect to say that he did not state the address of the deceased, Faizan, as Madina Colony, Ramgarh Police Station, in his written complaint. He

does not know how to read Hindi. Today, he stated that his signatures are in Urdu. Since he did not know how to read Hindi, he was unaware of what the drafter had written or what had been read out to him. Faizan had stayed at his house on the eve of Eid (the night the moon was sighted). Eid fell on the following day. Faizan stayed at his place until the afternoon of Eid. After the afternoon of Eid, Faizan went to his own home in Habibganj. He visited Faizan's house on the evening of Eid, before the Maghrib prayer, between 05:30 and 06:00 P.M. At that time, Faizan's mother, Faizan, and other children were present at the house. None of them accompanied him back. Afterward, he returned to his own home and stayed there all night. At 09:00 A.M., Faizan came to his house and said, "Dada, we have to go to Shikohabad." When asked what they would do there, Faizan replied that they would go for an outing. He said he would not go alone; he agreed to go only if Kamran and Qadir were taken along. Qadir was at his house at that time; he had arrived in the morning. He did not have it recorded in his report that he had gone to Green Park from his house with his sons Kamran and Faizan, and with Qadir. Qadir owns a motorcycle. Qadir had arrived at his house on the motorcycle. None of his own sons own a motorcycle. They had walked as far as the Jatavpuri intersection. He did not use a mobile phone. Nor did he know anyone's mobile number at the time of the incident. He did not provide his own mobile number when getting the report written. If his mobile number was recorded in the written complaint, he cannot explain the reason for it. While getting the report written, he had told the scribe that they were returning from Green Park and had also mentioned that the deceased, Faizan, had gone to Green Park for an outing. Neither of these details was included in the written complaint; he

cannot explain why they were omitted. He does not know the meaning of "P.T.O.," nor did he ask the scribe to write "P.T.O." He does not know the meaning of the word "vyast" (busy), nor did he use that word when speaking to the scribe. He did not dictate the word "surakshit" (safe/secured) for the complaint, nor did he use the words "upchar" (treatment) or "prayas" (attempt). He remarked that these are Hindi words; he stated he had not used the words "nivedan" (request), "prarthana" (prayer), or "mrityu" (death), though he subsequently claimed he *had* used the word "mrityu." He had not verbally dictated or instructed the scribe to include the specific words he is now identifying as Hindi terms. He cannot explain how these words came to be written in the complaint. He is acquainted with the Station House Officer (SHO). He had not asked the scribe to address the report to the "Thana Adhyaksh" (Station In-charge); he had asked for it to be addressed to the "S.O." He had not instructed the scribe to write "Thana Adhyaksh," though he noted that the two terms refer to the same official. He knew the names, addresses, and parentage of the individuals against whom the report was filed. The accused reside in the same neighborhood. He does not know whether they live in the same house or in separate ones, as he does not frequent that locality. He had spoken to Muqeen's sons about going to Shikohabad. He did not encounter any acquaintance during the journey from Firozabad to Shikohabad and back. In Shikohabad, he sat alone, counting prayer beads (*tasbeeh*); he was unaware of who came or went. He had not previously mentioned the matter of counting prayer beads to anyone or to the police because no one had asked him about it; he is stating it now only because he was asked today. He remained seated at the same spot from 11:00 A.M. until 6:00 P.M. He also performed his daytime prayers at

that very location. He never visited the spot he identifies as "Green Park" neither before nor after the incident nor did the police take him there to verify where he had sat or which Green Park he was referring to. He does not know whether CCTV cameras are installed at the Green Park gate. He had passed through the Etah Road intersection prior to this incident and can describe the surroundings; for instance, there is a fruit vendor's shop there where he ate fruit. However, he cannot specify the destinations to which the roads from the Etah Road intersection lead, nor does he know if there is a mosque at that intersection. The reason he was there was that his children were inside Green Park; he was sitting there to keep an eye on them. His family was involved in a feud, and there was a threat to his children's lives; consequently, he had accompanied them for security reasons to prevent any untoward incident. The fact that he had gone there for his children's safety was on his mind at the time the report was filed. He has been wearing glasses for 6–7 years and was wearing them on the day of the incident as well. Without glasses, he can see up to 100 paces away, whereas with glasses, he can see up to half a mile or a mile away. He had not informed the person recording the report that he had gone there for his children's safety; he is stating this fact about going there for security reasons in court for the first time today. Prior to this incident, he had not submitted any application to any official stating that he or his family faced a threat to their lives or were at risk of an untoward incident. Whenever the children in his family went out, he used to accompany them for that purpose. He had gone to Jaswant Nagar with the children a year prior to this incident; he does not recall the specific date. He cannot state any date other than the one associated with this incident because he does not know

Hindi. He did not mention the date to the person recording the report, though he later claimed to have stated the 31st; he had not specified the month or the year. He had neither spoken nor indicated any date other than the 31st to the person writing the report; if any other date has been recorded, he cannot account for it. He did not see the children carrying any items. He recognizes Hindi numerals but not English ones. He did not pay attention to what was written in Hindi at the location. He saw tempos parked at the intersection and traveled by tempo. He is unfamiliar with cardinal directions. When traveling from Firozabad, he went towards the left-hand side. He is unfamiliar with the "Ganga-Jamuna" (local directional references), though he knows where the sun rises and sets. Shikohabad lies to the right when coming from the Etah intersection; it falls on the right-hand side when approaching Firozabad. There were four or five tempos at the intersection that day. It was a festival day, and there was a crowd. Police arrangements were in place at the intersection to regulate traffic, halting traffic on one side while allowing it to flow on the other. The police were present to prevent traffic jams, curb unruly behavior by tempo drivers, and avert incidents such as robberies or accidents involving passengers. The tempos were parked at the intersection. The police arrangements were still in place upon the return journey. Iron railings are installed on both sides of the main road at the intersection, and there are service roads on both sides. He cannot say whether a person could pass through the railings from the service road. While walking along the main road beside the railings, he did not see anyone entering through them. The service road is likely 5–6 feet wide. They did not board the tempo at the intersection itself; they were walking towards the tempo. The tempo was not standing at the

intersection at that time. They were walking one behind the other towards Firozabad, keeping close to the railing. Faisal was in the lead, and Kamran was at the very back. The motorcyclists approached from behind. They were walking with a gap of two to four paces between us. Kamran was at the very back; the motorcyclists did not fire at him, nor did they fire at the individuals walking ahead of him. The motorcycle was in motion; it did not stop or turn back, but the shot was fired while it was moving. After firing, the motorcycle headed towards Firozabad. Faizan was at the forefront, as the motorcycle was moving ahead of everyone. At the time of the firing, the attackers were positioned behind Faizan. He did not see any spent cartridge casings, shoes, slippers, or motorcycle parts lying at the scene of the incident; had he seen any, he would have mentioned it. He did not state in the report that he had seen Faizan's blood at the scene. He had seen the motorcycle both before and after the incident. He knows the motorcycle's appearance but does not know its make or brand. He had specifically instructed the person writing the report to record the motorcycle's color as black and red. He cannot explain why the motorcycle's color was not recorded in his written complaint. Faizan's family members, his mother, brother, and others were present at the time. He did not inform Faizan's family; Qadir did. Qadir did not inform anyone else besides Faizan's family; if he did, the witness is unaware of it. The spot where the blood reportedly fell is located 50–60 paces from the intersection, towards Firozabad. After the incident, neither a police officer nor an auto-rickshaw driver arrived from the intersection. They stopped an auto-rickshaw, put Faizan inside it, and came to Firozabad. Qadir admitted Faizan to the Firozabad hospital under his own name. At that time, he

provided the address as Madina Colony, Firozabad, in the hospital records. They had arranged for an ambulance from the hospital gate. Faizan was on oxygen support and an IV drip when he was transferred from Firozabad to Agra. Accompanying him in the ambulance were the witness, Qadir, Qadir's mother, Kamran, and Faizan's mother. He was not taken to the government hospital in Agra but to a private hospital named Ramraghu. The witness does not know who admitted Faizan there or what address was recorded for him. Faizan was conscious and able to speak throughout the journey from Shikohabad to Firozabad and then to Agra. During this time, the police were not informed, neither at the Rasoolpur police station nor at the crossroads or hospitals, because Faizan's condition was critical. Qadir sat in the ambulance holding Faizan in his lap, while the witness sat in the front of the vehicle. At that time, he did not tell the doctor that Faizan's condition was critical or ask for a magistrate to be summoned to record a statement; however, it is not the case that he refused to have a statement recorded before a magistrate. Faizan's treatment began 10–15 minutes after arriving at the Agra nursing home. He did not deposit the money himself; his daughter, Arjuman, did so. Arjuman lives in Jatavpuri. He does not know how much time elapsed between the deposit and the surgery. He spent the entire night at the hospital, occupied with fetching medicines and IV fluids. He was present at the hospital when Faizan passed away. He is unaware that the Hariparvat police station is located near the hospital. He did not sign any documents or initiate any formal procedures at either the Firozabad or Agra hospitals. Faizan passed away at 08:00 A.M. He and Suhail Anwar set out from Agra to file a report, traveling by bus. They went directly to Shikohabad, while

others had already reached the police station. His nephew, his daughter, and some neighbors were already at the police station before them. News of Faizan's death and the plan to file a report in Shikohabad had been conveyed while they were traveling from Agra. He arrived at the police station and, after consulting with others, lodged the report. He cannot specify exactly who accompanied him to the station. He himself stated that he was the one who lodged the report. It is incorrect to claim that he or his family members had previously lodged a report against the accused and their families, which proved unsuccessful and that they subsequently, after consultation, implicated the accused in the present case. It is also incorrect to claim that he was not present at the time of the incident. It is incorrect to assert that he is testifying as an eyewitness merely on the basis of legal advice. It is incorrect to claim that no such incident occurred at the alleged location, time, or manner as described. It is incorrect to claim that an incident involving his grandson, Faizan, was actually committed by unknown persons at a different location, time, or sequence, and that a report was not filed immediately for that reason. It is incorrect to claim that Kafeel Bhattiwala, the family members of Shadab Mulla, and his own family members colluded to file this false report out of a sense of revenge stemming from prior enmity.

12. Witness PW2 Abdul Qadir, examined on behalf of the prosecution, has stated under oath that, the incident took place on the evening of July 30, 2014, at approximately 06:30 P.M. He, along with his maternal grandfather Haji Jamaluddin, his brother Faizan, and his maternal uncle Kamran, was returning home to Firozabad from Green Park, Shikohabad (Etah Road). Faizan is his maternal cousin. As they reached the highway at Etah Crossing to catch an auto-rickshaw and had

proceeded a short distance towards Firozabad, assailants on motorcycles suddenly appeared, Asif, Sharik, and Salauddin (alias Salua) on one motorcycle, and Samiuddin and Wasiuddin (alias Wasiudiya) on the other. They pulled out country-made pistols and opened rapid fire at the group; while the others narrowly escaped, a bullet fired by Master Shafiq struck Faizan. They attended to Faizan, stopped an auto-rickshaw, and helped him into it; as they began to leave, the assailants fired at them from behind. They headed towards home with Faizan, while the assailants fled the scene while continuing to fire. En route, he called Faizan's home and then took him to the District Hospital. His maternal grandfather Haji Jamaluddin and maternal uncle Kamran accompanied him to the hospital. Faizan was admitted there, but due to his critical condition, he was referred to Agra. A doctor in Firozabad administered an IV drip, a process that took about half an hour. Faizan underwent treatment and surgery in Agra, but he passed away the following morning.

The above witness in his cross-examination has stated that, his father is the nephew of Shadab; Shadab is currently in jail. Shadab is his paternal grandfather through one relationship and his maternal grandfather through another. He is unaware that Shadab is serving a sentence in jail for the murder of Aamir, the brother of Mukim Samiuddin and Wasiuddin. He does not know the nature of the relationship between Kafeel and Shadab. Shadab lives in Hajipura; he does not know where Kafeel lives. He does not know whose son Suhail Anwar is. He has no information regarding where Kafeel's daughters are married. He does not know how Aqeel 'Doodhwala' (the milkman) is related to Kafeel. He has no information about Chhota Munna's relationship to Kafeel. He does not know where Kafeel is. He does not know Suhail Anwar, nor does he

have any social interaction or visits with him; he never speaks to Suhail Anwar. Since he does not know Suhail Anwar at all, he cannot say when he last saw him. He has been living in Jatavpuri for 20 years. Jatavpuri, Hajipura, and Agha Sahib ki Masjid are all adjacent areas; if one gets off at the bypass opposite Vasiya Masjid, the Jatavpuri Road leads ahead to Hajipura, and Agha Sahib ki Masjid is located on that same road. He has no information about whether a quarrel took place near Agha Sahib ki Masjid on the eve of Eid (Chand-raat) 8–10 years ago. It is incorrect to claim that he is aware of a quarrel from 10 years ago but is deliberately withholding that information from the court. Haji Gulfam is his paternal grandfather, and Aalim is his paternal uncle; Haji Gulfam's house is located at Hajipura Chowk. His paternal grandmother's name is Hajjan Shakila Begum; she served as a *Sabhasad* (municipal councillor) 2–3 years ago. His uncle Aalim still lives in Hajipura today. Twenty years ago, they used to live in this very house. He is unaware whether a clash occurred between his grandfather and family members and the Jatav community at the Muhammadpur police outpost four or five years ago. He does not know individuals named Kafil Boss, Suhail Anwar, Aqeel Munna, or Chhota Munna from Hajipura, nor has he ever heard their names mentioned in the area. He deals in bangles and stocks plain bangles; his father assists him in the business. His bangle stock has been located at the Hajipura intersection for the past five years. His residence is in the Jatavpuri lane of Hajipura, while his store is situated at Hajipura itself. He has heard the name Shakeel but does not know him personally. He is familiar with the shop belonging to Bashir (the cloth merchant). Before entering the bangle business, he used to study. His family previously owned a medical store in Didamai,

which closed down seven years ago. He is unsure whether a medical store requires a license; he noted that it was a small-scale operation. No license was obtained from the CMO's office; it was run without one. He has known Master Shafiq for four or five years. He knows him because a legal case was pending against his maternal uncle, Rizwan; Master Shafiq used to attend the proceedings to assist with the case and even testified in it. That case dates back to 2009. Based on Shafiq's testimony in that case, his uncle Rizwan and others were convicted and remain in jail to this day. His medical store had closed down prior to the incident involved in that case. Master Shafiq served as a councilor (Sabhasad) for Ward No. 33 of the municipality; he was elected to this position after 2009. When his uncle was imprisoned in 2009, he did not know whether Master Shafiq had filed the complaint against him. He was aware that his uncle had been jailed in connection with the murder of Aamir. Aamir was Shariq's brother. It is not the case that Shafiq, in his capacity as a councilor, personally lodged a complaint against his medical store regarding spurious medicines alongside the local residents. It is incorrect to claim that Shafiq filed a complaint, that an inspection of the medical store was conducted as a result, and that the store was subsequently shut down. It is also incorrect to suggest that he harbors a grudge against Shafiq over the complaint made against the medical store. At the time of the incident, he possessed mobile number 8869824101; this connection was active then and remains active today. He had this mobile number with him on the day of the incident. He likely used this mobile on July 30, 2014. He reported the incident using mobile number 9219798916. He conveyed this information around 06:40–06:45 P.M. on July 30, 2014, though he also stated it was

between 06:30 P.M. and 07:00 P.M. He cannot specify the location from which he made the call, as the auto-rickshaw was in motion. He does not recall exactly how long after boarding the auto-rickshaw or how long before alighting he made the call. He remained seated in the tempo between 06:30 P.M. and 07:30 P.M. He was seated for approximately one hour. He does not recall making calls to any number other than this specific one during that hour. He does not remember receiving any calls during that period. He does not know anyone named Anwar. On July 30, 2014, he neither called Anwar's mobile number nor received a call from that number. He does not know Suhail Anwar, nor has he ever seen a person by that name. He does not recall whether or not he made a call to mobile number 8265888010 from his aforementioned mobile number on 30.07.2014. He also does not remember receiving a call from mobile number 8265888010 on his mobile on 30.07.2014. He cannot say whether the said mobile belongs to Suhail Anwar or not. The report regarding this incident was lodged by his maternal grandfather; he does not know who actually drafted it. He was not present at the police station when the report was lodged. He has no knowledge if the report concerning this incident was drafted by Suhail Anwar. They had set out from Firozabad for Shikohabad at 09:00 A.M. He does not recall whether he had the said mobile with him when leaving Firozabad. They reached Shikohabad at 11:00 A.M. on 30.07.2014. He did not have the said mobile number with him at the time they arrived in Shikohabad. From 11:00 A.M. to 06:00 P.M., he had been staying in Firozabad. He is aware that his mobile's location might have been in Jatavpuri, Firozabad, prior to 03:00 P.M., and in Shikohabad thereafter. He does not know who might have used his mobile in Firozabad up until

03:00 P.M. Kamran was with him, but the mobile phone was at home. Kamran and Kamaluddin live in separate houses in different localities; Kamran resides in Madina Colony. This was his address at the time of the incident. Kamaluddin's address is in Makka Colony, but due to his conviction, his entire family was living at the house of his maternal grandfather, Jamila, in Jatavpuri. The distance between Madina Colony and Jamil's house in Jatavpuri is approximately three-quarters of a kilometer. On the day of the incident, a message was conveyed via Kamran's mobile phone, though he does not recall whom he spoke to. No call was made to Faizan's house. There were five brothers, Sultan, Shahwan, Rahman, Aman, and Faizan (who has since passed away). He does not recall whether anyone got off at Jatavpuri or along the way from the tempo in which they traveled to Firozabad. His maternal grandfather, maternal uncle, his brother Faizan, and he had set out from Shikohabad in the tempo. He does not remember if all four of them who were in the tempo reached the Firozabad hospital. Neither he, nor Jalaluddin, nor Kamran admitted Faizan; it was Faizan's maternal uncle, Javed Hussain, who admitted him. He does not know who informed Javed Hussain. He remained with Faizan throughout the inquest proceedings, the post-mortem, and until his body was brought back to Firozabad. It is correct to say that he did not sign any documents at the time of admission to either the Firozabad or Agra hospitals, nor did he serve as a witness for the inquest or any other official record. He did sign a paper in Agra when he was being taken in for surgery. It is incorrect to claim that no documents were signed at the Agra hospital. It is correct to say that, at this moment, there is no document before him in the case file bearing his signature. He does not know where Faizan's brother Sultan had arrived. It is incorrect

to say that he did not accompany Faizan; that is why he cannot state where Sultan had arrived. It is also incorrect to claim that Sultan admitted his brother in Agra and that he was absent at the time, which is why he cannot speak to his presence. He does not recall when or where Faizan's brothers arrived. The witness stated that Faizan's mother was with him in the ambulance. He does not recall who summoned Faizan's mother, but she did arrive at the Firozabad hospital. He does not remember whether or not he sent anyone to inform the deceased's mother about the incident. Nor does he recall anyone else sending someone to inform Faizan's family members in his presence. They stayed at the Firozabad hospital for about half an hour to an hour. They left around 08:30 P.M. Faizan was able to speak. He did not disclose the names of the shooters to the doctors in his presence; his priority was saving his life. Faizan was still able to speak when he was taken to Ramraghu Private Hospital in Agra. He did not reveal the names of the shooters in his presence there either. Oxygen was administered immediately upon arrival, and he was placed in the ICU. Faizan's condition was deteriorating. Therefore, he did not ask for a magistrate to record his statement; instead, he asked the doctors to save his life.

Question: Did you, or any of your colleagues in your presence, object to having a dying declaration recorded by a magistrate when Faizan was being admitted to Ramraghu Hospital?

Answer: He did not object; he does not recall whether anyone else objected or not.

He does not know a person (male or female) named Istaqbal. He does not know whether a man or woman named Istaqbal admitted Faizan to the hospital claiming to be his sibling. He signed the consent form for the operation when

Faizan was being taken for surgery at Ramraghu Hospital. He does not recall the exact time, but it was night. He does not remember whether a doctor examined the deceased and prepared a report at Firozabad District Hospital. The injured person was referred from Firozabad District Hospital to Agra. They admitted the injured person to Ramraghu Hospital in Agra; they did not take him to the government medical college. He does not know if any medical examination was conducted at Ramraghu Hospital in Agra. Prominent individuals were overseeing his care. His family included prominent people, though he does not recall their names. Two or three hours after reaching the hospital, the doctor had him sign the consent forms for the operation. Faizan lived in Jatavpuri. He had provided his Jatavpuri address and the details of the hospitals in Firozabad and Agra. If the Jatavpuri address is not recorded in the hospital records from Firozabad and Agra, he cannot explain the reason for that. It is incorrect to claim that he is unable to provide his correct address or the names of his family members because he was not with him. He learned of Faizan's death at 08:00 A.M. It is incorrect to suggest that he is stating the wrong time of death because he was not with him. Everyone was striving to save Faizan's life at the Firozabad and Agra hospitals; consequently, no one spoke of filing an FIR at that time, nor was anyone sent to lodge one. He does not recall what time the police arrived at the Agra hospital for the inquest proceedings (panchnama) or how long they stayed. As he stated earlier today, he was weeping and in a state of shock, so he did not pay attention to those details. He does not remember whether he was present during the inquest proceedings, as he was not in his right mind. He does not recall the specific location where the inquest proceedings took place. He saw Faizan after his death. He had

seen him in the hospital's ICU ward, though he does not remember the bed number. He did not see him after that due to his weeping and distress. He had observed the wound where he was shot at the time the injury occurred, but he did not examine the gunshot wound after his death. The clothes Faizan was wearing had a hole in them. He does not recall if there were any burn marks. He cannot say at what time the post-mortem examination of the deceased, Faizan, was conducted. When he saw Faizan in the hospital after his death, he was wearing underwear and vest. They received Faizan's body in the afternoon following the post-mortem, though he cannot specify the exact time. Suleman is his maternal uncle. He has been convicted and is currently in jail; his conviction is in connection with the case involving Aamir's murder. He knows Zakir, Usman, and Sharik. Usman is the son of his maternal uncle Suleman. Zakir is the son of his maternal aunt's husband. He saw Zakir and Usman in Shikohabad on the day of the incident, prior to the event itself. He does not recall exactly how long before the incident he saw them; it was near Green Park. Both of them are his relatives. He did not speak to them. He does not recall whether or not the others accompanying him spoke to them. The day before the incident, he had not visited the home of Jamaluddin, his maternal grandfather in Madina Colony. Faizan worked as a laborer; he worked in a factory, though he does not know which one. Faizan used to go to the factory for work every morning and return in the evening. Kamran also worked as a laborer in a factory; he too would leave in the morning and return in the evening. His house and warehouse are separate, but when there is a large stock of goods, he stores some at home as well. The distance between his house and the warehouse is approximately half a kilometer. He knew the

person involved in this case beforehand. He never visited their home, nor did they ever come to his. Prior to this incident, the accused had not engaged in any dispute or attempted to corner him; he faced no threat from them. To the best of his knowledge, no one accompanied Faizan and Kamran for their security. Faizan worked in a factory, and Kamran did as well. He does not know whether the two of them went to work alone or not. Jamaluddin never summoned him by saying that he or his children (Kamran and Faizan) faced a threat to their lives and asking him to accompany them for security. He never went with them for their protection. He still possesses the same mobile phone he had back then; he has brought it with him today. He used to converse with Faizan during his lifetime. He does not recall whether or not he spoke to Faizan on the phone on the day of the incident; when they were together, there was no need to communicate via mobile phone. The mobile phone he has brought lacks battery backup and will not switch on, so he is unable to retrieve the number from it. Faizan's number is not saved in his mobile, though he then added that he is unsure whether it is saved or not. He saves numbers by name. If the number is saved, it will appear once the mobile is charged. Faizan's number is not saved in this mobile phone. He cannot provide Faizan's number because he does not remember it. He cannot recall even two or four digits of Faizan's ten-digit number. Even if prompted to recall the number, he would be unable to state it because he does not remember it. It is incorrect to say that he is deliberately withholding Faizan's number. He does not recall whether or not he had a conversation between 09:00 A.M. and 06:00 P.M. on July 30, 2014. On the day of the incident, his mobile phone was in Firozabad until 03:00 P.M.; therefore, the location of any call

made to Faizan from this phone could have been Firozabad. He does not know who spoke to Faizan from his phone before 03:00 P.M. on the day of the incident, nor can he say who made the call or what it was regarding. Until 03:00 P.M., his mobile was at home, though he does not know who in the house had it. Throughout the investigation, he never mentioned that his mobile was at home until 03:00 P.M. because no one asked him about it. Neither the police officer nor the investigating officer asked him about this prior to his testimony in court, so he did not disclose it. He was questioned by the CBCID regarding this case; however, the CBCID officials did not ask about the mobile, nor did he volunteer the information. It is not the case that he was asked for details regarding the mobile and am now failing to disclose that information in court. Faizan's post-mortem examination was conducted at a hospital in Agra, though he does not know the name of the hospital. He stayed with Faizan at the hospital. He does not recall whether he was present at Ramraghu Hospital when the police arrived. He cannot state at what time the police arrived at Ramraghu Hospital or when they left; consequently, he cannot say what procedures were followed or whom they questioned. He does not remember at what time Faizan's body was taken from Ramraghu Hospital for the post-mortem, nor does he recall whether the body was removed from the hospital in his presence. He does not even recall whether or not he accompanied Faizan's body. The hospital where Faizan was admitted and the hospital where the post-mortem was conducted are two different places. He does not know the distance between the two hospitals either. He does not know how many hours after sunrise the police arrived at the hospital because he was not in his right mind due to the grief over

Faizan's death. He does not recall whether the police visited Ramraghu Hospital or not. After Faizan passed away, he was not in his right mind for the entire time he remained at the hospital. He was in his right mind before Faizan died. After Faizan's death, he could not comprehend who was coming or going. He does not recall how long the people who accompanied him stayed with him after Faizan's death, as he was not fully conscious. He cannot say when the people who accompanied him returned after Faizan's death, nor can he say how long they stayed. The people who accompanied him to the Agra hospital with Faizan included Hasnain, Javed Hussain, Qadir (himself), Kamran, and others; he does not recall the names of the rest. He regained his senses only after returning home on July 31, 2014, following Faizan's death. He does not recall what time he arrived home, nor does he remember whether it was morning, afternoon, or evening. He did not consult any doctor for medication regarding his state of mind. Faizan's body was placed at Jatavpuri Crossing, and a traffic blockade was staged; later, it was stated that the body was merely placed to the side and no blockade was created. The body was placed at Jatavpuri Crossing during the afternoon. He does not remember the exact time; he also does not recall whether Kamran, Jamaluddin, and others from Faizan's family were present when the body was placed at Jatavpuri. His brothers Sultan and Shahwan, as well as his maternal uncle and others, were present at that time. The report was written before the blockade was staged. He does not remember who told that the report had been written. He had heard about it between 12:00 P.M. and 03:00 P.M. He had arrived in Firozabad between 12:00 P.M. and 03:00 P.M. The body had also arrived around that same time. He, too, had reached Firozabad around

03:00 P.M. He attended the burial. The burial took place at the Sheeshgran graveyard after 06:30 P.M. He has visited Green Park, Shikohabad, two or three times. He does not recall exactly when he went for the very first time. His initial visit was approximately six months before Faizan passed away; he went there with four friends. There was no specific event or program; it was just a casual visit. Subsequently, he visited Green Park with those same four friends once or twice more before Faizan's death, purely for leisure and recreation. The very last time he visited Green Park was with Faizan; he has not been there since. Faizan had accompanied him once before that final visit as well. Apart from that last visit, he cannot specify the month, date, or year of any of his earlier visits to Green Park. He cannot provide the names or addresses of the four friends who accompanied him on those earlier occasions. He remembers Faizan's name because he was his brother, but he does not recall the names of the others. The mobile phone he currently possesses is the one he has had since after Faizan's death; prior to that, he used a Nokia phone. Expenses at Green Park were sometimes covered by him and sometimes by his friends. There were charges for certain things at Green Park, such as the entry ticket and a separate ticket for using the swimming pool. However, the swimming pool did not exist six months prior to the incident in question; it was constructed later. On the day of Faizan's murder, the entry ticket cost Rs. 10, and the swimming pool ticket cost Rs. 100. He does not recall whether there is a CCTV camera installed at the entrance; he never paid attention to it. On the day of the incident, he did not purchase a swimming pool ticket, nor did he enter the swimming pool area. Ticket rates are displayed on a board outside. He cannot say what lies to the east, west, north, or

south of Green Park. People from Firozabad also visit Green Park. The last time he visited Green Park with Faizan, he did not encounter anyone he knew inside the park other than his uncle (Khalu) Zakir and his maternal uncle's son, Usman. Usman and Zakir arrived at Green Park after he did. He spotted Zakir and Usman at Green Park about an hour after his arrival; he does not recall the exact time. They saw them two hours before they left. They did not leave with them; they had left earlier. He has traveled from Shikohabad along NH-2, crossing the bypass and continuing further. Upon entering Shikohabad, one first encounters the 'Main Chauraha' (Main Intersection); from there, one road leads into the city, while another leads to the bypass, which begins at that very point. The next intersection is 'Etah Chauraha,' located approximately 1 to 1.5 km away from the first one (Main Chauraha). After that comes 'Mainpuri Chauraha.' He is unaware of the existence of a 'Khairgarh Chauraha' situated 1–1.5 km from the Main Chauraha. He does not recall which intersection follows Mainpuri Chauraha, as he has never alighted there; he has only gotten off at Main Chauraha and Etah Chauraha. At Etah Chauraha, there is a service road along NH-2; in fact, there are service roads on both sides of the highway. Small cement dividers separate the service road from the main road. There is no iron mesh fencing installed on either side. He does not recall whose shop is located on the eastern side of NH-2 at Etah Chauraha. He cannot specify exactly whose shops are situated around the intersection, though there are permanent shops and buildings on all sides. There is a traffic island (roundabout) at this intersection where a police constable stands. When he arrived at Etah Chauraha, he did not notice whether a police constable was present, but upon returning, he saw one or two

constables standing there. The incident occurred five to ten minutes after he saw the two constables. By the time the incident took place, he was no longer standing at Etah Chauraha; he had moved on because he could not find an auto-rickshaw. He had set out from Etah Crossing towards Firozabad just 5–10 minutes before the incident occurred. In those 5–10 minutes, he had covered a distance of only 50–60 paces. Police constables were stationed about 50–60 paces away from that spot. After the incident, he did not inform those constables that his brother Faizan had been shot. He did not tell any nearby shopkeeper or passerby that his brother had been shot because he was in a hurry. He does not know [exactly how] the motorcycle came from behind him and moved ahead. It is correct to say that he has passed the Intermediate examination. He did not mention Green Park, Etah Crossing, or the directions of that area in his statement. He does not recall whether he knows the cardinal directions, East, West, North, South, though he had studied them previously. He can indicate the direction of Firozabad from Dabrai using gestures, but he cannot verbally state which way is East, West, North, or South. He does know which side is his right hand and which is his left. The motorcycle came from behind, moving towards the front on his right-hand side. His maternal grandfather was ahead of him, and Faizan was ahead of him. There must have been a gap of about 2 to 4 paces between each of them. The motorcycle did not stop next to him; one motorcycle stopped near Faizan, and another stopped behind him. The riders of the motorcycles behind and ahead fired simultaneously, but he was not hit by any bullet. They were all out in the open. The attackers had stopped their motorcycles but did not dismount. Passing traffic halted due to the firing, and people became aware of the

incident. The constables present at the crossing did not come over. He cannot state the registration numbers of the motorcycles, but he can describe their colors: one was black, and the other was red. He did not mention these colors during his cross examination or in his statement to the police because he was not asked about them. He does not know the motorcycles belonged to which company. Faizan was hit by a bullet from the side; he did not fall immediately after being hit but was slumping over. he supported him; a tempo arrived from behind. The tempo arrived within one to one-and-a-half minutes. They stayed at the scene for about a minute or a minute and a half; they left as soon as the vehicle arrived. He did not notice blood dripping onto the ground; it was flowing from the side. About 4 or 5 shots were fired. He cannot say for certain whether there were 4 shots or 5, but everyone fired. He did not observe who fired first or last, though he did see weapons in everyone's possession. He did not pay enough attention to see if the weapons were identical. Everyone fired simultaneously. They ran and scattered a bit; he moved towards the side service road. The shooters were firing from a distance of 4 to 5 feet. He did not notice whether anyone had a weapon with a thick barrel, he also cannot say how large the weapons were; he did not pay attention to that. It is incorrect to claim that he is failing to describe the weapons and directions because he was not present at the scene. It is also incorrect to claim that he is unable to state the motorcycle's number and make for that reason. On the day of the incident, Faizan did not have an altercation with any boys from Shikohabad. It is also incorrect to claim that he is giving false testimony simply because he is a relative. His father, Haji Aslam, and his maternal grandfather, Haji Jamaluddin, were present at Faizan's funeral procession

and burial from approximately 06:00 A.M. to 07:30 A.M. The Sub-Inspector recorded his statement one or two days after the incident. He told the Sub-Inspector that on the day and at the time of the incident, when his maternal grandfather, Faizan, his maternal uncle Kamran, and he arrived at Etah Crossing, the accused suddenly opened fire on them with illegal weapons just as they were trying to catch an auto-rickshaw. When the statement recorded under Section 161 Cr.P.C. was read out to the witness, he stated that he had given this statement to the Sub-Inspector. It is incorrect to say that he is giving false testimony because his grandfather and maternal uncle, Aamir, are also serving sentences for murder. It is incorrect to say that no incident took place at the time and location he has described.

13. Witness PW3 Dr. R.B. Singh, examined on behalf of the prosecution has stated under oath that, on 31.07.2014, he was on duty at the Post-Mortem House in Agra. On that day, he conducted the post-mortem examination of the deceased, Faizan (son of Kamruddin, resident of Ramsingh Colony, Police Station Ramgarh, Firozabad); the body was brought by Constable (CP 1437) from Police Station Hariparvat, who also identified the body. External examination revealed a body of average build with rigor mortis present; the eyes and mouth were half-open. Upon internal examination, the right side of the heart was full, while the left side was empty. Clotted blood mixed with fluid was present in the peritoneal cavity. Digested food was present in the small intestine. The large intestine was distended. The urinary bladder was empty. The cause of death was shock and hemorrhage. The time of death was 08:30 A.M. on 31.07.2014. Nine police documents accompanied the post-mortem.

Ante-mortem injuries:

- (i) Sutured wound, 3 cm long, on the right side of the chest.
- (ii) Sutured wound, 20 cm long, on the mid-abdomen.
- (iii) Bruise present on the right side of the abdomen.
- (iv) Surgical dressings present on all the above.

The Post-Mortem Report (PMR) of the deceased Faizan (No. 1206/2014, dated 31.07.2014) present in the case file is in his handwriting and bears his signature; which he identifies. It has been marked as Exhibit Ka 2.

The above witness in his cross-examination has stated that, he had got stitched body of the deceased, 2 stitch wounds.

14. Witness PW4, HC Satyendra Singh, examined on behalf of the prosecution has stated under oath that, on July 31, 2014, he was posted as a C.C. (Case Clerk) at the Shikohabad Police Station. On that day, the complainant, Haji Jamaluddin, arrived at the station with a written complaint; based on this, FIR No. 585/2014, under Sections 147, 148, 149, 307, and 302 of the IPC against Salauddin alias Salua. Chik was registered in his handwriting and marked as Exhibit Ka 3. The case details were recorded in the General Diary (GD) entry No. 34 at approximately 13:30 hours on July 31, 2014. A photocopy of the GD is attached as Paper No. 117. The original GD has been destroyed; he has brought the destruction certificate, which is attached as Paper No. 118A. Exhibit Ka 4 was marked on the GD, and Exhibit Ka 5 was marked on the certificate.

The above witness in her cross-examination has stated that, the report regarding the incident was lodged a day later. He did not ask the complainant the reason for the delay. The FIR reached the court three days later; he cannot say why there was such a delay. Exhibit Ka 3 does not bear the thumb

impression or signature of the complainant. Exhibit Ka 4 was not certified by him; it is a photocopy, and the original is not before him. It is incorrect to say that he prepared the typed FIR (Exhibit Ka 3) and the GD entry (Exhibit Ka 4). It is incorrect to say that he is giving false testimony by proving Exhibits Ka - 3 and Ka 4 in court.

15. Witness PW5, HC 169 Agyaram Singh, examined on behalf of the prosecution has stated under oath that, on 28.08.2014 he was posted at the police station as CC. On that day his duty was on work record in the police station office. On that day, on the basis of the report given by the complainant S.O. Ajay Kumar Yadav, a case crime No. 758/2014, under Section 25/27 Arms Act against the accused Shanu was registered on 28.08.2014 at 20.20 hrs, the chik of which was written by him on the computer, which is in the file ST No. 2651/2021 as paper No. 3A/1 to 3A/2, on which the then station in-charge has signed and the station's seal is affixed, on which Exhibit Ka 6 was initialled. The said case was disclosed by him in GD report number 69 at 20.20 hrs dated 28.08.2014. The copy of the GD has paper No. 6A/1 to 6A/3, on which the station's seal is affixed, on which Exhibit Ka 7 was entered. The original GD has been destroyed due to the expiry of the time period, whose destruction certificate he has brought with him to the court today. On which Exhibit Ka 8 was initialled.

The above witness in her cross-examination has stated that, the complainant of the case was posted as SHO at their police station itself. He does not remember to which area and at what time the SHO had left on the morning of the incident. On 28.08.2014 at 20.20 hrs, a report of the above incident was written before him and a recovery report and a bundle of goods which was sealed and survey stamped were submitted. He got

the goods sealed in a chit and kept them in the store house. There were 2 accused named Shanu and Ateeq with this report. Both were searched in front of him by the patrol team at that time. No item was recovered from the 2 accused by him. The accused persons were taken into custody at 20.20 hrs by him and locked in the lock-up. He does not remember when the accused were taken out of the lock-up because he does not have any GD. The chik was typed, the GD registration is in his handwriting. First the GD was registered, after that the chik was cut, it took about 10 minutes to do both the works, after that the relevant documents were given to SI Gulab Singh for investigation, SI Gulab Singh was posted at his police station, he does not know when the Investigating Officer of this case was sent for investigation for the first time because he does not have the GD, the photocopy of the GD registration is available on the file, the original GD registration is with him today. It is not available because it has been destroyed. Exhibit Ka 7 G.D. has the signature of the SHO of the police station who is the complainant in this case, there is no signature of anyone else, his signature is also not there, the chik also has the signature of SHO, there is no stamp of his designation below his signature, he himself said that the typewritten chik with the designation was sent to the court by post the next day which went through the Circle Officer, the date 03.09.2014 is mentioned below his signature. And the date of hearing in the court is mentioned as 03.09.2014, he cannot tell the reason for this delay in reaching the Circle Officer and the court. It is incorrect to say that he took anti-time action in the case under pressure from the police station in-charge because he was under his control. It is also incorrect to say that he deliberately gave the investigation to SI Gulab Singh, who is posted under the station house officer at

his own police station, despite knowing that it would be affected.

16. Witness PW6, Retired Inspector Rajeev Yadav, examined on behalf of prosecution has stated under oath that, on July 31, 2014, he was posted as the Station In-charge at Shikohabad Police Station. On that day, Case Crime No. 585/14, under Sections 147, 148, 149, 307, and 302 of the IPC, was registered at Shikohabad Police Station in his presence, and he commenced the investigation. He prepared Case Diary Entry No. 1 dated July 31, 2014, in which he recorded the copy of the F.I.R. (*Chik*), the copy of the General Diary entry, the statement of the FIR scribe (Head Constable Satendra Singh), and the statement of the complainant, Haji Jamaluddin. He also inspected the scene of the crime at the instance of the complainant, prepared a site plan (*Naksha Nazri*), and recorded details regarding the search and efforts to trace the accused persons. Upon being shown document No. 5A/1 from the case file, the witness stated that this was the very site plan he had prepared at the instance of the complainant; it is in his handwriting and bears his signature, which he identifies. This document was marked as Exhibit Ka 9. Subsequently, he was transferred.

The above witness in his cross examination has stated that, he has recorded the statement of the complainant, Jamaluddin, in Document No. 1. In his statement, the complainant informed him that Faizan, Qadir, and Kamran had returned from Shikohabad. The complainant also stated that they all reached the hospital after receiving information via a phone call from Faizan's family. He prepared a site plan of the incident; however, he did not mark the specific locations where the auto-rickshaw or the accused were positioned. He did not

find any bullets, spent casings, or live cartridges at the scene. He recorded the statements of two independent witnesses, but they did not state who had fired the shots or from which direction the shooters had arrived. A police picket is stationed at the Etah intersection 24 hours a day. He does not recall whether there is a police assistance booth located there. He did not find any marks indicating a bullet impact on the nearby road divider or elsewhere. It is incorrect to claim that he prepared the site plan while sitting at the police station based solely on the complainant's instructions.

17. Witness PW 7, Retired Inspector Shreeprakash Yadav, examined on behalf of the prosecution has stated under oath that, on October 27, 2014, he was posted as the Station House Officer (SHO) at Shikohabad Police Station. On that same date, he prepared Case Diary Entry No. 20, wherein he assumed the investigation of the said case and reviewed the previously recorded Case Diary entries. On October 30, 2014, he prepared Entry No. 21, in which he recorded the statement of the accused, Shamiuddin, inside the jail following an order from the Court. On October 31, 2014, he prepared Entry No. 22, listing the property attached belonging to the accused Asif alias Mota and Salauddin; on that same date, based on the entire investigation and the statements of witnesses, he submitted Charge Sheet No. 470/14 (dated October 31, 2014) to the Court against the accused Wasiuddin, Shamiuddin, Sanu Chunna, Atiq Chunna, Salauddin, and Asif alias Mota. On November 30, 2014, he prepared Case Diary Entry No. 1, recording the receipt of affidavits from witnesses Jamil, Munawwar, Alim, Ziauddin, and Smt. Ayesha, copies of which were incorporated into the case diary. In their affidavits, all the witnesses stated that the accused, Sharik, had no connection to the incident;

consequently, his implication in the case was found to be incorrect. Charge Sheet No. 470/14 exists on the case record as Document No. 4A and bears his handwriting and signature, which he identifies. It was marked as Exhibit Ka 10.

The above witness in his cross examination has stated that, in Case Diary Entry No. 20, he reviewed the analysis conducted by the previous investigating officers. In Entry No. 21, he recorded the statement of the accused, Shamiuddin, at the jail; subsequently, he initiated attachment proceedings against the absconding accused, submitted an inventory of the seized property, and filed the charge sheet. In SCD-1, no offense was found to be established against the accused, Sharik.

18. Witness PW8 Retired S.I. Jitendra Singh, examined on behalf of the prosecution has stated under oath that, on 31.07.2014, he was posted at Police Station Hariparvat, District Agra. Upon receiving information from Ram Raghu Hospital regarding the body of the deceased, Faizan (son of Kamaluddin, resident of Ramgarh Makka, Police Station Ramgarh, Firozabad), he, along with Constable 1433 Bateshwar Rai and SG 403 Gambhir Singh departed from the police station with the necessary equipment and arrived at Ram Raghu Hospital, Agra. At the hospital, the body of the deceased, Faizan, was lying supine on a stretcher. After explaining the purpose of the visit at the mortuary, he appointed panchas (witnesses) from among the deceased's family members present and conducted the inquest proceedings (panchnama). A bandage was wrapped around the deceased's abdomen. Upon inquiry, the doctor informed him that the deceased had undergone surgery. There was a blood-stained wound on the right side of the deceased's abdomen where a bullet had struck; he recorded the opinion of the panchas and obtained their signatures. Upon examining the

documents on the case file (Paper Nos. 6A/1 to 6A/2), the witness stated that this was indeed the panchnama document filled out by him and bearing his signatures. He identified his own handwriting and signatures. This was marked as Exhibit Ka 11. Along with the panchnama, the witness identified the following documents bearing his signatures: Paper Nos. 8A/2 to 8A/3 (Letter to RI), 8A/7 (Photograph of the deceased), 8A/8 (Letter to CMO), and 8A/9 (Seal specimen). He identified his signatures on these documents. These were marked as Exhibits Ka 12 through Ka 15.

The above witness in his cross examination has stated that, at the time the inquest report was being prepared, none of the panchas informed him that a case regarding the deceased, Faizan, had already been registered at the Shikohabad Police Station, nor did they tell him that a report needed to be filed. He had the covering removed and observed that it was a wound. He does not recall which pancha wrote down the opinion of the panchas. The clothes worn by the deceased have not been produced before him in court today. Document No. 8A/5 on the case file is the hospital intimation; the doctor's name is not mentioned in it. It contains no details regarding the place or date of the incident. It is incorrect to say that he prepared the inquest report and related documents while sitting in his office, without actually examining the body. It is also incorrect to say that he prepared the documents erroneously or that he is giving false testimony in court today.

19. Witness PW9 Retired Inspector Ajay Kumar Yadav, examined on behalf of the prosecution has stated under oath that, on 04.08.2014, he was posted as the Station House Officer (SHO) in Shikohabad. He personally undertook the investigation of Case Crime No. 585/14, registered under

Sections 147, 148, 149, 307, and 302 of the IPC. On the said date, Case Diary (CD) entry no. 2 was recorded; acting on an informant's tip-off, the named accused, Wasiuddin alias Wasimuddin, was arrested, and his statement was recorded. CD entry No. 3 was recorded on 14.08.2014, wherein the statements of witnesses Kajid and Kamran were recorded. CD entry No. 4 was recorded on 15.08.2014; raids were conducted at the residences of the wanted accused to effect their arrest, but they were not found. Informants were deployed to gather information and leads regarding their whereabouts, and an application was submitted seeking arrest warrants for the accused. CD entry No. 5 was recorded on 20.08.2014; raids were conducted at the suspected locations of the accused to execute the NBWs issued by the Court, but they were not found. CD entry No. 6 was recorded on 21.08.2014; raids were conducted at suspected locations to execute the arrest warrants issued by the Court, but the accused were not found. CD entry No. 7 was recorded on 22.08.2014, wherein a supplementary statement was taken from the complainant, Haji Jamaluddin, and the statements of other witnesses, Zakir and Usman, were also recorded. Based on these statements, the involvement of accused Atiq and Shanu alias Mujib in the said crime was also established. Case Diary (CD) Entry No. 8, dated 26.08.2014, was recorded, noting that raids were conducted at probable locations to arrest the wanted accused, but they were not found. CD Entry No. 9, dated 28.08.2014, was recorded stating that he, accompanied by Constables Shivkesh Yadav, Nepal Singh, and Sunil Kumar along with the official jeep and driver Constable Janved Singh had set out within the police station's jurisdiction for patrolling, maintaining law and order, and conducting raids for wanted criminals. Upon reaching the area in front of the

Mandi Gate at approximately 17:10 hours, he received information from a reliable informant. Pointing towards the accused standing near the Mandi Gate, the informant identified them as the miscreants responsible for the incident. Two accused were apprehended and interrogated; one identified himself as Atiq and the other as Shanu alias Majeed. The accused were taken into police custody. As they were wanted in connection with Crime No. 385/14, they were brought to the police station; an entry (Report No. 53) was made at 17:35 hours, and they were lodged in the lock-up. Constable Rakesh Kumar was dispatched to inform the families of the accused about the arrest. Interrogation of both accused was conducted while they were in the lock-up, with the interrogator seated on a chair placed outside the cell. They confessed to committing the said crime. Accused Shanu stated that the bullet fired from his country-made pistol had struck Faizan, and that he had hidden the pistol, along with the cartridge, in the bushes along Pratapur Road, adding that he could lead to its recovery if desired. Subsequently, to recover the murder weapon, he proceeded with the accused Shanu and Atiq along with Constables Anil Kumar, Brijesh Kumar, and Devendra Kumar, and driver Constable Janved Singh in the official jeep (as recorded in GD Entry No. 61 at 18:10 hours). They traveled approximately 1 km along Pratap Pur Road to the location indicated by the accused; there, they asked for the vehicle to be stopped. Accused Shanu entered the bushes by the roadside, removed soil and debris from the base of a Neem tree, and retrieved a .315 bore country-made pistol. Upon inspection, a spent cartridge casing was found jammed in the chamber bearing the marking "8MM KF" on its base and the weapon was found to be in working condition. Shanu identified it as the very pistol he had used to

shoot Faizan. The weapon was taken into police custody, wrapped in cloth, sealed with the official seal, and a specimen seal impression was prepared. Attempts were made to find public witnesses, but no one was willing to come forward due to social considerations. The recovery memo (fard) was dictated on the spot using the light from a torch and the jeep's headlights and written by Constable Devendra Kumar; it was read out to the accompanying team members, who signed it, and a copy was provided to accused Shanu, who also signed it. Upon being shown the document marked as Paper No. 3A/3 (the recovery memo of the murder weapon) from the case file (ST No. 2651/21), he confirmed that it was indeed the memo he had prepared that day, bearing his signature and those of his colleagues; this document was subsequently marked as Exhibit Ka 16. The accused were brought to the police station and placed in the lock-up. Based on the said recovery memo, a case (Crime No. 758/14) was registered against accused Shanu under Sections 25/27 of the Arms Act, and the statements of the arrested accused, Shanu and Atiq, were recorded. Case Diary entry No. 10, dated 29.08.2014, was recorded; raids were conducted at the suspected hideouts of the wanted criminals, but they were not found; informants were deployed. Case Diary entry No. 11, dated 30.08.2014, was recorded; an application was submitted to the CJM seeking proceedings under Sections 82 and 83 against the wanted accused Salauddin, Sarikh, Asif alias Mota, and Shamiuddin alias Samua and a copy of this was included in the Case Diary. Case Diary entry No. 12, dated 02.09.2014, was recorded; orders under Section 82 of the CrPC against the wanted accused were obtained from the court of the CJM, and a copy of the same was attached to the Case Diary. The recovered property, currently held at the police station, was

produced before the court today and opened with the court's permission. It consisted of a sealed bundle bearing the seal impression "5884/Firearm/15" and details pertaining to Case Crime Nos. 585/14 and 758/14 (under Section 302 IPC and Sections 25/27 of the Arms Act; State vs. Shanu, PS Shikohabad). Inside, wrapped in cloth, was an item bearing a seal impression marked Case Crime No. 758/14, registered under Sections 25/27 of the Arms Act, involves the recovery of a .315 bore country-made pistol, the description of which matches the seizure memo; a tag bearing the marking "5884/Firearm/15" is attached to it with a string. Exhibit 1 was assigned to the first bundle, Exhibit 2 to the second cloth found inside, and Exhibit 3 to the pistol. An envelope marked "5884/Firearm/15" was also recovered, containing three spent cartridge cases marked "EC 1", "TC 1", and "TC 2" respectively; Exhibit 4 was assigned to the envelope, while Exhibits 5, 6, and 7 were assigned to the spent cartridges respectively. Additionally, two fired bullets marked "EV 1" and "EV 2" wrapped in a white paper packet were recovered and assigned Exhibits 8 and 9 respectively; two other fired bullets marked "TV 1" and "TV 2" were also recovered and assigned Exhibits 10 and 11 respectively..

The above witness in his cross examination conducted on behalf of the accused persons Samiuddin and Wasiuddin has stated that, he conducted the investigation pertaining to Case Diary Entry No. 2, during which Haji Wasiuddin was arrested; however, no recovery was made from him. In Entry No. 3, he recorded the statements of Qadir and Kamran. Both witnesses claimed to have visited Green Park but provided no evidence of such a visit. During the course of his investigation, he did not obtain any CCTV footage from Green Park linking

these accused individuals to the scene. Shanu and Atiq were alleged to have possessed a red Pulsar motorcycle, but no motorcycle registration numbers were specified for the other accused. No footage related to these accused was found from the intersection where the incident reportedly occurred, a location where a police picket is stationed round-the-clock. Details regarding the auto-rickshaw used to transport the injured victim, such as its registration number or the owner's name did not come to light. The police station had no information regarding the matter from the time of the incident until the victim's death; the case was registered only after the death occurred. Although he was not posted at the station at that time, his review of Case Diary Entry No. 1 confirms that the case was filed post-mortem. Entries No. 4 through 6 document the arrests, but no evidentiary material was compiled within them. In Entry No. 7, he recorded a supplementary statement from the complainant, Haji Jamaluddin, as well as statements from witnesses Zakir and Usman (son of Suleman). The supplementary statement identified Atiq and Shanu as the individuals who fired the shots that injured Faizan. Witnesses Zakir and Usman also stated that the bullet fired by Shanu struck Faizan. He neither inquired about nor is he aware of the relationship between the witnesses (Zakir and Usman) and the victim (Faizan). Witnesses Zakir and Usman informed him that they had fled the scene out of fear and had first reported the incident to the complainant, Jamaluddin. As long as the investigation remained with him, no murder weapon was recovered from Samiuddin or Wasiuddin. He recovered the murder weapon from the very accused persons whom he had arrested, as recorded in Case Diary Entry No. 9. Following the recovery from the accused Shanu, he registered Case Crime No.

758/14 under Sections 25/27 of the Arms Act at Police Station Shikohabad, and the seized item was sealed and deposited in the malkhana. During the period he conducted the investigation, he did not make any shopkeeper from Pratap Pur Crossing, Green Park, or Shikohabad Crossing a witness. Throughout his investigation, he did not record the statements of the owner or employees of Green Park, nor did they provide him with any information. During his investigation, he did not find any witness from the general public who had actually seen the incident taking place involving Samiuddin and Wasiuddin.

The above witness in his cross examination conducted on behalf of the accused persons Ateeq and Shanu has stated that, he examined the First Information Report (FIR). The names of Ateeq and Shanu alias Mujeed do not appear in it. The FIR was registered against five named individuals: Salauddin alias Salua, Sharik, Asif Mota, Wasiuddin alias Wasiuddia, and Samauddin alias Samua. Apart from these five named individuals, the FIR did not mention the involvement of any unknown persons. The deceased was identified as Faizan (also recorded as Faizan alias Kamaluddin in the FIR), and the father of Qadir was named as Haji Aslam. Qadir was stated to be accompanying the deceased, Faizan. The FIR indicates the involvement of two motorcycles: Salauddin alias Salua, Sharik, and Asif Mota were reported to have arrived on one motorcycle, while Wasimuddin alias Wasiuddia and Shamiuddin alias Samua arrived on the other. The FIR alleges that these individuals opened rapid fire. It is stated that the deceased, Faizan, was struck by a bullet fired by the named accused, Sharik. According to the FIR, the incident occurred at 06:30 P.M. on July 30, 2014. The report regarding the incident was registered at 01:30 P.M. on July 31, 2014. There was a

delay of 19.5 hours on the part of the complainant in reporting the incident. The FIR itself records that the delay was due to the medical treatment being undergone. It is correct to say that, according to the records, neither the complainant nor any of his family members came to register the case prior to 01:30 P.M. on July 31, 2014. According to the records, the distance from the police station to the scene of the incident was 3 km towards the north, falling under the jurisdiction of the Adarsh Nagar police outpost. The deceased did not die at the scene of the incident. No statement was recorded from the deceased while he was alive. In the initial record (Case Diary Entry No. 1), the name of the deceased is recorded as Faizan alias Kamaluddin in the complainant's statement, whereas the FIR lists the deceased's name as Faizan and his father's name as Kamaluddin. In the complainant's statement within the first entry, Qadir's father is named Haji Salman, whereas the FIR lists Qadir's father's name as Haji Aslam. It is correct to say that the complainant did not mention the names of Ateeq and Shanu in his initial statement. He commenced the investigation from Case Diary Entry No. 2; there is no mention therein of the investigation being formally handed over to him. He states of his own accord that all investigations were transferred to him following the transfer of the previous Inspector-in-Charge. It is correct to say that this fact is not recorded in the case diary. This entry does not mention a review of the previous case diary, nor does it contain a brief summary, although he had indeed reviewed the case diary. In Entry No. 2, he recorded the accused's name as Wasiuddin. Later, inadvertently, it was written as Wasim Uddin alias Wasiuddia. He recorded the statement of the FIR witness, Qadir, on 14.08.2014. This witness, too, did not mention the involvement of Ateeq and

Shanu in the incident in his statement. It was on 22.08.2014 that the complainant first named Ateeq and Shanu as perpetrators of the incident. It is correct to say that in the complainant's supplementary statement recorded in the case diary, the name 'Shanu' was not written; instead, 'Sonu alias Mujib' was recorded because that was the name the complainant had provided to him. In this statement, the complainant mentioned that "we had a narrow escape," implying that he [the witness] was present with them. In his supplementary statement, the complainant identified the deceased as Faizan alias Kamaluddin and stated Qadir's father's name as Haji Salman. It is correct to say that Faizan's father's name is Kamaluddin. In his further statement, the complainant had stated, "I learned that Ateeq and Shanu alias Mujeeb were also involved in the incident. This information was conveyed to him by Zakir, son of Md. Hussain (resident of Kashmiri Gate, Gali No. 18, Police Station Ramgarh, Firozabad) and Usman, son of Suleman (resident of Didamai, Police Station Ramgarh, Firozabad)." The complainant is the grandfather of the deceased, Faizan. He does not know what relationship the complainant has with Zakir and Usman. It is correct to say that the names of these two witnesses, Zakir and Usman, were not mentioned in the First Information Report (FIR). He has no information regarding the relationship of the FIR witnesses, Qadir and Kamran, with the deceased and the complainant. Judging by the name, the witness Kamran is the complainant's son; he cannot say whether the other witness, Qadir, is the son of the complainant's daughter or not. He interrogated Ateeq and Shanu alias Mujeeb together. Atiq was describing the incident, and Shanu was corroborating his account. The fact that Atiq was narrating and Shanu was corroborating is not recorded in the case diary. It is

correct to say that the location of the recovery made by Shanu was an open area. The recovery of the country-made pistol was effected by removing a patel (spade/shovel) and digging the soil. The detail that Shanu removed the patel, dug the soil, and retrieved the pistol was omitted from the case diary. Shanu's statement did not specify the exact location of the recovery; it only mentioned that it was hidden in the bushes by the roadside. The case diary does not mention the preparation of documents at the scene, but he did have the recovery memo signed and the family informed. There is no independent public witness to the arrest and recovery. He is the complainant in Case Crime No. 758/14 against Shanu. The investigation of this case was conducted by Sub-Inspector Gulab Singh, who was posted at his police station and held charge of the station was upon him. He had the inspection of the recovery site conducted. It was stated that the site was approached from the south. If the Investigating Officer recorded that the inspection of the site was carried out only by Constable 283 Anil Kumar upon arriving by motorcycle, then that record is incorrect. If the Investigating Officer failed to mention his presence, he cannot offer any reason for that. He did not inform the Investigating Officer of the distance between the road and the recovery site. Satish, the owner of the nearby field, or any other from the secondary school was not summoned by him as a witness. It is incorrect to claim that the recovery of the murder weapon did not take place in the manner he has described based on the pointing out by the accused. It is incorrect to claim that the recovery was fabricated and the proceedings falsified while sitting at the police station. It is incorrect to claim that he failed to conduct an impartial investigation or that he, in collusion with the actual accused and the complainant deliberately and subsequently added the names

of Ateeq and Shanu in place of the real accused. It is incorrect to claim that he did not state the facts correctly in court.s

20. Witness PW10 Retired Circle Officer Ranveer Singh, examined on behalf of the prosecution has stated under oath that, following the death of the former Inspector, Sandesh Kumar Singh, on 12.03.2015, the investigation of the said case was entrusted to him (the Inspector) by the Circle Officer. On 13.03.2015, Case Diary Entry No. 1 was recorded regarding the investigation and statements. On 16.03.2015, Case Diary Entry No. 2 was recorded; from the file of the previous Investigating Officer, a photocopy of the local police Case Diary (CD), along with four seizure memos (fards) detailing the recovered property, were received. These details were entered into the Case Diary, and copies of the seizure memos were incorporated therein. On 16.03.2015, Case Diary Entry IIA was made, recording copies of the initial police report and the formal FIR registration document (chik) for the aforementioned case. On 18.03.2015, Case Diary Entry No. 3 was recorded, in which the statement of the complainant, Arif, was noted and the complaint letter was attached to the Case Diary. On 20.03.2015, Case Diary Entry No. 4 was recorded, noting the statements of the complainant Jamaluddin and witnesses Kamran, Abdul Kadir, and Usman, as well as the statement of Zakir (son of Md. Hussain). On 24.03.2015, Case Diary Entry No. 5 was recorded; a letter was sent to the Superintendent of Police, Firozabad, requesting tower-wise call detail records (CDRs) for the mobile numbers associated with the named accused Sarik, Asif, and Prakash (alias Shanu alias Mujeed) as well as Kamran and Abdul Kadir. On 16.04.2015, Case Diary Entry No. 6 was recorded; the scene of the incident was inspected based on the identification provided by the complainant and the witness, and

a rough site plan was prepared, which is available on the case file as Paper No. 4A, is in his handwriting, and bears his signature and was marked as Exhibit Ka 17. Witnesses Mohd. Shahid, Veetu Yadav, Ankit Jadon, and Mintu Chaudhary were summoned, and their statements were recorded. People in the vicinity of the crime scene, such as Naeem and Nazim, were questioned, and their statements were recorded. Following these proceedings, he, the Investigating Officer, arrived in Firozabad and searched for Sarik, Asif, Shamiuddin, Salauddin, and Wasiuddin, the real brothers of the complainant Arif and individuals named in the FIR of the aforementioned case; all of them were found at Sarik's house. The statements of the aforementioned Sarik, Asif, Shamiuddin, Salauddin, and Wasiuddin were recorded. The statement of Smt. Ayesha Begum was recorded. On 17.04.2015, Case Diary Entry No. 7 was recorded, in which the statement of Mohd. Salim, son of Sher Mohd., was noted. Statements were also taken from Smt. Guddo Begum, Sohail, Mohd. Salman, Mohd. Saif, Ms. Sanda, and Ms. Hina; they corroborated the statements given by their father, Salim, and mother, Guddo. The statements of Khalil Ahmed (son of Shri Jameel Ahmed), Imtiyaz Ali (son of Muntiyaz Ali), and Riyazuddin (son of Nizamuddin) were recorded. On 25.04.2015, Case Diary Entry No. 8 was recorded, under which the statements of Warish and Azhar were noted. On 30.04.2015, Case Diary Entry No. 9 was recorded, in which the statements of Constable Clerk Satendra Singh, Arif (son of Shaukat Ali), and Ali Bahadur were noted. On 01.05.2015, Case Diary Entry No. 10 was recorded; therein, the statements of the complainant Jamaluddin and his sons Imran, Suleman, Rizwan, and Kamaluddin were noted. Additionally, a letter was drafted to the Agra Division to accurately record the

criminal history of the accused persons involved in Case Crime No. 585/14; furthermore, a certified copy of NCR No. 27/12 (registered under Sections 323 and 504 of the IPC at Police Station Rasulpur) was obtained and attached to the Case Diary. On 06.05.2015, Case Diary Entry No. 11 was recorded, in which the statements of Jamil, Muntazir, and Ziauddin were noted. On 12.05.2015, Case Diary Entry No. 12 was recorded, in which the statements of Shri Masiuddin, Constable Bateshwar Ram, and SI Jitendra Kumar Singh were noted. On 19.05.2015, Case Diary Entry No. 13 was recorded, in which the statement of the accused Shanu alias Mujeeb was noted. On 16.06.2015, Case Diary Entry No. 14 was recorded, in which the statements of Shri Rajiv Yadav (Station House Officer, Shikohabad), Shri Prakash, Pramod Kumar Yadav, and Constable Jitendra Singh were noted. On 24.06.2015, Case Diary Entry No. 15 was recorded, in which the statement of Ajay Kumar Yadav was noted. On 26.06.2015, Case Diary Entry No. 16 was recorded; this involved reviewing the case records, specifically the report copies, FIR copies, and case outcomes for Crime Nos. 444/09 and 209/11 (Ramgarh Police Station). These details were entered into the case diary, and the statement of Sohail was recorded. Additionally, regarding the sons of the complainant Jamaluddin namely Kamaluddin, Rizwan, Suleman, and Imran (whose History Sheet numbers are 6A, 62A, 24A, and 61A, respectively, and against whom numerous cases are registered) instructions were issued to the Head Moharrir (HM) of Ramgarh Police Station to compile their criminal histories and immediately make them available to the Agra Division. The statement of Dr. Rahul Jain from SNM Hospital, Firozabad, was also recorded. On 27.06.2015, Case Diary Entry No. 17 was recorded, documenting the statements

of Md. Aalim, Md. Salim, Md. Hasnain, Adaab, Javed, Salim (son of Md. Hussain), and Smt. Shaiba. On 06.07.2015, Case Diary Entry No. 18 was recorded, documenting the statements of Anil Yadav and Pushpendra Yadav. On 10.07.2015, Case Diary Entry No. 19 was recorded, documenting the statements of Rajiv Gupta (owner of Green Park, Shikohabad), Green Park employees Hariom Sharma and Chahat Qureshi, and locals Munna (son of Abdul Salam), Shyamkant, and Sultan Ali; a search was also conducted at the residence of Md. Zaheer, where it was learned that he was out of town. On 14.07.2015, Case Diary Entry No. 20 was recorded, involving details regarding the injury report of the deceased Faizan from Ramraghu Hospital, Agra were obtained and recorded in the Case Diary (CD); the treatment sheet, death certificate, and X-ray report were also procured, and the statements of witnesses Vijendra Singh, Rajkumar Agarwal (Technician), and Bobby Rajput were recorded. On 15.07.2014, Case Diary Entry No. 21 was made, recording the statements of Zaheer, Iqbal Hussain, Shahbaz, and Akram. On 16.07.2015, Case Diary Entry No. 22 was made, recording the statements of Naved and Shakeel Ahmed. On 24.07.2015, Case Diary Entry No. 23 was made, recording the interrogation of the accused, Atiq, regarding the murder, as well as details of his criminal history obtained from CBCID, Agra. On 31.07.2015, Case Diary Entry No. 24 was made, recording the statements of Muntiyaz Ali and Mohd. Sharif. On 06.08.2015, Case Diary Entry No. 25 was made, recording details regarding the affidavits submitted. On 10.08.2015, Case Diary Entry No. 26 was made, recording the verification of affidavits submitted by Azhar (son of Bhure Khan) and others. On 14.08.2015, Case Diary Entry No. 27 was made, recording the verification of affidavits previously

submitted by Zaheer, Vakil, and Shakeel. On 22.08.2015, Case Diary Entry No. 28 was made, recording the affidavits of Ali Bahadur, Munna alias Patel, and others in the Case Diary. On 25.08.2015, Case Diary Entry No. 29 was recorded, wherein the affidavits previously submitted by Ali Bahadur, Munna alias Patel, and Warish were verified. On 10.11.2015, Case Diary Entry No. 30 was recorded, wherein the statement of Alim was noted. On 18.12.2015, Case Diary Entry No. 31 was recorded, wherein a reminder was issued regarding the submission of the report to the Forensic Science Laboratory, Agra. On 17.02.2016, Case Diary Entry No. 32 was recorded; based on oral and documentary evidence, the naming of the accused persons, Mohd. Sarik, Wasiuddin, Shamiuddin, Asif, and Salauddin in the case against Shanu alias Mujeeb and Atiq (son of Shakeel) was found to be false. The matter was referred to higher authorities for approval of this course of action. On 22.04.2016, Case Diary Entry No. 33 was recorded. Based on the entire investigation, statements, and other evidence, and following approval from higher authorities, Charge Sheet No. 10/16 was submitted to the Court against the accused persons Ateeq (son of Shakeel) and Shanu alias Mujeeb (son of Salim), residents of Padav, Town and Police Station Shikohabad as the offenses under Sections 147, 148, 149, 307, and 302 of the IPC were conclusively proven. Upon examining the documents (Paper Nos. 4A/1 to 4A/2) on the case file, the witness stated that this was the very charge sheet he had submitted to the Court; it was in his handwriting and bore his signature. He identified his handwriting and signature. This document was marked as Exhibit Ka 18. Inspector Sandesh Kumar Sharma, the former investigating officer, was posted with him in the Agra division. He has seen him write and sign documents. He

has since passed away. Upon being shown the seizure memo for the bullet (Paper No. 5A/1), the seizure memo for the blood-stained shirt and trousers (Paper No. 5A/2), the seizure memo for the scraped soil/plaster from the wall at the bullet impact site (Paper No. 5A/3), and the recovery memo for a bullet cartridge (Paper No. 5A/4) all prepared by him during the investigation, the witness stated that these documents are in the handwriting and bear the signature of Inspector Sandesh Kumar Sharma, a fact he confirmed. These were marked as Exhibits Ka 19, Ka 20, Ka 21, and Ka 22, respectively. After being received from the Forensic Science Laboratory, Agra (U.P.), the report (SCD-1 dated 27.01.2017) was submitted to the Court by SI Kaushal Kishore; it is present on the case file as documents 32A/1 through 32A/2. This was marked as Exhibit Ka 23.

The above witness in his cross examination conducted on behalf of accused persons Wasiuddin and Shamiuddin has stated that, after receiving the investigation, he examined the case papers of the previous investigating officer. Case Diary Entry No. 1: He was assigned the investigation following the death of the previous Investigating Officer, Sandesh Kumar Sharma; this fact was recorded in Entry No. 1. Entry No. 2 was prepared after reviewing the investigation conducted by the previous police Investigating Officer. In Entry No. 2, while examining the records of the investigation conducted by the Shikohabad Police Station, he made references to Case Diaries (CD) 1 through 22, as well as Supplementary Case Diaries (SCD) 1 and 2. He also noted the seizure of the bullet, as well as the recovery of blood-stained clothing and the bullet itself. He incorporated into his investigation the seizure memos prepared by the previous Investigating Officer, Sandesh Kumar Sharma specifically those regarding the seizure of the bullet,

clothing, scrapings from the wall, and the recovered front portion of a cartridge. Case Diary Entry No. 3 was prepared by me, recording the statement of Arif. In this statement, Arif described the murder of his brother, Aamir, and expressed that the accused involved in Case Crime No. 444/09 (under Sections 147, 148, 149, 302, 504, and 506 of the IPC and Section 7 of the Criminal Law Amendment Act) should be sentenced to life imprisonment by the Ld. Court of ADJ-8. He also recorded Arif's statement alleging that a case had been registered by the accused in order to falsely implicate his brothers, Asif and Sharik. He also recorded the witness's statement regarding the fact that on 27.06.2011, Jamaluddin (son of Hakimuddin) had lodged a case (Crime No. 257/11 under Sections 147, 148, 149, and 307 of the IPC) at Police Station Ramgarh, Firozabad, against Asif, Sharik, Salauddin, Shamiuddin, and his nephew Faisal; during the investigation of that case, the statement of the injured party, Sultan, was recorded in court under Section 164 of the CrPC, wherein he named Jamaluddin, Kamaluddin, Imran, and the grandson Shakir (alias Sharik) as the perpetrators. The witness further stated that on 30.07.2014, Faizan (son of Kamaluddin, resident of Makka Colony, Police Station Ramgarh) had gone to Green Park, Shikohabad, with his friends on the day following Eid. At Green Park, a quarrel and altercation broke out between Faizan and his friends and some boys from Shikohabad (belonging to the Qureshi community) over the use of a swing; the dispute was subsequently pacified by the park owner, staff, and others. However, that same evening, while Faizan and his friends were returning to Firozabad, those very boys from Shikohabad shot Faizan; he subsequently died during treatment at Ramraghu Hospital, Agra, on 31.07.2014. Regarding this incident, the

deceased Faizan's grandfather, Jamaluddin, lodged a case (Crime No. 585/14 under Sections 147, 148, 149, and 302 of the IPC) at Police Station Shikohabad against Sharik, Asif, Salauddin, Shamiuddin, and Wasiuddin, citing enmity as the motive; he deliberately did not register the case against the actual culprits. The witness also stated to him that on 30.07.2014, they had gone to the house of Salim (son of Sher Mohammad) in Kashmiri Gate, Firozabad, during the afternoon to finalize the date and day for Shariq's wedding. He was informed that on 30.07.2014, Shariq had gone to Delhi with his friends to deliver Eid gifts to his sister Afsha and to purchase clothes and other wedding-related items; Shariq's name has been falsely implicated in this matter. The witness further stated that Jamaluddin, the grandfather of Faizan and the complainant in Case Crime No. 585/14 (Police Station Shikohabad) had previously filed false cases against my brothers. The witness also informed him that the complainant in Case Crime No. 257/11, along with his son, had previously lodged false complaints (such as NCR No. 27/11) because their own brothers had been convicted. Additionally, the witness stated that the deceased Faizan's father, Kamaluddin, had been sentenced to 10 years of imprisonment by the court of ADJ-4 in connection with Case Crime No. 209/12 (under Sections 307 and 384 of the IPC, Police Station Ramgarh, Firozabad); the witness also disclosed that Faizan's father (Kamaluddin) and his uncles (Rizwan, Suleman, and Imran) are listed as 'history-sheeters' at Police Station Ramgarh. During his testimony, the witness provided him with a petition addressed to the State Human Rights Commission (Gomti Nagar, Lucknow) specifically regarding File No. 9012(83) along with a government letter dated 20.01.2014 and another letter from the

Deputy Secretary/Secretary, Uttar Pradesh; B.P. Singh's government order issued by the Headquarters of the Director General of Police (DGP), Uttar Pradesh (Lucknow); a notice from the DGP, Uttar Pradesh; a petition dated 25.08.2014 submitted to the UP State Human Rights Commission; a copy of the Chik FIR (No. 444/2009) registered under Section 302 IPC at Police Station Ramgarh; the charge sheet; and a 57-page judgment regarding Crime No. 94/2010, in which the sons of the complainant, Jamaluddin, were convicted. The witness also provided a 14-page judgment regarding Case No. S.N. 586/2012 (Crime No. 209/12). In Paragraph 14 of this judgment, the court had listed all the cases in which the accused Kamaluddin, Imran, and Rizwan had been convicted. The witness provided me with the Chik FIR copy and charge sheet for Case No. 257/2011, as well as a copy of the statement of the injured victim, Sultan Ali, recorded under Section 164 Cr.P.C. by the Investigating Officer, Rajendra Prasad; additionally, he was provided with the history sheets of Imran, Rizwan, and Suleman. The witness also provided me with 6 pages of documents concerning Kafeel Bhattiwala, Kamal alias Kamaluddin (son of Jamal), and Suleman. A list of cases involving Jamal, Imran (son of Jamal), Kamran (son of Jamal), Rizwan (son of Jamal), Ashfaq alias Chhota, Aqeel alias Bada Munna, Shahzad (son of Kafeel), Abdullah (son of Kafeel), Shadab Mulla (son of Master Bashir), and Nazim alias Guddu was provided, which he incorporated into his investigation. On 20.03.2015, Statement No. 4 was recorded, in which the statement of the complainant, Jamaluddin, was noted down. In this statement, he informed him that Abdul Qadir had notified him about the incident via mobile phone. He took Abdul Qadir and his friend Faizan to the District Hospital. From there,

Faizan was referred to Agra. In Agra, Faizan was admitted to Ramraghu Hospital. He, along with others, had reached Ramraghu Hospital. Despite significant efforts, Faizan passed away during treatment on 31.07.2014 at approximately 08:00 A.M. He put questions to the complainant during the recording of the statement, and he provided answers to them. He asked the complainant whether he was present at the scene at the time of the incident and had witnessed it; he replied that he was not present at the scene and did not witness the incident himself, he had been informed about it by his grandson, Abdul Qadir, via mobile phone. He also asked the complainant about the case registered in 2011 (Crime No. 257/11 under Sections 147, 148, 149, and 307 of the IPC), in which Sultan, the brother-in-law of his son Imran had sustained a gunshot wound, and a case had been lodged at Ramgarh Police Station against Sharik, Asif, Shamiuddin, Salauddin, and Faisal. He asked if it was correct that, during the investigation of this very case, a charge sheet was filed against the complainant's sons (Imran and Kamaluddin) and his grandson (Shakir alias Sharik) under Sections 307 and 120(B) of the IPC. The witness replied that it was indeed correct that a charge sheet had been filed against his sons Imran and Kamaluddin, as well as Shakir. He asked the witness whether a final report had been submitted regarding NCR No. 27/12 (registered under Sections 323 and 504 of the IPC), in which a report under Section 182 was filed against Iqbal; the witness replied in the affirmative. He also asked the witness whether, on 30.04.2010, Haji Salauddin (son of Badruddin) had lodged NCR No. 80/10 (under Sections 323, 504, and 506 of the IPC) at Ramgarh Police Station against his sons Kamaluddin, Imran, and Kamran as well as against Suhail alias Guddu (son of Kafeel Bhatti-wale); and whether Sharik

had lodged NCR No. 139/11 at Matsaina Police Station against his sons Rizwan, Suleman, and Bablu alias Imran and whether charge sheets had been filed in all these NCR cases. The witness confirmed that this was correct. He further asked the witness about the current whereabouts of the deceased Faizan's father, Kamaluddin, and his uncles Imran, Suleman, and Rizwan who are the witness's sons. The witness replied that Faizan's father, Kamaluddin, and his uncles, Imran and Rizwan, are serving a 10-year prison sentence in connection with Case Crime No. 209/12 (registered under Sections 307, 384, and 504 of the IPC at Ramgarh Police Station); the witness also stated that Rizwan and Suleman are serving life imprisonment in connection with the murder case of Sharik's brother, Aamir (Case Crime No. 444/09, registered under Section 302 of the IPC). He also asked the witness whether, on 22.08.2014, he had gone to the Shikohabad Police Station along with Zakir (son of Muhammad Hussain) and Usman (son of Suleman) and given a statement to the Station House Officer (SHO), Ajay Kumar Yadav, regarding the involvement of the accused Shanu alias Mujeeb (son of Salim) and Ateeq (son of Md. Shamim), both residents of the area opposite Humma Masjid, Padav, Shikohabad in the murder of Faizan. In response, the complainant stated that neither did he go there nor did he give any such statement. He also asked whether his brothers Rizwan, Suleman, Kamaluddin, and Imran were listed as 'history-sheeters' at the Ramgarh Police Station. The complainant answered in the affirmative. He recorded the statement of the next witness, Abdul Qadir (son of Haji Aslam, resident of Sayyadganj), and also put certain questions to him. He asked the witness to whom he had reported the incident; he replied that he had informed Faizan's grandfather, Jamaluddin, via

mobile phone. He also asked the witness whether he and Faizan had gotten into an altercation with some boys from Shikohabad at Green Park, Shikohabad. The witness replied that a dispute had indeed occurred with boys from Shikohabad at Green Park over the use of a swing. He also asked the witness whether Azhar Waris was with him while returning from Green Park, Shikohabad, on 30.07.2014 (the day following Eid). The witness replied, "Yes, he was with me." He also asked the witness how many shots were fired and whether any shots had hit the tempo or anyone else. The witness replied that one or two shots were fired, but they did not hit the tempo or anyone else. In this very Case Diary Entry No. 4, he also recorded the statement of Kamran, son of Jamaluddin; he informed him that Abdul Qadir had used his mobile phone to notify his father, Jamaluddin, about the incident while still on the way. This incident occurred around 06:00 to 06:30 P.M. He also asked the witness that when he took Faizan to Firozabad and Agra in a tempo after he had been shot, Faizan's blood would likely have stained his clothes, so where were those clothes? The witness replied that his clothes had not been stained with blood; upon being asked, he also provided his mobile number: 9219798918. In this same Case Diary Entry No. 4, he also recorded the statement of the witness Zakir. He asked him whether, on August 22, 2014, he had gone to the Shikohabad Police Station with Usman (son of Suleman) and his father-in-law Jamaluddin, and whether he had given a statement regarding the involvement of Shanu alias Mujeeb and Atiq (son of Shakeel) both residents of Shikohabad in Faizan's murder, stating that it was Shanu's bullet that had struck Faizan. In response, the witness stated that he had neither gone to Shikohabad nor given any such statement. When he asked, the witness also mentioned

that his son, Shakir alias Sharik, had been challaned under Sections 307 and 120(B) of the IPC. Subsequently, on 24.03.2015, he prepared Case Diary Entry No. 5, in which he wrote a letter to the SP of Firozabad requesting the retrieval of mobile number details for the named accused Sharik and Asif as well as the accused identified during the investigation: Shanu (alias Mujeeb), Kamran, and Abdul Kadir. He had listed the specific mobile numbers in that letter. On 16.04.2015, he prepared Case Diary Entry No. 6, which recorded the inspection of the crime scene and the statements of Naeem, Nazim, Veetu Yadav, Ankit Jadon, Mohd. Sharik, Asif, Salauddin, Haji Tausif, Mohd. Shahid, Badruddin, and Smt. Ayesha Begum. He recorded the statements of Naeem (son of Mohd. Yaqub, resident of Etah Road, Police Station Shikohabad) and Nazim (son of Jameel, resident of Hajipura, Police Station Rasulpur, Firozabad). They informed him that Shanu Darji and Ateeq had been sent to jail in connection with the incident involving a gunshot fired a year prior, on the day following Eid. In the presence of witnesses Veetu Yadav and Ankit Jadon, the tip of a bullet had been recovered by the previous Investigating Officer, the late Sandesh Kumar Sharma; this item was placed in a glass bottle and sealed. He recorded the statement of Mohd. Sharik under Section 161 of the CrPC. Sharik informed him that on 15.10.2009, his real brother Aamir was called out of his home and murdered at the house of Bablu alias Imran by Kafil Bhattiwala, Shadab Mulla, Rizwan, Suleman, and Bablu alias Imran. Shakeel alias Lalla, Guddu NF, Imran, Shivli, Arif Baba, and Irfan were named as accused in that case. However, the court sentenced all the named accused to life imprisonment, while Imran and Irfan who had surfaced as accused during the investigation were sentenced to

one year of imprisonment each. Numerous false cases were filed against them with the aim of pressuring them not to testify and forcing a compromise; details regarding these cases have already been recorded in the previous case diary entry. He also recorded the statements of Sharik's brothers Asif and Salauddin (alias Salau) and his brothers-in-law Haji Tausif, Md. Shahid, and Badruddin all of whom corroborated each other's accounts. In Case Diary Entry No. 6, he has attached the site plan of the incident location and the bills for wedding-related purchases made by Md. Sharik in Delhi. On 17.04.2015, Case Diary Entry No. 7 was prepared, recording the statements of witnesses Md. Salim (son of Sher Mohammad, resident of Kashmiri Gate, Ramgarh Police Station), Smt. Guddo Begum (wife of Salim), Khalil Ahmed (son of Jamil Ahmed), and Imtiyaz Ali (son of Muntiyaz Ali) all residents of Kashmiri Gate, Ramgarh Police Station, Firozabad. Witness Salim stated that he is the father of Sheeva. He had arranged his daughter Sheeva's marriage to Sharik. To finalize the wedding date, a group of about 40–50 people including Sharik's brothers (Wasiuddin, Shamiuddin, Salauddin, Asif, Arif, Aakib, and Tarikh), brothers-in-law (Tausif, Shahid, and Iliyas), and others had arrived at his house around 02:00 or 02:30 P.M.; they remained there until 08:00 P.M., occupied with refreshments and a meal, before departing around that time. The witness further stated that on the evening of 30.07.2014, Faizan (son of Kamaluddin, resident of Makka Colony, Firozabad) was shot by some individuals in Shikohabad and subsequently died at a hospital in Agra the following day; consequently, the deceased's grandfather, Jamaluddin, falsely implicated his prospective son-in-law and the latter's brothers in the case due to an old enmity. The witness also stated to him that his prospective son-in-law,

Sharik, and his brothers were innocent; all of Sharik's brothers were at his house at the time of the incident, while Sharik had gone to Delhi with his friends to deliver Eidi to his sister Afsha and to purchase items for the wedding. The witness further informed him that his daughter holds M.A. and B.Ed. degrees and works as a contractual assistant teacher in Rajasthan. Had his son-in-law or his brothers been involved in Faizan's murder in the slightest, he would never have agreed to his daughter's marriage to Sharik under any circumstances. Subsequently, he questioned the witness, asking which halwai had been engaged; the witness replied that it was Guddu Peerji, who prepared food for approximately 50 people. When he inquired about the prospective son-in-law's presence, the witness explained that the groom-to-be does not attend the meeting to fix the wedding date; the witness also mentioned that a Maulvi is not summoned for this purpose, as the date is decided through mutual discussion among the families. Naved, Riyazuddin, Imtiaz, and others from the neighborhood were also present at the gathering. In the course of the investigation, he also recorded the Section 161 statements of Sheeva's mother Guddo Begum, Khalil Ahmed, Imtiaz Ali, and Riyazuddin. All the aforementioned witnesses corroborated each other's statements, informing me that on July 30, 2014, the groom's side including his brothers, sisters, brothers-in-law, and other relatives had visited their home. The prospective son-in-law, Sharik, had gone to Delhi to deliver Eidi and shop for the wedding. After the gathering, all these individuals left Salim's house sometime after 8:00 PM. He also put specific questions to the aforementioned witnesses, and they all replied that, in their community, the groom-to-be does not attend the meeting where the wedding date is finalized. Had the prospective son-in-law

been involved in the murder of Sharik and his brother Faizan, they would never have fixed Sheeva's marriage with Sharik. On 25.04.2015, a statement (Parcha No. 8) was recorded in which the statements of Waris and Azhar were noted. Both witnesses had arrived at the CBCID Agra unit in response to a summons, where their statements were documented. The witness Waris is a resident of Makka Colony, Police Station Ramgarh, District Firozabad. The witness stated to me that on 30.07.2014—the day following Eid, he, along with Abdul Qadir and Faizan (residents of Makka Colony), had gone to Green Park in Shikohabad for an outing, where they met Azhar, a resident of Akashvani Road, Firozabad. The witness informed him that a quarrel had broken out between Abdul Qadir and Faizan and two boys from Shikohabad around 04:30 or 05:00 P.M. over the use of a swing, and a physical altercation had ensued. Many people from Firozabad had also come to the park, and bystanders intervened to break up the fight. The witness further stated that they were boarding a tempo to return to Firozabad; he boarded the leading tempo, while Faizan and Abdul Qadir were in the tempo behind. Suddenly, two motorcycles appeared. The first sped away, while the second followed it, carrying the two individuals with whom the altercation at Green Park had occurred. The second motorcycle slowed down, and the pillion rider fired a country-made pistol at Abdul Qadir and Faizan; the shot struck Faizan. Azhar, Abdul Qadir, and he attended to Faizan, helped him into the tempo, and brought him to Firozabad. Azhar got off the tempo on the way. Abdul Qadir called Faizan's family members from his mobile phone; they arrived and took Faizan to the Firozabad District Hospital, from where he was referred to Agra. After the incident, both boys fled towards Firozabad on a motorcycle. While answering his

questions, the witness stated that he had known Abdul Kadir for 3–4 years and that Kadir frequently visited him to eat biryani. Faizan's father, Kamaluddin, had previously been sentenced to 10 years in a legal case; the witness also mentioned seeing Shahbaz (son of Mohammad Shahid) and Iqbal Hussain (son of Imtiaz) at Green Park. Subsequently, he recorded the statement of another witness, Azhar (son of Bhure Khan, resident of Akashvani Road, Nagla Kothi, Police Station Ramgarh). This witness stated that he had met Faizan, Abdul Kadir, Waris, and several others at Green Park. Around 4:00–5:00 P.M., a dispute arose between Faizan and Abdul Kadir and two boys from Shikohabad over the use of a swing, resulting in the Shikohabad boys being beaten up. The witness then provided a statement detailing the entire sequence of events, corroborating the account given by Waris. He also stated that Faizan had bled, and the blood had stained Kadir's clothes. Witness Azhar informed him that regarding the shooting of Faizan, his family members had named Shariq (Councilor of Ward No. 33) and his brothers Haji Salauddin, Haji Shamiuddin, Haji Wasiuddin, and Asif as the accused in the murder. However, the person who actually shot Faizan was one of the boys from Shikohabad with whom Faizan and Abdul Kadir had clashed at Green Park on July 30, 2014. Shariq and his brothers were neither at Green Park nor at the scene of the incident. The witness also informed me that Faizan and Abdul Kadir were cousins (specifically, the sons of paternal aunts) and that Kadir resided in Jatavpuri. Faizan used to frequently come to his cart with Qadir to eat chowmein and eggs. In the testimonies he has compiled up to Case Diary Entry No. 8, apart from the complainant and the FIR witness, no other witness has stated that Councilor Sharik, Shamiuddin, Wasiuddin, or Asif were involved. On 30.04.2015,

Case Diary Entry No. 9 was recorded, in which the statements of CC Satendra Singh, Mintu Chaudhary, Shahid, Arif (auto-rickshaw driver), and Ali Bahadur were noted. CC Satendra Singh stated to him that on 31.07.2014, Jamaluddin, along with Suhail Anwar, Aslam, and several others, had submitted a written application regarding Faizan's murder, based on which a murder case was registered. The statement of witness Mintu Chaudhary, a resident of Rukanpura, Police Station Shikohabad was recorded; he stated that Sandesh Kumar Sharma, in his presence, collected scrapings from the wall at various spots, placed them in a paper and then into a vial, sealed it, and prepared a seizure memo which he (Mintu) signed. Shahid also stated that Sandesh Kumar Sharma recovered the tip of a bullet cartridge from near the crime scene, placed it in a vial, sealed it, prepared a seizure memo, and obtained his signature on it. When he inquired with the auto-rickshaw driver Arif son of Shaukat Ali, resident of Mohalla Rukanpura, Nai Wali Masjid, Shikohabad regarding the shooting of Faizan, he stated that he drove an auto-rickshaw rented from Zahir Master. 30.07.2014 was the day following Eid. On that day, he was parked with his auto-rickshaw at a distance of 150–200 meters from Etah Crossing. Another auto-rickshaw was also parked a short distance ahead of mine. While passengers were boarding the auto-rickshaws some getting into the one ahead and others into his, two motorcycles arrived. One headed straight towards Firozabad, followed by the second, which was being ridden by Ateeq (son of Shakeel, a resident of Shikohabad), with Shanu (son of Salim 'Chaiwala') riding pillion. Ateeq stopped the motorcycle near the tempo ahead, and Shanu fired a shot from a country-made pistol; the bullet struck a passenger, and the auto-rickshaw driver drove off with the wounded passenger.

Passersby and other passengers present at the scene witnessed the incident clearly and informed him about it; the next day, he learned that among the passengers Shanu and Ateeq had fired at, the bullet shot by Shanu hit Faizan and he passed away. Shanu and Ateeq live in the neighborhood right next to his, so he knows them well. Witness Ali Bahadur, a resident of Mohalla Garhaiya, Rukanpura (Police Station Shikohabad), stated to him that on July 30, 2014, he was traveling by motorcycle to visit his friend Rajkumar Yadav in Rupaspur. At a distance of 150–200 meters from Etah Crossing roughly opposite Naseem Bhai's Canter repair shop two auto-rickshaws were parked one behind the other. Just then, two motorcycles arrived; one proceeded ahead, while Ateeq and Shanu were on the second motorcycle. They stopped their vehicle, and Shanu opened fire at the people who were boarding the lead auto-rickshaw, hitting one of the boys. The witness then returned home. He learned that there had been a prior altercation involving Ateeq and Shanu at Green Park, where those boys had beaten them up. Shanu used to live near the witness's house in the neighborhood about four or five years ago. Both Shanu and Ateeq work as tailors, and Ateeq also assists his father in the cattle trade. The incident occurred around 06:00 P.M. A few days later, the witness learned that the boy shot by Shanu whose name was Faizan had died. The following documents have been submitted: Report No. 9 (Hariparbat Police Station), the application to the Reserve Inspector, the application to the CMO (Agra), Form No. 13, the inquest report (*Chalan Lash*), the *Panchnama* (inquest proceedings), the report sent to the police station by Ramraghu Hospital, the notification regarding admission to Ramraghu Hospital, the General Diary (GD) entry 16/930, the site plan, the seal impression chart of the deceased

Faizan, and the post-mortem report (all in photocopy). On 01/05/2015, Case Diary Entry No. 10 was recorded; therein, he noted the details of the case filed by the complainant Jamaluddin and his family against Councilor Sharik and others, and he also filed the final report. Additionally, he submitted the certified copy of the FIR (Chick Report) regarding Crime No. 257/2011 (under Sections 147, 148, 149, and 307 of the IPC), filed by complainant Haji Jamaluddin, in which Councilor Master Sharik and his family were named as accused. However, the charge sheet was ultimately submitted against Shakir (alias Sharik), Imran (son of Haji Jamaluddin), and Haji Jamaluddin (son of Hakimuddin). He has already submitted the Section 164 CrPC statement of the injured victim of the aforementioned case in a previous entry; in that statement, he had named Shakir, Imran, and Haji Jamal to the court as the perpetrators of the incident. Also submitted are photocopies of all documents related to Crime No. 257/11 (Sections 307, 120-B IPC, Police Station Ramgarh) and its charge sheet; NCR No. 80/10; and NCR No. 27/12 (Police Station Rasulpur), including the closure report and the report recommending action under Section 182 IPC. On 06.05.2015, Case Diary Entry No. 11 was recorded, in which the statements of witnesses Jamil (son of Abdul Ghani), Muntazir, and Ziauddin were noted. Witness Jamil informed him that from 6:00 A.M. on 30.07.2014 until the following day, 31.07.2014, they had stayed at Delhi Bazaar and made purchases there for a wedding. He received information on 31.07.2014 that Faizan had been shot on 30.07.2014 and had subsequently died in Agra on the same day, and that Councilor Shariq and his brothers had been falsely implicated in the murder due to an old enmity. He also submitted his affidavit regarding this. A witness informed him that Shariq's brother,

Aamir, had been murdered in 2009 by Jamaluddin's sons Rizwan, Suleman, Shadab Mulla, and others who were subsequently sentenced to life imprisonment; it was due to this enmity that Councilor Shariq and his brothers were implicated in Faizan's murder. Witness Muntazir also corroborated the statement of witness Jameel, confirming their presence in Delhi for shopping purposes. He recorded the statement of witness Ziauddin, a resident of Gaffar Manzil, Gali No. 13, Jamia Nagar (Police Station: Jamia, Delhi), who stated that on 30.07.2014, his brother-in-law Shariq, along with Muntazir, Jameel, and Aalim, arrived in Delhi around 11:30 A.M. and purchased items for a wedding. It was on 30.07.2014 itself that they learned of the incident involving Faizan. They also learned that a false case regarding Faizan's murder had been registered by Faizan's grandfather against Councilor Shariq and his brothers; he submitted his affidavit in this regard as well. He has incorporated the photocopies of the affidavits and applications submitted by the witnesses into Case Diary Entry No. 11 of his investigation. On 12.05.2015, Case Diary Entry No. 12 was recorded, documenting the statements of witness Masiuddin, SI Jitendra Singh, and Constable Bateshwar Ram. Witness Masiuddin stated that on 30.07.2014, he had visited the home of his uncle, Guddu, in the Garhaiya neighborhood of Shikohabad. Around 6:00 P.M., while he was standing at the Etah Crossing in Shikohabad waiting to return home, several individuals including Faizan, Kadir, Azhar, and Waris also arrived there to wait for transport. Just as Kadir, Faizan, Azhar, and Waris were boarding an auto-rickshaw, two motorcycles arrived; one sped ahead, while a youth on the second motorcycle fired a shot at the group, striking Faizan. Both he and Sharif had witnessed the incident firsthand. Sharif had

informed him at the time that it was Shanu and Atiq who had fired the shot that hit Faizan, who subsequently died in the hospital. When questioned about his acquaintance with Sharif, the witness explained that Sharif's elder brother, Vakil, lived opposite his house in Firozabad and Sharif frequently visited him, which was the basis of their friendship. The remaining two witnesses, Jitendra Singh and Bateshwar Ram are witnesses to the *panchayatnama* (inquest report). On 19.05.2015, Memo No. 13 was prepared, in which he recorded the statement of Shanu alias Mujeeb, son of Salim Chaiwala. Shanu stated to him that a dispute and subsequent altercation had occurred between him and his friend Atiq regarding the use of a swing at Green Park. On 16.06.2015, Case Diary Entry No. 14 was recorded, in which he noted the statements of Rajiv Yadav (Station House Officer, Shikohabad), Pramod Kumar Yadav (Station House Officer, Kotwali Sirsaganj), and Shri Prakash (resident of Erwa Katra, District Auraiya; posted as Station House Officer, Kotwali Dakshin). They had prepared Case Diary (CD) Nos. 20, 21, and 22, as well as supplementary CD Nos. 1, 2, and 3. When he questioned Shri Prakash Yadav, he replied that there was evidence indicating Shariq had been falsely named in the case. On 24.06.2015, Case Diary Entry No. 15 was recorded, containing the statement of Ajay Kumar Yadav, Station House Officer (SHO) of Malpura, District Agra. He stated that he had served as the SHO of Shikohabad from 03.08.2014 to 03.09.2014. He had taken over the investigation of the aforementioned case from Inspector Rajiv Yadav; he arrested the accused, Wasiuddin, and recorded the statements of witnesses Abdul Qadir and Kamran. He had conducted the investigation up to Case Diary Entry No. 12 and had obtained an order under Section 82 of the CrPC. On 26.06.2015, Case

Diary Entry No. 16 was recorded; he departed from the Agra Zonal Office and arrived at Police Station Ramgarh, Firozabad, where he obtained copies of the *Chik* (FIR registration record) and the outcome reports for Case Crime No. 444/09 and Case Crime No. 209/12. Case Crime No. 444/09 was examined, in which Sharik had lodged a complaint regarding the murder of his brother Aamir against the accused Bablu, Rizwan, Suleman, Kafeel, and Shadab Mulla; in this case, the ADJ-8, Firozabad, sentenced the accused to life imprisonment, while Imran and Irfan were each sentenced to one year of imprisonment. Case Crime No. 209/12, under Sections 307 and 504 of the IPC, was registered on 03.06.2012 by the complainant Jamale (son of Babu Khan) against Kamaluddin, Rizwan, and Suleman (sons of Jamaluddin) and Irfan; the court sentenced Kamaluddin, Rizwan, and Suleman to 10 years of imprisonment each. Additionally, he obtained the history sheets of Jamaluddin's sons—Kamaluddin, Rizwan, Suleman, and Imran—bearing history sheet numbers 60A, 60A, 24A, and 61A, respectively; a significant number of criminal cases are registered against them. Instructions were issued to prepare and submit the criminal history details to the Circle Office regarding Case Crime No. 444/09 (under Sections 147, 148, 149, 307, and 302 of the IPC)—involving complainant Jamaluddin, witnesses Kamran (son of Jamaluddin) and Abdul Qadir, and accused Mohammad Sharik and others. He has submitted the Chik copy and photocopies of the charge sheets for Case Crime Nos. 444/09 and 209/12. He has also submitted the document regarding the admission of Faizan to the SNM District Hospital, Firozabad in which the date of admission is recorded as 30.07.2014 at 07:50 P.M. and the reference date as 30.07.2014 at 8 PM; a note stating that no injuries were

observed is recorded therein. On 27.06.2015, Case Diary Entry No. 17 was recorded, wherein he made Mohammad Aalim (son of Haji Mohammad Gulfam), Adaab (son of Haji Shadab) both residents of Hajipura as well as Md. Salim and Hasnain, witnesses to the panchayatnama, and their statements were recorded. In this same entry, he recorded the statement of Smt. Sheba, wife of Sharik, who informed him that she teaches in Rajasthan. She stated that on 30/07/2014 (the day following Eid), all the brothers and other relatives of her husband, Md. Sharik, were present at her home for a scheduled gathering, while her husband Sharik had gone to Delhi. She stated that they had not committed any incident. She further stated that her husband Sharik and his family members were being implicated in false cases due to enmity. He has cited NCR No. 47/10 (along with its charge sheet), NCR No. 139/11 (Police Station Matsaina), and Case Crime No. 160/10 (Police Station Matsaina) the scene of which is indicated as being outside the FTC-3 Court and he has filed photocopies of the charge sheets for all these cases. On 06/07/2015, Case Diary Entry No. 18 was recorded, wherein he recorded the statements of Anil Yadav and Pushpendra Yadav, both residents of Shikohabad. Both witnesses informed me that after finishing their respective tasks, they had reached a point about 150–200 feet beyond Etah Crossing on July 30, 2014, where two auto-rickshaws were parked. Just then, two motorcycles arrived; one proceeded straight ahead, while the other carried two youths who opened fire at the passengers, resulting in one boy getting shot. He had witnessed the incident clearly. Later, he learned that the youth who fired the shot was Shanu the son of Salim 'Chaiwala' and the other youth was Atiq from the Padav locality. On July 10, 2015, Case Diary Entry No. 19 was recorded, in which he

documented the statements of Rajiv Gupta (owner of Green Park), Hariom Sharma (manager), Chahat Qureshi (employee), Munna (who ran a fruit cart opposite the park), CO Shyamkant Ji, and Sultan Ali. The owner of Green Park stated to him that local residents visited the park for bathing and recreation. On July 30, 2014, the day following Eid, a large number of people from Firozabad, Shikohabad, and Sirsaganj had arrived. A quarrel had broken out that day over the use of the swings, but the park staff had intervened and separated the parties involved. He did not call the police himself. He had learned that Faizan had been murdered. The park manager stated to him that regarding the use of the swings, a dispute had arisen over this. Both parties involved were Muslim. On that very day, a young man was shot at Etah Crossing and subsequently died. He learned that one party was from Shikohabad and the other from Firozabad; furthermore, Chahat Qureshi, a park employee, gave a statement corroborating the staff's account. He recorded the statement of Munna (son of Abdul Salam, resident of Katra Meera, Shikohabad), who ran a fruit cart opposite Green Park. He stated that his cart was stationed outside Green Park when he heard loud shouting and commotion coming from within. Upon entering the park, he saw a fight taking place involving Shanu (son of Salim) and Ateeq both from the Pandav neighborhood of Shikohabad. The two were separated by others. Shanu and Ateeq left after threatening the youths from Firozabad. The following day, it was learned that Shanu and Atiq had shot a person at Etah Crossing that same day, resulting in the victim's death. He recorded the statement of CO Shyamkant, who informed him that Station House Officer (SHO) Shriprakash had submitted a charge sheet to the court against six accused persons. It was noted that the naming of the

accused Sharik in the case was found to be incorrect; he reviewed this matter. Instructions were issued to the Investigating Officer to include concrete and documentary evidence regarding the erroneous naming of the accused Sharik. He also recorded the statement of Sultan Ali (son of the late Hanif, resident of Ajmeri Gate, Akashvani Road, Police Station Ramgarh, District Firozabad). He stated that his sister, Nagina, was married to Imran (son of Jamaluddin, resident of Makka Colony, Police Station Ramgarh). Imran had visited their home on June 27, 2011, and mentioned that Nagina was expecting a baby. Imran took me along to call the nurse. He had gone with his brother-in-law, Imran, to assist my sister, Nagina; while there, Imran spoke to someone on the phone, saying, "We are in the lane; you come over." As soon as he reached the lane where his sister's in-laws lived, Shakir (alias Sharik), son of Zakir, who was on a black Pulsar motorcycle, pulled out a country-made pistol and shot him in the neck; his brother-in-law then remarked, "Come, the job is done." He fell to the ground. His brother-in-law Imran, along with his brother Kamaluddin, their father Jamaluddin, and Shakir, conspired to shoot and kill him in order to frame Aamir son of Badruddin and brother of the aforementioned Sharik for the murder; this incident was orchestrated by his brother-in-law and his family as part of that conspiracy. His brother-in-law's brothers Rizwan, Suleman, Imran, Shadab Mulla, Kafeel Bhattiwala, and Bablu have already been sentenced to life imprisonment for the murder of Aamir. He was shot to implicate Aamir's brothers so that they would be unable to pursue the case regarding Aamir's murder, and a false report was lodged by his brother-in-law's father, Jamaluddin. His brother-in-law even attempted to kill him while he was in the hospital. After his statement was recorded,

a charge sheet was filed against his brother-in-law, his father, and others under Sections 307 and 120 of the IPC. His brother-in-law Imran and his family are capable of going to any lengths to falsely implicate the family of the deceased Aamir in any legal case. The deceased, Faizan, was his brother-in-law's own nephew. On the day following Eid, boys from Shikohabad shot Faizan after a quarrel in Green Park; he subsequently died in Agra the next day. It was the boys from Shikohabad who had killed Faizan. He also learned that a scuffle had broken out with some boys from Shikohabad on the day following Eid. Zaheer and his friends were also present at Green Park; they had witnessed the intervention to break up the fight. On 14/07/2015, Case Diary Entry No. 20 was recorded, in which he obtained a copy of the injury report. He recorded the statement of Dr. Akram, who had performed the surgery to extract the bullet; the bullet was placed in a vial and handed over to Sandesh Kumar Sharma. X-ray technician Bobby Rajput had placed it in the vial and handed it over to the previous investigating officer. In Entry No. 20, I filed the X-ray report, the treatment sheet, and the medical report prepared by Dr. S.N. Gupta. On 15/07/2015, Case Diary Entry No. 21 was recorded, in which witnesses Zaheer, Iqbal Hussain, and Shahbaz informed him that a dispute had arisen between Faizan and Abdul Qadir and two boys from Shikohabad over the use of a swing at Green Park. It was these two boys from Shikohabad who had shot Faizan; this fact came to light later. He also recorded the statement of Dr. Akram, who stated that Faizan had been admitted to Ramraghu Hospital in an injured condition around 9:00 P.M. on 30/07/2014. He stated that he had operated on Faizan and recovered a bullet from his pelvis, which was handed over to OT staff assistant Vijendra Singh; Faizan was reported to have passed away at 8:05 A.M.

on 31/07/2014. No one gave him a statement indicating that any officer or doctor had made a Daily Diary (DD) entry regarding Faizan. On 16/07/2015, Case Diary Entry No. 22 was recorded, in which he requisitioned call details and location data for the following mobile numbers: 7500991213 (belonging to Mohammad Asif, son of Haji Badruddin, resident of Karimganj, Firozabad); 9259326546 and 8868988859 (Mohammad Sharik); 8869824101 (Abdul Qadir); and 9219798916 (Kamran). He submitted the call details for Asif's mobile number 7500991213, spanning five pages and covering the period from 23:42 on 28/07/2014 to 20:39 on 31/07/2014. These five pages of call details did not indicate Asif's presence in Green Park. He also submitted the CDR for Abdul Qadir's mobile number 8869824101, covering the period from 21:38 on 28/07/2014 to 21:05 on 31/07/2014; this record shows a conversation between Abdul Qadir and Kamran (mobile number 9219798916) originating from the Hajipura locality. His location was not found to be in Shikohabad either. He obtained the call details for Mohammad Sharik's mobile number 8868988859 contained in a single page covering the period from 23:44 on 28/07/2014 to 13:31 on 31/07/2014. According to this list, Sharik's presence in Shikohabad was not detected. He has submitted the three-page call detail record for Kamran (son of Jamaluddin) covering the period from 07:06 on 29/07/2014 to 18:19 on 31/07/2014; his presence was not detected in the Green Park area of Shikohabad. He has also submitted four pages of call details for Shariq's second mobile number (9259326546) covering the period from 23:52 on 28/07/2014 to 20:41 on 31/07/2014; the location of Shariq's mobile was not found to be in Green Park in this instance either. On 24/07/2015, Case Diary Entry No. 23 was recorded,

in which I took the statement of Atiq. Citing the criminal cases registered against Kamran, Zakir, Bablu, Rizwan, Suleman, Imran, and Irfan, he also initiated history sheets for Rizwan, Suleman, and Imran (sons of Jamaluddin). On 31/07/2015, Case Diary Entry No. 24 was recorded. In this, Muntiyaz Ali informed me that he was the person who had arranged the marriage between Shaibi and Shariq. He stated that all of Master Shariq's brothers and other relatives had visited the home of Shaibi's father, Salim, to finalize the wedding date. He further stated that on the date the alleged incident took place, all of Shariq's brothers were present at Salim's house in his presence, while Shariq had gone to Delhi that day to give Eidi to his sister and to shop for the wedding. He also stated that had Shariq or his brothers been involved in the incident in any way, the marriage between Shariq and Shaibi would not have taken place. Additionally, he recorded the statement of Mohammad Sharif (son of Chunne Khan, resident of Awas-Vikas Colony, Police Station Shikohabad, District Firozabad). He informed him that he was on his way to the house of his brother, Vakil Ahmad (resident of Nagla Kothi, Police Station Ramgarh, District Firozabad). Upon reaching Etah Crossing, he met his friend Masiuddin (resident of Makka Colony, Firozabad), who got onto his motorcycle; as they proceeded, he observed a motorcycle approach from behind and overtake them, followed by a second motorcycle that stopped near an auto-rickshaw. This second motorcycle was being driven by Atiq (resident of Mohalla Padav, Shikohabad), with Shanu (resident of Padav) riding pillion. Shanu fired a shot from a country-made pistol he was holding, and the bullet struck a boy. He has known Ateeq and Shanu for a long time. Masiuddin had identified the boys in the tempo as Abdul Qadir, Faizan, Azhar, and Waris; the boy

who was shot was identified as Faizan. He has attached copies of two dockets to this case diary entry for the purpose of forwarding samples to the FSL. Case diary entries No. 25, No. 26, and No. 27 were recorded on 06/08/2015, 10/08/2015, and 14/08/2015, respectively. In these, he has transcribed the affidavits and verified the contents thereof submitted by Mohammad Zaheer, Vakil, and Shakeel, wherein they stated that Faizan's murder was committed by two boys; this statement has been corroborated. On 22/08/2015, Case Diary Entry No. 28 was recorded, incorporating the affidavit of the deponent Ali Bahadur, son of Abdul Hamid, resident of Mohalla Padav, Rukanpur, Shikohabad. On 25/08/2015, Case Diary Entry No. 29 was recorded, in which Ali Bahadur and Munna corroborated their written statements via affidavits. They stated that on 30/07/2014, Munna was running a fruit cart opposite Green Park. Around 04:30–05:00 PM, sounds of an altercation emerged from inside Green Park; upon entering the park to investigate, he saw a fight taking place between some boys from Firozabad and Shanu Darji (son of Salim Chaiwala) from Shikohabad, along with Shanu's friend Atiq. The park staff quelled the dispute and escorted both parties out of the park. He (Ali Bahadur) also scolded Shanu and Atiq and sent them home. On 10/11/2015, Case Diary Entry No. 30 was recorded, containing the statement of Alim, son of Riyazuddin, who stated that on the morning of 30/07/2014, he had gone to Delhi with Sharik, Muntazir, and Jamil, and they stayed at the home of Sharik's sister, Afsha. On 18/12/2015, Case Diary Entry No. 31 was recorded, noting the dispatch of a reminder to the Forensic Science Laboratory, Agra. On 17/02/2016, Case Diary Entry No. 32 was recorded, concluding that the incident was committed by the accused Shanu and Atiq, while others Sharik,

Asif, Wasiuddin, Shamiuddin, and Salauddin were not involved; this report was submitted to senior officials for approval. Following his submission of this report for approval, departmental proceedings were initiated against the Station House Officer (SHO), Shri Prakash Chandra Yadav, who had previously submitted the charge sheet for Case Crime No. 585/14 under Sections 147, 148, 307, and 302 of the IPC. He is unaware of the punishment Shri Prakash Yadav received as a result of those departmental proceedings. On 22/04/2016, Case Diary Entry No. 33 was recorded, wherein he filed a charge sheet in court against Ateeq (son of Shakeel) and Shanu (son of Salim), while the implication of the named accused Mohd. Sharik, Asif, Wasiuddin, Shamiuddin, and Salauddin (sons of Badruddin; residents of Karimganj, Police Station Ramgarh, District Firozabad) was found to be false; with this, he concluded his investigation.

The above witness in cross-examination conducted on behalf of the accused persons Ateeq and Shanu has stated that, it is correct to state that the accused, Ateeq and Shanu, were not named in the said case. The complainant, Jamaluddin, and Abdul Kadir had not mentioned the names of the accused, Ateeq and Shanu. Prior to his involvement, the Investigating Officer, Sandesh Kumar Sharma, had recovered the front portion of a bullet cartridge and soot/residue from a wall near the scene of the incident. No recoveries were made by him from the scene of the incident. He has referred to the site plan in Case Diary Entry No. 6, dated 16/04/2015. The site plan was prepared based on the pointing out of the scene by the eyewitness, Abdul Kadir, and the complainant. The Case Diary records that "Eyewitness Abdul Kadir and the complainant were met; accompanied by them, he arrived at the scene of the

incident in Shikohabad the location indicated by the complainant. An inspection of the scene was conducted based on their pointing out." He further stated that the same entry records the summoning of witnesses Mohd. Shahid, Veetu Yadav, Ankit Jadon, and Mintu Chaudhary regarding the recovery memo for the bullet fragment and the wall scrapings. He did not conduct an identification parade for Shanu and Ateeq. He is not aware of any criminal history regarding Shanu and Ateeq. It is incorrect to say that he did not conduct the investigation properly. It is also incorrect to say that he submitted a flawed charge sheet without evidence.

21. Witness PW11 HC 29 Shailesh Kumar examined on behalf of the prosecution has stated under oath that, in Sessions Trial No. 2651/21 (State vs. Shanu), the Investigating Officer, Sub-Inspector Shri Gulab Singh, passed away on 07/06/2022; his death certificate is available on the case record as Paper No. 22B/3. He was posted alongside him at the Agra Police Lines. He has seen him writing and reading, and he is well-acquainted with his handwriting and signature. He conducted the investigation of the said case. He prepared Case Diary (CD) Entry No. 1 dated 29/08/2014, in which he recorded the copy of the Chik (FIR), copy of the General Diary (GD) entry, and the statements of Constable Aditya, Asharam, the complainant, and the accused Shanu. On 02/09/2014, CD Entry No. 2 was prepared, recording the statements of Constables Anil Kumar, Brijesh Kumar, and Devendra Kumar, as well as the inspection of the crime scene. Paper No. 5A/1 (site plan) on the case record is in the handwriting of Sub-Inspector Shri Gulab Singh and bears his signature; it has been marked as Exhibit Ka 24. On 07/09/2014, CD Entry No. 3 was prepared, wherein, based on the evidence against the accused Shanu,

Charge Sheet No. 308/14 was submitted to the Court under Sections 25/27 of the Arms Act. Paper No. 4A on the case record is the charge sheet, which is in the handwriting of Sub-Inspector Gulab Singh and bears his signature; it has been marked as Exhibit Ka 25.

The above witness in his cross-examination has stated that, he was never posted at the Shikohabad police station. Therefore, he cannot state when, how, or where Sub-Inspector Gulab Singh conducted the investigation. He cannot say when and where the visit to the scene of the crime took place or when and where the statements of the witnesses were recorded. In the year 2009, he was posted as a C.C. (Clerk) in the Ganna Karyalay (Deployment Office) in Agra, while the late S.I. Shri Gulab Singh was posted at the Police Lines at that time. They were never posted together either before or after that period. It is incorrect to say that he proved Exhibit Ka 25 (the charge sheet) in an improper manner. It is also incorrect to say that he never saw Gulab Singh reading or writing.

22. Witness DW1 Sultan Ali has been examined on behalf of the defence, he has stated under oath that, his sister Nagina is married to Imran, the son of Jamaluddin. On June 27, 2011, his brother-in-law Imran took him from his home, claiming that his sister was about to give birth and that they needed to fetch a nurse. Upon reaching Kohinoor Road, his brother-in-law Imran called someone to say that they had arrived and asked them to come as well. Following his call, Imran's nephew Shakir (alias Sharik) arrived, pulled out a country-made pistol, and shot him immediately. A report regarding this incident was lodged by Imran's father, Jamaluddin, against Master Sharik, Wasiuddin, Shamiuddin, and others. His biological brother, Haider Ali, and his mother

took him to Delhi for medical treatment. Jamaluddin had admitted him to the District Hospital, intending for him to die during the course of treatment. While he was hospitalized in Delhi, a police officer came to record his statement; he gave him an accurate account, and he informed him that Jamaluddin had named Master Sharik, Haji Wasiuddin, Shamiuddin, and others as the accused in the shooting. A few days later, the officer brought him from Delhi to Firozabad and had his statement recorded before a magistrate. His brother-in-law Imran and his family are individuals with criminal tendencies who frequently file false cases against Master Sharik and his family. His brother-in-law, along with his family members and brothers, had murdered Aamir, the younger brother of Master Sharik. They had lodged an FIR and initiated a case to pressure the other party into reaching a compromise regarding that murder case. The case in which he has come to testify today concerns the murder of Faizan, the son of his brother-in-law Imran's brother, Kamaluddin by some youths from Shikohabad. However, a case regarding this matter has also been filed against Master Sharik and his brothers Wasiuddin, Shamiuddin, and others. His brother-in-law Imran and his brothers Kamaluddin, Rizwan, and Suleman all have criminal records; there are approximately 25 to 30 cases pending against them. His brother-in-law and his brothers have attempted to kill him, with the sole objective of framing Master Sharik and his brothers.

The above witness in his cross-examination has stated that, he came here today because someone informed him that he was scheduled to testify. The person who informed him did not specify the court number or the name of the court where his testimony was to take place; nevertheless, he has arrived to

testify. He has handed over his Aadhaar card and photograph to Advocate Wasimuddin Ansari. He had previously testified in favor of Master Shariq and others in the case dated 27/06/2011, and Master Shariq and others are the accused in the present case as well. It is correct to state that Faizan (son of Kamaluddin) the nephew of his brother-in-law, Imran was murdered in Shikohabad; he was not present at the scene at the time and did not witness the incident. The case in which he is testifying today is the very same case concerning Faizan's murder. It is incorrect to say that he has met the accused in this case Wasiuddin, Asif, Shariq, Salauddin, and others and is giving false testimony in this Court today to save them from the murder charge.

23. Witness DW2 Azhar has been examined on behalf of the defence, he has stated under oath that, in 2014, he ran an egg stall at Jatavpuri, where he also sold chowmein at the intersection. On July 30, 2014, the day after Eid, he went to Green Park in Shikohabad for an outing. He arrived there around 2:00 PM, and at 4:00 PM, he met Faizan, Waris, and Sultan. Around 5:00 PM, a dispute arose between Faizan and Sultan and some boys from Shikohabad regarding the use of a swing ride. Subsequently, they along with the Green Park staff managed to defuse the situation and had the Shikohabad boys removed from the park. As they were leaving, those boys threatened them, saying, "Come outside, and we'll deal with you then." Around 5:30 or 6:00 PM on July 30, 2014, Waris, Faizan, Sultan, and a number of others left Green Park and reached Etah Crossing. Unable to find a tempo there, they started walking towards Firozabad along the same road, heading for two tempos parked about 150–200 meters away. Faizan and Sultan were in the lead, while Waris and he

followed a short distance behind. Just as Faizan and Sultan reached the auto-rickshaws, a motorcycle carrying three people arrived from the direction of Shikohabad. They rode past, eyeing Faizan and Sultan, and shortly thereafter, a motorcycle returned carrying the same two boys from Shikohabad with whom Faizan and Sultan had clashed at Green Park. These boys slowed down briefly and fired a country-made pistol at Faizan, hitting him in the stomach. They then sped off on their motorcycle towards Firozabad. After that, Waris and he reached Faizan; he was injured at the time. They helped him into a tempo, but after traveling a short distance, blood began to flow from Faizan's abdomen. Waris, Sultan, and he were all in the tempo with him. From Makkhanpur, Sultan called his grandfather, Jamaluddin, to inform him that Faizan had been shot and that they were bringing him over; he asked him to meet them at BPL. They met Jamaluddin and others at BPL; he got off there and went home, while Jamaluddin and the others took Faizan further ahead. The next day, he learned that Faizan had passed away during treatment. A few days later, he found out that a false report regarding Faizan's murder had been filed against Sharik, a councilor from Ward No. 33 and his brothers. Seven or eight months after this incident, two police officers and Waris came to his house. They told him that he had to go to the Agra CBCID office. He accompanied them to the Agra CBCID office, where his statement was recorded and he was questioned. He had witnessed the incident where Faizan was shot with his own eyes.

The above witness in his cross-examination has stated that, it is correct to say that his statement was recorded by the CBCID police seven or eight months after the incident. Although he had witnessed the incident, during those seven or

eight months, he neither submitted a written intimation to any official stating that he had witnessed it, nor did he personally inform any official about the incident. The two police personnel who accompanied Waris to his location did not serve him any notice, summons, or written order from the CBCID requiring me to testify. In the statement he gave to the CBCID, he had mentioned that two police personnel had come to his house with Waris to summon him, and that he had accompanied them to give his statement. If this fact was not recorded by the police in his statement, he cannot offer any reason for it. It is incorrect to say that no police personnel visited him, or that he is a close associate of the Ward No. 33 Councilor. It is incorrect to say that Waris is also a close associate of the Ward No. 33 Councilor. He did not have a mobile phone with him when he visited Green Park, Shikohabad, on July 30, 2014; he did not own a mobile phone during that period. An entry ticket is required to enter Green Park. He entered Green Park and purchased a ticket. He did not show that Green Park ticket to the CBCID officials at the time his statement was recorded, as people do not typically keep such tickets. He did not inform the Investigating Officer during his statement that the Green Park ticket was lost or not in his possession. The CBCID officials did not take him to meet the Green Park staff. In his chief examination, he stated that "around 5 PM, a quarrel broke out between Faizan and Sultan and some boys from Shikohabad over riding the swings. Subsequently, we along with the Green Park staff pacified the dispute and escorted the boys from Shikohabad out of Green Park." He had conveyed this information to the CBCID officials, but they did not take him to the Green Park staff or the ride operators. He does not know the registration numbers of the two motorcycles he mentioned as

arriving from the direction of Shikohabad which were carrying three and two people, respectively. He had not provided the numbers or makes of those motorcycles to the CBCID officials either. In his chief examination, he stated that "afterwards, Waris and he reached Faizan; he was injured at the time. We helped him into a tempo, and after traveling some distance, blood began to flow from Faizan's abdomen. Waris, Sultan, and I were also in the tempo." He did not physically lift Faizan while he was injured, nor did he sit on the seat where Faizan was placed; he sat in the front seat. He did not mention to the CBCID that he had not lifted Faizan and had sat in the front seat of the tempo. He also did not disclose to the CBCID who exactly had held Faizan and helped him into the tempo. He did inform the CBCID about whose clothes had become stained with blood. Sultan's clothes were stained with blood; however, he does not know whether there was any blood on the tempo itself. It is incorrect to suggest that he is unaware of these details because the incident did not occur in the manner he has described. It is incorrect to say that he did not witness the circumstances in which Faizan found himself after being injured or how he was placed into the tempo. In his chief examination, he stated that "a few days later, I learned that a false report regarding Faizan's murder had been lodged against Sharik, the Councilor of Ward No. 33, and his brothers." He became aware of this fact just two to four days after the incident. Despite this, he did not submit any written application or affidavit to any official stating that he was present at the scene of the altercation at Gran Park, that he was present when Faizan was shot, and that Jamaluddin had been informed from Makkhanpur, yet a false report had been filed against the Councilor of Ward No. 33 and his brothers. He has brought the

summons with him to court today. It is incorrect to say that he is giving false testimony in this Court at the behest of the accused or because he has been coached by them. It is also incorrect to say that the statement he gave to the CBCID was based on coaching or tutoring. He is testifying based solely on what he actually witnessed. It is also incorrect to claim that he did not witness the events in the manner he has described.

24. Witness DW3 Waris has been examined on behalf of the defence, he has stated under oath that, on July 30, 2014, Faizan, his brother Sultan, and he arrived at Green Park, Shikohabad, around 3:00 P.M. They met many acquaintances there, including Azhar (whom he also knew from Nagla Kothi, Akashvani Road, Police Station Ramgarh). They enjoyed the rides there. However, between 4:30 PM and 5:00 PM, a dispute arose regarding the rides, leading to a verbal altercation and a scuffle between Faizan and Sultan and some boys from Shikohabad. Hotel staff, Azhar, and he intervened to calm the situation and escorted the Shikohabad boys out of Green Park. As they left, the Shikohabad boys threatened Faizan and Sultan, saying, "We'll see you when you step outside." Around 06:00 P.M. that same day, Faizan, Sultan, Azhar, and he went to the Etah intersection to catch a vehicle to Firozabad. There were no tempos available right there; the tempos bound for Firozabad were parked further ahead. Faizan and Sultan started walking towards Firozabad, with Azhar and him following behind. Just then, a motorcycle carrying three youths arrived from the direction of Shikohabad; they looked at Faizan and Sultan as they rode past. Immediately behind them came another motorcycle with two youths. They slowed down, and the pillion rider fired a shot at Faizan with the intent to kill, striking him in the stomach. Faizan collapsed right there, while the assailants

fled towards Firozabad on a motorcycle. They immediately rushed to Faizan; Azhar and Sultan (Faizan's brother) placed the injured Faizan in a tempo and brought him towards Firozabad. On the way, near Makkhanpur, Sultan called his grandfather, Jamaluddin, to inform him that Faizan had been shot and that they were bringing him in. They arranged to meet on the road near the BPL Ground; Jamaluddin met them there and joined them in the tempo, while Azhar got off at the BPL Ground and left. They took Faizan in the same tempo to the District Hospital in Firozabad. Upon seeing Faizan's condition, the doctors referred him to Agra; he then returned home. The following day, he learned that Faizan had passed away. He visited Faizan's home several times after that, where the police also visited and met them. He informed the police officer that he had witnessed boys from Shikohabad shooting Faizan. He also went to the CBCID office in Agra to give a statement regarding this matter. Faizan had previously been involved in a quarrel with those boys at Green Park in Shikohabad; it was the very same group of boys who fired the shot at him.

The above witness in his cross-examination conducted by Ld. D.G.C. (Crl.) has stated that, he knows Sarik, a resident of his ward. There are three or four brothers in the family; he only knows the names of the eldest, Salauddin (Bhaijaan), Samiuddin, and Asif. The Karimganj and Macca Colony neighborhoods are adjacent to each other. There is only one lane separating his house from the house where Sarik and the others live. They are not his relatives, but they address them as 'Bhaijaan' due to our neighborhood ties. The day after the incident, he learned that Salauddin (alias Salaua), Sarik, Asif, Wasiuddin, and Samiuddin had been named as accused in the case for which he had come to testify. However, he did not

submit a written statement to the police station claiming that he had witnessed the incident or that the accused individuals were being falsely implicated or that they were not present at the scene when the incident occurred. Neither he nor Azhar ever approached the SSP of Firozabad with a petition stating that the brothers Salauddin, Sarik, and the others were being falsely accused in this case or that he was an eyewitness to the incident. He stated that eight months later, when CBCID officials visited his home, he went to Agra to give his statement. The CBCID officials had come to his house to see him and served him summons to testify; he has brought that summons to court today and submitted it, which is marked as Document No. 175-C. In his chief examination he stated: "On July 30, 2014 the day after Eid Faizan, Faizan's brother Sultan, and I arrived at Green Park, Shikohabad, around 3:00 PM."

Question: Can you describe what is located to the east, west, north, and south of Green Park?

Answer: I do not recall the details, as 12 years have passed.

He had visited Green Park once prior to July 30, 2014, but he never visited it again after the incident. Tickets are required for Green Park. He threw away his ticket after it was checked upon exiting the park. No ticket was required for the ride itself. He did not mention to the CBCID officials that he had discarded the ticket after leaving Green Park. It is incorrect to suggest that a ticket is required for the Green Park ride and that he would be unaware of this simply because he did not go on it. He has owned a mobile phone for the past 2–3 years; prior to that, he did not carry one. Sultan and Faizan had mobile phones. He does not recall whether Azhar had one or not. In his examination chief, he stated that around 4:30 or 5:00 PM, an altercation and scuffle broke out between Faizan and his brother

Sultan and two boys from Shikohabad over the use of the ride. Hotel staff, Azhar, himself, and many others intervened to pacify the situation. "He cannot name the hotel employees who came to intervene. Even eight months later, the CBCID did not take him to those hotel employees. He had stated to the CBCID that many people from Firozabad and Shikohabad had come to the park for a stroll. He met Iqbal and Zaheer from Firozabad there. He did not volunteer the names of Iqbal and Zaheer to the CBCID himself. In his examination chief, he stated that Faizan's brother, Sultan, was with him in Green Park. Kadir (son of Haji Aslam) and Kamran (son of Haji Jamaluddin) were not present with Faizan in Green Park. He does not possess any evidence whether in the form of photographs or otherwise showing that Faizan's brother, Sultan, was with him in Green Park, or that Kadir and Kamran were not with him. It is incorrect to say that he has come to give false testimony, and it is also incorrect to claim that Kadir and Kamran were actually present with Faizan in Green Park. It is true that among the people who came to commit the incident, there were three individuals on one motorcycle and two on another. After Faizan was shot, neither he nor Azhar went to the Shikohabad police station to report the incident. On the way, they passed the SSP's office at Dabrai but did not report it there either. They also passed the Makkhanpur and Rasoolpur police stations but did not report it there. That day, he did not inform any police station or the SSP's office that two unidentified persons from Shikohabad had shot Faizan. In his examination chief, he stated that they immediately reached Faizan, placed the injured Faizan in a tempo, and along with Azhar and Faizan's brother, Sultan brought him to Firozabad. They did not realize he had been shot until they reached Makkhanpur; the blood began flowing from

Faizan's abdomen at Makkhanpur. He does not recall the details regarding the lack of awareness about the gunshot wound at the scene versus the situation at Makkhanpur" When the witness was asked at this stage after having his Section 161 CrPC statement read out to him whether he had informed the CBCID about the bleeding from Faizan's abdomen, he stated that the Investigating Officer had not recorded in his statements the fact that he was unaware of Faizan being shot at the scene or the detail about the bleeding from his abdomen; therefore, he could not say. He correctly stated during his examination chief that "the boy at the rear fired his country-made pistol at Faizan with the intent to kill, and the shot struck Faizan in the abdomen." It is incorrect to suggest that he gives contradictory statements sometimes claiming that the fact of Faizan being shot was not known at the scene, and at other times stating that he was shot in the abdomen or that he is fabricating and altering his testimony based on legal advice. He stated during his examination chief that he visited Faizan's house several times even after his death. The police visited and met him there on multiple occasions, and he informed the police Sub-Inspector that boys from Shikohabad had shot Faizan in his presence. He does not recall whether or not he had mentioned this specific detail in his statements to the CBCID officer. At this stage, when the witness was read out the statement recorded by the CBCID under Section 161 of the CrPC, he stated that the aforementioned matter was not recorded in his statement; he could not explain why it had not been recorded. He works as a biryani seller, he sells chicken biryani. It is incorrect to say that he maintains unhygienic conditions while preparing biryani and that Parshad Sarik helps him avoid being issued a challan, and

that he is therefore giving false testimony today to save him and his brothers from the case.

25. Witness DW4 Mohommad Sharif has been examined on behalf of the defence, he has stated under oath that, on July 30, 2014, at around 6:00 PM, he was riding his motorcycle to Nagla Kothi (under the jurisdiction of Ramgarh Police Station, Firozabad) to meet his elder brother, Vakil Ahmed. Just past the Etah Crossing in Shikohabad, he spotted his friend, Wasiuddin, a resident of Makka Colony, Karimganj, Firozabad waiting for an auto-rickshaw. He stopped and had him get on the motorcycle with him. They had just started moving when they noticed two tempos parked there; one was full, while 4–5 people were standing near the other, waiting to board. Suddenly, two motorcycles approached rapidly from behind; one sped ahead, while the other carried two youths. The youth riding pillion pulled out a country-made pistol and fired, striking a young man who was standing in front. The youths on the motorcycle were from Shikohabad. The one who fired the shot was named Shanu, and the one driving the motorcycle was named Ateeq. The young man who was shot was named Faizan; he learned this from his friend while they were on their way to Firozabad.

The above witness in his cross-examination has stated that, he works as a laborer; he loads and unload cardboard-laden vehicles. On the day of the incident he is describing, he was on leave and did not go to work; however, he does not know the registration number of the vehicle he usually worked on for loading and unloading. He has been working on that vehicle for quite some time. He has seen the vehicle's number many times, but he does not recall it. He was married on May 10, 2015. He does not remember my children's dates of birth.

He worked with Masiuddin in 2012. He knows his father's name; it is Jamaluddin. He does not know the names of Jamaluddin's other sons. He does not know whether Jamaluddin has a son named Kamaluddin or not. He does not know if the boy who was shot was Jamaluddin's grandson. He also does not know how many sons Jamaluddin has in total. It is incorrect to suggest that Jamaluddin does not have a son named Masiuddin and that he is deliberately lying. It is incorrect to suggest that Jamaluddin's sons are named Kamaluddin, Iqbal, Imran, Suleman, Kamran, and Rizwan, and that he is aware of this but am deliberately lying by not disclosing their names. He is a resident of Shikohabad, and although he witnessed Faizan being shot in Shikohabad, he did not go to the Shikohabad police station to report the matter, nor did he attempt to take Faizan to the Shikohabad hospital. He himself stated that there were other boys with Faizan. Of the two motorcycles that arrived, three boys were seated on the motorcycle that was in front. He witnessed the incident occurring on July 30, 2014, but he informed the police about this a year after the incident took place. The youths involved in the incident, whom he identifies as Shanu and Atiq, are from Shikohabad; however, after committing the act, the accused fled towards Firozabad on motorcycles. They had also set out in pursuit of the accused. Although the accused sped off towards Firozabad on their motorcycles, he did not report to the Makkhanpur or Rasulpur police stations, both of which are located along the road that the youths who had fired the shots had fled in the direction of Firozabad. It is incorrect to say that he has come to the Court today to give false testimony at the behest of Masiuddin, a resident of Makka Colony, in order to shield the accused in this case. He has no knowledge as to whether the individual named

Masiuddin is the son of a person named Jamale-Ustad, or whether he has previously filed false cases against Faizan's father, Kamaluddin, and others. It is incorrect to claim that he is giving false testimony today due to enmity stemming from the said incident.

26. Witness DW5 Masiuddin has been examined on behalf of the defence, he has stated under oath that, this incident took place about 12 years ago, the day after Eid. He was returning to Firozabad from the home of his uncle, Guddu, a resident of Garhaiya, Shikohabad around 6:00 to 6:15 PM. He was standing a short distance past the Etah intersection when his friend Sharif rode by on his motorcycle and stopped upon seeing him. He got onto his motorcycle, and just then, two other motorcycles arrived. Three youths were on the first motorcycle, and they rode on ahead. The second motorcycle approached from behind, carrying Ateeq and Shanu. Two auto-rickshaws were parked ahead of them; Faizan and Sultan, boys from his neighborhood, along with one or two others, were there, about to board the autos. At that moment, the youth riding pillion on the motorcycle that had come from behind fired a shot, which struck Faizan. Afterward, he returned to Firozabad. Faizan's father, Kamaluddin, and his uncles, Rizwan and Imran, are individuals with a criminal history; they had previously shot his elder brother over an extortion demand, and all of them were convicted for that offense. He has brought a photocopy of the court's judgment, which he is submitting as an exhibit. In the judgment, the judge has detailed everyone's criminal history.

The above witness in his cross-examination has stated that, he has submitted a certified copy today. In that case, the deceased Faizan's father, Kamaluddin, and his uncles, Imran and Rizwan, had shot his brother Samiuddin. His father had

lodged the report regarding that incident, and he is submitting the documents related to it. His uncle Guddu lives in the Gadaiya neighborhood of Shikohabad; he is not his biological uncle but a friend of his father whom he addresses as 'uncle'. He stated that on the day following Eid, he had visited his uncle Guddu's house. He did not take the CBCID Sub-Inspector to his uncle's house to verify this fact because the CID officials had not asked him to do so. He cannot state the name of his uncle Guddu's father, nor can he provide his house number; his house is located near a mosque, but he cannot name the mosque either. He cannot provide the names or addresses of the neighbors living around his house. It is incorrect to suggest that he is unable to provide these details because no uncle named Guddu lives in Shikohabad, or because he fabricated the story about visiting Shikohabad on the day of the incident. He has no familial relationship or prior acquaintance with the accused, Ateeq and Shanu; he has never associated with them. He has never met Ateeq and Shanu either before or after this incident. It is incorrect to claim that he is falsely naming Ateeq and Shanu as the shooters at the behest of the CBCID or based on legal advice. It is also incorrect to claim that he is giving false testimony to shield Sharik Member and his brothers from the case. It is correct to say that he resides in Makka Colony and that Sharik Member was the representative (Member) for the entire ward covering Makka Colony. He had given a statement to the police regarding the incident at Jatavpuri on the day following the incident and he is giving his statement today based on the statement he gave to the police on the following day. On the day following the incident, a protest demonstration regarding the murder was taking place at Jatavpuri; senior police officers were present there, and he had informed them

that the murder had actually occurred in Shikohabad. If the investigating officer assigned at the time did not record any statement from him on the day after the incident, he cannot explain the reason for that. His statement was recorded in Agra about 8–10 months later, after he was summoned from his home. In the statement given after 8–10 months, he had informed the CBCID that he had already provided a statement regarding this matter on the day following the incident; however, the CBCID did not record this fact in his statement, and he cannot explain why they did not do so. It is incorrect to claim that he has no knowledge of the actual incident and is giving false testimony today motivated by a personal vendetta related to litigation in order to shield the real accused in the case.

27. While arguing on behalf of the prosecution, the Ld. D.G.C. (Criminal) has stated that, the facts examined by the prosecution and the statements of the formal witnesses establish the case against the accused beyond doubt. Therefore, the accused is liable to be convicted.

28. The argument has been presented on behalf of the accused that, the witnesses of the facts examined by the prosecution have not given any such evidence which confirms the incident. Therefore, the accused is liable to be acquitted.

29. Heard Ld. Counsels for both the parties and perused the entire record.

30. Perusal of the record shows that Exhibit Ka 1, the complaint filed by the complainant Jamaluddin regarding the incident showing that, on 30.07.2014, he along with Faizan and others were coming from Green Park, Etah road to Firozabad. When they reached the highway to get an auto, a motorcycle suddenly appeared on which Salauddin @ Salua, Sharik, Asif

Mota and on another motorcycl rode Wasiuddin and Samiuddin @ Samua. The above people with the intent to kill open fired at them, in which Sharik's bullet hit Faizan and others escaped narrowly. They got an auto and escaped. The above people fired towards the auto. Qadir informed at Faizan's house and they reached the District Hospital from where Faizan was referred to Agra. They went Agra and were busy in his treatment but they could not save them and subsequently Faizan died on 31.07.2014 at 08.00 A.M. The motive behind this incident is old rivalry and in order to take revenge. After this complaint, Exhibit Ka 3, F.I.R. was lodged at PS Shikohabad against the proposed accused persons Salauddin @ Salua, Sarik, Asif, Wasiuddin @ Wasiudiya and Samiuddin @ Samua under Sections 147, 148, 149, 307, 302 IPC. Exhibit Ka 4 which is available as G.D. shows that it was written at the police station. The Investigating Officer prepared the inquest report on 31.07.2014 at about 11.00 A.M. of deceased Faizan in which the opinion was given by the panchas that the deceased died during treatment after getting hit by a bullet at the right side of his body. Looking at this, the body was sent for the postmortem, in which Dr. R.B. Singh prepared the PMR on 31.07.2014 at about 02.30 P.M., the cause of death is due to shock and hemorrhage showing 4 injuries on his body. I.O. prepared the site plan Exhibit Ka 9 investigating the place of incident also recovery report was prepared for the recovery of the bullet from the body of the deceased from the hospital, clothes of the complainant, scab of the spot where bullet hit and front part of the cartridge. The items recovered were sealed and sent to F.S.L., Agra for confirmation, the report of which is present on the file as Exhibit Ka 23. Based on the facts chargesheet, Exhibit Ka 10 was filed by the I.O. against the

accused persons Wasiuddin @ Wasiudiya, Samiuddin @ Samua, and in absconding against Salauddin @ Salua and Asif @ Mota and names of two accused Shanu @ Mujeeb and Ateeq came to light is mentioned in the above chargesheet. Another chargesheet Exhibit Ka 18 was filed against the accused persons Shanu and Ateeq. An F.I.R. regarding the recovery of the pistol done from village Shajalpur from the bushes on pointing of accused Shanu was registered and is filed as Exhibit Ka 6, the chargesheet against the accused Shanu in Crime No.- 758/2014 is available on the file as Exhibit Ka 25.

On the basis of this, all investigation preferred by prosecution, the prosecution tried to establish the story by producing 11 witnesses and the defence countered the prosecution story by producing 5 witnesses before the court.

F.I.R.-

The Ld. Defence Counsel on this point argued that the F.I.R. does not contain the material contents to prove the case and has also stated that the F.I.R. is ante-time and has been lodged after the inquest report proceedings after thinking through, but the court is not satisfied with this plea taken by the Ld. Defence Counsel, because it is clear from the inquest report as mentioned by the panchs that the death of the deceased has been caused by getting hit from a bullet on the right side of his body. PMR conducting Dr. R.B. Singh also gave the opinion that the cause of death is shock and hemorrhage and 4 injuries on the body of the deceased have been shown as sutured wounds, bruise on the right side of abdomen and dressing. Moreover, the F.I.R. is not an encyclopedia of the incident. F.I.R. cannot contain all the materials which the witnesses have seen or the police has investigated. F.I.R. is plainly a first information report regarding the incident. Therefore, this all

depends on the investigation that how the incident took place after collecting the material evidence and inquiring the witnesses. So the defence taken by the Ld. Defence Counsel is not tenable and it is clear from the F.I.R. that it was a prompt F.I.R., it was registered on 31.07.2014 at 13.30 P.M. and the incident is of a day before on 30.07.2014 at 06.30 P.M., after the deceased was hit he was taken by the complainant and his family members to District Hospital from which he was referred to Agra and thereafter he died the next day on 31.07.2014 at about 08.00 A.M. All of this shows that the F.I.R. is prompt and has been registered after the death of the accused on single thought, so this cannot be considered as material evidence to call the F.I.R. ante-time, rather this is normal delay because the complaint had to get the body of the deceased back from Agra to Firozabad after the proceedings conducted by police.

Postmortem Report-

Ld. Defence Counsel also raised the plea that the PMR is against the prosecution story, but the court is not convinced by this plea, because in the PMR conducted by Dr. R.B. Singh of the deceased Faizan he has shown 4 injuries to the deceased as stitch wounds on chest and abdomen and bruise on the right abdomen. The deceased had undergone the treatment from Ramraghu Hospital in Agra for the gunshot injury he sustained, the doctors would have closed the wound by stitching and dressing the wound. Injury No. 3 mentioned by the doctor as bruise on the right side of abdomen also matches with the prosecution story as stated by the witnesses PW1 and PW2 that Faizan was struck by a bullet fired by the accused persons and he slumped and they supported him. So the doctors opinion about death due to shock and hemorrhage is confirmed from the

witnesses present on spot. Both the witnesses have clearly mentioned that the accused persons came on motorcycles and open fired at them in which Faizan got struck by a bullet and they took him to the hospital in an auto-rickshaw. Ld. Defence Counsel could not prove any point on their arguments in the cross-examination conducted for the witnesses. Hence, the postmortem report prepared by the doctor proves the prosecution story.

Panchayatnama-

The Ld. Defence Counsel has argued that, the death of the deceased had not taken place in the way as stated by the prosecution and the case is false and the facts have been fabricated, but the court is not satisfied with this argument. Panchayatnama of the deceased Faizan was prepared on 31.07.2014 at about 11.00 A.M. and the panchs were appointed by the I.O. The panchs had mentioned in their opinion that the deceased had died due to a gun shot wound on his right side of the abdomen during his treatment. According to the complaint submitted by the complainant, the accused persons had fired on them and Faizan got struck by a bullet and was slumping and had been taken to the hospital by an auto rickshaw. The same version has been stated in the evidence of PW1 and PW2 who were present on the spot and had witnessed the incident. Other evidence recorded by the I.O.s and the cross-examination conducted by the Ld. Defence Counsel, the facts come to be in the same way. The PMR also supports the prosecution version of the story and it has also been proved by PW3 Dr. R.B. Singh. Hence, the prosecution has successfully proven its point.

Motive-

The testimonies of the prosecution witnesses, read conjointly with the attendant circumstances, consistently

demonstrate that there existed longstanding rivalry between the accused persons and the complainant side. The same has been described by the complainant in the F.I.R. The evidence given in the court by the witnesses reveals that disputes between them had persisted for a considerable period, criminal cases have been registered against each other families, fostering bitterness and a desire to settle old scores. As the saying goes, "**revenge is a dish best served cold**," and the evidence in the present case indicates that the accused persons had not reconciled to the previous disputes but continued to nurture the hostility getting heated up by an argument which took place among them at Green Park, Shikohabad. It is well settled that **enmity is a double-edged weapon**. While it may provide a motive for falsely implicating an accused, it is equally capable of furnishing a strong motive for the commission of the crime itself. In the facts of the present case, the evidence unmistakably points towards the latter. Nothing substantial has been elicited in the cross-examination to discredit the prosecution evidence regarding the previous hostility between both the sides.

Recovery-

Recovery of country made pistol has been made from village Shahjalpur near neem tree, pratappur road bush on the pointing of accused persons Shanu and Ateeq, the F.I.R. of which is registered as Case Crime No.- 758/2014. Moreover, the bullet which struck Faizan was recovered from the Raghuraj hospital Agra, blood stained clothes of the complainant, cartridges, scab was also recovered and report was made which are available on the file. The above items were sealed and sent to F.S.L., Agra for confirmation.

F.S.L. report-

The Ld. Defence Counsel has argued that the bullets were not fired from the recovered country made pistol and that the case registered against the accused Shanu is fabricated, but the court is not satisfied with this argument. The above mentioned items recovered were sealed and sent to the Forensic Science Laboratory, Agra where they were examined by the experts and the report, Exhibit Ka 23 was prepared. The report confirms that the bullet recovered from the site was fired from the country made pistol as mentioned in the F.I.R., Exhibit Ka 6. Hence, the prosecution has proved its point.

Investigation-

The Ld. Defence Counsel has raised the point that the investigation of the case has not been conducted properly and that the investigation in such cases should be done more thoroughly, but the court is not satisfied with this argument as the investigation of this case has been conducted by the police and CBCID, collecting the evidence, recording the statements and then after considering all evidence on record, the chargesheets had been filed in the case against the accused persons in a legal and proper manner. Hence, the Ld. Defence Counsel has failed to prove their point.

Defence Evidence-

The Ld. Defence Counsel produced 5 defence witnesses in the court to strengthen their arguments. All the defence witnesses in their evidence tried to create doubt in the prosecution story stating that the complainant was not present on the spot or the accused who shot Faizan were someone else, but their statements were not in any way able to create doubt in the prosecution story and no defence witness was able to prove

their point in the cross-examination conducted by the Ld. D.G.C. (Crl.).

31. The prosecution in support of their story has submitted the following case laws-

- (i) *Criminal Appeal No.- 235 of 2006, Kirpal Singh V/s State of U.P.***
[2010 (69) ACC 322] (Supreme Court)
- (ii) *Ganga Paswan & others V/s State of Bihar***
[2002 (45) ACC 850] (Supreme Court)
- (iii) *Ramkrushna V/s State of Maharashtra***
[2007 (3) JIC 59 (SC)]
- (iv) *Brahm Swaroop & Anr. V/s State of U.P.***
[2011 C.R.I. L.J. 306] (Supreme Court)
- (v) *Chandrakesh V/s State of U.P.***
[2006 (3) JIC 557 (All)]
- (vi) *Deepak Yadav v. State (Govt. Of NCT of Delhi)***
[2018 CRI. L.J. 4736] (Delhi High Court)

The aforementioned case laws submitted by the prosecution apply to the facts of the case and provide strength to the prosecution case to convict the proposed accused persons.

32. The Ld. Defence Counsel on behalf of the accused persons in support of their contentions has submitted the following case laws-

- (i) *Jagvir Singh V/s State of U.P.***
[2024 (129) ACC 931] (Supreme Court)
- (ii) *Chandrappa & others V/s State of Karnataka***
[2007 (58) ACC 402] (Supreme Court)
- (iii) *Arshad Hussain v. State of Rajasthan***
[2013 Cri. L.J. 3955] (Supreme Court)

(iv) *Lala & another V/s State*

Criminal Appeal No.- 1071 of 1987

(v) *Ram Lal V/s State of U.P.*

[2008(1) JIC 199 (All)]

The aforementioned case laws submitted by the Ld. Counsel on behalf of the accused persons do not provide any strength to the contentions and arguments made by the Defence and have no compatibility against the rulings submitted by the prosecution and do not counter the case laws of the Ld. Counsel of the complainant and do not provide any solidity to acquit the proposed accused persons.

33. According to the above facts and circumstances and based on the above discussion, this court has come to the conclusion that, the prosecution has successfully established their case against the accused persons beyond doubt. Hence, the accused persons **Wasiuddin @ Wasiudiya, Samiuddin @ Samua and Ateeq** are held guilty for the charges **u/S 147, 148, 149, 307, 302 IPC** and the accused **Shanu** is held guilty for the charges **u/S 147, 148, 149, 307, 302 IPC and 25 Arms Act**. In such a situation, the accused persons are declared guilty. Accused persons are on bail, their bail bonds and personal bonds are cancelled and the sureties are released from the responsibility of bail. Accused persons to be taken in judicial custody. The file to be presented after lunch for hearing the accused on the point of conviction.

Date- 16.07.2026

(Dr. Babbu Sarang)
Sessions Judge,
Firozabad.

34. On the point of conviction, the Ld. Counsel for the accused persons and the Ld. D.G.C. (Crl.) on behalf of the State were heard. On behalf of the prosecution, it has been stated

that, the accused persons had caused the murder of Faizan, had open fired on the complainant and others in broad daylight and murdered the deceased Faizan. Under such circumstances, the accused persons should be punished with severe punishment.

Whereas, on behalf of the accused persons, it has been stated that, considering the case against them sympathetically, adopting a liberal approach, they should be punished with minimum punishment.

Keeping in view, all the facts and circumstances of the case, it is justified to punish the accused persons with the following punishment.

Order

35. Accused persons **Wasiuddin @ Wasiudiya, Samiuddin @ Samua, Ateeq** and **Shanu** are sentenced to **lifetime imprisonment** and a fine of **Rs. 20,000/- each** under Section **302/149 IPC**. In case of non-payment of fine, the accused persons will undergo additional imprisonment of two months each.

Accused persons **Wasiuddin @ Wasiudiya, Samiuddin @ Samua, Ateeq** and **Shanu** are convicted under the offence under Section **307/149 IPC** and are sentenced to undergo imprisonment for a period of **10 years** and a fine of **Rs. 20,000/- each**. In case of non-payment of fine, the accused persons will undergo additional imprisonment of two months each.

In case of offence under Section **147 IPC**, the accused persons **Wasiuddin @ Wasiudiya, Samiuddin @ Samua, Ateeq** and **Shanu** are sentenced to **two years** rigorous imprisonment and fine of **Rs. 2,000/- each**. In case of non-payment of fine, the accused persons will undergo additional imprisonment of two months each.

In case of offence under Section **148 IPC**, the accused persons **Wasiuddin @ Wasiudiya, Samiuddin @ Samua, Ateeq** and **Shanu** are sentenced to **three years** rigorous imprisonment and fine of **Rs. 2,000/- each**. In case of non-payment of fine, the accused persons will undergo additional imprisonment of two months each.

In case of offence under Section **25 Arms Act**, the accused **Shanu** is sentenced to **five years** rigorous imprisonment.

The period already spent by the accused persons in jail will be adjusted in the said sentence. All the sentences will run together. The accused persons should be sent to jail after issuing a warrant of conviction.

One copy of this judgment be kept on the files S.C. No. 2651/2021 and S.C. No.- 2159/2021.

The recovered weapon should be destroyed as per the order, if any passed by Hon'ble High Court, in the event an appeal is preferred by the State.

One copy of the judgment should be provided free of cost to the convicted accused persons without delay and one copy of the judgment should be sent to the Superintendent of the District Jail for compliance.

Date- 16.07.2026

(Dr. Babbu Sarang)
Sessions Judge,
Firozabad.

This order was signed, dated and pronounced by me today in open court.

Date- 16.07.2026

(Dr. Babbu Sarang)
Sessions Judge,
Firozabad.