



UPBJ010063982024

In the court of Sessions Judge, Bijnor.
Present: Sanjay Kumar VII ,HJS
S.T. No. 1187 of 2024

State

vs.

Prashant s/o Luvkush r/o Shadipur Kotwali
Dehat,Distt.Bijnor.

U/s 302 IPC and 3/5/25/27 Arms
Act.

P.S Kotwali City,

(Crime no. 374/2024)

JUDGMENT.

1- The case of accused Prashant was committed to the Court of Sessions vide order dated 7/6/2024 passed by the then learned Chief Judicial Magistrate, Bijnor to stand trial for the offence u/s: 302 I.P.C and 3/5/25/27 Arms Act on the basis of charge-sheet submitted by the police of P.S.Kotwali City, District Bijnor.

2- Relevant facts may be briefly stated that on 3.5.2024

complainant Smt. Sangeeta lodged a report handing over a written report Ext.Ka.1 with P.S Kotwali City,Bijnor alleging therein that her daughter Komal Deval aged about 26 years used to perform the work of computer trainer in RCTI Computer Center. On 3.5.2024 in morning her daughter went to teach computer at computer center. At about 11.00 AM,she received information that accused Prashant s/o Luvkush r/o Shadipur P.S Kotwali City,Bijnor with intent to kill her daughter shot on her stomach. Condition of her daughter is critical who has been rushed to Medical College Meerut for treatment.

3- On the basis of written report(Ext. Ka.1), chick F.I.R. (Ext. Ka.-18) was prepared on 3.5.2024 at 18.02 hrs and a case, at crime no.374/2024 u/ss. 307 I.P.C. was registered at P.S. Kotwali City,Bijnor against accused Prashant Kumar. G.D whereof is Extx.Ka.19. Injury report of deceased prior to her death prepared in Government Hospital,Bijnor on 3.5.2024 is Ext.Ka.21. On 4.5.2024 complainant Smt. Sangeeta has handed over a written report in the form of information of death of her daughter alleging therein that on 3.5.2024 Prashant s/o Luvkush r/o Village Shadipur P.S Kotwali Dehat shot in stomach of her daughter Komal who was teaching in class in RCTI Computer center,who has died on 4.5.20-24 during treatment in Medical College Meerut. They are mentally in panic due to broad day light murder of their daughter. She has prayed to conduct the autopsy of dead body of deceased.

As per injury report of deceased which was conducted in Government Hospital,Bijnor,she has sustained lacerated wound

2.5 c x. 1x depth could not be ascertained,Margin inverted,fresh bleeding present,tattooing around the wound in area of 10cm x 8 cm and blackening around wound 4 cm x 4 cm. General condition was poor,semi conscious. This injury report is Ext.Ka.21 on record.

Thereafter,she was taken to Medical College Meerut for treatment and on 3.5.2025 at about 1.11 PM she was admitted there for treatment and on 4.5.2024 at about 6.35 PM she died during treatment. Entry whereof has been made in G.D and in order to conduct the postmortem of deceased,body was sent to Mortuary of District Hospital, Meerut on 4.5.2024. On 4.5.2024 inquest memo,Ext.Ka.12, of dead body of deceased was prepared in District Hospital,Meerut. Letter to R.I is Ext.Ka.13,letter to C.M.O Ext.Ka.14,police challan Ext.Ka.15,photograph of dead body Ext.Ka.16,sample seal Ext.Ka.17 are on record. Postmortem report is Ext.Ka.24 on record which was conducted on 5.5.2024. Recovery memo of country made pistol Ext.Ka.28,report of forensic science laboratory is Ext.Ka.29, Examination form of accused is Ext.Ka.3,Sanction of District Magistrate for initiation prosecution of accused is Ext.Ka.26,Certificate issued by R.A.I.C.E regarding working of deceased Komal in their institution is Ext.Ka.4,attendance sheet Ext.Ka.5,Ext.Ka.6,copy of admission slip Extx.Ka.7,attendance sheet of accused Prashant as Ext.Ka.8. G.D of addition of section 302 in crime no 374/2024 is Ext.Ka.20,form of taking CCTV footage is as Ext.Ka.9 on record.

4- Investigating Officer has inspected the spot and prepared the site plan (Ext. Ka.- 27). The I.O has found primafacie

case to have been made out against the accused u/s:302 IPC and 3/5/25 Arms Act hence he submitted charge sheet Ext.Ka.25 in the Court against the accused Prashant u/s:302 IPC and 3/5/25 Arms Act.

5- Accused appeared before the Court of Sessions after committal of case and on 3.7.2024 1 charge u/s:302 IPC and 3/25/27 Arms Act was framed against the accused. He was read over the charge. He denied of charge and claimed to be tried.

6- The prosecution, in order to prove its case, has examined following **09** witnesses:

Sl.No.	Name of the witnesses	Witnesses
1-	Smt. Sangeeta	P.W.1
2-	Sri Abhinav Deval,	P.W.2
3-	Sri Mohd. Umar	P.W.3
4-	S.I Sneh Prakash	P.W.4
5-	Head Constable Chetan Singh,	P.W.5
6-	Dr. Prem Prakash	P.W.6
7-	Dr. Virendra Kumar,	P.W.7
8-	Inspector Sushil Kumar Saini	P.W.8
9-	S.I Yashdev Sharma	P.W.9

7- Statement of accused has been recorded u/s:313 Cr.P.C in which he denied the prosecution case and stated that he never harassed the deceased Komal nor he was interested in her so why he would have killed her. Komal had the relation with a boy named Shubham. He is also not in video. At the time of alleged incident he used to study in VKIT college. He had a class from

9.00 AM to 5.00 PM. No defence evidence has been adduced by him either oral or documentary.

8- I have heard learned counsel for the accused and learned D.G.C.(Criminal) for the state and perused the evidence both oral and documentary available on record.

9- **P.W.1 Smt. Sangeeta Devi, who** is the mother of deceased Km.Komal,who has stated in her examination-in-chief that he knows the accused Prashant. Her daughter used to go to RCTI computer center situated Bukhara road,Bijnor daily for teaching. On 3.5.2024 at about 8.00 AM her daughter Komal(deceased) had left home for RCTI computer center. Same day,at about 11.00 AM her son Abhinava received a phone call from RCTI computer center that his sister has been shot by a boy named Prashant. Her condition was critical and asked them to reach hospital. On receiving this information,she alongwith her son Abhinav reached hospital. When she reached hospital,the condition of her daughter was critical but she in her sense. She met her in ambulance which was ready to leave for Meerut. She alongwith her son sat in Ambulance and she asked her daughter. Her daughter told her and her son in a low voice that a boy named Prashant a student of Computer Center used to tease her and that day he shot her with intent to kill. She has also stated that prior to this incident,her daughter told her that Prashant, a boy studying in computer center was harassing her. She has also disclosed this fact to her husband. Thereafter,her husband complained it to owner of Computer Center. She alongwith her son having taken her daughter

reached at Meerut Medical College where she underwent treatment and on next day i.e. on 4.5.2024 her daughter died in Meerut Medical College, due to the injury of fire arm. The report of this incident was lodged by her on 3.5.2024 at 6.00 PM after getting it inscribed by her son Abhinav and handed over the same in Police Station Kotwali City. This witness has proved written report as Ext.Ka.1. She has also stated that she had moved an application to District Magistrate, Meerut for getting the postmortem of body of her daughter conducted which he has proved as Ext.Ka.2.

10- **P.W.2 Abhinav** who is brother of deceased, has stated in his statement in examination-in-chief that he knows accused Prashant but he does not know him by face. Accused Prashant was studying in RCTI Computer center situated at Bukhara road, Bijnor. Deceased Komal was his real sister. She used to teach in RCTI Computer Center. On 3.5.2024 at about 8.00 AM he had dropped his sister at Computer center. He received a mobile phone call from mobile number 9259786202 of RCTI computer center on his mobile phone that his sister was shot by a boy named Prashant and they were taking her to hospital and also asked him to reach hospital. On this information, he along with his mother Sangeeta reached at Government Hospital. When they reached hospital, his sister was lying in Ambulance. Her condition was critical. She was in sense and they were taking her to Meerut. He along with her mother sat in ambulance with his sister. He asked his sister how it happened, she disclosed him in low voice that she was shot by a boy studying in computer center named Prashant with intent to kill and he used to

harass her much. Prior to this incident, his sister had told him that Prashant harassed her much. Whereupon, he along with his father went to computer center and complained it to the owner of computer center. His sister died on 4.5.2024 in Medical college Meerut. On 3.5.2024 the report of this incident was inscribed by him and having obtained the signature of his mother handed over it to police station. He has also stated that written report Ext.Ka.1 is in his hand writing. He has also stated that the inquest memo of dead body of his sister was prepared in his presence. He was also panch in that inquest. He proved his signature on this inquest memo.

11- **PW.3 Mohd. Umar**, who is the owner of RAICI Computer center situated at Bukhara road, Bijnor. He has stated that he had opened this computer center in the year 2001. There are 250-300 students studying in his center. His institution is registered with Government of India. Accused Prashad studied in institution in the year 2022. He has completed six months tally course from his institution. Thereafter, he had left the institution. Thereafter, on 2.5.2024 he had taken admission in his Institution for course revision. He had come to pursuing course. Deceased Komal was performing the job of teacher in his institution for a long time. Accused Prashant used to harass to deceased Komla Deval. Complaint whereof was made to him by the family members of deceased Komal. By that time, he had made the accused Prashant understand. On 3.5.2024 at about 10.00 AM deceased Komal was teaching the students in Lab no.1 situated in room no.1. In that shift Prashant and other children were studying and Saurbah Gautam

was also sitting with Prashant. At the same time, Prashant(Accused) having taken out country made pistol from his bag,shot in the abdomen of teacher Komal Deval. As a result he wounded badly. Renu and other person of room no.1 also came there. Prashant after causing incident getting down from stair keeping the country made pistol in his bag,managed to escape from there. At the time of alleged incident,Prashant was wearing jeans of read tea shirt. Just after the incident,he informed the brother of deceased namely; Abhinav Deval over his mobile. He alongwith teacher Renu took wounded Komal to District Hospital by his private car where she was examined medically. Finding the condition of Komal Deval critical she was referred to Meerut by ambulance. At the same time, parents and brother of Komal Deval reached there. 10 photographs of CCTV and video saved in pan drive were taken by the police from his Institution. 10 photographs which are in Court, have been taken by the Police from his CCTV footage installed at his institution. He proved the examination form of Prashant as **Ext.Ka.3**. He has also proved the teaching certificate issued by this witness to the deceased Komal,which he has proved as **Ext.Ka.4**. He has also proved the attendance sheet of staff relating to deceased Komal Deval which he has proved as **Ext.Ka.5** and attendance sheet of deceased Komal relating to 3.5.2024 has been proved by this witness as **Ext.Ka.6**. He has proved the copy of admission slip of accused Prashant as **Ext.Ka.7**. He has also proved the attendance sheet of students relating to month of May 2024 which he has proved as **Ext.Ka.8**. He has

proved the certificate of video footage of CCTV as **Ext.Ka.9** which was played on system and same was found in working state. He has also proved the registration certificate of his institution as **Ext.Ka.10**.

12- **P.W.4 S.I Sneh Prakash** in his statement in examination- in-chief has stated that on 4.5.2024 he was posted as chowki incharge in chowki Medical college,Meerut. On 4.5.2024 he received the information of death of deceased Komal Deval d/o Suresh Deval. Whereon,he reached at Medical College. Inquest memo was prepared there. He proved inquest memo as **Ext.Ka.12**,letter to R.I as **Ext.Ka.13**,letter to CMO as **Ext. Ka.14**,challan dead body as **Ext.Ka.15** and photograph of dead body as **Ext.Ka.16** and sample seal as **Ext.Ka.17**.

13- **P.W.5 is H.C 178 Chetan Singh**. This witness has stated that on 3.5.2024 he was posted as Head Constable as P.S Kotwali City,Bijnor. On that he on the basis of written report of complainant Smt. Sangeeta Devi check report was prepared and case was registered u/s:307 IPC at crime no. 374/2024. He proved check report as Ext.Ka.18 and G.D whereof as Ext.Ka.19.

14- **P.W6 Dr. Prem Prakash** has stated that on 3.5.2024 he has examined deceased Komal initially and follwing injury was found on the body of injured/deceased:

15- Lacerated wound 2.5 c x. 1x depth could not be ascertained,Margin inverted,fresh bleeding present,tattooing around the wound in area of 10cm x 8 cm and blackening around wound 4 cm x 4 cm. General condition was poor,semi conscious. This injury

report is Ext.Ka.21 on record. He has also proved the O.P. D register relating to injured and certified copy of that register has been proved by him as Ext.Ka.22.

16- **P.W.7 Dr. Virendra Kumar** who has conducted the postmortem of deceased has stated that on 5.5.2024 he was posted in Joint Hospital,Kitthor,Meerut. On that day,he has conducted the postmortem of dead body of decaesd. He has also stated that rigomortis was present all over the body. Brain,lungs and kidney of deceased were pale at the time of postmortem. The following antemortem injury was present:

17- Entry wound measuring 2 cm x 2 cm present on left side abdomen,15 cm below from left nipple & 25 cm below right nipple & 12 cm above & lateral umbilicus region. Margins were inverted. Tattooing & singeing (Burn) were present & there is no blackening around the wound. On dissection small and large intestine perforating & metallic bullet found in spinal cord location between L3 and L4 vertebra. Wound direction were upwards to downward & forward to backward.

Following surgical wound were present:

1-Surgical wound measuring 24 cm in length(45 metallic stitches)present on midline of abdomen.

2-Puncture mark 1.5 cm x 1 cm cavity deep on left side abdomen: 6 cm lateral from mid line abdomen.

3-Puncture mark 1.54 cm x 1 cm x cavity

deep on left side abdomen 9 cm lateral from mid line abdomen.

This witness has proved postmortem report as Ext.Ka.24.

18- **P.W.8 Inspector Sushil Kumar Saini**, in his examination- in-chief has stated that on 3.5.2024 he was posted as Incharge Kotwali City,Bijnor. On that day,crime no. 374/2024 u/s:307 IPC State Vs. Prashant was registered. The investigation of this case was being conducted by S.I Yashdev Sharma. On 4.5.2024 the deceased died in Meerut during treatment and section 302 IPC was added and the investigation of this case was taken over by this witness on 7.5.2024. On 8.5.2024 he has recorded the statement of complainant of this case. Statement of Director of Computer Center was also recorded. Director Mohd.Umar has played the pan drive of CCTV footage on system which was found in working state. He proved the certificate to run the Institution as Ext.Ka.9. Then he recorded the statement of witness Renu Singh,Waseem Ahmed and Saurabh Kumar in case diary.Thereafter,he recorded the statements of other witnesses in case diary. Then after summing up all the steps of investigation,he submitted charge sheet **Ext.Ka.25** relating to offence of section 302 IPC and 3/25/27 Arms Act. The sanction of District Magistrate regarding granting permission to prosecute the accused is **Ext.Ka.26** on record. He has also stated that the pandrive of CCTV footage was played in Court in which the accused Prashant is being shown shooting the deceased clearly in computer lab.

19- **P.W.9 S.I Yashdev Sharma** has stated that on 3.5.2024 during his posting in Kotwali City,Bijnor he was entrusted the investigation of crime no. 374/2024 u/s:307 IPC. He at the instance of complainant inspected the spot and prepared site plan as Ext.Ka.27. He has also stated that when they were busy in search of wanted criminal of this case,on the tip of he alongwith other police personnel has arrested the accused on 3.5.2024 at about 9.06 PM. He was found in possession of a country made pistol and 1 live cartridge and one dead cartridge embedded in the barrel of country made pistol. He prepared the recovery memo as Ext.Ka.28 and report of Forensic science Laboratory Agra as Ext.Ka.29. He has also proved the country made pistol as material Ext.18,dead cartridge EC-01 as material Ext.19,dead cartridge TC-1 and T-C 2 as material Ext.20 and Ext.21, live cartridge as material Ext.22, and the cartridge removed from the body of deceased is Ext.23 and in another envelope Testing cartridge TB-1 and TC-2 which were given material Ext.24 and 25. Transparent box has been given material Ext.26 and cloth as material Ext.27.

20- On the basis of prosecution evidence both oral and documentary the court has to see as to which extend the prosecution has been able to prove its case.

21- Learned counsel for the accused first of all submitted that the accused Prashant did not commit murder of deceased Komal Deval rather the deceased had relations with some other persons and she has murdered by them.

2- He has also submitted that the accused had no

motive and object to commit the murder of deceased.

3- He has also submitted that the FIR is fully silent on the issue of murder of deceased Komal by accused Prashant as the statement was recorded in Court after six months.

4-Learned Counsel has also submitted that in this matter there is no direct evidence and under section 101 of Indian Evidence Act, the onus to prove the identity of accused is on prosecution and in entire FIR it has not been mentioned that accused Prashant shot deceased Komal in presence of complainant or her son or in presence of independent witness, P.W.3.

5-He has also submitted that in this matter no identification parade of accused was conducted.

6-It has also been submitted on behalf of the accused that in CCTV footage which has been made the base of evidence, no face of accused is visible, only a person is being seen wearing red T-shirt and jeans and none of the witness has stated that they had seen the person wearing red T-shirt and jeans while shooting the deceased and accused was not identified in Court by any witness.

7-He has also submitted that the dying declaration has not been conducted legally in this case rather P.W.1 and P.W.3 has stated that the deceased in low voice told them that the accused Prashant shot her.

9- He has also submitted that no student of computer center has been produced as witness. He has also submitted that P.W.3 owner of Computer center has stated that at the time of

incident accused Prashant was not studying in his center.

10- He has also submitted that no FIR of earlier incident of eve teasing with the deceased by the accused, has been registered by the complainant or her family members, if as per prosecution version, the accused had committed eve teasing with her earlier.

11- He has also submitted that on 3.5.2024 country made pistol and one live cartridge and one dead cartridge were not recovered from the possession of accused.

12- He has also submitted that no public witness of recovery has been produced.

13- He has also submitted that no separate disclosure of confession of accused has been prepared. He has also submitted that no finger prints of accused were taken for examination for sending it to laboratory.

22- Per contral, learned DGC(CrL.) has submitted that this is the case of direct evidence and the accused is also being seen in CCTV footage. He has also submitted that the complainant in her FIR has stated that she was told by the deceased in low voice that Prashant, student of computer center in lab no.1 who had been teasing her for a long time, shot her and the doctor who conducted initial medical examination has stated that the deceased was speaking but was not speaking clear. He has also submitted that P.W.8 has stated that the incident was captured in camera and pen drive material Ext.17 in which entire footage of CCTV has been recorded, was played in Court in which the accused Prashant is

being seen while shooting the deceased in computer lab clearly. He has also submitted that initially the FIR of this case was registered u/s:307 IPC on same day and after the death of deceased it was converted into section 302 IPC and the FIR has been lodged by the mother of complainant P.W.1 Sangeeta Devi and the deceased while taking her for further treatment in ambulance,has disclosed that the accused Prashant had shot her. He has also submitted that there were many other students in computer center as to why only the accused Prashant has been named by the mother and brother of deceased as the assailant and as to why the complainant would have named the accused leaving the real culprit.

23- In order to find out the veracity of the rival submissions in light of statements of prosecution witnesses, on the basis of documentary evidence, I would like to deal the statements of oral witnesses minutely with the assistance of documentary evidence.

24- So far as first submission is concerned that accused Prashant did not commit murder of deceased Komal Deval on 3.5.2024 at 11.00 AM in computer center rather the deceased had relations with some other persons and she was murdered by them and so far as second submission that the accused had no motive to commit the murder of deceased is concerned, I am not convinced with these submissions because these are only submissions having no concrete base to prove it. In this matter in first written report Ext.Ka. 1, which was lodged same day, it has been clearly mentioned by the complainant that on 3.5.2024 at about 11.00 AM

her daughter Komal was shot in her abdomen by Prashant having come at computer center. Condition of her daughter was critical who had been taken to Medical College for treatment. On the basis of this written report Ext.Ka.1 FIR u/s:307 IPC was registered at crime no. 374/2024 which has been proved as Ext.Ka.18. Thereafter, on 4.5.2024 complainant while moving application Ext.Ka.2 to District Magistrate, Bijnor has informed that on 3.5.2024 her daughter Komal Deval was shot by Prashant in class room, who has died on 4.5.2024. On the basis of this information the case was converted into section 302 IPC. In written report Ext.Ka.1 it has clearly been mentioned from top to bottom that accused Prashant has shot the deceased and in the information paper no. Ext.Ka.2 given to District Magistrate about the death of deceased, it has been mentioned that her daughter Komal Deval who had been shot by the accused Prashant on 3.5.2024 in class room, has died on 4.5.2024. In both the reports only the name of accused Prashant has been mentioned by the complainant. She has not named any other person as assailant. Complainant has been examined as P.W.1 in which also she has stated that on 3.5.2024 at about 8.00 AM her daughter had left home for computer center. Same day at about 11.00 AM her son Abhinav received a phone call that her daughter has been shot by a boy named Prashant. Her condition is critical and also asked them to reach Government hospital. She has also stated in her cross examination that when she along with her son reached Government Hospital, her daughter met them in ambulance which was ready for Meerut. She along with her

son Abhinav sat in ambulance. Her daughter told them in low voice that a student of computer center named Prashant who used to tease her, had shot her with intention to kill. She has also stated that on next day i.e. on 4.5.2024 her daughter died during treatment in Medical College, Meerut. She has also stated that on 3.5.2024 at about 6.00 PM she had given the written report having inscribed it by her son Abhinav. She proved this report as Ext.Ka.1. In her cross examination, she has stated that the information which she had, had been mentioned in written report Ext.Ka.1. P.W.2 Abhinav Yadav, has also reiterated the statement of P.W.1, his mother. This witness has also stated that on the basis of information received over phone, he along with his mother reached at hospital and stated that when he along with her his mother reached Government Hospital, his sister met them in ambulance which was ready for Meerut. He along with his mother Sangeeta Devi sat in ambulance. His sister told them in low voice that a student of computer center named Prashant who used to tease her, had shot her with intention to kill. She has also stated that on next day i.e. on 4.5.2024 his sister died during treatment in Medical College, Meerut. Report of this incident was lodged by his mother having inscribed from him on 3.5.2024 at about 6.00 PM. P.W.3 Mohd. Umar who is the owner of Computer center has stated in examination-in-chief that on 3.5.2024 at about 10.00AM in lab no.1, room no.1 deceased Komal Deval was teaching to the students. In that shift Prashant and other students were also studying in lab no.1 in class room no.1. At the same time, Prashant

having taken out country made pistol from his bag had shot in the abdomen of Komal Deval, teacher with intention to kill her. As a result, she wounded badly. He has also stated that accused Prashant was wearing red T-Shirt and jeans at the time of incident in question. The incident was captured in the CCTV installed at his institution. He has also stated that he informed the brother of Komal Deval, over phone about this incident that Prashant had shot his sister. He has also stated that he alongwith Renu, another teacher took the injured Komal Deval to hospital. Her condition was critical. At the same time, parents and brother of deceased Komla Deval also reached there and she was referred to Meerut. He has also proved the 10 photographs of CCTV footage and pan drive in which the incident was captured, in Court. As such, trio witnesses in their statements nowhere disclosed the name of any person who could have been involved in this incident other than the accused Prashant rather in both the written reports and also in the statements of factual witnesses the name of accused Prashant has been disclosed as assailant. The report of incident was lodged on same day disclosing the name of real culprit. Had Prashant not involved in this incident then why the mother of deceased would have named him leaving real culprit and why only accused Prashant has been named in this incident, it could not be clarified by the accused filing evidence in his defence. P.W.3 Mohd. Umar has also stated that when he was taking Komal Deval to Hospital, she was talking and she has disclosed him the name of accused Prashant as assailant. He has also stated that he had seen the

accused Prashant in CCTV camera installed in class room. P.W.8 Inspector Sushil Kumar Saini, has stated in his statement that the pan drive material **Ext.17** was played in Court in which the accused Prashant was being seen while shooting on Komal by country made pistol. Had the accused not shot the deceased as to why P.W.3 would have disclosed his name to the brother of deceased as assailant and the accused Prashant was not involved in this incident then why he had fled away from there through the stairs having country made pistol in his hand as he is being shown in photographs annexed on record, while fleeing away from there in red T-shirt and jeans on his motorcycle. Besides, the formal witnesses P.W.7, P.W.8 & P.W.9 have not disclosed in their statements that some other person could have been involved in this matter. However, the accused has named a boy Shubham in his statement u/s:313 Cr.P.C but he could not prove his involvement in this matter. Had Shubham been involved in this matter, the complainant, her son and owner of computer center (P.W.3) would have named him in FIR. Why they would have named the accused. Therefore, this submission is turned down.

25- So far as submission of having no motive is concerned, Prashant has per contents of FIR and statements of witnesses of fact, had also committed eve teasing with her earlier regarding whereof parents of deceased Komal Deval had complained to the owner of computer. This fact has been proved by P.W.1 and P.W.2 as discussed above. Besides, P.W.3 Mohd. Umar, owner of Computer Center, has also stated in his cross

examination that earlier once complain of Prashant regarding committing eve teasing with the deceased Komal Deval, was received by him. He has also stated that accused Prashant used to study in his institution in the year 2022 and thereafter he went from there. He had completed six months tally course from his Institution. On 2.5.2024 he had taken admission in his Institution for the revision of tally course whereas deceased Komal Deval was doing the job of teacher in his Institution. He has also stated that accused Prashant used to tease Komal, complaint whereof was made from him by the family members of deceased Komal and Komal had also told him in this regard but at that time he had made Prashant understand. As such, from the statements of P.W.3 also, accused Prashant used to study in his Institution in the year 2022 and then he had gone after completing six years tally course but again on 2.5.2024 he took admission in his Institution under the pretext of revision of tally course. Meaning thereby, he had a motive and intention to commit the murder of deceased that's why he again took admission on 2.5.2024 I.e one day before the incident in question. His main object of taking re-admission in that Institution, was to commit the murder of deceased as he had earlier also committed eve teasing with deceased and when parents of deceased complained it to the owner of Institution he became annoyed and that's why he having come at Institution committed the murder of deceased just after one day after of her re-admission which clearly goes to show that he came in this Institution under the pretext of revision of tally course having a motive to commit

the murder of deceased. Perusal of admission slip Ext.Ka.7 and attendance sheet(Ext.Ka.8) of accused Prashant relating to Computer center reveals that on 3.5.2024 he was the student of computer center and same day he shot the deceased and thereafter,he is being seen in CCTV footage which was played in Court, while shooting the deceased Komal Deval by his country made pistol and then in another footage and photographs he is being seen while going from the center with his bag. Thus,above stated both the submissions of learned defence counsel are turned down that the accused had no motive and accused did not commit the murder of deceased rather some other person has committed her murder as the deceased had relations with some other person.

26- So far as this submission is concerned that the FIR is silent on the issue of murder of deceased in which it has not been mentioned that deceased Komal told the complainant and her son in low voice that accused Prashant has shot her. I am not in agreement with this submission because in FIR the complainant has clearly mentioned that accused Prashant has shot her daughter in computer center,which she has clarified in her statement recorded in court as P.W.1 and her son Abhinav examined as P.W.2 as discussed above, have clearly stated in their statements that the deceased had told them in low voice that she was shot by accused Prashant a student,who had earlier also committed eve teasing with her and P.W.3 has also stated that when he alongwith Renu teacher was taking the deceased to Hospital in his private car,she has told that she was shot by accused Prashant. The FIR is not the

encyclopedia of all the facts relating to crime. The only requirement is that at the time of lodging FIR, the informant should state all those facts which normally strike to mind and help in assessing the gravity of the crime or identity of the culprit as has been held in case **Jarnail Singh Vs. State of Punjab, 2009(6) Supreme Court page.526**. In view of above, this submission is also turned down.

27- So far as this submission is concerned that it is not case of direct evidence and under section 101 of Indian Evidence Act, the onus to prove the identity of accused is on prosecution and in entire FIR it has not been mentioned that accused Prashant shot deceased Komal Deval in presence of complainant and her son or in presence of independent witness P.W.3. In order to judge the genuineness of this submission, I went through the record. In FIR it has been mentioned by the complainant (P.W.1) that on 3.5.2024 at about 11.00 AM she received information that her daughter has been shot by accused in coaching center. It is not the case of prosecution that the complainant and her son had seen the accused while shooting the deceased rather it is the case of prosecution that complainant's son received the information from the owner of computer center that Prashant had shot in the abdomen of her daughter. P.W.3 Mohd. Umar has stated that the information of this incident was given by him to the brother of deceased Komal over mobile that his sister Komal Deval has been shot by Prashant (accused). He has also stated that on 3.5.2024 at about 10.00 AM in lab no.1 room no.1 deceased Komal Deval was

teaching to the student, at the same time accused Prashant having taken out country made pistol from his bag shot in the abdomen of Komal Deval. As a result he wounded badly and after committing the incident, Prashant having kept country made pistol in bag got down from the stairs and fled away by his motorcycle. P.W.3 has also stated that this incident was captured in CCTV installed in his Institution. He has also stated that he has handed over the pan drive of CCTV footage and 10 photographs to Police. He proved the said photograph and PAN DRIVE. He has also stated that on 3.5.2024 the CCTV footage was taken by the I.O in a Pan drive which was played on system in his presence which was in working state. This witness in his cross examination has also stated that when he reached in the room where incident occurred, he saw the deceased in wounded state. She was speaking. He has also stated that Komal was kept speaking till he reached at Hospital. He has also stated that during conversation deceased has disclosed him the name of Prashant as assailant. It is also worth mentioning here that accused Prashant was not unknown for P.W.3, who is owner of computer center and the accused studied in his center earlier also and he came to the owner of center for his readmission one day before the incident in question and in this way P.W.3 could have identified the accused by his demeanor. P.W.8 has also stated in his statement recorded before the Court that the PANDRIVE was played in Court in which accused Prashant is being seen clearly while shooting on Komal by country made pistol. As such, in view of above, this submission raised by the learned counsel for the

defence is also turned down.

28- So far as this submission is concerned that no identification parade has been conducted in this case. I am not in agreement with this submission because Identification parade can be a legally considered unnecessarily and often redundant if the witness already knows the accused. In the present matter, the accused is named in FIR and P.W.1 Sangeeta, the complainant has stated in her statement that she knows accused Prashant. P.W.3 Mohd. Umar who is owner of Center, also knew the accused Prashant. In such circumstances, identification parade holds absolutely no justification. As has been held by the **Hon'ble Apex Court in case la Jadu Nath Singh Vs. State of U.P 1970, State of H.P Vs. Prem Chand 1998 and Ramesh Kumar Vs. State of Punjab and Dana Yadav Vs. State of Bihar 2002. Besides, Test identification Parade is not a right of the accused under the provisions of the Identification of Prisoners Act, 1920. Investigating Agency is not obliged to hold TIP as has been held by the Hon'ble Apex Court in case law Mahabeer Vs. State of Delhi AIR 2008 SC 2343 and Simon Vs. State of Karnataka, (2004) 2 SCC 6943. However,** as has been discussed above that accused Prashant was not unaware for P.W.3, who is owner of computer center and the accused studied in his center earlier also and he came to the owner of center for his readmission just one day before the incident in question and in this way P.W.3 could have identified the accused by his demeanor. As such, this submission is also turned down.

29- So far as this submission is concerned that no

face of accused Prashant is visible in CCTV footage only a person is being seen wearing red T-Shirt and jeans and none of the witness has stated that they had seen the person wearing red T-shirt and jeans while shooting the deceased, I am not in agreement with this submission because as discussed above P.W.3 Mohd. Umar who is main witness in whose Institution this incident occurred, has stated that he had seen the accused Prashant in the CCTV installed in that class room and when he went to that room, the accused was not there rather Komal was in wounded state. She was speaking and she has stated that Prashant had shot on her. He has also stated that at the time of alleged incident accused was wearing red T-shirt and jeans. He has also stated that this incident was captured in CCTV installed in his Institution. P.W.8 has also stated that in CCTV footage which was played in Court, the accused Prashant was being seen while shooting on deceased. There is also certificate available on record in the form of Ext.Ka.9 in which it has been certified that from 3.5.2024 to 8.5.2024 when the footage were taken, the D.V.R was working properly, which goes to show that the CCTV footage were captured properly in D.V.R and no tempering was there in that CCTV. To the contrary, the accused did not file any evidence in defence that he was not the person who was being seen wearing red T-shirt in CCTV footage rather that was somebody else. This submission is also turned down.

30- So far as this submission is concerned that the dying declaration made by the deceased before her mother and brother is not legal and on the basis of that dying declaration no accused can

be convicted and as per statement of doctor the condition of deceased was critical and she was in semi conscious state. I am not in agreement with these submissions because a dying declaration made before the parents or deceased individual is admissible in evidence u/s: 32(1) of the Indian Evidence Act as has been held in case law **Amar Singh Vs. State of Rajsthan** and in case law **State of UP Vs Veerpal 2022 Live Law SC page 111**. Besides, in case law **Sharad Birdhichand Sarda Vs. State of Maharashtra 1984 4c SCC 116** it has been held by the Hon'ble Apex Court that statements made by a deceased person to relatives, detailing who caused their death or the circumstances leading to it, are highly relevant and can serve as the sole basis for a murder conviction. In case law **ATBIR Vs. Govt. (NCT of Delhi reported in 2019) 9 SCC 1** it has been held by the Hon'ble Apex Court that Dying declaration can be the sole basis of conviction if it inspires the full confidence of the Court. The following conditions should be proved.

1-The Court should be satisfied that the deceased was in a fit state of mind at the time of making the statement and that it was not the result of tutoring, prompting or imagination.

2-Where the Court is satisfied that the declaration is true and voluntary, it can base its conviction without any further corroboration.

3-Where the dying declaration which suffers from infirmity such as the deceased was unconscious and could never

make any statement cannot form the basis of conviction.

4-Merely because a dying declaration does not contain all the details as to the occurrence, it is not to be rejected.

5-Even if it is a brief statement, it is not to be discarded.

6-When the eye witness affirms that the deceased was not in a fit and conscious state to make the dying declaration, medical opinion cannot prevail.

7-If after careful scrutiny, the Court is satisfied that it is true and free from any effort to induce the deceased to make a false statement and if it is coherent and consistent, there shall be no legal impediment to make it the basis of conviction, even if there is no corroboration.

In case law **Khushal Rao Vs State of Bombay (AIR 1958 SC page-22)**, it has also been held that each case must be determined on its own facts keeping in view the circumstances in which the dying declaration was made and it cannot be laid down as a general proposition that a dying declaration is a weaker kind of evidence than other pieces of evidence. It has also been held in this case law that dying declaration stands on the same footing as another piece of evidence has to be judged in the light of surrounding circumstances and with reference to the principle governing the weighing of evidence.

In this matter, in light of above conditions laid down in

above cited case laws, first of all the Court has to see as to whether the deceased was in full state of mind at the time of making statement and that it was not the result of tutoring, prompting or imagination. In this regard, the statements of the witnesses to whom the deceased made the statement, is to be evaluated. P.W.3 (Independent witness) Mohd. Umar, the owner of computer center who first of all took the deceased to Hospital, has stated that when he reached at spot, deceased Komal was speaking and she kept talking with him till she reached at hospital and she also disclosed the name of accused Prashant as assailant. He has also stated that thereafter, he informed the brother of deceased Komal over phone regarding the incident in question. Complainant P.W.1, the mother of deceased, has stated in her statement that on 3.5.2024 at about 8.00 AM her daughter had left home for computer center. Same day at about 11.00 AM her son Abhinav received a phone call that her daughter has been shot by a boy named Prashant. Her condition is critical and also asked them to reach Government hospital. She has also stated that when she along with her son reached Government Hospital, her daughter met them in ambulance which was ready for Meerut. She along with her son Abhinav sat in ambulance. Her daughter told them in low voice that a student of computer center named Prashant who used to tease her, had shot her with intention to kill. She has also stated that on next day i.e. on 4.5.2024 her daughter died during treatment in Medical College, Meerut. P.W.2, the brother of deceased has also reiterated the statement of his mother and stated that his daughter has disclosed him the name

of accused Prashant as assailant in low voice in ambulance. P.W.6 Dr. Prem Prakash has also stated in his examination-in-chief that the deceased was in semi-conscious state but she was speaking. Further, this witness has stated that the patient was speaking. As such, the patient was in a state to speak and P.W.6 Dr. Prem Prakash has also stated that the deceased was in semi conscious but she was speaking. However the voice of deceased was low but in such situation she could have disclosed the name of accused in low voice as the complainant PW.1 and P.W.2 have stated in their statements that the deceased had disclosed the name of accused Prashant as assailant in low voice. P.W.3 (Independent witness) Mohd. Umar, who first of all took the deceased to hospital, has also stated that at the time of taking her to hospital, the deceased had disclosed the name of accused Prashant as assailant. As such, all the three witnesses who were in the company of deceased, have stated similar statement naming the accused Prashant and trio have stated that the deceased had disclosed the name of Prashant as assailant. As such, the Court is satisfied that the deceased was in a fit state of mind at the time of making the statement and that it was not the result of tutoring, prompting or imagination and the Court is satisfied that the deceased voluntarily made the statement to her mother, brother and owner of computer center disclosing the name of accused Prashant as assailant. In light of conditions mentioned in above stated case law, the Court is satisfied that the statement is true and free from any effort to induce the deceased to make a false statement. Since as has been discussed above, that earlier also to

this incident once the accused Prashant had teased the deceased regarding whereof her parents made a complaint to the owner of Institution and owner of Institution had made the accused Prashant understand in this regard as PW.3 has also admitted in his statement, hence the dying declaration made before PW.1, P.W.2 and P.W.3 is legally admissible which has been made by her in her conscious state disclosing the name of accused Prashant. Besides, it is worth mentioning here that it is the case of day light murder which happened in computer center. The owner of Computer center, examined as P.W.3, has disclosed the accused as assailant. Besides, there is CCTV footage in which also the deceased is being seen while shooting on deceased and thereafter, he is being seen stepping down through the stairs having country made pistol in his hand hanging a bag on his back and the computer owner identified him in CCTV in his statement. Besides, during recording of statement in court the CCTV footage was displayed in which the accused is being seen while shooting the deceased by country made pistol. Thus, this dying declaration made by the deceased before her mother P.W.1 complainant and her brother P.W.2 and owner of computer center as P.W.3, corroborated by CCTV footage, is admissible in evidence in light of above cited case laws. Thus, this submission is also turned down.

31- So far as this submission is concerned that the incident took place in computer center but no student of computer center has been made witness in this case and P.W.3 who is the owner of Computer Center has stated at the time of alleged incident, accused

Prashant was not studying in his center. It is fact that there have been only three witnesses of fact in this case. Prosecution has also produced PW.3 Mohd. Umar the owner of Institution who has supported the prosecution version in his statement. He has not produced other witnesses. In case law **Nand Kumar Vs,. State of Chhatisgarh,2015) I SCC 776 and Rohtas Kumar Vs. State of Hariyana,2013 Crl.L.J 3183(SC)** it has been held by Hon'ble Apex Court that prosecution need not examine its all witnesses. Discretion lies with the prosecution whether to tender or not witness to prove its case. In case law **Sandeep Vs. State of U.P,2012(6) SCC 107 and Hukum Singh and others Vs. State of Rajshthan,2001 Crl.L.J 511(SC)** it has been held by the Hon'ble Apex Court that under section 226 CrPC if the prosecution knew at that stage itself that certain persons cited by the I.O as witnesses,might not support the prosecution case,he is at liberty to state before the Court. In present matter,certainly there are other witnesses in charge sheet but the Prosecution has examined only those who might be helpful to the case of prosecution and only those witnesses have been examined by the prosecution. So far as this submission is concerned that at the time of incident the accused was not studying in the computer center. There is copy of admission slip as Extx.Ka.7 and copy of attendance sheet is in the form of paper no. Ka.8 in attendance sheet at serial no.9 the name of Prashant has been mentioned and on 3.5.2024 his attendance has been shown by makring " P" against his name in relevant column. P.W.3 has also stated that on 3.5.2024 Prashant was sitting in class

room in lab no.1 situated in room no.1 of Institute. Moreover,the accused in his defence could have produced any evidence in order to show that he did not take admission in that computer center and he was not in Lab no.1 in room no.1 on the date and time of incident rather he was present somewhere else. As such,this submission raised by the learned defence counsel has no force.

32- So far as this submission is concerned that no FIR of earlier incident of eve teasing with the deceased by the accused,has been registered by the complainant or her family members,if as per prosecution version,the accused had committed eve teasing with the her earlier. P.W.1 Smt. Sangeeta and PW.2 Abhinav Deval in their statement have stated that prior to the incident in question,accused Prashant had also committed eve teasing with the deceased. Regarding whereof,complain was made to the owner of Institution. Owner of Institution Mohd.Umar P.W.3 has also stated that deceased Komal was doing the job of teacher for a long time and accused Prashant used to tease her. Complain whereof was made to him by the parents of deceased Komal and Komal had also told him but at that he had made accused Prashant under stand. Now counsel for the accused raised question that if such incident would have occurred earlier as to why it was not reported to any Police station. In Indian society the parents of girl always try to protect the prestige of their daughter in order to avoid any social stigma and initially, they do not make the complaint of such incident to any police station. As must have happened in this case because the parents of deceased Komal complained the

incident of eve teasing to the owner of Institution and owner of Institution made the accused under stand. As such, on account of above stated both the reasons no action was taken against the accused Prashant at that time but again accused took admission in this Institution on 2.5.2025 as is evident from Ext.Ka.7 admission slip and attendance sheet Ext.Ka.8 and also from the statement of P.W.3 Mohd. Umar, the owner of computer center, and then on 3.5.2025 he shot on deceased in class room which was captured in CCTV installed in class room. As a result during treatment on 4.5.2025 she died. Thus, this submission is also turned down.

33- So far as this submission is concerned that no date of handing over the report in Police Station has been mentioned in written report. I am not convinced with this submission because on the basis of that written report FIR has been lodged on 3.5.2024 and in FIR the date of information and occurrence has been mentioned as 3.5.2024. As such, date of handing over the information to Police Station and date of incident is clear. Thus, this submission is not helpful to the accused.

34- So far as this submission is concerned that the deceased first of all was taken by P.W.3 to Hospital by his private car with other teacher Renu but P.W.3 has stated in his statement whether there were blood stained on the wearings of Komal or not, it does not remember to me. I am not convinced with this submission because this is immaterial here because this can be used only for contradictions in the statements of witnesses but the deceased was murdered by shooting as is evident from injury

report and postmortem report of deceased, from the statements of witnesses and also on the basis of CCTV footage which was played in Court at the time of recording evidence in which the accused is being seen while shooting on deceased and then he is being seen fleeing away from the Institute through the stairs having country made pistol in his hand and then he rode over his motorcycle hanging a bag on his back wearing red T-shirt. Moreover, P.W.3 Mohd. Umar the owner of Institute has also stated clearly in his statement that the accused has shot the deceased. It is also worth mentioning here that if the evidence of eye witnesses is trustworthy, non-availability or non-ascertainability of blood stains cannot be a basis to discard the witnesses who otherwise inspire confidence of the Court as has been held by the Hon'ble Apex Court in case law **Keshavlal Vs. State of M.P (2002) 3 SCC page. 254**. Thus, this submission of learned defence counsel is also turned down.

35- Thus, on the basis of overall analysis it is proved that accused Prashad has committed the murder of deceased Komal Deval by shooting with all his knowledge and intention hence the charge u/s:302 IPC is found proved against the accused Prashant beyond reasonable doubt.

In this matter, the accused has also been charged u/s:3/5/25/27 Arms Act for having illegal country made pistol and also for using the same in the murder of deceased.

36- So far as this submission is concerned that no country made pistol and one live cartridge and one dead cartridge were

recovered from the possession of accused and no public witness is there for such recovery. In order to find out the veracity of this submission, I went through the record. P.W.9 SI Yashdev Sharma has stated in his statement that on 3.5.2025 on the basis of tip of that accused Prashant who had shot on a girl, was about to come from the side of Bijnor. Relying on this tip of he alongwith police personnel waited for the accused. After some time, accused was seen coming from the side of Bijnor. He was nabbed and found in possession of country made pistol of 315 bore embedded a dead cartridge in its barrel and also found in possession of live cartridge of same bore. He could not show the license of this weapon. He was arrested u/s:3/25 Arms Act. Recovery memo Extx.Ka.28 was prepared. This witness has also stated that the country made pistol of 315 bore and dead cartridge which were recovered from the possession of accused, were sent to Forensic Science Laboratory, Agra for chemical examination. He has also proved the report of Forensic science laboratory Agra as Ext.Ka.29 in which it has been reported that the recovered dead cartridge was fired by the country made pistol of 315 bore which has been sent for testing. This goes to show that the recovered country made pistol of 315 bore was used in commission of murder of deceased. Besides, there is also the sanction of District Magistrate to prosecute the accused u/s:3/25 Arms Act is in the form of paper no. Ka.26 on record, which has been proved by P.W.8. So far as this submission is concerned that no public witness of such recovery has been procured by the prosecution. It is fact that in this case no public

witness has been procured by the prosecution at the time of recovery and there are only police witnesses of such recovery of country made pistol but it does not affect adversely in prosecution case if no public witness has been procured of such recovery. Only testimony of police personnel should be treated in the same manner as testimony of any other witness independent witness, the testimony of police personnel cannot be belied. As has been held in case law **Pramod Kumar Vs. State(GNCT) of Delhi, AIR 2013 SC 3344 and Govindaraju alias Govinda Vs. State of Shri Rampapuram P.S and another AIR 2012 SC 1292.** This submission is also turned down.

37- So far as this submission is concerned that no separate disclosure statement of accused has been prepared in this case. I am not convinced with this submission. Non recording of disclosure statement and non-examination of public witness as regards to the said recovery would be of no consequence as has been held in case law **Suresh Chandra Bahri Vs. State of Bihar, AIR 1994 SC 2420 .** This submission is also turned down.

38- So far as this submission is concerned that there is no report of finger print expert relating to availability of finger prints of accused on country made pistol. I am not convinced with this submission because in case law **Rakesh Vs. State of U.P and Raees Vs. State of U.P 2016 and Dayanidhi Bisoi Vs. State of Orrisa 2003** it has been held that if no finger print report has been obtained by the I.O. It is an error on the part of I.O which cannot be lead to the acquittal of the accused in any case. So far as

non preparation of disclosure statement of recovery of country made pistol is concerned,as has been discussed above,it does not affect adversely on the case of prosecution as has been laid down in case law **Suresh Chandra Bahri Vs. State of Bihar,AIR 1994 SC 2420**.Thus,this submission is also turned down.

As such, on the basis of above analysis of evidence relating to Arms Act, the charge u/s:3/5/25/27 Arms Act is also proved against the accused Prashant.

Thus, In view of above, I hold that the prosecution has succeeded to establish the charges levelled against the accused Prashant facing trial and thus, he deserves to be held guilty for the charge u/s: 302 IPC and 3/5/25/27 Arms Act.

ORDER

Accused **Prashant** is held guilty for the charge u/s:302 IPC and 3/5/25/27 Arms Act. He is on bail. His bail bonds are cancelled and sureties discharged.

Put up after lunch for hearing on quantum of sentence.

Dated : 30.5.2026

(Sanjay Kumar VII)

Sessions Judge,

Bijnor.

30.05.2026

Counsel for the convict **Prashant** has been heard on quantum of sentence.

It has been submitted by the counsel for the convict that the convict belong to poor family. Therefore, while awarding sentence to him a liberal approach may be adopted.

Learned DGC(Crl) submitted that the convict committed murder a young and promising girl, who was winning her bread by doing the job of a teacher in computer center, therefore, maximum sentence be awarded to the convict.

After hearing the rival submissions on the quantum of sentence and considering entire facts and circumstances of the case and also finding that it is not the case of rare of the rarest and if the convict **Prashant** is sentenced to undergo life imprisonment and fine of Rs.30,000/- u/s:302 IPC it would meet the ends of justice. On the basis of discussion made in the body of judgment, the prosecution has been able to prove that the accused was found in possession of said country made pistol of 315 bore alongwith dead cartridged embedded in its barrel and one live cartridge which was used in commission of murder of deceased Komal Deval, hence if the convict is sentenced to undergo five years imprisonment and fine of Rs. 10,000/- u/s: 25 Arms Act, it would meet the ends of justice and if the convict is sentenced to undergo five years imprisonment and fine of Rs. 20,000/- u/s: 27 Arms Act, it would meet the ends of justice.

ORDER

Convict **Prashant** is sentenced to undergo life imprisonment u/s:302 IPC and fine of Rs.30,000/-.

He is also sentenced to undergo five years imprisonment and fine of **Rs. 10,000/-** u/s: 25 Arms Act.

He is also sentenced to undergo five years imprisonment and fine of **Rs.20,000/-** under section 27 Arms Act.

All the sentences shall run concurrently.

The period already incarcerated by the convicts,shall be adjusted in this imprisonment.

The convict be sent to the District Jail,Bijnor for serving out the sentences so imposed by preparing conviction warrant.

Copy of this judgment be furnished to the convict free of costs immediately.

Dated:30.5.2026

(Sanjay Kumar VII)

Sessions Judge,

Bijnor.

Judgment signed dated and pronounced in open Court today.

Dated:30.05.2026

(Sanjay Kumar VII)

Sessions Judge,

Bijnor.