



2026:CGHC:28134-DB



CGHC010431482025



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 2067 of 2025**

Budheshwari Paikra W/o Bansal Paikra Aged About 27 Years R/o Village Jargim, Police Station Shankargarh, District Balrampur- Ramanujganj, Chhattisgarh

... Appellant(s)**versus**

State of Chhattisgarh Through Police Station Shankargarh, District Balrampur- Ramanujganj, Chhattisgarh

...Respondent(s)

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Bhaskar Payashi, Advocate.
For Respondent/State	:	Mr. Priyank Rathi, Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Judgment on Board****Per Ramesh Sinha, Chief Justice****08.07.2026**

1. Heard Mr. Bhaskar Payashi, learned counsel for the appellant. Also heard Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondent.



2. Though the matter is listed today for hearing on I.A. No. 1 of 2025 (application for suspension of sentence and grant of bail), however, considering that the appellant has been in custody since 14.02.2021, and with the consent of learned counsel for the parties, the appeal is taken up for final hearing.

3. This criminal appeal is preferred under Section 415 (2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short, 'BNSS') is directed against the impugned judgment dated 01.09.2025 passed by the learned First Additional Sessions Judge, Ramanujganj, District Balrampur-Ramanujganj (C.G.) (for short, 'the learned trial Court') in Session Case No. 73 of 2021, by which the appellant has been convicted and sentenced as under:

Conviction under Section	Sentence
Section 302 of the Indian Penal Code (<i>for short</i> , 'IPC'),	Rigorous imprisonment (<i>for short</i> , 'R.I.') for life and fine of Rs. 500/-, in default of payment of fine, 03 months R.I. more.

4. The case of the prosecution, in brief, is that the complainant, Bansai Paikra (PW-2), appeared before Police Station Shankargarh and lodged a merg intimation stating that frequent quarrels used to take place between his wife, Budheshwari Paikra (the appellant), and his mother, Dauni Paikra (the deceased), over household work. According to him, his mother often accused his wife of maintaining an illicit relationship with Bhetan, the husband of her sister Mankyari, which led to recurring disputes between



them. On 13.02.2021, at about 9:30 p.m., when another quarrel erupted between his wife and his mother, he left the house and went to a neighbour's place to sit near a bonfire. At about 10:00 p.m., upon returning home, he witnessed the appellant assaulting the deceased with the wooden handle of a *Tangi* (axe). Although he intervened and separated them, the appellant, in his presence, again assaulted the deceased repeatedly on her head with a piece of firewood, causing serious injuries as a result of which the deceased fell to the ground. On the following morning, i.e., 14.02.2021, when the appellant attempted to wake the deceased, she did not respond and was found dead. Thereafter, the complainant informed the village Kotwar and the Sarpanch and proceeded to the police station to lodge the report. On the basis of the said merg intimation, Merg No.09/2021 was registered at Police Station Shankargarh. During the course of the merg enquiry, it was found that the death of the deceased was the result of injuries allegedly inflicted by the appellant. Consequently, Crime No.31/2021 was registered against the appellant for the offence punishable under Section 302 of the IPC, and the matter was taken up for investigation.

5. During the course of investigation, the Investigating Officer Umesh Baghel (PW-6), visited the place of occurrence on 14.02.2021 and prepared the spot map (Ex.P/3). Notices were issued to the Panch witnesses, and in their presence the inquest proceedings were conducted vide Inquest Panchanama (Ex.P/7). Thereafter, the dead body of the deceased was sent to the Community Health Centre, Shankargarh, for postmortem examination. Blood-stained soil and plain soil were collected separately from the place of occurrence and seized vide seizure memo



(Ex.P/8). The appellant was taken into custody and, pursuant to the memorandum statement recorded under Section 27 of the Evidence Act (Ex.P/9), one iron *Tangi* fitted with a bamboo handle and one piece of firewood, alleged to have been used in the commission of the offence, were recovered and seized vide seizure memo (Ex.P/10). The appellant was formally arrested vide arrest memo (Ex.P/11), and information regarding her arrest was furnished to her relatives. Subsequently, a requisition was sent to the Tahsildar, Shankargarh, for preparation of the Patwari map of the place of occurrence. The Investigating Officer also sought medical opinion from the Block Medical Officer regarding the nature of the injuries sustained by the deceased and obtained a query report with respect to the seized weapons.

6. During investigation, the statements of the complainant Bansai Paikra (PW-2), Mankyari (PW-1), Dhola Ram Paikra (PW-3), Tedu Ram Paikra (PW-4), Smt. Kunti Bai (PW-5), Deepak Bhagat (PW-9), Tuneshwar Paikra (PW-10) and other witnesses were recorded under Section 161 of the Cr.P.C. The seized articles were forwarded to the Forensic Science Laboratory, Ambikapur, for chemical examination. Upon completion of the investigation, sufficient material was found against the appellant for commission of the offence.

7. On completion of the investigation, the police filed a charge-sheet against the appellant before the Court of the jurisdictional Judicial Magistrate First Class for the offence punishable under Section 302 of the IPC. Since the offence was exclusively triable by the Court of Session, the case was committed to the Court of Session by order dated 05.07.2021,



where it was registered as Sessions Trial No.73/2021 and thereafter transferred to the Court concerned for trial.

8. The learned trial Court, after hearing the parties, framed charge against the appellant for the offence punishable under Section 302 of the IPC. The charge was read over and explained to the appellant, who denied the same, pleaded not guilty and claimed to be tried.

9. In order to establish the charge, the prosecution examined as many as 10 witnesses and exhibited 22 documents. After closure of the prosecution evidence, the appellant was examined under Section 313 of the Cr.P.C., wherein all the incriminating circumstances appearing against her were put to her. She denied the allegations, pleaded innocence and stated that she had been falsely implicated in the case. In defence, she examined one witness, namely, Sunita (DW-1).

10. Upon appreciation of the oral and documentary evidence available on record, the learned trial Court, by the impugned judgment dated 01.09.2025, convicted the appellant for the offence punishable under Section 302 of the IPC and sentenced her as stated hereinabove. Feeling aggrieved thereby, the appellant has preferred the present criminal appeal.

11. Learned counsel appearing for the appellant submits that the learned trial Court has erred in convicting the appellant under Section 302 of the IPC, as the prosecution has failed to prove its case beyond reasonable doubt. It is contended that the conviction is based on conjectures and surmises and that the seizure witnesses have not fully supported the prosecution case.



12. It is further submitted by the learned counsel, appearing for the appellant that, even if the prosecution case is accepted in its entirety, the incident occurred due to a sudden quarrel arising out of a domestic dispute between the appellant and the deceased. There was no premeditation or intention on the part of the appellant to cause the death of the deceased. The alleged act was committed in the heat of passion and, therefore, the case falls within Exception 4 to Section 300 of the IPC and the offence would amount to culpable homicide not amounting to murder punishable under Section 304 Part-I or Part-II of the IPC. He further contended that the appellant is in custody since 14.02.2021 and has already undergone more than 5 years and 4 months of incarceration. Considering the facts and circumstances of the case and the period already undergone, it is prayed that the conviction under Section 302 of the IPC be altered to Section 304 Part-I or Part-II of the IPC and the sentence be modified accordingly.

13. *Per contra*, learned State counsel supports the impugned judgment and submits that the learned trial Court has rightly appreciated the oral and documentary evidence available on record and has recorded the conviction in accordance with law. It is contended that the prosecution has succeeded in proving the guilt of the appellant beyond reasonable doubt by adducing cogent and reliable evidence. The medical evidence fully corroborates the prosecution case that the deceased sustained multiple injuries on her head, which proved fatal.

14. Learned State counsel further submits that the evidence on record clearly establishes that the appellant assaulted the deceased with the



handle of a *Tangi* and a piece of firewood, resulting in her death. The nature of the injuries sustained by the deceased, the weapons used and the manner in which the assault was committed clearly establish the intention of the appellant to cause such bodily injuries as were sufficient in the ordinary course of nature to cause death. It is further submitted that the present case does not fall within the ambit of any of the Exceptions to Section 300 of the IPC, as the appellant repeatedly assaulted the deceased on a vital part of the body. Therefore, the learned trial Court has rightly convicted the appellant under Section 302 of the IPC, and no interference with the impugned judgment is warranted. Accordingly, the appeal deserves to be dismissed.

15. We have heard learned counsel for the parties at considerable length, considered their rival submissions and carefully perused the entire record of the case.

16. The first question that falls for consideration is whether the death of the deceased, Dauni Paikra, was homicidal in nature.

17. In order to answer the aforesaid question, it would be appropriate to examine the medical evidence available on record. Dr. Deepak Kumar Rai (PW-8), who conducted the postmortem examination on the body of the deceased, deposed that on 14.02.2021, while posted as Medical Officer at Community Health Centre, Shankargarh, he conducted the postmortem examination and found rigor mortis present all over the body. On external examination, he noticed a contusion measuring 5 × 2 cm over the posterior aspect of the left shoulder joint, an abrasion measuring 1 × 0.5 cm behind the left ear, a contusion measuring about 3 cm in diameter over the frontal



bone and a blood clot measuring 3 × 2 cm beneath the frontal bone near the midline. On internal examination, both chambers of the heart were found containing blood, whereas the remaining internal organs were normal. According to him, the death had occurred within approximately 24 hours prior to the postmortem examination and was caused by shock due to haemorrhage resulting from injuries inflicted on the head by a hard and blunt object. He proved the postmortem report (Ex.P/19).

18. The testimony of the autopsy surgeon has remained unshaken in cross-examination and nothing has been elicited to discredit his medical opinion. The defence has also not brought on record any material to indicate that the death of the deceased was accidental or suicidal. The medical evidence clearly establishes that the deceased sustained ante-mortem injuries on her head caused by a hard and blunt object, which proved fatal.

19. Having considered the medical evidence available on record, we are in agreement with the finding recorded by the learned trial Court that the death of the deceased, Dauni Paikra, was homicidal in nature. The said finding is based on proper appreciation of the evidence and does not call for any interference by this Court.

20. The next question that falls for consideration is whether it was the appellant who caused the injuries which resulted in the death of the deceased. The learned trial Court has answered the said issue in the affirmative on the basis of the oral and documentary evidence adduced by the prosecution. We shall now examine the evidence available on record to determine whether the prosecution has been able to establish, beyond



reasonable doubt, that it was the appellant who committed the offence in question.

21. If the aforesaid question is answered in the affirmative, the next issue that would arise for consideration is whether the case of the appellant would fall within the ambit of Exception 4 to Section 300 of the IPC, as contended by the learned counsel for the appellant, so as to bring the offence within the purview of culpable homicide not amounting to murder punishable under Section 304 Part I or Part II of the IPC.

22. The question whether a case falls within the ambit of Exception 4 to Section 300 of the IPC has been considered by the Hon'ble Supreme Court in the matter of **Sukhbir Singh v. State of Haryana**¹ has observed as under:-

“21. Keeping in view the facts and circumstances of the case, we are of the opinion that in the absence of the existence of common object Sukhbir Singh is proved to have committed the offence of culpable homicide without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and did not act in a cruel or unusual manner and his case is covered by Exception 4 of Section 300 IPC which is punishable under Section 304 (Part I) IPC. The finding of the courts below holding the aforesaid appellant guilty of offence of murder punishable under Section 302 IPC is set aside and he is held guilty for the commission of

¹ (2002) 3 SCC 327



offence of culpable homicide not amounting to murder punishable under Section 304 (Part I) IPC and sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.5000. In default of payment of fine, he shall undergo further rigorous imprisonment for one year."

23. The Hon'ble Supreme Court in the matter of **Gurmukh Singh v. State of Haryana**² has laid down certain factors which are to be taken into consideration before awarding appropriate sentence to the accused with reference to Section 302 or Section 304 Part II of the IPC, which state as under :-

"23. These are some factors which are required to be taken into consideration before awarding appropriate sentence to the accused. These factors are only illustrative in character and not exhaustive. Each case has to be seen from its special perspective. The relevant factors are as under :

(a) Motive or previous enmity;

(b) Whether the incident had taken place on the spur of the moment;

(c) The intention/knowledge of the accused while inflicting the blow or injury;

(d) Whether the death ensued instantaneously or

2 (2009) 15 SCC 635



the victim died after several days;

(e) The gravity, dimension and nature of injury;

(f) The age and general health condition of the accused;

(g) Whether the injury was caused without premeditation in a sudden fight;

(h) The nature and size of weapon used for inflicting the injury and the force with which the blow was inflicted;

(i) The criminal background and adverse history of the accused;

(j) Whether the injury inflicted was not sufficient in the ordinary course of nature to cause death but the death was because of shock;

(k) Number of other criminal cases pending against the accused;

(l) Incident occurred within the family members or close relations;

(m) The conduct and behaviour of the accused after the incident.

Whether the accused had taken the injured/the



deceased to the hospital immediately to ensure that he/she gets proper medical treatment ?

These are some of the factors which can be taken into consideration while granting an appropriate sentence to the accused.

24. The list of circumstances enumerated above is only illustrative and not exhaustive. In our considered view, proper and appropriate sentence to the accused is the bounded obligation and duty of the court. The endeavour of the court must be to ensure that the accused receives appropriate sentence, in other words, sentence should be according to the gravity of the offence. These are some of the relevant factors which are required to be kept in view while convicting and sentencing the accused."

24. Likewise, in the matter of **State v. Sanjeev Nanda**³, their Lordships of the Hon'ble Supreme Court have held that once knowledge that it is likely to cause death is established but without any intention to cause death, then jail sentence may be for a term which may extend to 10 years or with fine or with both. It has further been held that to make out an offence punishable under Section 304 Part II of the IPC, the prosecution has to prove the death of the person in question and such death was caused by the act of the accused and that he knew that such act of his is likely to cause death.

³ (2012) 8 SCC 450



25. Further, the Hon'ble Supreme Court in the matter of **Arjun v. State of Chhattisgarh**⁴ has elaborately dealt with the issue and observed in paragraphs 20 and 21, which reads as under :-

“20. To invoke this Exception 4, the requirements that are to be fulfilled have been laid down by this Court in Surinder Kumar v. UT, Chandigarh [(1989) 2 SCC 217 : 1989 SCC (Cri) 348], it has been explained as under : (SCC p. 220, para 7)

“7. To invoke this exception four requirements must be satisfied, namely, (i) it was a sudden fight; (ii) there was no premeditation; (iii) the act was done in a heat of passion; and (iv) the assailant had not taken any undue advantage or acted in a cruel manner. The cause of the quarrel is not relevant nor its I relevant who offered the provocation or started the assault. The number of wounds caused during the occurrence is not a decisive factor but what is important is that the occurrence must have been sudden and unpremeditated and the offender must have acted in a fit of anger. Of course, the offender must not have taken any undue advantage or acted in a cruel manner. Where, on a sudden quarrel, a person in the heat of the moment picks up a weapon which is handy and causes injuries, one of which proves fatal, he

4 (2017) 3 SCC 247



would be entitled to the benefit of this exception provided he has not acted cruelly.”

21. Further in Arumugam v. State [(2008) 15 SCC 590 : (2009) 3 SCC (Cri) 1130], in support of the proposition of law that under what circumstances Exception 4 to Section 300 IPC can be invoked if death is caused, it has been explained as under : (SCC p. 596, para 9)

“9. '18. The help of exception 4 can be invoked if death is caused (a) without premeditation; (b) in a sudden fight; (c) without the offender's having taken undue advantage or acted in a cruel or unusual manner; and (d) the fight must have been with the person killed. To bring a case within Exception 4 all the ingredients mentioned in it must be found. It is to be noted that the “fight” occurring in Exception 4 to Section 300 IPC is not defined in the Penal Code, 1860. It takes two to make a fight. Heat of passion requires that there must be no time for the passions to cool down and in this case, the parties had worked themselves into a fury on account of the verbal altercation in the beginning. A fight is a combat between two or more persons whether with or without weapons. It is not possible to enunciate any general rule as to what shall be deemed to be a sudden quarrel. It is



a question of fact and whether a quarrel is sudden or not must necessarily depend upon the proved facts of each case. For the application of Exception 4, it is not sufficient to show that there was a sudden quarrel and there was no premeditation. It must further be shown that the offender has not taken undue advantage or acted in cruel or unusual manner. The expression “undue advantage” as used in the provisions means “unfair advantage”.

26. In the matter of **Arjun** (supra), the Hon’ble Supreme Court has held that if there is intent and knowledge, the same would be case of Section 304 Part-I of the IPC and if it is only a case of knowledge and not the intention to cause murder and bodily injury, then same would be a case of Section 304 Part-II of the IPC.

27. Further, the Hon’ble Supreme Court in the matter of **Rambir v. State (NCT of Delhi)**⁵ has laid down four ingredients which should be tested to bring a case within the purview of Exception 4 to Section 300 of IPC, which reads as under:

“16. A plain reading of Exception 4 to Section 300 IPC shows that the following four ingredients are required:

- (i) There must be a sudden fight;*
- (ii) There was no premeditation;*

⁵ (2019) 6 SCC 122



(iii) *The act was committed in a heat of passion;*
and

(iv) *The offender had not taken any undue
advantage or acted in a cruel or unusual manner.”*

28. Bansai Paikra (PW-2), the complainant, husband of the appellant and son of the deceased, did not fully support the prosecution case and was, therefore, declared hostile. Though he admitted his signatures on the merger intimation (Ex.P/2), spot map (Ex.P/3), dead body handing over memo (Ex.P/4) and First Information Report (Ex.P/5), he denied having knowledge about the manner in which the deceased died.

29. However, during his cross-examination by the prosecution, PW-2 admitted that frequent quarrels used to take place between the appellant and the deceased over household work and that the deceased often suspected the character of the appellant by alleging that she had an illicit relationship with Bhetan, the husband of her sister Mankyari (PW-1). He further admitted that on the date of the incident, while they were having dinner, the deceased again quarreled with the appellant on the same issue. Although he attempted to pacify them, when they did not relent, he left the house and went outside to sit near a bonfire. Though, during his cross-examination by the defence, PW-2 attempted to dilute the prosecution case, the aforesaid admissions regarding the strained relationship between the appellant and the deceased and the quarrel immediately preceding the incident remained unshaken. It is well settled that the testimony of a hostile witness is not to be rejected in its entirety and can be relied upon to the extent it inspires confidence and is



corroborated by other evidence on record.

30. Mankyari (PW-1), the daughter of the deceased and sister-in-law of the appellant, deposed that she was at her matrimonial home on the date of the incident and reached her parental house only after receiving information about the death of her mother. She stated that by the time she reached, the police had already arrived at the spot. According to her, in her presence, the appellant told the police that she had assaulted her mother-in-law with an axe and a piece of wood, resulting in her death. Since she did not fully support the prosecution case, she was declared hostile. However, during her cross-examination by the prosecution, she admitted that frequent quarrels used to take place between the appellant and the deceased over household work and that the appellant's behaviour towards her was also not cordial, due to which she seldom visited her parental home. She further admitted that, upon reaching the house, she found the dead body of the deceased lying in the kitchen. Though certain suggestions were put to her during cross-examination by the defence, nothing material could be elicited to discredit her testimony regarding the strained relationship between the appellant and the deceased.

31. Kunti Paikra (PW-5) and Deepak Bhagat (PW-9) did not support the prosecution case and were declared hostile. Tuneshwar Paikra (PW-10), who reached the house of the deceased on the following morning after receiving information about her death, deposed that the police were already conducting the investigation. During his cross-examination by the prosecution, he admitted that the villagers were stating that the deceased had been assaulted by the appellant and that the appellant herself had



informed the Sarpanch and the *Mitanin* that she had killed her mother-in-law.

32. Inspector Umesh Baghel (PW-6), the Investigating Officer, deposed that on 14.02.2021 he seized blood-stained and plain soil from the place of occurrence vide seizure memo (Ex.P/8). He further stated that, while the appellant was in custody, her memorandum statement (Ex.P/9) was recorded, pursuant to which one iron *Tangi* fitted with a bamboo handle and one piece of firewood were recovered at her instance and seized vide seizure memo (Ex.P/10). He also proved the arrest memo (Ex.P/11) and the intimation of arrest (Ex.P/13).

33. Tedu Ram Paikra (PW-4), a witness to the memorandum and seizure, deposed that when he reached the house of the deceased, he found the dead body lying on the floor and noticed the appellant wiping blood from the body of the deceased. He further stated that, in his presence, the appellant disclosed before the police that she had assaulted the deceased, whereafter her memorandum statement (Ex.P/9) was recorded and, pursuant thereto, an iron *Tangi* and a piece of firewood were recovered and seized vide Ex.P/10. Although he admitted during cross-examination that no recovery was effected in his presence, his testimony regarding the execution of the memorandum and seizure proceedings remains on record and is required to be appreciated along with the other evidence.

34. Dhola Ram Paikra (PW-3), the other witness to the memorandum and seizure, also supported the prosecution case. He deposed that when he reached the place of occurrence, he found the appellant wiping blood



from the head of the deceased. He further stated that, upon being questioned by the police, the appellant disclosed that she had assaulted the deceased with a *Tangi* and a piece of firewood. He proved the memorandum statement (Ex.P/9), the seizure memo (Ex.P/10) and the arrest memo (Ex.P/11). Despite a lengthy cross-examination, no material contradiction or omission could be elicited so as to discredit his testimony. His evidence substantially corroborates the testimony of the Investigating Officer regarding the recovery of the weapons allegedly used in the commission of the offence.

35. Having considered the evidence available on record, it is evident that none of the prosecution witnesses is an eyewitness to the actual occurrence. The prosecution case rests on the circumstantial evidence, namely, the strained relationship between the appellant and the deceased, the quarrel that took place immediately before the incident, the medical evidence establishing the homicidal death of the deceased and the recovery of the *Tangi* and the piece of firewood at the instance of the appellant. The evidence of Bansai Paikra (PW-2) clearly establishes that frequent quarrels used to take place between the appellant and the deceased over domestic issues and that on the date of the incident also, a quarrel had ensued between them during dinner. Although PW-2 attempted to pacify them, he left the house when they did not relent. The medical evidence, coupled with the recovery of the weapons and the other attending circumstances, establishes that it was the appellant who caused the injuries to the deceased. However, the evidence on record does not indicate that the appellant had any premeditated intention to cause the death of the deceased. The incident occurred in the course of a sudden



quarrel arising out of a domestic dispute between the appellant and the deceased. There is nothing on record to suggest that the appellant had acted pursuant to any pre-conceived plan or had taken undue advantage of the situation. In the considered opinion of this Court, the prosecution has succeeded in proving that the appellant caused the injuries which resulted in the death of the deceased; however, it has failed to establish that the offence amounts to murder punishable under Section 302 of the IPC.

36. In view of the aforesaid discussion, this Court is of the considered opinion that the present case is covered by Exception 4 to Section 300 of the IPC. The act of the appellant was committed during a sudden quarrel, without premeditation and in the heat of passion. At the same time, having regard to the nature of the injuries caused to the deceased, it can safely be attributed that the appellant had the knowledge that her act was likely to cause death. Consequently, the conviction of the appellant deserves to be altered from Section 302 of the IPC to Section 304 Part-II of the IPC.

37. Accordingly, the conviction of the appellant under Section 302 of the IPC and the sentence imposed thereunder by the learned trial Court are set aside. Instead, the appellant is convicted for the offence punishable under Section 304 Part-II of the IPC and is sentenced to undergo rigorous imprisonment for 05 years. The fine amount and the default stipulation, as imposed by the learned trial Court, shall remain unaltered.

38. It is not in dispute that the appellant has remained in custody since 14.02.2021 and has already undergone more than five years and four months of incarceration. Thus, the appellant has already undergone the



substantive sentence awarded by this Court. Accordingly, she shall be released forthwith, if her custody is not required in connection with any other case.

39. Consequently, the present criminal appeal is **partly allowed** to the extent indicated hereinabove.

40. I.A. No. 1 of 2025, being the application for suspension of sentence and grant of bail, does not survive for consideration in view of the final disposal of the appeal and is, accordingly, **disposed of**.

41. Keeping in view the provisions of Section 437-A of the CrPC (now Section 481 of the Bhartiya Nagarik Suraksha Sanhita, 2023), the appellant is directed to forthwith furnish a personal bond in terms of Form No. 45 prescribed in the Code of Criminal Procedure of sum of Rs.25,000/- with one surety in the like amount before the Court concerned which shall be effective for a period of six months along with an undertaking that in the event of filing of Special Leave Petition against the instant judgment or for grant of leave, the aforesaid appellant on receipt of notice thereof shall appear before the Hon'ble Supreme Court.

42. Let a certified copy of this judgment along with the original record be sent to the trial Court forthwith for information and necessary compliance.

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**