
(2005) 05 RAJ CK 0072
In the Rajasthan High Court
Case No : Criminal Appeal No. 248 of 2000

Bhairu and Mohanlal	Vs	APPELLANT
The State of Rajasthan		RESPONDENT

Date of Decision : 05-05-2005

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 107, 110, 161, 313
Penal Code, 1860 (IPC) — Section 147, 148, 149, 302, 307

Citation : (2005) 3 RLW 1831

Hon'ble Judges : V.K. Bali, J; Harbans Lal, J

Bench : Division Bench

Advocate : Alok Sharma, Ravi Kasliwal, Kamla Jain, Devendra Raghav and Mahendra Singh, for the Appellant; B.N. Sandu and Nirmala Sharma, Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

V.K. Bali, J.—By this common judgment, we propose to dispose of three connected criminal appeals bearing No. 252/2000, No. 309/2000 and No. 248/2000 as the same emanate from a common order of conviction and sentence dated 1.5.2000 recorded by the Additional Sessions Judge No. 1, Bundi. Learned counsel appearing for the parties also suggest likewise.

2. Whereas Appeal No. 252/2000 has been filed by Murli, Heera and Chhitar, Appeal No. 309/2000 has been filed by Kanwar Lal and Bhanwar Lal and Appeal No. 248/2000 has been filed by Bhairu and Mohan Lal. The appellants named above have been held guilty for offences u/s 147, 148, 302, 323, 325 read with Section 149 IPC and sentenced to undergo R.I. for life as also to pay fine of Rs. 1,000/- each and in default of payment of fine, to further undergo RI for a period of six months. They have been convicted for various offences as mentioned below:

Section 302/149 IPC - Life imprisonment and fine of Rs. 1,000/-, in default of payment of fine, six month's rigorous imprisonment.

Section 147 IPC - 1 year imprisonment and a fine of Rs. 200/-, in default of payment of fine, further one month's rigorous imprisonment.

Section 148 IPC - 2 years imprisonment and a fine of Rs. 250/-, in default of payment of fine, R.I. for 2 months

Section 325/149 IPC - 3 years" imprisonment and a fine of Rs. 300A, in default of payment of fine, further imprisonment for 2 months.

Section 325/149 IPC - 6 months" rigorous imprisonment and a fine of Rs. 250/-, in default of payment of fine, further imprisonment for 1 month.

3. The appellants were tried for murder of Virendra Singh Hada Patwari, who as per the prosecution version was brutally done to death by the appellants on 14.9.1987 at 9.15 p.m. The FIR with regard to the incident came to be lodged by Lokendra Singh (PW-1) which was recorded by Nathu Ram, SHO. The FIR was recorded on the same day at 9.30 p.m. The special report reached the concerned Magistrate on next day-15.9.1987 at about 10.50 a.m.

4. While unfolding the prosecution version, Lokendra (PW-1) got recorded in the FIR (Ex.P.1) that today just some time ago, at about 9.15 p.m. he, his real brother Virendra Singh and Badri were standing at the betel shop of Latoor Mali on Bundi Road. It is only 5-7 minutes when they were so standing that Heera son of Hardev Gujar, Murli son of Sunder Brahmin, resident of Kamachh and one other person who had a lathi in his hand came. Whereas Heera had a Gandasi, Murli had a lathi in his hand. The moment Heera and Murli came there, they started abusing his brother, whereupon he and Virendra Singh told them not to indulge in non- sense. In the meantime, 6-7 persons who had lathies, Farsa, Gandasa and knife in their hand came there. On their arrival at the scene, Virendra Singh was taken to the street and first of all, Murli gave a lathi blow on his head and then, after stating that they would kill him, started beating him with lathi, knife, Gandasi and Farsa. Virendra Singh fell down upon which Murli and another person, whose name he did not know, started giving him lathi blows which hit him on his left eye and on other parts of the body. He too fell down on receipt of injuries. Badri Dhakad kept on refraining them. After he had fallen, all boarded a tractor, number of which he would not remember and went towards Kota road. The tractor was already standing in front of the shop of Latoor. While going, they were shouting "Jai" but he would not know whose "Jai" they were speaking of. He then saw Virendra and found that he had already died. Virendra had received injuries on his head and his face was disfigured. Virendra had been murdered and he (complainant) had been given beatings because of previous enmity. He had seen face of the persons in the light and could identify them.

5. With a view to connect the appellants with the crime, the prosecution examined Dr. Vinod Kumar Dhingra (PW-10) who stated that on 15.9.1987 at 8.15 a.m. he had conducted post mortem on the dead body of Virendra. The doctor found following 19 injuries on his dead body. He proved post mortem report (Ex.P.9).

- "1. Incised wound 2" x 1/2" bone deep over left parietal portion of skull. 2" above ear. trans. in direction.
2. Incised wound 1" x 1/2" x bone deep over left parietal portion of skull 1" above ear Trans. in direction.
3. Incised wound 1" x 1/2" x bone deep over occipital portion of skull, oblique in direction. Occipital bone fractured in time of injury.
4. Incised wound 1" x 1/2" x bone deep over frontal portion of skull at flair time (in middle) trans. in direction Bone in time of injury.
5. Incised wound 1/2" x 1/4" x bone deep over frontal portion of skull 1/2" below flair time. Trans. in direction. Bone # in time of injury.
6. Incised wound 1" x 1/2" x bone deep over left side of face over cheek. Trans. in direction.
7. Incised wound 3/4" x 1/2" x bone deep over right side of face over cheek. Trans. in direction.
8. Incised wound 3/4" x 1/2" x bone deep over 1/2" below lower lip. Trans. in direction.
9. Lacerated wound 2" x 1/2" x 1" over including right eye. Trans. in direction.
10. Lacerated wound 2" x 1 and 1/2" x 1" over including left eye. Trans. in direction.
11. Lacerated wound 1 and 1/2" x 1" x 3/4" over including whole nose. Linear in direction.
12. Lacerated wound 2" x 1/2" x 1/2" over including upper lip Trans. in direction.
13. Lacerated wound 2" x 1/2" x 1/2" over including lower lip Trans. in direction.
14. Incised wound 2" x 1" 1" over anterior side of lower half of neck. Trans. in direction. Trachea is cut thigh, thigh filled with clotted blood.
15. Incised wound 3/4" x 1/2" x 1/2" over left upper anterior portion of neck. Trans. in direction.
16. Incised wound 3/4" x 1/4" x 1/4" over middle of back side of neck. Trans. in direction.
17. Incised wound 3/4" x 1/4" x 1/4" over right upper side of umbilicus Trans. in direction.
18. Incised wound 3/4" x 1/4" x 1/4" over left upper side of umbilicus. Trans. in direction.
19. Incised wound 3/4" x 1/4" x 1/4" over left lower side of umbilicus. Trans. in direction."

6. In the opinion of the doctor, death was caused by asphyxia due to complete incised injury to trachea. The injuries, doctor further opined, were sufficient in the ordinary course of nature to cause death. The doctor also opined that the time that elapsed between the injuries and death was between 0-12 hours. It is pertinent to mention here that the doctor also stated that the eyes of the deceased were not in the socket and thus, it was not possible to identify the eyes nor it was possible to identify face and ears.

7. Dr. Narayan Dixit who was examined as PW-7, proved ML Report of Virendra. On the basis of X-ray report, he stated that there was fracture of the thumb of left hand of Lokendra. Following nine injuries were found on the person of Lokendra:

"1. Swelling 5" x 5" with bruise 5" x 3/4" on the upper 1/3rd of left arm anteriorly. Blunt.

2. Bruise 4" x 3/4" on the middle of left laterally. Blunt.

3. Swelling 2" x 2" on the past aspect of elbow joint.- Blunt.

4. Abrasion 1 and 1/4" x 3/4" on the lower portion of left forearm paining-blunt.

5. Swelling 2" x 2" on the middle of left palm on the dorsal aspect-Blunt.

6. Abrasion 1/4" x 1/4" on the tip of left thumb.-Blunt.

7. Abrasion 3" x 1/4" on the right side of chest just near the mammary gland.- Blunt.

8. Haematoma 1" x 1" just above the left eye brows. Blunt.

9. Abrasion 1/4" x 1/4" on the lower portion of Rt. thigh laterally. Blunt.

8. Prosecution besides examining injured eye witness Lokendra, the real brother of the deceased as PW-1, also examined other eye witnesses namely Badri (PW-2), Bajrang (PW-3) and Durga Lal (PW- 4). Lokendra (PW-1), it is the prosecution version, after identifying the accused persons in the court stated that he knew Murli, and Heera earlier. He also stated that he had enquired about the names of the accused and was told that their names were Mohan, Kanwar Lal and Chhitar. He also stated that Murli had given lathi blow on the head of Virendra and thereafter, all others started beating him. He also gave the tractor number which he had not given while lodging the FIR. He reiterated that he had identified the accused in the light. In cross examination, he stated that two false cases were pending against his brother in Kota. He denied for went of knowledge if case u/s 365 and 376 IPC was pending against his brother. He denied the suggestion that 5-7 cases were also pending against his brother pertaining to Police Station Patan and he had come to stand as security for his brother at Bundi. He also denied for want of knowledge if any case u/s 107 or 110 Cr.P.C. was pending against him. When the accused party was beating his brother, then no other person could be seen there. Even those who were present at the beetal

shop had ran away. Even Badri Dhakad had ran away from the spot. He admitted that he had not given the description of the accused other than Heera and Murli to the police as the accused were looking to be normal. He did not get recorded as to what they were wearing. Even the SHO had not asked him about the same. He stated that he had heard that Heera and Murli had lodged report against his brother which was of his entry into their house and which was with regard to supply of water. He did not know as to with what arms except Heera and Murli, accused were armed. But they had Gandasi, Farsi, knife and lathi.

9. Badri examined as PW-2, Bajrang examined as PW-3 and Durga Lal examined as PW-4 also supported the prosecution case.

10. It is pertinent to mention here that all the witnesses were examined twice for the reason that one of the accused was arrested later and since evidence of these witnesses had since already been recorded, after arrest of the said accused, their statements were recorded again. Lokendra was thus examined on 16.3.89 and 26.9.98; Durga Lal was examined on 10.1.90 and 12.12.95 and Badri was examined on 17.6.89 and 17.3.93. Statement of Bajrang was recorded on 10.1.89. His statement could not be recorded later as by that time, he had died.

11. When cross-examined, Badri (PW-2) stated that the police had recorded his statement after about one month from the date of incident. He admitted that a case u/s 365 and 376 IPC was pending against him and it is because of fear of that case that he did not appear before the police earlier. He would not remember if FIR had been lodged against him at Keshoraipatan in 1980 u/s 452 IPC. However, he admitted that case had proceeded against him in the court. He also admitted that he was also proceeded against in other cases but would not know the number of the same. He would not remember if the said case was u/s 147, 148, 149 & 383 IPC. He would not remember any case lodged against him in 1983 but he admitted that in 1987 a case under the Arms Act pertaining to P.S. Patan was registered against him which was pending in the court. He denied if in 1979, he was proceeded for offence u/s 324 IPC. He however admitted that in 1985 he was challaned in a case u/s 307 but he was acquitted. He also admitted that in 1987 as well, a case under the Arms Act was entered against him regarding which court proceedings were going on. He would not remember if besides the case aforesaid in 1987 he was also proceeded in another case. He volunteered to state that Gujars on account of party faction and because of theft in their hotel had lodged false cases against him. He also stated that for one month he had remained at his house but the police did not come to his house. He further stated that 25-30 persons had come in a tractor. Persons who were sitting in the trolley had gone into the hotel and when they came out, they went along with the accused. He stated that when Bhairu was going to repeat attack with knife, he had tried to stop him but he had not got this fact recorded in the statement u/s 161 Cr.P.C. because the whole atmosphere at that time was bad and he was not in his proper senses and that is why, he had not got recorded in

his statement before the police that Bhairu had attacked with knife. He would not know which accused with which weapon caused injuries at which part of the body of the deceased as he had not seen it. He was not very close to Virendra Singh at that time and the accused had surrounded Virendra. He also stated that he had only seen Chunna yielding lathi blows but to whom he had given blows and at what place he would not know. He denied for want of knowledge if number of cases were pending against Virendra before the present incident. He would not now what enmity the accused had with Virendra.

12. Bajrang Lal (PW-3) supported the prosecution case but did not name Bhairu. When cross-examined, he stated that Bhairu had not given knife blow as the same was given by Murli. He stated that it was wrongly recorded in his statement (Ex.P.4) before the police that Bhairu had given a knife blow. Murli and Heera had given blows with knife and Gandasi also to Virendra. It is significant to mention that even in his examination-in-chief, he did not name Bhairu. He stated that he had gone to the Police Station where Lokendra was already present but the police had not recorded his statement at that time. He would not remember as to after how many days his statement was recorded by the police. He admitted that 2-4 criminal cases were pending against him but the same were false. He denied that 20 cases were pending against him pertaining to Police Station Patan.

13. Durga Lal examined as PW-4 in his cross-examination admitted that 5-10 cases were pending against him. He qualified the statement by stating that 5-7 cases were pending against him.

14. Prosecution also examined two investigating officers Mohan Lal Yogi (PW-24) and Nathuram (PW-26). They deposed with regard to the steps they had taken while investigating the case.

15. When examined u/s 313 Cr.P.C. the appellants denied the occurrence and pleaded false involvement. They examined Girdhar Singh as DW-1 in their defence. He had brought record of the criminal cases pending against the deceased and eye witnesses.

16. It is significant to mention that statements of Badri (PW- 2), Bajrang (PW-3) and Durga Lal (PW-4) were recorded by the police on 7.10.1987 i.e., about 23 days after the date of occurrence. It is also significant to mention that test identification parade was held on 16.11.1987 i.e., more than a month after the alleged eye witnesses had got their statements recorded before the police. The memo of test identification parade proved by the Magistrate in whose presence it was conducted is available on the records as Ex.P.28. Lokendra, the first informant and the brother of the deceased did not identify appellant Mohan Lal in three rounds. After three rounds, a report was prepared and Lokendra was asked to sign the same. He after reading the same prayed for another opportunity to identify Mohan Lal and did not sign the report. His prayer was accepted and he was given one more opportunity to identify Mohan Lal. He kept on standing in

front of Mohan Lal and then identified by touching him with his hand. He could not identify Bhairu. In fact, he wrongly identified him. He identified Heera as Bhairu and it was for that reason that in the remarks column it was mentioned that he could not identify Bhairu. Lokendra had identified Kanwar Lal but in the second round. Lokendra could not identify Chhitar. It appears that there was no identification parade held for the appellant Bhanwar Lal.

17. From the facts as fully detailed above, pertinent facts that emerge and on the basis of which arguments have been raised, would thus reveal that after the occurrence had taken place on 14.9.1987 at 9.15 p.m. FIR was lodged within a period of 15 minutes and special report also reached the concerned Magistrate next day at 10.50 a.m. Only two persons Murli and Heera have been named in the FIR. Lokendra while lodging the report clearly stated that when he, his brother Virendra (deceased) and Badri were standing at the betel shop, Heera son of Hardev Gujar, Murli son of Sunder Brahmin and one other person who had a lathi in his hand came at the scene of occurrence. An altercation had taken place between Heera and Murli on one side and brother of the first informant on the other and when this altercation was going on, 6-7 persons armed with lathis, Farsi, Gandasi and knife also arrived at the scene of occurrence. These 6-7 persons have not been named. The person accompanying Heera and Murli has also not been named. It is a arrival of 6-7 un-named persons, who were stated to be armed with lathis, Farsi, Gandasi and knife, that it is further mentioned in the FIR that Virendra was taken in the street and first of all, Murli gave lathi blow on his head and then told him that he would be killed. After saying so, Virendra Singh was given injuries with lathi, knife, Gandasi and Farsi. Virendra then fell down upon which Murli and other person, whose name the first informant did not know, started giving lathi blows to his brother which hit him on his left eye and other parts of the body. From the narration of events given in the FIR, it can at the most be inferred that 5-7 un-named persons as well had given injuries to Virendra as it is stated by the first informant that his brother was given injuries with knife, Gandasi, Farsi and lathi. It is also pertinent to mention that but for Badri Dhakad name of no other eye witness examined in this case has been mentioned in the FIR. Statements of the appellants", but for one Bhanwar Lal who was arrested on 1.10.1987, and Badri, Bajrang, Durgalal u/s 161 Cr.P.C. were recorded on 7.10.1987 i.e., after the arrest of the appellants but for appellant Bhanwar Lal. It is also significant to mention that the identification parade was held on 16.11.1987.

18. From the facts as curled out above, learned counsel representing the appellants other than Murli and Heera, vehemently contends that it is a case of false implication and Lokendra who was brother of Virendra because of his antecedents had a number of enemies, involved all those who might be inimically disposed towards Virendra. It is also strenuously urged that involvement of appellants, other than Murli and Heera, is highly doubtful. The alleged eye witnesses were not present at the scene of occurrence and persons of shady at the scene of occurrence and persons of shady character who could well be

friends of Virendra, who too had bad antecedents, were introduced.

19. In support of the appeal filed on behalf of Murli and Heera, it is contended that the presence of Lokendra at the place of occurrence is also highly doubtful as in a brutal attack, if Lokendra was to intervene to save his brother, he would not have been caused only superficial injuries and the injuries sustained by him are self suffered simply with a view to make him a stamp witness. It is then urged that some enemy of Virendra had killed him at a different place and thrown his dead body at the alleged scene of occurrence. In support of the contentions, as aforesaid, it is urged that if the crime had taken place at the place suggested by the prosecution, the severed parts of the body of Virendra like eye balls and ears would have been found at the place of occurrence itself. The last contention raised on behalf of the appellants named above is that Lokendra in any case has not given out the whole truth. If the court thus might find that he has falsely involved as many as five appellants, his testimony should be rejected in toto and in any case, the Court should look in for corroboration of his evidence which is completely lacking in the present case.

20. We have heard learned counsel for the parties and with their assistance examined records of the case. Whereas we find considerable merit in the contention of the learned counsel representing the appellants in so far as Bhairu, Mohan, Chhitar, Kanwar Lal and Bhanwar Lal, we do not find any merit in the contention raised by the learned counsel in so far appellants Murli and Heera are concerned.

21. FIR contains names of only two appellants Murli and Heera. The first informant, who is real brother of the deceased, had not named any other appellant. He only stated that initially, Murli and Heera were accompanied by one more person whose name he would not know and after some altercation had taken place between his brother on one side and Murli and Heera on the other, 5-7 more un-named persons had also come at the scene of occurrence. The first informant did not even give description of the un-named assailants nor even mentioned as to what kind of clothes they were wearing. He would not even mention with regard to their height and complexion and it may be recalled, he admits that there was sufficient light where the occurrence had taken place. It is significant to mention that even though test identification parade had taken place on 16.11.1987, the first informant could not identify any of the accused. While identifying Mohanlal, this witness could not pin point the said accused even in three rounds. He refused to sign the report that he was unable to identify Mohanlal but at that stage, he prayed for another chance to identify him. The witness stood in front of Mohan Lal for two minutes and then, identified by touching him with his hand. As per his version, Lokendra had seen Mohan Lal as one of the assailants at the time of occurrence at the time when electricity was on as there was light in the betel shop and the adjoining shops. If he would have really seen Mohanlal, he would not have taken four rounds to identify him and that too, after continuously standing in front of Mohan Lal for two minutes. That

apart, the way in which identification parade was conducted creates doubt in the mind of the court. What was the necessity of giving fourth chance to the witness to identify Mohan Lal whom he had not correctly identified in three rounds. This witness could not correctly identify appellant Bhairu. In so far as Kanwar Lal is concerned, the witness could identify him only in the second round. This witness also could not identify Chhitar and in so far as appellant Bhanwar Lal is concerned, it appears that no test identification parade was arranged in his case, may be for the reason that he was arrested later in point of time. The deceased and his brother Lokendra do appear to be involved in dubious activities. The deceased, in any case, it is proved, was involved in a number of criminal case. No implicit faith can be had in the statement made by the first informant who was also naturally interested in the success of the prosecution case. He could also be interested to name such persons who may be inimically disposed towards his brother Virendra. It is thus probable that either attack on the brother of the first informant was made only by 2 or 3 persons and if the assailants were more, the first informant had named such persons on whom he might have entertained doubt. In any case, on the basis of the deposition made by this witness, it cannot be said with certainty that the appellants alone were accompanying Murli and Heera at the time when Virendra was done to death.

22. In so far as depositions made by other witnesses including Badri who was stated to be present at the scene of occurrence, no reliance can be placed upon the same. Statements of these witnesses were recorded u/s 161 Cr.P.C. on 7.10.1987. There is no explanation worth the name coming on records which may even remotely suggest any justification for recording their statements after three weeks from the date of occurrence. The explanation given by one of the witnesses that he was afraid coming before the police because of his involvement in a rape case is palpably false as he admitted in cross-examination that the police had not come to his house for a month from the date of occurrence. Name of this witness has not been mentioned in the FIR and for that reason as well, his presence at the scene of occurrence does not appear to be probable. All these witnesses had a hoary past. They were involved in number of criminal cases. They appear to be indulging in same kind of activities as deceased himself. In so far as PW Badri Dhakad is concerned, his name does find mention in the FIR but the very fact that his statement was recorded after so many days would suggest that even he too was not present at the scene of occurrence. The first informant, it appears, mentioned his (Badri Dhakad) name as he was sure at that time himself that he would support the prosecution version. It may be recalled at this stage that Badri Dhakad was involved in number of cases. With regard to other witnesses, it appears that the first informant first ascertained as to whether they would support the prosecution case and only after having assurance from them, disclosed their names to the police. The first informant, it appears, took assistance of such persons who were intimate to the deceased and could well depose to strengthen the prosecution case. No implicit faith can be had on their testimony. Their presence in any case, as mentioned above, at the scene of

occurrence is highly doubtful.

23. The case of the appellant Murli and Heera, however, appears to us to be distinguishable. These two appellants have been named by the first informant in the FIR itself. FIR came to be lodged within fifteen minutes from the time of occurrence. The first informant Lokendra is himself injured. It is not correct, as urged by the learned counsel representing the appellants that he had only superficial injuries on his person. One of the injuries even though on palm-non vital part of the body, was grievous. His presence at the scene of occurrence thus cannot be doubted. If he would not be present at the scene of occurrence and had arrived later after hearing attack on his brother, the FIR in any case could not be recorded within fifteen minutes. In our considered view, presence of this witness at the scene of occurrence is established. Whereas he may be in doubt in so far as complicity of the other accused is concerned, he had no doubt with regard to the involvement of Murli and Heera whom as mentioned above he named in the FIR with precise weapons with which they were armed. Virendra sustained such injuries which could well be caused by the weapons with which Murli and Heera were armed. The testimony of this witness thus finds corroboration from medical evidence as well. It is true that evidence of a witness who is not telling the whole truth has to be evaluated with great care and caution but in the present case, the court is the view that the first informant did not make deliberate attempt to involve innocent persons. It is rather a case where he involved such persons on whom he had entertained doubt without identifying them. It is primarily because of non identification of this witness of other accused that they have to be given benefit of doubt. That in itself would not mean that the testimony of this witness has to be rejected as a whole. *Falsus in uno, falsus in omnibus* is not the rule applied in this country as authoritatively held by Hon'ble the Supreme Court in number of judgments. The court in such a situation as to sift grain from the chaff. In so far as the prosecution version with regard to the involvement of Murli and Heera is concerned, the same appears to be absolutely correct and without any blemish. The contention of the learned counsel that Virendra was done to death at some other place and his dead body was thrown on the alleged scene of occurrence and therefore only, parts of nose, eye balls and ear were not found at the scene of occurrence, and for that reason that court should hold that the first informant was not present on the scene of occurrence, needs to be rejected for variety of grounds. It is possible that chopped off parts of ear and nose were so small that it was not possible to locate the same or that the appellants had destroyed evidence with regard to the same. It could also be on account of laxity on the part of the Investigating agency. Still further, the prosecution case is not that ears and nose were chopped off. Only eye balls were not in the socket as otherwise it was a case of disfigurement only.

24. In so far as other appellants are concerned, their involvement is highly doubtful.

25. In view of the discussion made above, whereas we dismiss appeal filed on

behalf of Murli and Heera i.e., Appeal No. 252/2000, we allow the same appeal in so far as appellant Chhitar is concerned. The order of conviction and sentence recorded by the learned Additional Sessions Judge against Murli and Heera is confirmed and that against Chhitar is set aside. The other two appeals bearing Nos. 309/2000 and No. 248/2000 are allowed, thus setting aside the order of conviction and sentence recorded against the appellants of these two appeals by the learned Additional Sessions Judge dated 1.5.2000.

26. Chhitar (appellant in Appeal No. 252/2000), Bhairu and Mohan Lal (appellants in Appeal No. 248/2000) and Kanwar Lal and Bhanwar Lal (appellants in Appeal No. 309/2000) are in jail. They shall be released forthwith if not required in any other case.