
(1998) 01 RAJ CK 0020
In the Rajasthan High Court
Case No : Criminal Appeal No. 409 of 1981

State of Rajasthan

APPELLANT

Vs

Kanoori

RESPONDENT

Date of Decision : 20-01-1998

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 162, 313, 378
Evidence Act, 1872 — Section 145, 24, 27, 32
Penal Code, 1860 (IPC) — Section 302

Citation : (1998) 1 RLW 582 : (1998) 3 WLC 7 : (1998) 1 WLN 60

Hon'ble Judges : S.C. Mital, J;G.L. Gupta, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

G.L. Gupta, J.—This appeal u/s 378, Cr. P.C. has been preferred by the State of Rajasthan questioning the acquittal of the respondent recorded by the learned Sessions Judge, Jodhpur in Sessions case No. 115/80 on 19.2.1981.

2. The prosecution case can be summed up as follows: Accused Smt. Kanoori was the wife of deceased Gumana Ram. Their marriage was solemnised some five years before the occurrence but the "Gauna" had taken place one and a half years prior to the date of occurrence. The prosecution case is that the accused was not satisfied with her husband deceased Gumana Ram as she wanted to lead luxurious life but her husband being a rustic villager, did not provide luxuries to her, and therefore, she on the night intervening 2nd and 3rd of June, 1980 went where Gumana Ram was sleeping in the enclosure known as "Awade" in order to keep a watch on the cattle, and killed her husband by a sharp edged weapon known as "Jharbar" Smt. Meera, mother-in-law of the accused, it is said, was awakening when the accused had gone to "Awade" and returned therefrom and she had even asked the accused for water to drink and the accused had served water to her. It is said that in the morning when Meera went to awaken Gumana Ram, she was aghast seeing her son in the pool of blood. She shouted and other

family members rushed there. After some time many persons including PW 3 Amana Ram and PW 5 Bhoma Ram, Sarpanchas, also reached there. First information report was lodged by Amana Ram, uncle of the deceased, at 4.30 p.m. on 3.6.1980 on which a case u/s 302 IPC was registered. The police rushed to the spot, held the inquest, inspected the site and interrogated the witnesses. The accused was arrested and her blood stained clothes were seized. On the disclosure statement made by her a "Jharbar" (weapon of offence) was also recovered. The clothes seized from the accused and the "Jharbar" recovered at her instance were sent to the Forensic Science Laboratory, from where report Ex. P/6 was received in which it was opined that the clothes and "Jharbar" were stained with human blood. The autopsy had been held by Dr. T.C. Sangatramani (PW 9). After the completion of the investigation, a challan was submitted.

3. Accused was charged u/s 302 IPC, to which she pleaded not guilty. The prosecution examined 12 witnesses. Accused in her statement u/s 313, Cr. P.C. denied accusation. She examined two witnesses Urja Ram and Khema Ram in defence. The learned Sessions Judge held that Gurnana Ram had met homicidal death. He further held that the prosecution case that the accused had caused injuries to Gumana Ram causing his death was not proved beyond reasonable doubts. He, therefore, acquitted the respondent.

4. We have heard the arguments of Mr. Bohra, learned Public Prosecutor for the State and Mr. Mathur, learned Counsel for the respondent and perused the record of the case.

5. Mr. Bohra vehemently contended that the trial Court has committed grave error when it disbelieved the evidence of extra-judicial confession and the evidence on the circumstance that she was seen going towards "Awade" in that night. He urged that the extra-judicial confession could not be rejected on the ground that it was made before the Sarpanch, as the Sarpanch could not be held to be person in authority. He pointed out that there was clear cut motive for the accused to cause the death of her husband. According to him, the circumstances, that when the accused was arrested, she was wearing blood-stained clothes and a "Jharbar" (Article 9) was recovered at her instance, clearly connect the accused with the crime. Mr. Bohra canvassed that it is a case where the trial Court has misread the evidence and the entire approach of the trial Court was patently erroneous when it disbelieved the prosecution case.

6. On the other hand, Mr. Mathur contended that in an appeal against acquittal this Court should not interfere even if two views are possible on the evidence. He submitted that the view which was taken by the trial Court could also be legitimately arrived at, and therefore, it cannot be said that the approach of the trial Court in dealing with the evidence was patently illegal or the conclusions arrived at by it are wholly untenable.

7. We have considered the above arguments with care and attention. The prosecution had relied on the following four circumstances to establish charge

against the accused:

(a) The accused had an opportunity to cause the death of her husband and as a matter of fact she was seen going in the enclosure where the deceased was sleeping in that night.

(b) The accused had made extra-judicial confession before the family members and the persons collected there, and she did not weep on the death of her husband.

(c) The accused was not satisfied with her husband and therefore she had motive to commit his murder.

(d) The clothes worn by the accused when she was arrested were stained with human blood and "Jharbar", recovered in consequence of the disclosure statement made by the accused was stained with human blood.

8. The trial Court has held that the circumstances relied on by the prosecution could not be proved by satisfactory evidence. On a careful consideration of the entire evidence and material on record, we are satisfied that the findings of the trial Court are palpably wrong, manifestly erroneous and demonstrably unsustainable. We shall discuss the evidence on the circumstances relied on by the prosecution one by one.

A. Opportunity to Commit Crime and Accused Seen Going to the Enclosure and Returning therefrom.

9. To prove this circumstance, the prosecution has examined PW 4 Meera, the mother of the deceased. Smt. Meera deposes that she was sleeping in the courtyard and in the mid-night she saw the accused coming out of her "Zhumpa" and going in the "Awade", the enclosure, where Gumana Ram was sleeping and, thinking that Kanoori was going in the company of her husband she covered her face. She further says that the accused returned from "Awade" after about an hour and she drank water from the pitcher lying by her side and at that time she asked the accused to give water to her also and the accused served water to her and thereafter she went away in the "Zhumpa". The learned Sessions Judge has discarded the evidence of Meera mainly on three grounds: (i) she does not say that she had heard the cries of Gumana Ram which indicates that she was not awakening; (ii) in the FIR Ex. P/2 it was not stated that Meera had seen the accused going towards Awade in the mid-night; and (iii) that Meera does not say that she had seen some weapon in the hands of the accused.

10. A perusal of the medical evidence contained in the statement of Dr. Sangatramani (PW 9) shows that the deceased had suffered as many as 10 incised wounds including the wounds on his neck. Injury no. 6 was of the dimensions of 3" x 1" muscle deep in the right side of the neck cutting the blood vessels of neck. The medical officer opines that this injury in itself was sufficient in the ordinary course of nature to cause death. Looking to the gravity of the injury it can safely be said that if the deceased suffered injury No. 6 on account

of the first blow, there could not be any occasion for him to have cried for help. The deceased could not anticipate that there would be attack on him as to keep himself awakening. When he was attacked while sleeping, and the first blow was caused on his neck by formidable weapon like "Jharbar" obviously there could not be any opportunity for him to have cried. The medical officer, of course, says that the victim must have raised cries having suffered injuries but it has not been asked to him that if the deceased could be in a position to make out cry on suffering injury No. 6 as the first injury, and so the trial Court was not justified in rejecting the testimony of Meera on the ground that she does not depose about hearing out cry of Gumana Ram. It is pertinent to note that the medical officer deposes that having sustained the injuries, the victim must have become unconscious instantaneously and his death must have taken place within 15-20 minutes. It is thus obvious that the victim could not be in a position to make out cry as to attract the attention of his mother.

11. The testimony of Meera also cannot be disbelieved on the ground that she happened to be the mother of the deceased. It has not been suggested in the cross examination of Meera that the relations, of the accused with her, were strained and she was not satisfied with the services of the accused. The testimony of Meera also cannot be seen with suspicion on the ground that the facts disclosed by her in her statement in Court were not stated in the FIR. The FIR was not lodged by Meera herself. It has not been asked to Amana Ram (PW 2) that he had talked his sister-in-law before he had gone to lodge the report. In the atmosphere that young son of Meera was brutally murdered, it is obvious that she could not be in full senses as to inform Amana Ram about the night incident. Moreover, the fact that Meera had seen the accused going to her husband and returning from the enclosure was not an abnormal event. It was natural for the wife to go in the company of her husband in the night. It was also not an abnormal conduct of the accused to have drunk water from the pitcher and on the asking of Meera she served water to her. As there was no abnormal conduct of the accused in the night, it was not necessary for Meera to have informed Amana Ram about the night incident.

12. "Jharbar" recovered in the case is not a big weapon as to come to the knowledge of Meera, when she saw the accused going to the enclosure and returning therefrom. Accused could very well conceal the same in her garments and it would not be possible for Meera to have seen the weapon in that night, more so when it is not suggested that there was lamp glowing in the court-yard.

13. In our opinion, the learned Sessions Judge has faltered when he disbelieved Meera.

14. Besides this evidence, there are the statements of Pemi (PW 1), Amana Ram (PW 2), Amana Ram, Sarpanch (PW 3), Bhoma Ram (PW 5), Ramlal (PW 6), Poona Ram (PW 7), Khusala Ram (PW 8) and Umeda Ram (PW 10) that there were foot prints from the "Zhumpa" of the accused to the enclosure where the deceased was sleeping. The witnesses state that they had seen the foot prints

from "Zhumpa" to the enclosure. The trial Court has not given importance to this evidence. It has even recorded adverse comments on the statement of PW 6 Ramlal who had compared the foot prints of the accused with the foot prints found at the spot. His testimony has been rejected on the ground that he is not an expert in the science of foot prints comparison. True it is, that Ramlal has not acquired training in the science of comparing foot prints but it is common knowledge that the villagers with their wide experience successfully compare the foot prints and more often that not their conclusions are not wrong. When all the witnesses depose that the foot prints were visible from "Zhumpa" to the enclosure and there was evidence to this effect that the accused was seen moving from "Zhumpa" to the enclosure in the night, the evidence of foot prints could not be lightly brushed aside. It is not denied by the accused that she was not in the "Dhani" in that night. She rather admits that she was there in the "Zhumpa" and her husband had slept in the enclosure. There could not be any reasons for the witnesses to have deposed falsely in this regard.

15. In our opinion, the prosecution has successfully proved that the accused had ample opportunity to cause the death of her husband and as a matter of fact she was seen going from her "Zhumpa" to the enclosure and returning therefrom in that night.

B. Extra Judicial Confession

16. The evidence of extra-judicial confession has been led through the statements of PW 2 Amana Ram, PW 3 Amana Ram, Sarpanch, PW 4 Meera, PW 5 Bhoma Ram, Sarpanch, PW 6 Ramlal, PW 7 Poona Ram, PW 8 Khusala Ram and PW 10 Umeda Ram. All these witnesses depose that when the accused was confronted with the foot prints from "Zhumpa" to the enclosure", she confessed her guilt by saying that she had killed her husband. The trial Court has disbelieved this evidence holding that the confession was not voluntary, as it was extracted by insistence. We are of the view that the trial Court has again faltered when it rejected this important piece of evidence. It has come in the statement of Poona Ram (PW 7) that first the accused had shown her ignorance about the murder of Gumana Ram but when she was asked twice or thrice she confessed her guilt. No other witness says so. Even if it is accepted that the accused had confessed her guilt on asking twice or thrice, it cannot be said that there was pressure on her to confess her guilt. It is in evidence of the prosecution witnesses that when the two Sarpanchas Amana Ram and Bhoma Ram asked the accused about foot prints, she told that she had killed her husband and she had committed mistake. The witnesses further state that the accused did not weep and there were no tears in her eyes.

17. There could not be any reason for Amana Ram (PW 3) and Bhoma Ram (PW 5) to depose falsely against the accused. They are the Sarpanchas of the village and they were not related to the deceased. The witnesses have emphatically denied the suggestion that they had told the accused that the foot prints indicated that she had committed murder or that they had extracted the

confession from her by causing threat, inducement or promise. According to them, the accused admitted her guilt just as they drew her attention towards the foot prints appearing from "Zhumpa" to the enclosure. The learned Sessions Judge has discarded the evidence of PW 3 Amana Ram and PW 5 Bhoma Ram, Sarpanchas on the ground that they were the persons in authority and therefore confession made before them or in their presence was hit by Section 24 of the Indian Evidence Act. The view of the learned Judge that the Sarpanchas were the persons in authority and the confession made before them was hit by Section 24 of the Evidence Act is not sustainable, in view of the decision of the Supreme Court in the case of Baldeo Ram v. State of Haryana 1991 SC 37. In that case the two persons, to whom the accused had made confession in a bride murder case, were Lambardar and the Sarpanch. It was pointed out before their Lordships that the accused was taken before the Panchayat and was asked to speak the truth and then the accused with folded hands confessed that he had murdered his wife which indicated that there was inducement, or threat. Their Lordships repelled the contention and held that the prompting by the Panchas did not amount to inducement or threat and the circumstances in which the statement was made, left no room for doubt that the confession was voluntary. The ratio of the above case is that the confession made before the Sarpanch cannot be held to be a confession made before a person in authority, and asking the accused to speak truth would not amount to inducement or threat. In the instant case, there is no evidence of inducement or threat or promise by the two Sarpanchas before whom the confession was made. The Sarpanchas cannot be said to be person in authority and therefore, the confession made before them could not be lightly brushed aside.

18. The other witnesses, of course, are the relations of the deceased but it has not been suggested that they had some reasons to falsely implicate the accused in this case. In the Cross examination of Smt. Pemi, sister-in-law of the accused, it was suggested that in order to usurp the share of Gumana Ram they have falsely implicated the accused. The witness emphatically denies the suggestion. No such questions have been asked to any other family members. Even Khusala Ram (PW 8), husband of Pemi, has not been asked that in order to get property of Gumana Ram they have falsely implicated the accused. It is obvious that the testimony of the witnesses on extra judicial confession has been discarded by the trial Court on non-existent grounds.

19. It is significant to point out that the words used by the witnesses regarding the extra-judicial confession are almost the same. There are bound to be some discrepancies in the statements of the witnesses as to the actual words used by the accused as every person cannot remember the exact words used by the accused. However; the statements indicate that the accused had clearly admitted that she had killed her husband when her attention was drawn towards the foot prints. In the case of Baldeo Ram (supra) the Hon'ble Apex Court has observed that it is not the invariable rule that the Court should not accept the evidence of extra-judicial confession if not the actual words but the substance was given and

the value of the evidence of extra-judicial confession depends upon the veracity of the witnesses to whom it is made. In the instant case, we do not find any infirmity in the statements of the witnesses before whom the confession was made by the accused. In our opinion, the extra-judicial confession by itself is the strongest piece of circumstantial evidence against the accused.

20. The trial Court has rejected the evidence of extra-judicial confession on one more ground that the investigating agency had made an attempt to introduce Urja Ram to give evidence having direct bearing on occurrence. It may be noted that the prosecution has not examined Urja Ram to give such evidence. The accused has examined him. He deposes that he had not seen the accused causing injuries in the enclosure to her husband. The witness also denies to have given the police statement Ex. D/3. At the out set, it may be observed that the trial Court has committed grave error in permitting the accused to prove the alleged police statement of the witness. The accused could not have been permitted to bring the police statement of Urja Ram on record in view of the provisions of Section 162 of the Code of Criminal Procedure, which are to the following effect.

162. Statement to police not to be signed: Use of statements in evidence.-(1) No statement made by any person to a police officer in the course of an investigation under this Chapter, shall, if reduced to writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police diary or otherwise, or any part of such statement or record, be used for any purpose, save as hereinafter provided, at any inquiry or trial in respect of any offence under investigation at the time when such statement was made:

Provided that when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, any part of his statement, if duly proved, may be used by the accused, and with the permission of the Court, by the prosecution, to contradict such witness in the manner provided by Section 145 of the Indian Evidence Act, 1872 (1 of 1872); and when any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross examination.

(2) Nothing in this section shall be deemed to apply to any-statement falling within the provisions of Clause (1) of Section 32 of the Indian Evidence Act, 1872 (1 of 1872), or to affect the provisions of Section 27 of that Act.

Explanation.-An omission to state a fact or circumstance in the statement referred to in Sub-section (1) may amount to contradiction if the same appears to be significant and otherwise relevant having regard to the context in which such omission occurs and whether any omission amounts to a contradiction in the particular context shall be a question of fact.

21. A reading of the provision makes it clear that the use of the statement recorded during investigation is for very limited purpose. The police statement

can be used by the accused and by the prosecution only to contradict a witness in the manner provided by Section 145 of the Indian Evidence Act. Urja Ram was not examined by the prosecution and he had also not given statement contrary to the police statement recorded during investigation and therefore the statement Ex. D/3 could not be used by the accused. It is regrettable that the Public Prosecutor did not object to the use of the statement in such a manner and the trial Court also remained silent spectator when the inadmissible evidence was brought on record.

22. Be that as it may, on the ground that Urja Ram had stated before the police that he had seen the accused with "Jharbar" near the deceased in the enclosure, it cannot be said that the Investigating Officer introduced false link in the case. It is evident that the prosecution did not believe the version of Urja Ram as correct, and therefore, he was not examined during trial. In any case, on this ground, the evidence of extra judicial confession could not be seen with suspicion. The facts of the case of Jagta v. State of Haryana 1974 SC 1545 relied on by the trial Court to discard the evidence of extra judicial confession were very different. In that case, it was alleged that two ornaments had been recovered at the instance of the accused, but the evidence indicated that the ornaments had not been removed from the dead body and the Investigating Officer had introduced false story of the removal of the ornaments and their recovery from the accused. It is in these circumstances that the evidence of extra-judicial confession was also seen with suspicion. Besides that, it was also noticed in that case that the police had already arrived in the village when the accused was said to have made confession before the witness. In the instant case, it is difficult to accept that the police had introduced false link. If a person came out with the case that he had seen some part of the occurrence and his statement was recorded, it cannot be held that the investigating agency had tried to introduce false evidence, much less that the evidence of extra-judicial confession becomes unreliable.

23. As already stated, all the witnesses depose that the accused did not shed tears on the death of her husband. It is again a very important circumstance against her. The normal conduct of a wife is to weep and weep bitterly on the death of her husband. The fact that the accused was silent and did not at all weep indicates that she herself had committed the murder of her husband.

C. Motive

24. Pemi (PW 1) deposes that the accused was, not satisfied with her husband and she used to tell that her husband was not of any use to her. To the same effect is the statement of Khusala Ram (PW 8), husband of Pemi. Khusala Ram has of course, not been able to say as to why the relations of the deceased and accused were strained but he definitely says that their relations were not good. Smt. Pemi, being sister-in-law of the accused, could certainly know as to what was in the mind of the accused, as the accused could not have hesitation in telling her that her husband was not of any use to her, which meant that the deceased was not sexually potent. This fact is relevant that though about two

years had elapsed since the "Gauna" ceremony but the accused had not become pregnant. Thus, there is convincing evidence on record of motive for the accused to commit the murder of her husband.

25. DW 2 Khema Ram is the father of the accused who says that the accused never told anything against her husband to him. It is not expected that the daughter would tell her father about the sexual weakness of her husband. As such, on the basis of the statement of Khema Ram it cannot be found that the relations of the deceased and the accused were not strained.

D. Recovery of Blood Stained Clothes and "Jharbar"

26. Kalu Ram (PW 11), Investigation Officer, deposes that he had arrested the accused on 4.6.1980 vide arrest memo Ex. P/7 and at that time she was wearing "Ghaghra" (Article 7) and "Orna" (Article 8) and he had seized these clothes, as they were blood stained, sealed them, and put seal impression on the seizure memo Ex. P/7. Shri Kalu Ram further deposes that after her arrest the accused gave him information Ex. P/11 and took him and the "Motbirs" near the water Tanka" and took out "Jharbar" (Article 9) therefrom which was recovered and sealed by him vide recovery memo Ex. P/8. PW 5 Bhoma Ram, "Motbir", of the recovery memo Ex. P/8 also deposes that the accused had taken the police near water Tanka" and she produced a "Jharbar" after removing stones. Poona Ram (PW 7) says that in his presence the accused was arrested and the Investigating Officer had seized her clothes and sealed them at the spot.

27. There is absolutely no reason to disbelieve the Investigating Officer, and Poona Ram and Bhoma Ram Motbirs. By their testimony, is fully established that the "Orna" and "Ghaghra" worn by the accused were seized by the police and a "Jharbar" was also recovered at her instance and they were sealed at the spot. These articles were sent to the Forensic Science Laboratory and therefrom report Ex. P/6 was received which shows that the "Jharbar", "Orna" and the "Ghaghra" were stained with blood. These articles were sent to the Serologist. The report Ex. P/14 indicates that the "Jharbar" and Ghaghra" were stained with human blood. The origin of the blood on "Orna" could not be determined as the blood stains were disintegrated. The trial Court refused to give weight to this evidence on the grounds that the Serologist Report does not indicate the blood group, and the "Jharbar" was recovered from open place accessible to all, and that Meera does not say that she had seen Jharbar" in the hands of the accused when she was served water by her.

28. In our opinion, the important evidence of recovery of the blood stained "Ghaghra" and the weapon of offence does not lose its significance if the blood group was not determined for the reasons stated in the report. It is significant to point out that even the blood group of the deceased could not be determined as unstained control was not available and therefore there was no occasion of comparing the blood groups. The presence of human blood on the weapon recovered at the instance of the accused and on the clothes worn by the accused

is a vital circumstance against her more so when it is not suggested that there was any injury on the person of the accused. Vide: Khujji alias Surendra Tiwari Vs. State of Madhya Pradesh,

29. The "Jharbar" was recovered on the basis of the information supplied by the accused from under a stone in the heap of stones. It is obvious that the "Jharbar" was placed in a hidden place. There is no evidence to this effect that the "Jharbar" was visible to all and sundry.

30. As already stated, "Jharbar" is not a very big weapon, and the accused could very well conceal it in her garments and therefore the fact, that Meera does not say that she had seen the "Jharbar" at that time, does not diminish the importance of recovery evidence. The trial Court also observes that the prosecution has not led evidence to show as to whom the "Jharbar" belonged and therefore its recovery was of little evidentiary value. It is true that Bhoma, Meera, Amana Ram, Poona Ram and Khusala Ram do not say that the "Jharbar" belonged to them or it was lying in their house but that does not mean that the accused could not procure the "Jharbar". It is possible that she procured the "Jharbar" without the knowledge of the family members and kept it in a secret place. In our opinion, on the ground that the ownership of the "Jharbar" was not proved by the prosecution, it did not undermine the evidentiary value of the recovery.

31. Thus, the prosecution has successfully established this circumstance against the accused that "Ghaghra" worn by her at the time of arrest was stained with human blood and that the "Jharbar" recovered on the basis of the disclosure statement made by her was stained with human blood. In our opinion, this is a strong circumstance against the accused to connect her with the crime.

32. As a result of the foregoing discussion, we are of the view that the prosecution has successfully established all the four circumstances relied on by it by convincing evidence. On these proved circumstances, the only conclusion that can be drawn is that the accused and the accused was the person who had caused the death of Gumana Ram. The circumstances which have been found proved are incompatible with the innocence of the accused. It is significant to point out that it has not been suggested in the cross examination of the witnesses that any other person was inimical to Gumana Ram. The findings of the trial Court are palpably wrong, manifestly erroneous and demonstrably unsustainable. In our opinion, it is not a case of the type in which, the view one taken by the trial Court, could be legitimately arrived at on the proper appreciation of the evidence.

33. The medical evidence contained in the statement of Dr. T.R. Sangatramani discloses the following injuries on the person of the accused which were caused by a sharp edged weapon:

1. Incised wound 4 cm. x 1/2 cm. x bone deep 2 cm. above the pinna of right ear, obliquely placed, blood clots present.

2. Incised wound 4-1/2 cm. x 1/2 cm. x 1.2 cm. x bone deep on the right side of forehead transversely placed 1 cm. above the eye-brow of right side.
3. Incised wound 3 cm. x 1/2 cm. x bone deep on right side of forehead obliquely placed 2 cm. above the injury no. 2.
4. Incised wound 3-1/2 cm. x 1/2 cm. into bone deep on right eye obliquely placed on middle of eye ball cutting the eye ball and lids, blood clots were present.
5. Incised wound 10 cm x 1 cm x bone deep in oblique direction on right side of face from ear to lower jaw cutting the level of ear upto 1 cm and there is fracture of maxillary bone and ramus of mandible, blood clots present. There is missing of 4 and 5 upper and lower premolars of upper and lower jaw with laceration of gums.
6. Incised wound 3 cmx1 cm x muscle deep on right side of neck just lateral to mid line extending from lower part of mandible oblique in direction, cutting the blood vessels of neck, blood clots present.
7. Incised wound 3 cm x 1/2 cm x bone deep vertically placed on right maxillary region 1 cm lateral to nose, blood clots present.
8. Incised wound 3 cm x 1/2 cm x bone deep obliquely placed on right forehead and left forehead 3 cm above the eye blow, blood clots present.
9. Incised wound 5 cmx 1/2 cm x bone deep on left cheek obliquely placed, blood clots present.
10. Incised wound 3 cm x 1/2 cm into bone deep obliquely placed from left angle or mouth with laceration of gums of lower jaws and missing of premolars (4, 5), blood clots present.

The medical officer says that the injuries could be caused by the weapon "Jharbar" (Article 9). Dr. Sangatramani also says that Gumana Ram had died because of shock and haemorrhage which was due to cutting of blood vessel in the neck and other injuries. It is obvious that very many injuries were caused to the deceased by a formidable sharp edged weapon. It clearly indicates that the accused had intended to cause the death of Gumana Ram. The act of the accused clearly falls within mischief of Section 302 IPC. The accused is liable to be convicted.

34. Consequently, we accept the appeal, set aside the acquittal of the respondent Kanoori and convict her u/s 302 IPC. She is sentenced to suffer imprisonment for life. She is on bail. She is directed to surrender herself before the learned Sessions Judge within 4 weeks. On her failure to do so, the learned Sessions Judge shall take steps of her arrest to send her to prison for undergoing the sentence awarded.