
(2011) 09 BOM CK 0029
In the Bombay High Court
Case No : Criminal Appeal No. 1278 of 2004

Vilas Shankar Bhilare

APPELLANT

Vs

State of Maharashtra and Others

RESPONDENT

Date of Decision : 16-09-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 302

Citation : (2012) BomCR(Cri) 733

Hon'ble Judges : Tahaliyani M.L., J;Bhosale D.B., J

Bench : Division Bench

Advocate : Arfan Sait, for the Appellant; U.V. Kejriwal, APP. for State, for the Respondent

Final Decision : Dismissed

Judgement

Tahaliyani M.L., J.—The appellant feels aggrieved by the judgment and order dated 7th May, 2004 passed by the 2nd Ad hoc Additional Sessions Judge, Raigad. The appellant has been convicted by the learned trial Judge for the offence punishable u/s 302 of IPC and has been sentenced to suffer imprisonment for life and to pay a fine of Rs. 4000/-, in default, to undergo SI for four months. It was further directed that an amount of Rs. 3000/- be given to the legal representative of the deceased Anil Bhilare from the fine amount recovered from the appellant. The appellant was resident of Kalamboshi wadi, Taluka Pali, District Raigad. The appellant was earlier prosecuted for the offence punishable u/s 302 of IPC for allegedly having committed murder of his wife suspecting that she had illicit relations with the deceased Anil Bhilare. In the present appeal, the appellant is accused of having committed murder of said Anil Bhilare (hereinafter referred to as the deceased"). It is also the case of prosecution that an attempt was made on the life of the deceased also by the appellant when he had allegedly committed murder of his wife. He was prosecuted for the said offence. However at the conclusion of trial he was acquitted of the charge of committing the murder of his wife.

2. It is a case of prosecution that the appellant wanted to eliminate the deceased because of his alleged illicit relations with his deceased wife. This according to prosecution was motive behind the crime. The appellant and deceased were staying in the same locality in the same village. The appellant was waiting for a proper opportunity to eliminate the deceased.

3. The incident had occurred on 22nd February, 2003. There is a common open place known as chambhar kund where villagers go for answering the call of nature. It is the case of prosecution that the deceased and appellant both had gone to the same place on the date of incident. It is alleged that the appellant was carrying sickle with him and he had committed murder of the deceased by means of the said sickle at chambhar kund, a place little away from the boundary of village Kalamboshi wadi. The deceased had suffered multiple injuries on his person which had resulted into shock which led to cardiac respiratory arrest.

4. It is the case of prosecution that after the alleged murder, the appellant had carried the sickle with him and he met Deputy Sarpanch Mr. Rajaram Bhilare of village Kalamboshi wadi and had confessed to the Deputy Sarpanch that he had committed murder of the deceased and asked the Deputy Sarpanch to take him to Police Station.

5. Before we proceed, it may be stated here that the deceased and the appellant had allegedly gone to chambhar kund at around 11 or 11.30 a.m. and the appellant had met the Deputy Sarpanch at about 12 noon near the water stream which was situated in between two small villages i.e. Kalamboshi and Kalamboshi wadi. As the appellant confessed to have committed murder of the deceased, the Deputy Sarpanch (PW 1) told the appellant to go to Maruti temple and wait for villagers to come there. The Deputy Sarpanch thereafter informed the villagers regarding the incident. The Deputy Sarpanch and the Police Patil i.e. PW 3 along with the villagers visited the place where the dead body of deceased was lying and thereafter, they had gone to the Maruti temple where the appellant was directed to go and wait for the villagers. The sickle held by the appellant was collected by the Police Patil. It is the case of prosecution that the appellant in presence of villagers had declared that whatever was done by him was proper and that he was ready to face the punishment for the same.

6. Apart from the alleged confession of crime by the appellant before the Deputy Sarpanch, the prosecution case is that the incident was witnessed by wife and sister of the deceased from the house of their neighbour. It is a case of prosecution that the screams of deceased were heard by his wife and sister. They, therefore, immediately went to the courtyard of their neighbour from where they could see the place known as chambhar kund. It is a case of prosecution that the sister of the deceased (PW 2) had seen the appellant assaulting the deceased by means of sickle.

7. The appellant was taken to police station by Police Patil and Deputy Sarpanch after the meeting at Maruti temple. A complaint was lodged at the Police Station

by Deputy Sarpanch (PW 1). FIR was registered against the appellant and investigation continued. During the course of investigation, spot was visited by the police. Inquest panchnama was drawn. Dead body was sent for post-mortem examination. After post-mortem examination, Medical Officer had opined that the deceased had died due to cardiac respiratory arrest with hypovolemic shock due to multiple deep wounds on the body. The Medical Officer had also stated that the injuries found on the person of deceased were sufficient to cause death in ordinary course of the nature.

8. The deceased was wearing only underwear (short) at the time of the incident. It was seized by the police. The sickle and the clothes of the appellant were also seized by the police. All the seized articles were sent to chemical analyzer. The chemical analyzer had reported that human blood was found on the short seized from the dead body. It was of group "A". The blood of the same group was found on the sickle. It means the sickle was used for causing injuries to the deceased.

9. After completion of investigation, charge-sheet was submitted in the Court of Metropolitan Magistrate. The case was committed to the Court of Sessions as the offence punishable u/s 302 of IPC is exclusively triable by the Court of Sessions. The learned trial Court framed a charge u/s 302 of IPC against the appellant. The appellant had pleaded not guilty and had claimed to be tried.

10. During the course of trial, the prosecution had examined in all eight witnesses including Deputy Sarpanch, Police Patil and sister of the deceased. The judgment of conviction is mainly arrived on the basis of testimony of PW 1 Deputy Sarpanch, PW 2 Miss Vanita Padwal, sister of the deceased and PW 3, the Police Patil.

11. PW 2 is the sister of the deceased. It is stated by PW 2 that Kalamboshi is her parental village. The deceased was staying at Kalamboshi wadi alongwith his wife and two children. The house of the appellant was adjoining to the house of the deceased. The witness has stated that the appellant had committed murder of his wife suspecting that she had extra marital relations with the deceased. On the date of the incident, PW 2 had visited her brother's house at Kalamboshi wadi. She was served with tea and snacks by her brother and sister-in-law. It was around 11 a.m. when PW 2 and wife of the deceased were at home, the deceased had gone to chambhar kund to answer the nature's call. He was carrying water in a tin container. After sometime, the PW 2 and the wife of the deceased heard screams of the deceased emanating from the side of chambhar kund which is about 50 to 60 paces away from their house. PW 2 and wife of the deceased immediately went to the courtyard of Kashinath Bhilare from where they could see that the appellant was assaulting the deceased by means of a sickle. PW 2 and her sister-in-law rushed to the spot. The appellant after killing the deceased had proceeded to the village Kalamboshi. The deceased was lying in a pool of blood. He was dead. The deceased had sustained injuries on various parts of his body including head and neck.

12. PW 1 in his evidence has stated that he is Deputy Sarpanch of the group Grampanchayat. Village Kalamboshi wadi is one of the villages within the jurisdiction of said group Grampanchayat. The deceased and appellant both were known to this witness and they were from the same village. It is stated by this witness that the appellant was earlier charge-sheeted for having committed murder of his wife.

13. On 22nd February, 2003, PW 1 had gone to village Kalamboshi for inspecting the work of Pilot scheme (Patha Darshi Yojna). After completing the work in Kalamboshi village, he was returning to Kalamboshi wadi at about 12 noon. The appellant met him near the water stream and stated that the appellant should be taken to the Police Station as he had committed murder of the deceased by assaulting him by means of sickle. The sickle in question was possessed by the appellant at that time. The sickle was found stained with blood. The appellant was told by PW 1 that he should go to Maruti temple and wait for the villagers. In the meantime, villagers were informed by PW 1. All responsible villagers of the village including PWs 1 and 3 had gone to Maruti temple where the appellant was directed to wait for the villagers. The sickle was taken from his possession by PW 3 and matter was reported to the police. FIR of PW 1 was recorded by the police. This witness has identified his signature on the complaint (Exhibit 8). Article-5 produced in the Court by the prosecution was identified by this witness to be the same sickle. PW 3 is the police patil who was informed by PW 1 regarding the incident. This witness had also visited Maruti temple along with other villagers. He had earlier visited the spot of the incident. He had seen that the deceased was lying on the spot of the incident in a pool of blood. He had sustained blows on various parts of his body. At the time of their meeting with the appellant at Maruti temple, sickle was collected from the appellant. It is stated by this witness that the appellant had declared in presence of villagers that whatever was done by him was proper and that he was ready to be hanged. This witness had also accompanied PW 1 to the Police Station.

14. PW 7 was on duty at Police Station, Pali on 22nd February, 2003. PWs 1 and 3 had visited the Police Station at about 3.15 p.m. The appellant was brought to Police Station by the PWs 1 and 3. It is stated by PW 7 that the clothes of the appellant were found stained with blood. This witness was also informed that the dead body of the deceased was lying at chambhar kund in Kalamboshi wadi village. An FIR of PW 1 Rajaram Bhilare was recorded by this witness. He has identified the complaint (Exhibit 8) filed by the PW 1. The sickle produced before this witness and the clothes of the appellant were seized by the police at the Police Station. Panchnama (Exhibit 16) was drawn in that regard.

15. PW 5 is one of the panch witnesses who was present at the time of seizure of clothes and the sickle. He has identified his signature on the panchnama (Exhibit 16). PW 8 was working as PSI at Pali Police Station. He has investigated part of this case. He had seen that the appellant was brought to Police Station by the villagers and complaint of PW 1 was recorded. He had thereafter proceeded to

the spot to prepare the panchnama. According to this witness, the dead body was lying on the spot of chambhar kund. There was one Amul spray empty container near the dead body. He had collected sample soil on the spot and the soil stained with blood separately. Inquest panchanama (Exhibit 20) was drawn and the dead body was sent for post-mortem examination. The PW 4 Medical Officer had examined the dead body and she had stated in her evidence that after examination of the dead body, she had come to the conclusion that the deceased had died due to cardiac respiratory arrest. The postmortem report (Exhibit 13) was produced by this witness. The contents of post-mortem report had been admitted by the appellant during the course of trial.

16. From the cross-examination of the witnesses, it appears that the cause of death has not been disputed by the appellant. The case of the appellant before the trial Court was that he had been falsely implicated by the PWs 1 and 3 due to political rivalry. He declined to have given any extra judicial confession to PW 1.

17. Learned trial Court however had believed the evidence of PW 1 with regard to extra judicial confession. He had also believed the evidence of PW 2 sister of the deceased. According to this witness, the PW 2 had seen the appellant assaulting the deceased.

18. During the course of hearing of the appeal, Learned Counsel Mr. Arfan Sait for the appellant has submitted that evidence of PW 2 sister of the deceased cannot be believed. It was submitted by him that it was difficult for her to see from the courtyard of her neighbour that the deceased was being assaulted by the appellant. Mr. Arfan Sait has assailed the prosecution case on the ground that the evidence of PW 1 that he had directed the appellant to wait in Maruti temple is also not acceptable. It was submitted that by Mr. Arfan Sait that the appellant had not made any extra judicial confession to PW 1. Mr. Arfan Sait has further submitted that the prosecution has examined only PW 1 and 3 and not the other villagers who were present on the spot.

19. The learned Additional PP Mrs. Usha Kejriwal has submitted that there was nothing strange if the PW 1 directed the appellant to wait in Maruti temple. It was submitted by her that normally it happens in the villages that whenever any major incident or event occurs, the villagers gather at one place to decide further course of action. It was also submitted by the learned Additional P.P. that the extra judicial confession does not require any corroboration. In brief, it is stated that even if evidence of PW 2 is discarded, the evidence of PWs 1 and 3 is sufficient enough to convict the appellant for having committed murder of the deceased.

20. Since the post-mortem report is admitted and there is no dispute with regard to cause of death, it could be safe to conclude that the deceased had died due to multiple injuries and that they were sufficient to cause death in the ordinary course of the nature.

21. As far as evidence of PW 2 is concerned, we have carefully examined the

same and we find it very difficult to accept that PW 2 and wife of the deceased could have seen the appellant assaulting the deceased at chambhar kund. However we have no doubt to record that she had heard screams of her brother. We also accept the evidence of PW 2 that she had seen the appellant holding the sickle and the deceased was lying in a pool of blood at chambhar kund. After very close scrutiny of evidence of this witness, we have come to the conclusion that part of her evidence needs to be rejected. May be because of her close relations with the deceased that this witness was motivated to give false evidence that she had seen the appellant causing injuries to the deceased. However that by itself could not be a reason to reject her rest of the evidence. The maxim "falsus in uno falsus in omnibus" has no application in Indian Courts. The Hon"ble Supreme Court in the case reported at 2009 Criminal Law Journal 1758 in the matter of (Jayaseelan Vs. State of Tamil Nadu) 2009 CrL. L.J. 1758, has said at para 5 as under:-

5. Stress was laid by the accused-appellants on the non-acceptance of evidence tendered by PW 1 to a large extent to contend about desirability to throw out entire prosecution case. In essence prayer is to apply the principle of "falsus in uno falsus in omnibus" (false in one thing, false in everything). This plea is clearly untenable. Even if major portion of evidence is found to be deficient, in case residue is sufficient to prove guilt of an accused, his conviction can be maintained. It is the duty of the Court to separate grain from chaff. Where chaff can be separated from grain, it would be open to the Court to convict an accused notwithstanding the fact that evidence has been found to be deficient, or to be not wholly credible. Falsity of material particular would not ruin it from the beginning to end. The maxim "falsus in uno falsus in omnibus" has no application in India and the witness or witnesses cannot be branded as liar(s). The maxim "falsus in uno falsus in omnibus" has not received general acceptance nor has this maxim come to occupy the status of rule of law. It is merely a rule of caution. All that it amounts to, is that in such cases testimony may be disregarded, and not that it must be disregarded. The doctrine merely involves the question of weight of evidence which a Court may apply in a given set of circumstances, but it is not what may be called "a mandatory rule of evidence. See Nisar Ali Vs. The State of Uttar Pradesh, . In a given case, it is always open to a Court to differentiate accused who had been acquitted from those who were convicted where there are a number of accused persons. See Gurcharan Singh and Another Vs. State of Punjab, . The doctrine is a dangerous one specially in India for if a whole body of the testimony were to be rejected, because witness was evidently speaking an untruth in some aspect, it is to be feared that administration of criminal justice would come to a dead stop. Witnesses just cannot help in giving embroidery to a story, however, true in the main. Therefore, it has to be appraised in each case as to what extent the evidence is worthy of acceptance, and merely because in some respects the Court considers the same to be insufficient for placing reliance on the testimony of a witness, it does not necessarily follow as a matter of law that it must be disregarded in all

respect as well. The evidence has to be shifted with care. The aforesaid dictum is not a sound rule for the reason that one hardly comes across a witness whose evidence does not contain a grain of untruth or at any rate exaggeration, embroideries or embellishment. See *Sohrab and Another Vs. The State of Madhya Pradesh*, and *Ugar Ahir and Others Vs. The State of Bihar*, . An attempt has to be made to, as noted above, in terms of felicitous metaphor, separate grain from the chaff, truth from falsehood. Where it is not feasible to separate truth from falsehood, because grain and chaff are inextricably mixed up, and in the process of separation an absolutory new case has to be reconstructed by divorcing essential details presented by the prosecution completely from the context and the background against which they are made, the only available course to be made is to discard the evidence in toto. See *Zwinglee Ariel Vs. State of Madhya Pradesh*, and *Balaka Singh and Others Vs. The State of Punjab*, . As observed by this Court in *State of Rajasthan Vs. Smt. Kalki and Another*, , normal discrepancies in evidence are those which are due to normal errors of observation, normal errors of memory due to lapse of time, due to mental disposition such as shock and horror at the time of occurrence and those are always there however honest and truthful a witness may be. Material discrepancies are those which are not normal, and not expected of a normal person. Courts have to label the category to which a discrepancy may be categorized. While normal discrepancies do not corrode the credibility of a party's case, material discrepancies do so. These aspects were highlighted in *Krishna Mochi and Others Vs. State of Bihar*, and in *Sucha Singh and Another Vs. State of Punjab*, . It was further illuminated in the *Zahira Habibulla H. Sheikh and Another Vs. State of Gujarat and Others*, , *Ram Udgar Singh Vs. State of Bihar*, , *Gorle S. Naidu Vs. State of A.P. and Others*, , *Gubbala Venugopalaswamy and Others Vs. State of Andhra Pradesh*, and in *Syed Ibrahim Vs. State of Andhra Pradesh*, . *Sohrab and Another Vs. The State of Madhya Pradesh*, .

Keeping in view the observations made by the Hon''ble Supreme Court in the judgment of *Jayaseelan* (cited supra), we have come to the conclusion that a part of evidence of PW 2 can be accepted and the rest of the same can be rejected. We have already indicated that we accept her evidence that she had seen the deceased lying in a pool of blood and at the same time, she had also seen the appellant leaving the spot holding a sickle stained with the blood.

22. This being our view with regard to evidence of PW 2, the evidence of PWs 1 and 3, particularly PW 1 assumes great importance. The prosecution case is that an extra judicial confession was made by the appellant before PW 1.

23. The learned Advocate Mr. Arfan Sait has submitted that the evidence of PW 1 may not be acceptable inasmuch as conduct of PW 1 appears to be strange inasmuch as he had directed the appellant to go to Maruti temple and wait for the villagers knowing well that the appellant had committed a murder. In this regard, we are in agreement with the submissions made on behalf of the State that in villages, such practices still prevail and whenever any major incident or

event occurs, the villagers come together to take further decision. We therefore do not find anything abnormal in the conduct of PW 1. As far as law on extra judicial confession is concerned, it is well settled that extra judicial confession in all cases does not require corroboration. The value of extra judicial confession depends upon trustworthiness of the witness before whom the confession is made. In this regard, we may take support from the two judgments of the Hon''ble Supreme Court (Podyami Sukada Vs. State of M.P.) 2010 CLJ 4273, and (2) (Kusuma Ankama Rao Vs. State of A.P.) 2008 CLJ 3502.

24. In the judgment of Podyami Sukada (cited supra), the Hon''ble Supreme Court at para 10 had stated as under:

10. Evidentiary value of extra-judicial confession depends upon trustworthiness of the witness before whom confession is made. Law does not contemplate that the evidence of an extra judicial confession should in all cases be corroborated. It is not an inflexible rule that in no case conviction can be based solely on extra-judicial confession. It is basically in the realm of appreciation of evidence and a question of fact to be decided in the facts and circumstances of each case.

In the judgment of Kusuma Ankama Rao (cited supra), the Hon''ble Supreme Court has observed as under:-

18. An extra-judicial confession, if voluntary and true and made in a fit state of mind, can be relied upon by the Court. The confession will have to be proved like any other fact. The value of the evidence as to confession, like any other evidence, depends upon the veracity of the witness to whom it has been made. The value of the evidence as to the confession depends on the reliability of the witness who gives the evidence. It is not open to any Court to start with a presumption that extra-judicial confession is a weak type of evidence. It would depend on the nature of the circumstances, the time when the confession was made and the credibility of the witnesses who speak to such a confession. Such a confession can be relied upon and conviction can be founded thereon if the evidence about the confession comes from the mouth of witnesses who appear to be unbiased, not even remotely inimical to the accused, and in respect of whom nothing is brought out which may tend to indicate that he may have a motive of attributing an untruthful statement to the accused, the words spoken to by the witness are clear, unambiguous and unmistakably convey that the accused is the perpetrator of the crime and nothing is omitted by the witness which may militate against it. After subjecting the evidence of the witness to a rigorous test on the touchstone of credibility, the extra-judicial confession can be accepted and can be the basis of a conviction if it passes the test of credibility. See State of Rajasthan Vs. Raja Ram, .

(emphasis ours)

25. It is thus clear that the corroboration is not a rule of law. The evidentiary value of extra judicial confession depends upon the credibility of the witness before whom the confession was made. In the present case, therefore, the

evidence of PW 1 requires very close scrutiny to ascertain whether he should be believed or not. The evidence of PW 3 of course will have to be examined. However evidence of PW 1 is more important as the appellant has allegedly expressly admitted before PW 1 that he committed murder of the deceased.

26. The evidence of PW 1 in examination-in-chief has already been discussed above. As far as his cross-examination is concerned, first part of his cross-examination is to demonstrate that the place of the incident was not visible from the house of the deceased. In this regard, we have given finding that PW 2 had not seen the actual scene of assault. To that extent, we have given a different finding than the finding given by the learned trial Court. However we accept the finding of the learned trial Court that PW 2 had heard the screams of her brother and had thereafter rushed to the spot. She had seen the deceased lying in an injured condition and the appellant holding the sickle.

27. The next part of his cross-examination was to demonstrate that there was a political rivalry between the deceased and PW 1. PW 1 has admitted that the appellant was involved in active politics. The PW 1 and the appellant both belonged to Rashtravadi Congress Party. The appellant was Sarpanch of village for five years. He was member of School Committee. He was also member of committee for pilot scheme. It is denied by the PW 1 that the appellant was always creating problem for the PW 1 in good scheme initiated by him. PW 1 has denied that he therefore had a grudge against the appellant. This part of cross-examination does not in any manner indicate that the PW 1 would go to the extent of implicating the appellant in a false case of murder. Moreover, the evidence of PW 1 in part gets support from the PW 3. PW 3 had also seen the appellant at Maruti temple. PW 3 had also seen that the appellant had declared in presence of all the villagers present in the temple that whatever was done by the appellant was proper and that he was ready to be hanged for the same. The contention of the learned Advocate for the appellant that the PW 1 wanted to implicate the appellant in a false case, therefore, cannot be accepted.

28. The learned Advocate Mr. Arfan Sait has also submitted that the prosecution has examined only PWs 1 and 3 to establish that the appellant was present at Maruti temple when he declared that whatever was done by him was proper and he was prepared to be hanged for the same. Mr. Arfan Sait has contended that the prosecution has deliberately avoided to examine other villagers who were allegedly present in the temple. It is submitted that had the other villagers been examined, the prosecution case could not have got support from them. There is no material on record to show that the other villagers would not have supported the evidence of PWs 1 and 3. At the same time, it will have to be examined whether the trial Court should have drawn adverse inference for non-examination of other villagers. In this regard, we are of the view that non-examination of some of the witnesses by itself shall not be fatal to the prosecution case. The anxiety of the Court always in such cases should be to examine whether the evidence of the witnesses examined by the prosecution sans the evidence of

witnesses not examined is believable or not. If the evidence of witnesses already examined is free from blemish and inspires confidence, it is not necessary that the prosecution should suffer only because other witnesses are not examined. In the present case, we have already examined part of the cross-examination of PW 1. We do not see anything material in the cross-examination which may seriously affect the prosecution case in adverse manner. The rest of the cross-examination is on some minor omissions in the earlier statement. They do not go to the root of the case and do not in any manner create doubt about the prosecution case.

29. The cross-examination of PW 3 is also on the same lines. It was also an attempt to demonstrate that there was political rivalry between PW 3 and the appellant. PW 3 has admitted that he had applied for the post of Police Patil. The appellant had also applied for the same post. It is denied by him that he was annoyed because the appellant had also filed application for the post of Police Patil.

30. As such, the analysis of evidence of PWs 1, 2 and 3 would show that the PW 2 had heard screams of her brother when he had gone to chambhar kund to answer the call of nature. She had visited the scene of offence immediately and she had seen the deceased in injured condition and the appellant holding a sickle stained with blood. The appellant had made an extra-judicial confession before PW 1. PW 1 had directed the appellant to go to Maruti temple and wait for the villagers. The villagers on the request of PW 1 had gone to the Maruti temple. The appellant in the said temple, indirectly, had admitted his guilt. Thereafter, he was taken to police and FIR was lodged. Sickle and blood stained clothes were seized by the police. As such it could be seen that the evidence of PW 1 with regard to extra-judicial confession is corroborated by the evidence of PWs 2 and 3. We have independently examined the evidence of PW 1. We are of the view that even the evidence of PW 1 independent of evidence of PWs 2 and 3 inspires confidence and could have been believed by the trial Court to convict the appellant for the murder of deceased. Few discrepancies here and there are bound to occur in any criminal trial. It is necessary to avoid to give undue weight to such discrepancies.

31. We also note that the evidence of PW 8 with regard to forwarding of articles to chemical analyser and report has also remained unchallenged. All the seized articles were sent to chemical analyser by PW 8. That is what he has stated in his evidence. He has produced copy of the forwarding letter at (Exhibit 26). He has produced reports of chemical analyser at Exhibit 27. As far as reports of chemical analyser at Exhibit 28 are concerned, it may be stated here that the blood of the deceased and appellant could not be determined from the blood samples collected by the Medical Officer. Exhibit 28 is of no use. However, it could be seen at Exhibit 27 that the sickle was found stained with blood. It was of group A. The underwear (short) removed from the dead body was also found stained with blood group "A". Though the blood sample collected from the dead body could not be analysed and no group could be determined, the fact remains that the

sickle found in the possession of the appellant was found stained with human blood. That itself is one of the circumstances which supports the evidence of PWs 1, 2 and 3.

32. As such in brief the evidence of PW 1 gets corroboration from evidence of PWs 2 and 3 and report of chemical analyser. The evidence of PW 1 independently is also sufficient to come to the conclusion that the appellant had committed the murder of the deceased.

33. In the substance, we do not find any substance in the appeal. Appeal is, accordingly, dismissed.