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RESERVED



2026:AHC:152768-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7189 of 2019

Umesh Yadav

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	: Ashutosh Yadav, Mirza Ali Zulfaqar, Rajiv Lochan Shukla, Rakesh Yadav, Shesh Narain Mishra
Counsel for Respondent(s)	: Arvind Yadav, G.A.

Court No. - 2

HON'BLE J.J. MUNIR, J.

HON'BLE VINAI KUMAR DWIVEDI, J.

(Delivered by Hon'ble Vinai Kumar Dwivedi, J.)

1. Heard Mr. S.N. Mishra and Mr. Rakesh Yadav, learned counsel for the appellant as well as Mr. Ashutosh Yadav, learned Amicus Curiae, who has been appointed in this case, Mr. Arvind Yadav, learned counsel for the informant and Mr. Anil Kumar Mishra, learned Additional Government Advocate appearing on behalf of the State.

2. This criminal appeal has been preferred by the convict, Umesh

Section 3/4 Dowry Prohibition Act, Police Station Kotwali Khalilabad, District Sant Kabir Nagar.

3. Brief facts of the case as stated in the written report, Exhibit Ka-1, lodged by the informant Sadhu Sharan (PW-1) are that “he is a resident of Dubauli, Police Station Kotwali Khalilabad, District Sant Kabir Nagar. He got his daughter Sarita married with Umesh Yadav, son of Ramagya Yadav, resident of Mohiddipur, Police Station Khalilabad on 28.05.2011 according to Hindu rites and rituals. After marriage, in April, 2012, his daughter had gone to her in-laws. Her husband Umesh Yadav and his other family members, Dinesh and Ram Avtar, both sons of Ramagya, demanded a motorcycle from his daughter. Upon not fulfilling their demand, all of them began to torture his daughter physically and mentally. After living for four months with her in-laws, his daughter came to her parent’s home. On 10.10.2012 at about 10:00 A.M., Umesh Yadav came over to his house. At that time, Anita, elder daughter of the informant, was there at home. Umesh Yadav on the pretext of buying a recharge for his mobile sent her out of the house. Taking benefit of this opportunity, when his daughter Sarita was alone in the room, Umesh Yadav with a knife that he had concealed on him, assaulted Sarita on her neck many times. Upon the informant’s daughter calling rescue, his elder daughter came over to intervene. Umesh Yadav pushed her and ran away. The assault by the knife that Umesh Yadav committed, led to the informant’s daughter Sarita’s death.

4. On the basis of the written report, Exhibit Ka-1, as filed by the informant Shyam Sundar (PW-1) at Police Station Kotwali Khalilabad, a first information report, Exhibit Ka-11, was registered at Case Crime No. 817 of 2012, under Sections 498A, 304B IPC and Section 3/4 Dowry Prohibition Act against Umesh Yadav (appellant herein), Dinesh and

reached the place of occurrence and commenced investigation. The Investigating Officer recorded the statement of the informant, Sadhu Sharan (PW-1), and inspected the place of occurrence. He recovered a knife (weapon of murder) from the place of occurrence and prepared a recovery memo of the same, marked Exhibit Ka-3. He also took simple and bloodstained soil from the place of occurrence and prepared a recovery memo, marked Exhibit Ka-4. The *panchayatnama* of the dead body of the deceased, Sarita, was prepared by Naib Tehsildar, Khalilabad, Rahul Dev Bhatt (PW-3). On the supervision and direction of Rahul Dev Bhatt (PW-3), S.S.I. R.K. Rai prepared the *panchayatnama* of the dead body of the deceased Sarita, marked Exhibit Ka-2. Along with the *panchayatnama*, other police papers, such as, letter to C.M.O., Basti; letter to the R.I., Basti; photo lash; police paper no. 13; and sample seal were also prepared as Exhibits Ka-5 to 9, respectively. After the *panchayatnama* was drawn up, the dead body of the deceased Sarita was entrusted to Constable Ved Prakash Sharma (PW-7), who conveyed the dead body for autopsy. The Investigating Officer Rajendra Kumar Sharma (PW-8) prepared a site plan of the place of occurrence, Exhibit Ka-13. The Investigating Officer recorded the statement of the witnesses under Section 161 Cr.P.C. and after completing all the formalities of investigation, submitted a charge-sheet, Exhibit Ka-14, against the appellant, Umesh Yadav, alone, who was deceased Sarita's husband.

6. Dr. Siya Ram Yadav (PW-4) conducted the post mortem examination of the dead body of the deceased Sarita, and prepared the post mortem report, Exhibit Ka-10. According to Dr. Siya Ram Yadav (PW-4), following ante mortem injuries were found on the dead body of the deceased :

(iii) *Lacerated wound on the lateral aspect of left arm 2.5 x 1 x muscle deep. 7 cm. below left shoulder joint."*

In the opinion of the doctor, the cause of the death of the deceased is shock and haemorrhage as a result of *ante mortem* injuries.

7. The Investigating Officer submitted a charge-sheet against the appellant, Umesh Yadav, in the Court of the concerned Magistrate having jurisdiction.

8. Since the case was exclusively triable by the Court of Session, hence learned concerned Magistrate committed the case to the Court of Session for trial.

9. The charges were framed against the appellant, Umesh Yadav, by learned Trial Court under Sections 498A, 304B IPC on 16.02.2013. Alternative charges under Section 302 IPC and Section 3/4 Dowry Prohibition Act were also framed by learned Trial Court on the same day. The appellant denied the charges and claimed trial.

10. In support of its case, the prosecution adduced Sadhu Sharan (PW-1), Anita (PW-2), Banarasi Yadav (PW-5), Smt. Panmati (PW-9) as witnesses of the facts and Rahul Dev Bhatt (PW-3), Dr. Siya Ram Yadav (PW-4), Sushil Kumar Mishra (PW-6), Ved Prakash Sharma (PW-7) and Rajendra Kumar Sharma (PW-8) as formal witnesses. Apart from the above oral evidence, the prosecution also relied on documentary evidence from Exhibits Ka-1 to Ka-15 in support of its case.

11. The evidence of the prosecution witnesses was heard by the Trial Judge. Thereafter, the appellant, Umesh Yadav, was examined by the learned Trial Judge and his statement under Section 313 Cr.P.C. was recorded, where he accepted his marriage to the deceased Sarita. He also

he was innocent and had been falsely implicated in the present case. He further stated that he will not adduce any defence evidence.

12. The learned Trial Judge, after hearing the submissions advanced by the prosecution and the defence, held the appellant, Umesh Yadav, guilty of the offence punishable under Section 302 IPC. However, the learned Trial Court acquitted the appellant of the charges under Sections 498A and 304B IPC and Section 3/4 of the Dowry Prohibition Act by extending to him the benefit of doubt. The appellant was accordingly convicted under Section 302 IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs. 20,000/-. In default of payment of the fine, he was further directed to undergo rigorous imprisonment for a period of one year.

13. Aggrieved by the impugned judgment and order dated 25.10.2019, the appellant, Umesh Yadav, has preferred this criminal appeal.

14. Learned counsel for the appellant has contended that the deceased, Sarita, died an unnatural death at her parent's home. The presence of the appellant at the house of the informant is highly doubtful. Only Anita (PW-2), elder sister of deceased Sarita, is said to be an eye-witness of the occurrence. There are several major and material contradictions in the evidence of Anita (PW-2), which create a reasonable doubt regarding the veracity and truthfulness of this witness. The other prosecution witnesses, namely, Sadhu Sharan (PW-1), Banarasi Yadav (PW-5), and Smt. Panmati (PW-9), are not eye-witnesses of the incident. They did not witness the occurrence themselves. However, the prosecution attempted to project them as eye-witnesses of the incident. Therefore, the conviction of the appellant could not be upheld on the evidence of the sole eye-witness, Anita (PW-2), particularly when her evidence does not

crime. The finding and reasoning of the Trial Court is perverse and without any evidence and also against the settled principles of law. Therefore, the judgment and order of the Trial Court dated 25.10.2019 is liable to be set aside and the criminal appeal deserves to be allowed.

15. Per contra, learned A.G.A. for the State and learned counsel for the informant have submitted that it is a case of direct evidence. The deceased Sarita was murdered by her husband Umesh Yadav at her parent's home by causing fatal injuries with a knife to her neck. The deceased, Sarita, died within three years of her marriage to the appellant, Umesh Yadav. In the presence and before the eyes of Anita (PW-2), elder sister of the deceased Sarita, appellant Umesh Yadav has assaulted her with a knife delivering blows to the deceased Sarita's neck and caused her death. Anita (PW-2) has witnessed the incident with her own eyes. Anita (PW-2) has supported the prosecution case by her testimony. There is no major and material contradictions in her evidence by which her evidence could be doubted and rejected. There is no law of this kind that on the basis of the evidence of the sole witness, an accused cannot be held guilty and convicted. It is a settled principle of the law that conviction can be recorded on the basis of evidence of the sole witness, if his/her evidence inspire confidence and found trustworthy and truthful. The proof of motive by the prosecution is not necessary in a case where eye-witnesses support the prosecution case and role of the appellant Umesh Yadav. Learned A.G.A. for the State and learned counsel for the informant have also contended that Trial Court has appreciated the evidence in the proper perspective and in accordance with law. The finding and reasoning recorded by the learned Trial Court is based on evidence of eye-witness Anita (PW-2), which found support from the prosecution evidence. There is no reason to falsely implicate

appeal is devoid of merits and liable to be dismissed and the judgment and order of conviction and sentence dated 25.10.2019 is liable to be affirmed.

16. In the light of the rival submissions of learned counsel for the parties, we have perused the entire documentary and oral evidence available on the record and also gone through the judgment and order passed by the Trial Court dated 25.10.2019.

17. From a perusal of the written report, Exhibit Ka-1, we find that the informant Sadhu Sharan (PW-1) has named the appellant as the author of the crime. In the written report, Exhibit Ka-1, Anita has been mentioned as an eye-witness of the occurrence. The F.I.R. has been registered on the same day, that is, on 10.10.2012 at 13:10 hours and occurrence is said to be happened on 10.10.2012 at 10:00 A.M. The informant Sadhu Sharan (PW-1) is the father-in-law of the appellant, Umesh Yadav. Thus, we find that the appellant, Umesh Yadav, has been named in the written report, Exhibit Ka-1, as the accused responsible for the murder of his wife, the deceased Sarita, in clear-cut words.

18. Upon a perusal of the written report, Exhibit Ka-1, and also the evidence of the informant Sadhu Sharan (PW-1), it is established fact that at the time of the happening of the occurrence, informant Sadhu Sharan (PW-1) was not present at the place of occurrence. After the incident, he received information about the murder of his daughter Sarita by her husband Umesh Yadav at Khalilabad. He then came home and saw the dead body of his daughter Sarita. Thereafter, he lodged the written report, Exhibit Ka-1, at the police station nominating Umesh Yadav as the culprit. Thus, it is clear that Sadhu Sharan (PW-1) is not an eye-witness of the incident. However, from a perusal of the statement of

Sarita (deceased). From a perusal of the evidence of Sadhu Sharan (PW-1), it is also revealed that at the time of the incident, Sarita (deceased) was living with her parents at her parent's home. On the date of the incident, the appellant Umesh Yadav had come over to the house of his father-in-law, Sadhu Sharan (PW-1). This witness has stated that Anita (PW-2) saw the appellant, Umesh Yadav, assaulting the deceased, Sarita, with a knife with her own eyes. This witness has clearly accepted that he is not an eye-witness of the incident.

19. From a perusal of the evidence of Banarasi Yadav (PW-5), it is clear that at the time of the incident, this witness was working in his fields. Thus, this witness is also not an eye-witness of the incident. However, the testimony of this witness reveals that when he reached home on hearing the hue and cry, the elder sister of the deceased, Anita (PW-2), told him that Umesh Yadav after assaulting Sarita with a knife had escaped towards the west. According to this witness, he tried to catch the appellant, Umesh Yadav, but was unsuccessful. He returned home and found Sarita dead.

20. The prosecution produced Smt. Panmati (PW-9). This witness is deceased Sarita's mother and wife of informant Sadhu Sharan (PW-1). She is also the mother of Anita (PW-2). The appellant, Umesh Yadav, is her son-in-law because her daughter Sarita was married to the appellant, Umesh Yadav. From a perusal of the evidence of Smt. Panmati (PW-9), it is clear that at the time of the incident, this witness had gone to her fields to harvest fodder for cattle. Thus, this witness is also not an eye-witness of the incident. When this incident happened, she was not present at the place of occurrence. Due to this reason, this witness had not seen the incident with her own eyes. However, from a perusal of the evidence of this witness Smt. Panmati (PW-9), this fact is established

21. Thus, from a perusal of the records of the case and evidence as available on the record, we find that the prosecution witness Anita (PW-2) is the sole eye-witness in this case. The entire prosecution case thus rests on the sole evidence of Anita (PW-2). The prosecution adduced Anita (PW-2) as a star witness of the prosecution, who had seen the incident with her own eyes.

22. Upon a perusal of the evidence of Anita (PW-2), we find that this witness has stated that “Sarita was my younger sister. Marriage of Sarita was got solemnized with the accused Umesh Yadav by my father after giving sufficient dowry as per his capacity two and a half years ago.” She has also stated that “this incident happened at 10:00 A.M. On that day, Umesh Yadav had come to my parent’s home at 09:30 A.M. At that time, I, my sister Sarita and my mother were there at home. My mother said that I am going to get fodder. You give food to Umesh. Both of us sisters had served him food. Umesh told me to go and get recharge for his mobile. I went to get the recharge behind my house but it was not available. I was returning home. Then I heard Sarita’s screams from the house and rushed over and saw that accused Umesh was attacking Sarita with a knife to her neck. I rushed to save her. Umesh pushed me and threw the knife in the house and ran away. This incident happened at 09:30 A.M. At that time, my father had gone to work at the shop of Kashi at Khalilabad. Sarita died on the spot after sustaining knife injuries. I had given information of this incident to my father on phone. My father came home upon this information. I had told all things about the incident to him. Upon this, he went to Khalilabad and gave an application. The police came from Kotwali. Members of the police party had seen the dead body of the deceased.” According to this witness, from the place of the occurrence, one knife was also recovered and taken into

had gone to fetch recharge then my sister Sarita was serving food to Umesh. I have stated in my main examination that both of us sisters were serving him food was a true statement.” She also stated that “the police had recovered that knife before me. I had entered into the room of my sister from the west. Umesh fled through the same door from which I had entered. He had pushed me. When I informed my father, the appellant, Umesh, was assaulting my sister at that time. Before me, he had delivered one knife blow on the neck and he had not delivered other knife blows before me. I had seen knife injury in the right hand of my sister. I had seen three knife injuries in the right hand. I had not seen any injury in the left hand of my sister. The injury which I had seen inflicted was on the neck and not on the chest.” She denied the suggestion of the defence that she had illicit relation with husband of her younger sister. She also denied the suggestion that it is wrong to say that I had assaulted Sarita with a knife when she was sleeping.

24. Thus, from a perusal and discussion of the evidence of the sole evidence of Anita (PW-2), we find that this witness has testified to the incident in Court in a very simple and natural language without any exaggeration, embellishment and concoction, although some minor contradictions are present in her evidence. In her evidence, she stated that the occurrence happened at 10:00 A.M. However, in the written report, it has also been stated that the incident happened on 10.10.2012 at about 10:00 A.M. From a perusal of the F.I.R., Exhibit Ka-11, it is revealed that in the written report, Exhibit Ka-1, date and time of the incident is mentioned as 10.10.2012 at 10:00 A.M. Thus, we find no major and material variation about the time when the incident happened in the evidence of Anita (PW-2). We also find that in respect of serving food to the appellant, Umesh Yadav, some difference in the evidence of

omission, variation and contradiction are present in the evidence of this witness Anita (PW-2) those are only minor variation and contradiction that are not material from any point of view. We also find that this witness has stated that the incident happened in the western room and it has not happened in southern room of the verandah. However, at this point, the Investigating Officer Rajendra Kumar Sharma (PW-8) has stated in his cross-examination that the incident happened in southern room of the verandah. Thus, we find that there is little difference on the point that in which room the incident had happened. According to Anita (PW-2), the incident happened in the western room. However, the Investigating Officer Rajendra Kumar Sharma (PW-8) has stated that the incident happened in southern room of the verandah. It appears that during the course of recording of the evidence and also during the cross-examination, this witness could not clearly remember the room when she was giving her evidence in Court that in which room the incident happened. In other words, when evidence of this witness was being heard in Court and this witness was cross-examined by the defence, she could not exactly remember in the Court room the place of occurrence and the room in which the incident happened. It appears that due to this reason as stated the incident happened in the western room. However, from a perusal of the site plan, Exhibit Ka-13, it is apparent that the incident happened in the southern room of the verandah. The verandah is located and marked as Exhibit Ka-13 in the north side and from the verandah behind south, a room is marked where the incident has happened. In our opinion, this type of minor difference about the direction of the room in which the incident happened is not a major and material contradiction. The prosecution does not stand to benefit on this ground. From an overall perusal and appreciation of the evidence of

expected from any witness to tell the happening of the incident in a parrot like language stating word by word, comma by comma and sentence by sentence. The Supreme Court in **Shyam Sundar v. State of Chhattisgarh, (2002) 8 SCC 39** has held :

“When an incident is narrated by the same person to different persons on different occasions, some difference in the mode of narrating the incident is bound to arise. However, such difference do not militate against the trustworthiness of the narration unless the variations can be held to so abnormal or unnatural as would not occur if the witness would not really witnessed what he was narrating.”

25. In the light of the legal principles as enunciated by the Supreme Court in the case of **Shyam Sundar (supra)**, we find that when the incident happened on 10.10.2012, Anita (PW-2) was alone present at the place of occurrence with her sister, the deceased Sarita, and accused-appellant, Umesh. Before Anita (PW-2), the incident happened and the appellant assaulted with a knife on the neck of Sarita. It is immaterial that knife was either carried by the appellant himself or he has taken the same from the place of occurrence. This fact is not material in our considered view. What is material is that the recovery of the knife was made from the place of occurrence by the Investigating Officer, Rajendra Kumar Sharma (PW-8), and it was found bloodstained and marked as Exhibit Ka-3. Thus, Anita (PW-2) was the sole witness before whom the incident happened. After happening of the incident, she first of all informed and narrated about the incident to her father Sadhu Sharan (PW-1). When her father came to the place of occurrence from Khalilabad she narrated the whole story to her father Sadhu Sharan (PW-1). Thereafter, she also gave her statement under Section 161 Cr.P.C. to

evidence. Hence, those minor variation, omission and contradiction are not found to be a major and material contradiction. In our opinion, whatever variations, contradictions, or omissions are present in the evidence of the sole eye-witness, Anita (PW-2), are only minor and trivial omissions/variations that cannot, in any way, create doubt about the truthfulness, credibility, and trustworthiness of her evidence.

26. The Supreme Court in the case of **Brahm Swaroop and another v. State of Uttar Pradesh, (2011) 6 SCC 288** on the point of contradictions and inconsistencies, exaggeration and embellishment has held :

“32. It is a settled legal proposition that while appreciating the evidence of a witness, minor discrepancies on trivial matters, which do not affect the core of the prosecution's case, may not prompt the court to reject the evidence in its entirety. “Irrelevant details which do not in any way corrode the credibility of a witness cannot be labelled as omissions or contradictions.” Difference in some minor details, which does not otherwise affect the core of the prosecution case, even if present, would not itself prompt the court to reject the evidence on minor variations and discrepancies. After exercising care and caution and sifting through the evidence to separate truth from untruth, exaggeration and improvements, the court comes to a conclusion as to whether the residuary evidence is sufficient to convict the accused. Thus, an undue importance should not be attached to omissions, contradictions and discrepancies which do not go to the heart of the matter and shake the basic version of the prosecution witness. As the mental capabilities of a

27. Therefore, in the light of legal principles as laid down by the Supreme Court in the case of **Brahm Swaroop and another (supra)**, it is clear that reliability, trustworthiness and also credibility of any witness could not be doubted and his/her evidence must not be rejected on the basis of only minor contradictions and inconsistencies, exaggeration and embellishment. We have also discussed and observed that Anita (PW-2) is a star witness of the prosecution and she is the only eye-witness of the prosecution before whom the incident had happened. Before this witness Anita (PW-2), the appellant assaulted with a knife on the neck of his wife, deceased Sarita, by which she died instantly on the spot. Hence, the appellant is not entitled to get any benefit on this point.

28. From a perusal of the whole evidence of the prosecution, it is clear that Anita (PW-2) is the sole eye-witness of the incident and the Trial Court has held the appellant Umesh Yadav guilty and convicted him on the basis of her testimony.

29. The Supreme Court in the case of **Sunil Kumar v. State Government of NCT of Delhi, (2003) 11 SCC 367** has held :

“As a general rule the court can and may act on the testimony of a single witness provided he is wholly reliable. There is no legal impediment in convicting a person on the sole testimony of a single witness. That is the logic of Section 134 of the Indian Evidence Act, 1872. But, if there are doubts about the testimony the courts will insist on corroboration. It is for the court to act upon the testimony of witnesses. It is not the number, the quantity, but the quality that is material. The time-honoured principle is that evidence has to be weighed and not counted. On this principle stands the edifice of Section 134 of the Evidence

deceased Sarita, would falsely implicate the appellant, Umesh Yadav, in a heinous crime like murder. There is also no reason or cause shown by the defence as to why the informant, Sadhu Sharan (PW-1), who is the father-in-law of the appellant, Umesh Yadav, would falsely implicate him in a heinous crime like murder. It is also an admitted fact that the appellant, Umesh Yadav, is the son-in-law of the informant, Sadhu Sharan (PW-1). Sadhu Sharan (PW-1) had married his deceased daughter, Sarita, with the appellant, Umesh Yadav. This incident happened within three years of the marriage of Sarita with the appellant, Umesh Yadav. Although this incident happened at the parent's home of the deceased, Sarita, the appellant, Umesh Yadav, had come there and assaulted his wife, Sarita, with a knife on her neck, causing her death on the spot. The sole witness Anita (PW-2) has clearly testified to the incident in Court. We find by appreciation and discussion of the evidence of this sole witness Anita (PW-2) that her evidence is wholly reliable, trustworthy and credible which inspires full confidence. The evidence of the sole witness Anita (PW-2) in this case is wholly reliable. There is no variation, contradiction, omission and embellishment of a kind on the basis of which we could disbelieve and reject the evidence of the sole eye-witness Anita (PW-2). Upon a perusal of the finding and reasoning of the learned Trial Court, we find that the Trial Court has appreciated the evidence in a proper perspective and in a legal manner. By appreciating the whole evidence of the prosecution, the Trial Court has found that charges in respect of the offences under Sections 498A, 304B IPC and Section 3/4 Dowry Prohibition Act could not be established by the prosecution beyond reasonable doubt.

31. In view of this fact, the Trial Court has acquitted the appellant, Umesh Yadav, in respect of the charges under Sections 498A, 304B IPC

the evidence of Dr. Siya Ram Yadav (PW-4), it is clear that one stab wound on the jugular notch 2.5 x 1 x 6 cm. in size and opening major blood vessels and left lung was found punctured and second injury incised wound on the lateral aspect of the right arm 3 x 1 x 0.3 cm. in size, 6 cm. below the right shoulder joints. In the opinion of the Dr. Siya Ram Yadav (PW-4), the cause of the death of the deceased was shock and haemorrhage as a result of ante mortem injuries. It is immaterial that Anita (PW-2) stated that the appellant had inflicted knife injuries on the neck of the deceased Sarita, whereas the injuries found on the lungs, including the puncture of the left lung, were the cause of death of the deceased Sarita. Anita (PW-2) is consistent in her statement that the appellant, Umesh Yadav, assaulted with knife on the neck of the deceased Sarita. It may happen that during assault, the knife hit the lungs of the deceased Sarita in place of the neck. That fact would not be material and relevant. What is material is the statement of Anita (PW-2) that the appellant, Umesh Yadav, assaulted the deceased Sarita with a knife, as a result of which she died on the spot. From the report of the Forensic Science Laboratory, Exhibit Ka-15, it is revealed that in the examination report of the knife, which is at Sl. No. 6, human blood was found. All these facts establish the guilt of the appellant, Umesh Yadav. The reasoning and finding of the Trial Court is based on cogent and reliable evidence. The Trial Court has delivered its finding based on cogent evidence and in accordance with the settled principle of law. We find no good ground to interfere with impugned judgment and order of conviction and sentence dated 25.10.2019.

32. Hence, in view of the above discussions, we find that the criminal appeal of the convicted appellant, Umesh Yadav, is devoid of merit and it lacks force. Hence, we are of the view that the criminal appeal is liable

affirmed. The appellant, Umesh Yadav, is in jail. He shall remain in jail to serve out the sentence awarded to him by the Trial Court.

34. Let a copy of this judgment be transmitted to the Trial Court along with the Trial Court records forthwith for necessary compliance.

(Vinai Kumar Dwivedi,J.) (J.J. Munir,J.)

July 24, 2026
Shubham