



AFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

Judgment reserved on : 05.07.2019

Judgment delivered on : 28.08.2019

**CRA No. 968 of 2012**

- Pappu @ Vivek @ Lohasingh @ Azad @ Amarnath S/o Ravel Minj @ Ramdhani @ Prabhat Minj, aged about 24 years, R/o Chetag Balumat, Latehar (Jharkhand) Current Address Govindpur P.S. Batouli, District – Surguja (C.G.)
- Arvind Kumar Tigga @ Bada Arvind @ Guddu @ Ashok S/o Johan Tigga, aged about 20 years, R/o Basen P.S. Batouli, District – Surguja (C.G.)

---- Appellants

**Versus**

- State of Chhattisgarh Through : Police Station Batouli, District Surguja (C.G.)

---- Respondent

---

For Appellants	:	Smt. A. Lakra, Advocate.
For Respondent/State	:	Shri Vikas Shrivastava, P.L.

---

**D.B. : Hon'ble Shri Justice Prashant Kumar Mishra & Hon'ble Smt Justice Rajani Dubey**

**C A V Judgment**

**28.08.2019**

**Per Rajani Dubey, J**

01. This appeal is directed against the impugned judgment of conviction and order of sentence dated 08.10.2012 passed by the 1<sup>st</sup> Additional Sessions Judge, Ambikapur, in Sessions Trial No.326/2008 whereby and whereunder, the appellants have been held guilty of commission of offence and sentence them as described below.



Conviction	Sentence
Under Section 302/34 IPC	Life imprisonment with fine of Rs.1000/- each. In default of fine amount, to further undergo R.I. for four months.
Under Section 394/34 read with 397/34 IPC	R.I. for ten years with fine of Rs.500/- each. In default of payment of fine amount, to further undergo R.I. for two months.
Appellant Pappu @ Vivek (A-1) Under Section 25(1) (B) (A) of Arms Act	Three years R.I. with fine of Rs.500/-. In default of payment of fine amount, to further undergo R.I. for two months.

02. In the present case name of deceased is Maheshwar Singh, husband of Smt. Parvati (PW/3) and father of Kamalnath Singh (PW/4).

03. The prosecution story, in brief, is that the deceased's 10 year old child Kamalnath Singh (PW/4) was studying in class IV in Dilox School at Ambikapur and he used to board and get off the bus near Chirga turn from where his father Maheshwar Singh used to pick up and drop him. On the date of incident i.e. on 05.07.2008, Kamalnath Singh (PW/4), after final bell of school, was waiting for his father in passenger waiting room near Chirga turn. At around 3.30-3.45 PM, his father Maheshwar Singh reached there and picked up him and was going to home on their motorcycle bearing registration No.CG-15-C-2845. When they reached near Chirga nala, accused/appellant Pappu @ Vivek (A-1) intercepted them and then a letter was given to Maheshwar to read, to which he denied. Thereafter, accused/appellant Pappu @ Vivek (A-1) pointed gun at Maheshwar saying that 'you are under arrest' and opened gun fire on him, resulting in his death. Seeing this, Kamalnath Singh (PW/4), son of Maheshwar, started crying and the accused persons took his father's motorcycle and ran away from the



spot. Kamalnath Singh (PW/4) informed the incident to the passerby. Further case of the prosecution is that one Dev Kumar (PW/6) also heard the sound of gun fire and saw the accused persons fleeing from the spot on motorcycle. On that very day, mere intimation in Ex.P/4 was recorded at the instance of Kamalnath Singh (PW/4), son of the deceased, followed by registration of FIR in Ex.P/34. The alleged letter (Article-B), which was given to deceased to read, was seized vide seizure memo Ex.P/8. Inquest was prepared vide Ex.P/15. Body of the deceased was sent for postmortem examination, which was conducted by Dr. (Smt.) Manorama Minj (PW/21) who gave her report in Ex.P/33 opining that the deceased died due to head injury caused by firearm and mode of death was coma. On 05.07.2008 itself diary statement of Kamalnath Singh (PW/4), son of deceased, was recorded vide Ex.D/1 wherein he blamed the accused/appellants for committing murder of his father. The police statement of Smt. Parvati (PW/3), wife of deceased, was also recorded vide Ex.D/1 and she has also stated that after coming to know about the murder of her husband, she rushed to the place of incident and on reaching there, it was disclosed by her son Kamalnath (PW/4) that two persons one of them was fat and one was lean, opened fire on his father and killed him. During investigation, test identification parade of the accused/appellants was conducted and they were duly identified by Kamalnath vide Ex.P/9. Bloodstained clothes of deceased were seized vide Ex.P/11. Memorandum statements of appellants Arvind Kumar (A-2) and Pappu @ Vivek (A-1) were recorded vide Ex.P/16 and P/17, based on which, clothes and umbrella of A-2 & half T-shirt, full pant and country made pistol of A-1



were seized vide Ex.P/18, P/19 and P/20 respectively. Specimen hand written letter of appellant Pappu @ Vivek (Article C-1 to C-18) and paper cutting were also seized vide Ex.P/24. Sanction letter was also obtained vide Ex.P/38-C for prosecuting the accused/appellants under Arms Act. Alleged hand written letter and specimen letters written by appellant Pappu @ Vivek (A-1) were sent for examination to State Examiner of Questioned Document vide Ex.P/31 and report thereof was obtained vide Ex.P/39, which confirmed that writing characteristics were significant and sufficient and when considered collectively proved to be of common authorship between both the sets.

04. After filing of the charge sheet, the trial Court has framed charge under Sections 302/34, 394/34, 397/34 IPC and Section 25 (1)(B)(A) of Arms Act against the accused/appellants. The prosecution in order to bring home the charge levelled against the accused/appellants examined as many as 25 witnesses in all. Statements of accused/appellants were recorded under Section 313 of Cr.P.C. in which they abjured their guilt and pleaded innocence and false implication.

05. After hearing the parties, the Court below has convicted and sentenced the accused/appellants in the manner as described above.

06. Counsel for accused/appellants submits that ;

- Conviction of appellants is solely based on the evidence of Kamalnath (PW/4), a child witness, and test identification parade in which this witness is said to have identified the appellants, but his evidence does not inspire confidence and is unreliable



because on his report, offence was registered against the unknown persons, later on, without any substantive piece of evidence and without assigning any reasons, other sections have been added. More so, this witness has been tutored by Parvati (PW/3), the mother.

- The accused/appellants were arrested after 17 days of the incident and only on their memorandum statements they have been implicated in the crime in question and nothing incriminating has come in the evidence against the appellants.
- The test identification parade (Ex.P/26) was conducted on 22.07.2008, and the child witness Kamalnath (PW/4) has stated in his court statement that next day after the incident, he saw the photo of accused/appellants in the news paper and prior to identification, he saw them in the police station and Kamalnath (PW/4) was tutored by her mother Parvati (PW/3). Therefore, test identification parade loses its significance.
- Dhan Singh (PW/12) and Jagrit Das (PW/13) who are the witnesses of memorandum of accused/appellants and seizure, have not supported the prosecution case. Other seizure witnesses namely Ramsai Paikra (PW/8), Bajrang (PW/14), Surendra Kumar Singh (PW/15), Armel Kerketta (PW/17) and Manish Kumar (Pw/18) have not supported the prosecution case and turned hostile.

07. On the other hand, supporting the impugned judgment learned counsel for the State submits that conviction of the accused/appellants



is strictly in accordance with law and there is no illegality or infirmity in the same warranting interference by this Court. He further submits that there is no reason before this Court to disbelieve the testimony of Kamalnath (PW/4) who had witnessed the incident and immediately thereafter informed about the incident to her mother Parvati (PW/3). He would submit that it is not a thumb rule that the accused cannot be convicted on the sole testimony of a child witness. If the statement of child witness after due scrutiny inspires confidence, the conviction can be based on such statement. He would further submit that on the memorandum of the accused/appellant Pappu (A-1), country made pistol allegedly used in the commission of crime, has been seized, and in the test identification parade, the accused/appellants have been duly identified by Kamalnath (PW/4), which point towards the guilt of the accused/appellants.

08. We have heard counsel for the parties and perused the evidence available on record.

09. Arvind Kumar Kerketta (PW/02) has not supported the prosecution case and turned hostile. Smt. Parvati (PW/3), wife of deceased, has stated in her evidence that after coming to know about the incident, when she along with her family members reached the place of occurrence, she saw her husband Maheshwar in pool of blood and her son Kamalnath (PW/4) was crying. On being asked, her child PW/4 informed that two unknown person opened fire at his father and ran away towards Chirga on his father's motorcycle. She has further deposed that she herself had seen the gunshot injury on the head of her husband. She has also stated that after two weeks of the incident,



she was called in police station where accused/appellants were interrogated. She also states that identification of the accused/appellants was carried out in the police station in which her son PW/4 identified them to be the assailants. She also states that, thereafter, test identification parade was also conducted before Additional Collector, Ambikapur, where also her son PW/4 had identified the accused/appellants. A suggestion that her son did not inform her about the incident, has been denied. In para 10 of her cross-examination, she has denied suggestion that she tutored her son saying that he has to depose against them.

10. Pradeep Ekka (PW/5) and Dev Kumar (PW/6) turned hostile. Jasman Ram Painkra (PW/7) and Ramsai Painkra (PW/8) are the constables and seizure witnesses to shirt and pistol made under Ex.P/11 and P/12 respectively have turned hostile. Shambhu Singh (PW/9) is the witness to seizure of alleged letter which was given to deceased to read made under Ex.P/8 and inquest (Ex.P/15), has admitted his signature thereon. Bhairavnath (PW/11) is also witness to seizure of alleged letter made under Ex.P/8 and admitted his signature thereon. Somaru (PW/12), witness to seizure of various articles made under Ex.P/16, P/17 to P/23, has turned hostile. Jagrut Das (PW/13), cleaner of police station and witness to seizure made under Ex.P/16, P/17, P/18, P/19, P/20, P/21 and P/23, has turned hostile. Bajrang (PW/14), witness to seizure of motorcycle of deceased made under Ex.P/1, turned hostile. Surendra Kumar Singh (PW/15), witness to seizure of country made pistol (Ex.P/24) and spot map (Ex.P/25), also turned hostile. Arnel Kerketta (PW/17) and Manish Kumar (PW/18),



witness to identification parade made under Ex.P/26, turn hostile.

11. R.B. Markam (PW/19) is the retired Deputy Collector. He has stated that on 22.07.2008 test identification parade of accused/appellants was carried out by him under Ex.P/26 and P/27, in which they were duly identified by Dev Kumar (PW/6) in presence of witnesses, who later on turned hostile. Likewise, on 23.07.2008, test identification parade of accused/appellants was also conducted in which accused/appellants were duly identified by Kamalnath (PW/4), the child witness. This witness (PW/19) has admitted his signature thereon. In para 5 of his cross-examination, this witness has stated that on 22.07.2008, he was posted as Deputy Collector in Ambikapur and, at the relevant time, as the Tahsildars were on strike, therefore, under the oral direction of Collector, he conducted test identification parade. He has further stated that the police officials were not present at the time of test identification parade.

12. Sobius Khakha (PW/20) – Inspector, has assisted in the investigation.

13. Dr. (Smt.) Manorama Minj (PW/21) is the doctor who performed autopsy on the body of deceased and found (i) entry wound in the size of 0.5 diameter on right side of forehead near midline 1 cm above right eyebrow, scorching was present over entry wound with burning, and (ii) exit wound over right side of occipital region in the size of 1 cm in length. Elliptical and obliquely placed which was covered by skin, blood clot was present over exit wound. This witness has opined that cause of death was coma due to head injury caused by firearm and the



death was homicidal in nature.

14. Krishna Pandey (PW/22) is the investigating officer who has duly supported the prosecution case. He has stated that on 05.07.2008, at the instance of complainant Kamalnath (PW/4), he had registered an FIR against the unknown persons. On 22.07.2008, he had recorded the memorandum statements of the accused/applicants, based on which country made pistol and four live cartridges were seized vide seizure memo Ex.P/20.

15. O.P. Singh (PW/23), Assistant Grade-II posted in License Section of District Collector, has proved sanction letter (Ex.P/38) for prosecuting the accused/appellants under Arms Act. This witness has admitted the signature of District Magistrate on sanction letter.

16. N.K. Sikkewal (PW/24) is the D.S.P.-cum-Additional State Examiner of Questioned Document. He has stated in his evidence that he examined the hand written letters of accused/appellant Pappu and alleged letter send by Superintendent of Police, Sarguja, vide Ex.P/31.

He has stated that alleged letter is marked as Q-1, which was marked as Article-B by the Court. Likewise, specimen hand written letters and signature have been marked as A-1 to A-25, which was marked as Article C-1 to C-18 by the Court. He has further stated that on careful scrutiny and examination of these letters, he gave his report (Ex.P/39), which reads as under:-

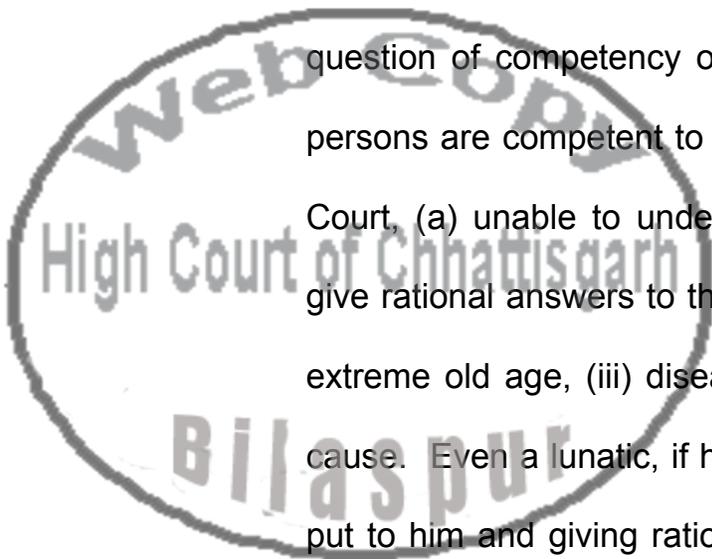
*"I:- The person who wrote the red enclosed writings & signatures stamped & marked A-1 to A-25 of cx-130/08, B-1 to B-18 of cx-131/08 & C-1 to C-48 of cx-129/08 also wrote the red enclosed writings & signature*



*similarly stamped & marked Q-1.”*

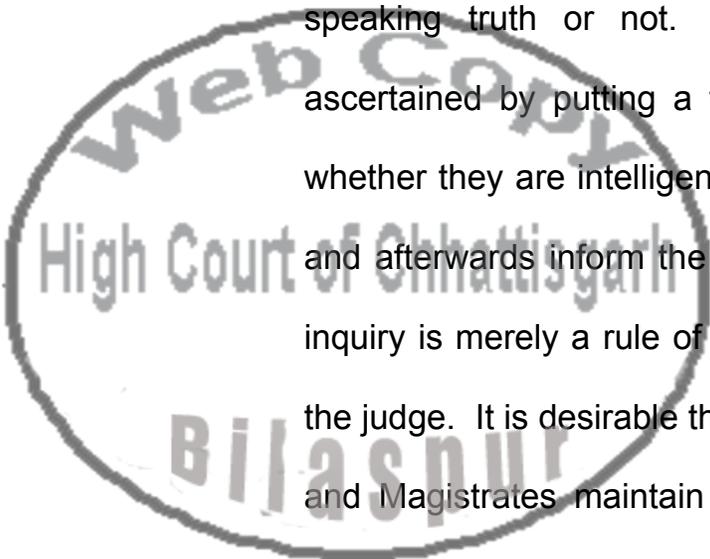
17. Ganga Prasad Mishra (PW/24) is the Patwari, who prepared spot map, vide Ex.P/25. Laxman Prasad Rajwade (PW/25) is the Head Constable, who assisted in the investigation.

18. The case of the prosecution mainly rests on the testimony of Kamalnath (PW/4), who is **child witness**, and was aged 10 years when his evidence was recorded. Before discussing the evidence of the child witness, it would be advantageous to refer to the law relating to child witness. Section 118 of the Evidence Act deals with the question of competency of persons to testify. Under this section, all persons are competent to testify, unless they are, in the opinion of the Court, (a) unable to understand the questions put to them, or (b) to give rational answers to those questions, owing to (i) tender years, (ii) extreme old age, (iii) disease of mind or body, or (iv) any other such cause. Even a lunatic, if he is capable of understanding the questions put to him and giving rational answers, is a competent witness. With respect to children, no precise age is fixed by law within which they are absolutely excluded from giving evidence on the presumption that they have not sufficient understanding. A child is not an incompetent witness by reason of its age. A child of tender years is not, by reason of its youth, as matter of law, disqualified as a witness. There is no precise age which determines the question of competency. According to Section 118 of the Evidence Act, a child of tender age is a competent witness if it appears that it can understand the questions put to it and give rational answers thereto. This section vests in the Court the discretion to decide whether an infant is or is not disqualified to be a





witness by reason of understanding or lack of understanding. When a young child is a witness, the first step for the Judge or Magistrate to take is to satisfy himself that the child is the competent witness within the meaning of Section 118 of the Evidence Act and for this purpose, preliminary inquiry should be held. It is the duty of the Court to ascertain in the best way, which it can, whether from the extent of his intellectual capacity and understanding the child witness is able to give a rational account of what he has seen, heard or done at a particular occasion or in other words, the witness understands the duty of speaking truth or not. Competency of young children can be ascertained by putting a few questions to them in order to find out whether they are intelligent enough to understand what they had seen and afterwards inform the court thereof. The holding of a preliminary inquiry is merely a rule of prudence and is not a legal obligation upon the judge. It is desirable that after holding a preliminary inquiry, Judges and Magistrates maintain record incorporating opinion that the child understands the duty of speaking truth. Though no precise criteria for appraising the evidence of a child witness can be laid down, yet one broad test is whether there was possibility of any tutoring. If this test is found in positive, the Court will not, as a rule of prudence, convict the accused of a major offence on the basis of child evidence unless it is corroborated to material extent in material particulars, directly connecting the accused with the crime. At the same time, if otherwise the testimony of a child witness is not shown to be tainted with any such infirmities, it calls for due credence. A child in the innocent purity of its mind and unsophistication is more likely to come forth with





version which is unbiased, unsoiled, natural and forthright. It is less prone to manipulation, motivation and spirit of vendetta. It can as well be spontaneous and inspiring, once the child is enabled to overcome the initial shock and awe, and ensured protection, security, compassion and given confidence to come out with what was seen. Further, some of the children are fairly intelligent, truthful and straight forward, and there is no reason to start with a presumption of untrustworthiness in the assessment of their evidence. The merit of evidence has to be judged on the touchstone of its own inherent intrinsic worth.

19. In the matter of **Panchhi v. State of UP** reported in (1998) 7 SCC 177 the Hon'ble Supreme Court has held as under:-

*“.....It cannot be said that the evidence of a child witness would always stand irretrievably stigmatized. It is not the law that if a witness is a child, his evidence shall be rejected, even if it is found reliable. The law is that evidence of a child witness must be evaluated more carefully with greater circumspection because a child is susceptible to be swayed by what others tell him and thus a child witness is an easy prey to tutoring.”*

20. With regard to the testimony of child witness the Hon'ble Supreme Court in **State of Karnataka v. Shantappa Madivalappa Galapuji & others** reported in (2009) 12 SCC 731 had noticed the case law and held as under:

*“The Indian Evidence Act, 1872 does not prescribe any particular age as a determinative factor to treat a witness to be a competent one. On the contrary, Section 118 of the Evidence Act envisages that all persons shall be competent to testify, unless the court considers that they are prevented from understanding the questions put to*



them or from giving rational answers to these questions, because of tender years, extreme old age, disease -- whether of mind, or any other cause of the same kind. A child of tender age can be allowed to testify if he has intellectual capacity to understand questions and give rational answers thereto. The evidence of a child witness is not required to be rejected per se, but the court as a rule of prudence considers such evidence with close scrutiny and only on being convinced about the quality thereof and reliability can record conviction, based thereon. {See **Suryanarayana v. State of Karnataka (2001) 9 SCC 129**}. In **Dattu Ramrao Sakhare v. State of Maharashtra [(1997) 5 SCC 341]** it was held as follows : (SCC p.343, para 5) :-

“A child witness if found competent to depose to the facts and reliable one such evidence could be the basis of conviction. In other words even in the absence of oath the evidence of a child witness can be considered under Section 118 of the Evidence Act provided that such witness is able to understand the questions and able to give rational answers thereof. The evidence of a child witness and credibility thereof would depend upon the circumstances of each case. The only precaution which the court should bear in mind while assessing the evidence of a child witness is that the witness must be a reliable one and his/her demeanour must be like any other competent witness and there is no likelihood of being tutored.”

21. The position of law relating to the evidence of a child witness has been dealt with also by the Apex Court in **Nivrutti Pandurang Kokate and others V. State of Maharashtra** reported in **2008 (12) SCC 565** and **Golla Yelugu Govindu v. State of Andhra Pradesh** reported in **(2008 (4) SCALE 569)**. In the case of **State of U.P. Vs. Krishna**



**Master & Others** reported in (2010) 47 OCR (SC) 263 the Hon'ble Apex Court also has gone a step ahead in observing that a child of tender age who has witnessed the gruesome murder of his parents is not likely to forget the incident for his whole life and would certainly recapitulate facts in his memory when asked about the same at any point of time notwithstanding the gap of about ten years between the incident and recording his evidence.

22. The legal position which can be culled out from the aforesaid decisions is that before recording conviction on the solitary testimony of a child witness, the Court has to ensure that he is a reliable witness. If his testimony is found to be trustworthy and reliable then conviction can be recorded on his sole testimony.

23. Having noticed the principles, we would now examine the evidence of child witness Kamalnath (PW/4). At the time of recording of evidence of Kamalnath (PW/4), his age was about 10 years and therefore the trial Judge had asked certain questions to him and after satisfying itself of the fact that he understands the duty to speak truth and is able to rationally answer the questions put to him, the Court has examined him. This witness has deposed that on the date of incident when he along with his father was coming to their house on motorcycle, near Dhodaka nala they were intercepted by two persons, thereafter, the person who had worn white colour shirt pointed gun towards his father saying that 'you are under arrest'. Another accused/appellant, who is standing with appellant Pappu in the Court, was standing behind him holding umbrella. Appellant Pappu (A-1) gave a letter to his father to read, to which his father denied, thereafter,



A-1 opened gun shot on his father, resulting his instantaneous death. This witness has further deposed that thereafter, the accused/appellants took his father's motorcycle and fled away from the spot. He informed the incident to passerby and one of them, whose name he does not know, informed the incident to his mother, who along with other family members reached the place of occurrence and then the matter was reported to police station. This witness has admitted his signature on dehati merg intimation (Ex.P/4), dehati nalisi (Ex.P/5), merg intimation (Ex.P/6) and on the alleged paper seized vide Ex.P/8, which was given to his father by appellant Pappu @ Vivek (A-1) to read. This witness, in para 4, has given vivid description of the incident as also accused/applicants like what kind of clothes had they worn at the time of incident, how they intercepted them and killed his father. A suggestion that he (this witness) could not see the incident as his father was tall and he was sitting behind his father, has been denied. In para 9 of his cross-examination, he has stated that just after one day of incident, he came to know the names of accused/appellants through news paper and their photo had also been published. Further, in para 11 of his cross-examination, he has stated that he identified the accused/appellants in the test identification parade which was conducted in Ambikapur. In para 13 of his cross-examination this witness has denied the suggestion put to him that he was tutored by his mother. A suggestion that his mother had told him that he has to identified the accused/appellants, has been accepted.

Evidence of this witness is well corroborated from his diary statement (Ex.D/1), wherein he has categorically and specifically



stated as to how the incident took place and the manner in which accused/appellant Pappu (A-1) opened gunshot on his father, resulting in death. Statement of the child witness is also supported from the medical evidence. According to Dr. (Smt.) Manorama Minj, all the injuries were ante mortem in nature. The cause of death was shock due to firearm injury to head of the deceased. She had given opinion that the two injuries present on the head of the deceased could be caused by one bullet. No ulterior motive was assigned by the defence to the child witness to make a false statement or that being aged about ten years there was any infirmity in his understanding of facts perceived or his ability to narrate the same correctly.

24. Kamalnath (PW/4) firstly in his statement recorded under Section 161 Cr.P.C gave description of the accused/appellants and attributed a specific role to them in the crime and after that in the Court evidence also he stuck to his statement made during investigation in all material particulars. The role attributed to the respective accused/appellants is that accused Pappu @ Vivek (A-1) opened fire at his father and another accused Arvind Kumar Tigga (A-2) was standing behind him holding umbrella in his hand and after the incident both the accused persons flee from the spot taking his father's motorcycle towards Chirga. Though, the accused were not very well known to him, but in the identification parade and in the Court, PW/4 has identified them. It is also not the case where the child witness had remained silent for some days and narrated the incident thereafter only to his mother, whereas he was informing the incident to passerby also. The evidence of Kamalnath (PW/4) is sought to be impeached on the ground that he



could identify the accused persons only when their names and photos were published in the local news paper and in the police station in presence of police personnel, and thereafter, in the test identification parade, which render the TIP doubtful. We do not find anything adverse in the evidence of PW/4 which renders his testimony doubtful and we have no reason to disbelieve his evidence for the reason that at the time of incident, he was the only person, who was available with his father and seen the accused/appellants committing murder of his father. He was having much time so that he could identify the accused persons and he did so well.

25. Considering the evidence of Parvati (PW/3), wife of deceased Maheshwar Sing and mother of Kamalnath (PW/4), who had deposed that when she along with other family members reached the place of incident, at that time Kamalnath (PW/4) was present on the spot and he narrated the entire incident while crying, we are of the view that there was hardly any chance of tutoring. Being so we are of the view that evidence of PW/4 inspires confidence and there exists no likelihood of being tutored.

26. Another circumstance pointing towards the guilt of accused/appellants is the alleged hand written letter, which was given to the deceased to read, was seized vide Ex.P/8, and specimen hand written letters of accused/appellant Pappu @ Vivek (A-1) were obtained and seized vide Article C-1 to C-18 and the same were sent to the hand writing expert for its opinion. According to opinion of hand writing expert (Ex.P/40), the person who wrote Article C-1 to C-18 also wrote the alleged letter Article-B, meaning thereby it is the appellant



Pappu @ Vivek (A-1), who gave the said letter to deceased to read. The question with regard to the alleged letter was put to accused/appellants during their statement under Section 313 Cr.P.C., but except vague denial, they said nothing more.

27. Thus, the cumulative effect of the above is that evidence of Kamalnath (PW/4) is truthful, reliable and inspires confidence. He has narrated the incident in a most natural way and the manner in which he has narrated the incident, inspires confidence of this Court. His evidence does not show that he was tutored. His testimony is corroborated by the medical evidence. Therefore, it cannot be said that the trial Judge has erred in relying upon the testimony of Kamalnath (PW/4) while convicting appellants of the offence punishable under Sections 302/34, 394/34, 397/34 IPC and Section 25 (1) (B) (A) of Arms Act.

28. Accordingly, the appeal being without substance is liable to be dismissed and it is dismissed as such. Since the accused/appellants are already in custody no extra direction is needed regarding their surrender etc.

Sd/-

**(Prashant Kumar Mishra)**  
Judge

Sd/-

**(Rajani Dubey)**  
Judge



**CRA No.968/2012**

(Pappu @ Vivek & Anr. Vs. State of Chhattisgarh)

**HEAD NOTE**

*A child witness if found competent to depose to the facts and reliable one such evidence could be the basis of conviction.*

*यदि बाल साक्षी तथ्यों के संबंध में अभिसाक्ष्य देने के लिये सक्षम और विश्वसनीय पाया जाता है तो ऐसा एकमात्र साक्ष्य दोषसिद्धि का आधार हो सकता है।*

