

[2019] 11 S.C.R. 40

DEV KARAN @ LAMBU

v.

STATE OF HARYANA

(Criminal Appeal No. 299 of 2010)

AUGUST 06,2019

[SANJAY KISHAN KAUL AND K. M. JOSHEP, JJ.]

Penal Code, 1860 – ss.148, 302, 307, 325 loinana s.149 amadi s.449–Meehatpa (Murder)– Complainant case adudi mee-oi taret (maralleiraba mee-oi loinamak) na dasa tariba mee (victim) adugi shemgat-shagatliba yumdada changba – Mee-oi sing aduna shiba yaba khutlai paiduna dasa tariba mee(victim) adubu phuba – Maralleiraba mee-oi (Accused) loinamak aduna makhoina pairakpa khutlaising aduna dasa taraba mee adubu phuba – Madudagi victim adu shiba – PW (Accused ki mayokta sakhi piriba mee-oi)-7,8 su ashok-apan nangkhi – FIR pankhi – Trial Court na accused taruk makpu IPC gi ss. 148, 302, 307, 325 loinana IPC gi s.149 amadi s.449 da maral leire haina phadok pikhi – Maralleiraba mee-oi ama (A-1) wayel loidri-ngeida shikhi – High Court na Appeal sing adu yakhide – High Court adugi warep adu A-2 amadi A-7 di appeal toukhide, adubu A-3, A-4, A-5 amdi A-6 nadi Supreme Court ta appeal thakhi – A-4 amasung A-6 nadi wakatlakli madudi IPC gi sec. 149 da maral tharaktabanana aa-in kaina meeyam tinba (unlawful assembly) gi wapham leite maram aduna IPC gi s. 149 asi panba yaroidabani – A-5 nadi, marakshida atoppa wapham amasu haijarakli madudi mahak asi mishak onnei – Warep: IPC gi s.141 asi chapchana paan-gadabani natrabadi makha tarakpada yamna ashoiba leirakkani haiba wayel-loishangna lepkhiba leite – Karigumba IPC gi sec 141 da piriba aa-in kaina mee-yam tinba gi machak sing adu puthoktuna utpa ngamlabadi maduna mapung pharaba oigani – Aa-in kaina mee-yam tinbagi thabak-thou-ong sing amadi madugi dandi adu s.141 gi makha taba chatna-kanglon (provision) singda piri, aduga darkar oiba machaksing adu utpa ngamlabadi s.141 asi paanba yagani – Houjikki case asida, A-1 (shikhraba) nadi bahi (chei makhal ama) na thombada natana shikhraba mee-oi adubu hatlashi haiduna lao-khongkhi – Marel leire hairiba mee-oi pumnamakna leikhidraba adubu phukhi – Maram aduna, makhoigi pumnamakki oiba pandam adu mayak shengna uba ngamli – Makhagi Court animak nasu , thoudok aduda ashokpa nangkhraba PW-7 amadi 8 na thamliba wapham adu thajaba yaba-oi hairi – Adubu A-5 ki oinadi, PW-8 na mahakpu amadi maralleiraba mee-oi sing adubu mashak takpa ngamkhre – Adugisu mathakta A-3, A-4, A-5 singdu numit adumaktada phakhi aduga A-5 ki jaban gi matung innasu khutlaising adu

phangba ngamkhi – Maram aduna meeshak/shaktak onnei haibagi wakat adu yaba ngamloi – Maralleiraba mee-oi gi appeal marimak adu yadre.

Appealsing adu kakladuna Court asina,

WAREP-le: 1. Court asina yaba/leppa ngamdriba waphamdi, IPC gi Section 141 asigi makhada police na maral thabada yaoraktaba adu yamna ashoiba lei aduna wayel pumba adu neyom kai, natraga maduna IPC gi Section 149 adu paanba yabagi mapham leiroy haiba warol aduni. A-4 amadi A-6 nadi wayel-loishang adugi warep haibadi Section 149 adu paallaknabagi darkar oibasing pikhiba warep adugi warol adubu makhoina achumba mityengda yengduna yaba ngamdabagi mami tai. IPC gi Section 141 asi akaknana paan-gadabani natrabadi makhatada wayelsingda ashoiba leigani haiba wapham asi haikhiba leite. Karigumba IPC gi sec 141 da piriba aa-in kaina meeyam tinba (unlawful assembly) gi machak sing adu puthoktuna utpa ngamlabadi maduna mapung pharaba oigani. Aa-in kaina mee-yam tinba adugi thabak-thou-ong sing amadi madugi dandi adu s.141 gi makha taba chatna-kanglon singda piri, aduga hairiba darkar oiba machaksing adu utpa ngamlabadi s.149 asi paanba yagani. [Para 21] [52-F-G; 53-A]

2. Tashenglaba wari adugi matung-inna, uba yabadi leikhydraba adugi marup amadi maralleire hairiba mee-oi taret adugi marakta karigumba makhal amagi yanadaba natraga khatnaba leiba aduna maralleire hairiba mee-oi taret aduna shokpayaba khutlai paiduna leikhydraba adugi shemgat-shagatliba yum aduda changduna leikhydraba adubu makhoi loinamakna phukhi. Shikhraba Accused No.1 nadi *bahi* (chei makhal ama) na phubata-natana leikhydraba mee-oi adubu hatkadabani haina lao-khongkhi. Maralleiraba mee-oi atoppa pumnaknasu leikhydraba adu phukhi. PW-7 amadi PW-8 na khamlabasu phuba adu lepkhide, khamluba aduna phuba leppagi mahutta PW-7 amdai PW-8 su ashok-appan nanglamkhi. Hairiba thoudok asi, mee-yamna mapham aduda pullaklaga khudakta phurase haina lepkhiba nate. Mee-oising aduna khudak khanghoudana punshillakpa natte, makhoigidu hanna wakhalda phururase haibagi wakhallon puduna laklaga phukhibani. Maralleiraba mee-oising adunasu mapham adudagi chenkhiba natraga phurase haibagi wakhallon adu thadokkhibasu leite, aduna leikhydraba mee-oi adu shikhibani. Maram aduna, makhoigi pandam adu mayek shengna uba-ngamli. Leikhydraba mee-oi adu yamdrabada mapham 24 da ashokpa nangkhi, aduga makhagi Court animak nasu, thoudok aduda shokpa nangkhraba PW-7 amadi 8 na thamliba wapham adu thajaba yaba-oi hairi. Maru-oi-daba moat khara khetnabagi, mee-yamna khudakta phubagi thou-ong asi mahousagi oina thokkanba thou-ongni. Thoudok adubu u-houba shakhising aduna maralleiraba mee-oising adu mashak khangba ngamba maramna meeshak onnaba lei haibagi wapham adu leitre.

FIR pallakpa adu thengbagi maram utlaktabsu leite. Accused Nos. 4 amadi 6 anigi oinadi case asi khannabada kannaba leiraroi. [Paras 22, 27] [53-B-E; 54-E]

3. A-5 ki wakat adu yengshillaba matung, Court asina yaribadi High Court na lepkhiba asigumba yannadaba asi maru-oidaba moat khetnabagini haina loughani, haibadi leikhidraba mee-oi adubu maralleire hairiba mee-oi loinamakna punna khudakta phubagi thoudok asigumba asi mahousagi oina thokkanba thoudokni. Hairiba khatnaba adu khamluba PW-7 amadi PW-8 su thoudok adugi dasa taraba mee oikhi. Asigumba thoudok asigi waridi chapchana ligadabani haibadu oithokpa wagani, toubatabu matam aduda thokkhiba thoudok adugi waridi changchatta mannagadabani. A-5 ki wakat adu ahanba yengbadadi maramchaba manba yai adubu kuppna yengshillakpada maral leite haibagi warep adu taraknaba shakhising adugi jabansingdugi ashoiba thibani. Court asina uba yabadi A-5 ki oinadi mahakna thoudok aduda yaorakningei oiba mahakka hanna yanakhidabasu leite. Tashengbadi leikhidraba aduna penkhidabadi maralleire hairiba mee-oi sing adugi hannagi lamchatsingdubuni. Maram adudagi maralleiraba mee-oising aduna leikhidraba amadi wakat lakliba mee-oi (complainant) gi marup amaga chinda-poudanaba amagi tanja louduna thoudok thokpham haibadi leikhidraba adugi shemgat-shagatliba yum aduda changlaga leikhidraba mee-oi adubu tamthina phubadagi shikhibani. [Para 30] [55-C-E]

4. PW-8 ki jaban dagi khangba ngamlibadi mahakna A-6 amadi attoppa maralleiraba mee-oisingbu hanna ukhre haibadu shaktakpa matamdasu uba ngamli haibaduni. Ashigumba phibam aduda mahakna maralleiraba mee-oi loinamak mashak khangba ngamkhi. A-6 adu thoudok adugi matung tarakpa numitta pharabasu A-3, A-4 amadi A-5 singdi thoudok thokpagi numit aduda phakhi haibadu lengdraba waphamni. A-5 ki jaban adudagi khutlaising adusu phangba ngamkhi. Maram aduna A-5 na mahakki case asi attoppa maralleire hairiba mee-oisingga khetnei, mahakkidi mee-shak onnei haibagi wakatni haibadu Court asina yaba ngamloi. [Para 32] [56-A-B]

5. A-3 gi oinadi, mee-shak onnei haina yetlakpadu nattana A-5 na yetlakpa loinamak loukhi adubu mishak onnabagi wakat adudi A-5 tamakki oibani, aduga A-4 amadi A-6 na yetlakpa waphamsing adudi niyomtagi oina loukhi, adubu hairiba wapham adudi Court na hannana yakhidraban. [Para 33] [56-C]

Vishnu Ranchhodbhai Patel v. Rajivbhai Dudabhai Patel & Ors. (2018) 7 SCC 743; [2018] 6 SCR 1050; *Dani Singh v. State of Bihar* (2004) 13 SCC 203; [2004] 2 SCR 1138; *Madhav Sharma v. State of Bihar* (1966) 1 SCR 18;

Kuldip Yadav v. State of Bihar (2011) 5 SCC 324: [2011]
5 SCR 186- mateng loukhiba warepsing.

Case Law Reference

[2018] 6 SCR 1050	gi	Para 13
[2004] 2 SCR 1138	gi	Para 17
[1966] 1 SCR 18	gi	Para 18
[2011] 5 SCR 186	gi	Para 20

CRIMINAL APPELLATE JURISDICTION: 2010 gi Criminal
Appeal No. 2010

Warep amadi yathang asi tang 19.09.2008 ki High Court of Punjab
and Haryana, Chandigarh gi Cr. Appeal No. 61-DB/99

Amadi

2010 gi Criminal Appeal Nos. 300, 302 ga 1139 dagini.

Ms. Alka Agrawal, AAG, R. Basant, Sr. Adv., Ms. Tarannum
Cheema, A. Karthik, Ms. Smriti Suresh, Vishnu P., Badusha Sulaiman,
Akshay Sahay, Ms. Hiral Gupta, Akshay N., Sanjay Jain, Ms. Anamika
Agrawal, Dr. Monika Gusain, Rishi Malhotra, Utkarsh Singh, Ram Naresh
Yadav, V. Shushant, Mohit Kumar Singh, party singgi U-kil sing.

Court adugi warep pikhiba adu

SANJAY KISHAN KAUL, J. ni

1. Tang 28.7.1994 gi laibak thiba nimit adugi ayuk pung 3 da Jaibir
@ Gabbu (haibadi 'Leikhydraba' mee-oi) adubu hatkhi. FIR du numit
adumaktada Surender (PW-7) na pallakkhi.

2. Leikhydraba (deceased) aduna leinariba yum adu Bhiwanigi
Modawala Bagh tani yum adu shemgat-shagatliba yumni. Marup-mapang
khara – Surender (PW-7), leikhydraba (deceased), Ajay Bhan (PW-8),
attoppa Surender S/o Rajender Singh (wahang-paohang toukhida),
Sandeep (wahang-paohang toukhida) amsung Narender (wahang-paohang
toukhida) singdu phamlaga, shemgat-shagatliba yum adugi ka amada yoo
thaklammi. Yoo adu khara watlakpadagi leikhydraba (deceased) aduna
Sandeep ta yoo yonpham/vendor (English vend) dagi bottle tangkhai ama
lourunaba hairammi. Ngaihak leiraba matung, kada leihouriba
mamannabasing aduna Sandeep na khon kanna loarakpa takhi. Kari
tounarage haibadu hangnanaba, Surender (PW-7/complainant),
leikhydraba (deceased), amadi Narender adu yoo vendor (liquor shop)
aduda chatlammi. Makhoi ahum aduna yoo vendor adu youshillikapada,
Naresh Kumar gi cha hotel manakta, maralleire hairiba (accused) Krishan
amadi Vidhya Rattan (ashengba accused No.3/appellant¹) ga Sandeep ka

khatna-cheinaba adu urammi. Khatna-chenabaga loinana dhamkisu tounarammi. Leikhidraba (deceased) aduna Krishnan amadi Vidhya Rattan bu nungthilda lak-oo aduga wa adu complainant amadi mahakki mamannaba singga khannasi haina hairammi. Madudagi, wakatlakliba mee (complainant), leikhidraba (deceased) adune, Narendra amadi Sandeep adu shemgat-shagatliba yumduda hallakkhi.

3. Wakat thanglakliba mee-oi (complainant) adugi matung innadi, makhoi marup-mapangsing aduna amuk hanna yoo adu thakpa houg toubada mee-oi taret (wayel-shang da loinamak maralleiba mee-oi oina puthokkhraba) na leikhidraba (deceased) adugi shemgat-shagatliba yum aduda shokpa yaba khutlaising haibadi u-tup, chei (*lathis*) amadi thangshang paiduna changlakhi. Rajesh Yadav (accused No.1), houjikti shikhraba, adudi *bahi* (yum/famung macha shabada shijinnaba chittheknaiba u-tup/chei) ama pairakkhi, aduga leikhidraba (deceased) adubu 'luchingbani' mahak asi hatkadabani haiduna leikhidraba (deceased) adugi makkokta u-tup aduna thomkhi. Krishan nasu leikhidraba (deceased) adugi makkokta chei (*lathi*) na thomkhi. Makhoi na phuba adudagi leikhidraba (deceased) adu leimaida takhi. Suresh (ashengba accused no.5/appellant²) nasu u-tupna leikhidraba (deceased) adugi makhongda thomduna phuba adu makha chattharammi. Rajesh Yadav (accused No.1), houjikti shikhraba, aduna Jaibir (leikhidraba) adu mayam changduna hatkadabani haina louramkhi. Adudagi maralleiraba mee-oi (accused) loinamakna makhoi na pairakpa khutlaising aduna tamthina phurammi. Makhoi na leikhidraba mee-oi adubu phuba da makhal kayagi khutlai shijinnarammi, Rajesh Yadav amadi Suresh na *bahis* (chei makhal ama) paikhi, aduga Rajesh Jogi (ashengba accused No. 4/appellant³) na *kirpan* (thangshang) paikhi aduga attoppasingduna *lathi* (chei) paikhi.

4. Wakatlakliba mee (complainant) aduna phuriba adu khamnana hotnabada, maralleiraba mee-oi (accused) sing aduna mahakpusu phurakhi, aduga Ajay Bhan (PW-8) nasu phuribadu khamnana hotnarubagi mahakpusu phurakkhi. Leikhidraba (deceased) aduga loinariba marupsing aduna thoudok adu meeyam khangnaba laorakpadagi maralleiraba mee-oi (accused) sing adu mapham adu thadoktuna chenkh hairi. Leikhidraba (deceased) adu laikannanaba Bhiwani gi General Hospital da purabasu ashokpa aduna maram oiduna shikhi. PW-8 amadi PW-7 adubu doctor na cheksinna yenglaba matungda, PW-8 adugi makkoki unshada tatpa-shegaiba kaya thengnei amadi mahakki yetthangba pambomgi sharu, oi thangba pambomgi sharu amsung yetki khong adugi sharu tekkhi haina doctor aduna phongdorakkhi. Tangngai phadaba khara laienglaba matungda mahak adu numit adumaktada Medical College, Rohtak ta thakhi. Surender (PW-7/complainant) di mahakki yet thangbaromda surgical emphysema⁴ thengnabdagi Medical College, Rohtak ta thakhi. Thoudok adugi *ruqa* (paodam) adu mapham aduda mathou touramliba Dr. Aditya Sarup Gupta na ayukki pung 4:15 taba matamda Bhiwani gi Police Station da thakhi. Thoudok adudagi thamba

yaba waphamdi, doctor adugi matung inna mee-oi ani adudi ashokpa kaya adu machin pangba khutlaina thokhanbani haibaduni, aduga sathina shokpa mapham kharasu yaowi adubu attoppa mee-oi ama adudi kayathina shokkhide haibaduni. Adubu matam chana laiyenglamdrabadi, ashok-appan adu khudong thinggei oiramgani haina doctor aduna phongdorakkhi. Makhoi animak tang 28.7.1994 gi ayukki pung 5:40 taba matamda jaban pibayabagi ayaba pikhi.

5. *Ruqa* (paodam/pao) adu phangbadagi, Bhiwanigi Police Station gi SHO adu hospital aduda laktuna PW-7 amadi PW-8 ki jaban loukhi. Adudagi ayukki pung 7:15 tarakpada FIR adu palladuna, maralleiraba mee-oi (accused) sing adugi pumnamakki oiba pandam adu leikhidraba (deceased) adubu hatpaduni haina maral shikhi. Thijin-humjinba adu chatthaduna, ashiba hakchang adu *post-mortem*gi damak thakhi. Chief Judicial Magistrate ('CJM') na paodam (*special report*) adu ayukki pung 9:00 taba matamda phangkhi, aduga SHO aduna mapham adugi chaorakpa *map* shemkhi, mapham adudagi i-teiraba leibak, *chaddar* ama (inna-phi makhal ama), leikhidraba adugi *pajama* phurit ama, *pajama* (tumbada setpa khonggrao) ama, *kamij* (phurit) amadi shegairaba *baniyan* (underwear) ama phangkhi. Maralleiraba mee-oi (accused) mari – Krishan, Vidhya Rattan, Suresh amadi Rajesh Jogi adu tang 28.07.1994 da phaduna wahang-pahang toukhi. Doctor na shibagi maram yenshinba (*Post-mortem*) loiraba matung, leikhidraba mee-oi (deceased) aduda thengnakhiba atei-attoppa ashokpasingga loinana thengnakhiba ashokpa maphamsing adudi:

- Kok manunggi (parieto-occipital area) mapham kayada amadi laibakki un-shagi mapham kayada machet-machet segaiba. Kokki sharu (bone skull) adu hangdokpada kairamliba yetthangba kokki jaga-amada (parietal bone) i-asiba changlamba (subdural haematoma) thengnakhi.

- Oi thangba pi-shum, mit-pan makha, yet thangba khudang amadi oi-gi khongda machet-machet segaiba.

- Oi thangba khonggi sharu tekpa.

- Yet ki shagan, yet ki mathak thangba khudang, thabak, puk, yet amadi oi gi pheigan, yet amadi oi gi khu-u singa khamba/i-ashiba changba.

- Oi thangba shagan, oi thangba khudangda khettatpa.

Shiriba adu ashokpa duna maram oiduna hakchang manungda i-yamna thokhibadagini (shock and haemorrhage) oigani haina phongdokli. Shoklibasingdu *lathis* (chei), *bahis* (chei makhal ama) amadi thangsangna phuba-yanbadagi oigani haibadu oithokpayai.

6. Tang 29.7.1994 da pharaga wahang-pahang touraba matungda, jaban aduda phongdorakpadagi, makhoina thoudok aduda shetkhiba phirol

amadi shijinnakhiba khutlaising adu phangba ngamkhi. Numit adumaktada, Rajesh Yadav (accused No.1) adu phakhi amsung mahakki jaban dagi *bahi* (chei makhal ama) adu phangba ngamkhi. Dev Karan (ashengba accused No.6/ appellant⁵) adudi konna tang 1.8.1994 da phakhi, aduga mahakna *lathis* (chei) adu thiba phanghankhi, maduda maralleiraba (accused) Karma nasu mateng pangkhi.

7. Thijin-humjinba adu loiraga, tang 15.11.1994 ta police na maral thaba che-nung (chargesheet) adu pi-khatkhi, maral shirakliba adu Indian Penal Code, 1860 (sidadi IPC oina shijinari) gi Section 148, 302, 307, 308 makhada amadi IPC gi Sec 149 amasung Section 449 ga loinanani. Maralleire hariba mee-oi (accused) sing adunadi makhoi lande haina haijakhi, wayel (trial) aduda maralleiriba mee-oi singdugi mayokta sakhi tarataret ki jaban loukhi. Maralleiraba mee-oi (defence/accused) romgi maigeidagidi shakhi amata jaban loukhide. Rajesh Yadav ti wayel adu loidringeida shikhirammi. Attoppa lemhouriba maralleirabasing adudi IPC gi Section 148, 302, 307, 325 ka loinana IPC gi Section 149 amadi IPC gi Section 449 gi makhada maralleire haiduna phadok pikhi. Maralleiraba mee-oi loinamak IPC gi Section 302 gi makhada punshigi oina jailda leiba amadi Rs. 500 gi fine ga loinana dandi pikhi. Makhoi loinamak IPC gi Section 307 gi makhada Rs.500 gi lina fine toubaga loinana IPC gi Section 149 ga pullaga chahi 7 ki jail-da leibagi akanba cheirak (rigorous imprisonment/RI) pikhi. Makhoi adu IPC gi Section 325 ki makhada Rs. 200 lina fine toubaga loinana chahi ahumgi jailda leibagi akanba cheirak (rigorous imprisonment) pikhi, aduga IPC gi Section 148 ki makhada makhoi adu chahi anigi jailda leibagi akanba cheirak (RI) pikhi. Dandising adu punna chatminnagani. Maralleire hairiba mee-oi (accused) loinamak IPC gi Section 149 gi makhada maralleiramle, maramdi makhoigi thou-wong adu aa-in na yadaba ma-ongda punba (unlawful assembly) ni, aduna kanana karamba ma-ongda karamna shokhanbage haibadu khannabagi mathou tadre.

8. Uba ngamliba wapham amadi Karma (A-7) adu mameithangda phakhi, aduga makha tarakpa wayel aduda phadok pikhi. Maralleiraba mee-oi (accused) aduna appeal toukhi. Adubu, tang 19.9.2008 ta takhiba warep amadi yathanggi matung inna, High Court na appeal adu yakhide.

9. High Court adugi yathangdugi mayokta, Krishan (A-2) amadi Karma (A-7) nadi makhoida piriba dandi adubu yajare haibagum, Court asida makhataba appeal tharakhide. Aduna, Vidhya Rattan (A-3), Rajesh Jogi (A-4), Suresh (A-5) amadi Karan (A-5) khaktamakna appeal tharakhi, hairiba appeal mari ashi houjikki warep ashida Court asina cheksinna yengle.

10. A-4 amadi A-6, madudi Rajesh amadi Dev Karan gi learned counsel (u-kil) na makhoigi damak wakhat thanggatlakhi. Wakat adugi maru-oiba waphamdi IPC gi Section 141 gi makhada maral tharakte

haibaduni. Adugi mathakta thamlakliba waphamdi, thoudok adu thoktri-ngeida Sandeep ka A-2 amadi A-3 ga khatnarammi haibaduni. Adubu, maralleiraba mee-oi gi mayokta lepliba/wakatlakpa u-kil (prosecution) na khatnaba adu karidagi hourakhibano haibadu khanggadaba Sandeep adugidi wahang-paohang toukhiba leite. Aduta natana, Sandeep ti thoudok adugi matungda yoo adu puraga hallakhi, adugi matungda maralleiraba mee-oi sing aduna mapham aduda laklaga leikhidraba (deceased) adubu phukhibani. Ahumshuba maru-oiba waphamdi, leikhidraba aduna shiriba adu maru-oiba ashokpa mapham haibadi makkokta u-tup na thombagi oigani hairiba adu, wayel loidringeida leikhidraba A-1 na thombadagini.

11. Learned counsel (u-kil) na IPC gi Chapter VIII dapiriba ‘Leibak mee-yamgi ing-chikpa thugaibagi maralsing’ (Offences against the Public Tranquility) da mityeng changhallakli.

Mahakna thamlakliba waphamdi chatna-kanglon (provision) sing adu mapum oina amadi mathang manao naina pagadabani haibaduni. Aduna IPC gi Section 141 na ‘aa-in kaina mee-yam tinba’ (Unlawful Assembly) haibasi pumnamak adugi pandam (common object) ama phangnaba mee mangnga natraga mangnga dagi henna punba adubu oigani haina utli. Ashigumba pumnamakki pandam haibasi karibu oigani haibasi Section aduda piri, adubu houjik case asida paanba yaba/channaba adudi ahumshubada piriba warol adu oigani, madudi, “attoppada shoknaba natraga mangnaba touba, natraga meegi lamda henjinba, natraga attoppa aa-in na yadaba thabak touba”. IPC gi Section 142 na piribadi karigumba mee-oi amana, aa-in kaya mee-yam pulliba adu kari maramgi pullibano khangna, mee-yam tilliba aduda mashagi pukning-wakhalna yana yaoba natraga yaoshinduna leirabadi, mee-oi adu aa-in kaina mee-yam tilliba adugi mee-oi amani haina lougani, aduga aa-in kaina meeyam tinba adugi sharuk yarubagi dandi aduna IPC gi Section 143 da piri, IPC gi Section 144 dana mee shiba yaba khutlai paiduna aa-in kaina meeyam tinba aduda sharuk yabagi warolsing piri, IPC gi Section 146 na Irang-houba (Rioting) gi warol piri; aduga irang houba(rioting) adugi dandi na IPC gi Section 147 da piri, aduga IPC gi Section 148 na shokpa yaba khutlai paiduna irang-houba gi warol piri. IPC gi Section 149 na piribadi:

“149. Pumnamakki oiba pandam ama phangnaba yaoruba aa-in kaina meeyam tinba adugi mee-oi khudingmak sing adu maral leigani. – Karigumba pumnamakki pandam ama phangnaba aa-in kaina mee-yam tinba aduda, mee-yam tilliba adudagi mee-oi amana aa-in na yada thabak touraba, natraga meeyam tilliba adugi mee-oi sing aduna pandam adu phangnanaba aa-in na yadaba thabak tourakpa yabagi oithokpadu uba tarabadi, aa-in kaina thabak touba matamda aduda mee-yam tilliba aduda yaoramba mee-oi pumnamak aa-in kaiba thoudok touba adugi maralleiba oigani.”

12. Maram aduna, wakatlakliba waphamdi karigumba IPC gi Section 141 da piriba aa-in na kaina meeyam tinba adugi makha taba oina IPC gi Section 143 gi makhada dandi tharaklamdraba tarabadi, IPC gi Section 149 asi paanba yaroi haibaduni.

13. U-kil (learned counsel) aduna mahakki wakat adubu sougatpa oina, **Vinubhai Ranchhodbahai Patel v. Rajivbhai Dudabhai Patel & Ors.**⁶, ta takhiba warep adubu pallakli. Attoppa gi die-tya loubu (*vicarious liability*) haiba wakhallon asina thamliba adudi, aa-in kaina meeyam tinbada yamlaba mee-oi kaya maral leiba yai, maduda kana-kanana karamna phukhiba natraga kayam sathina phukhibage haina utpagi tangai phadaba leite, maralleiraba mee-oi aduna adugumba mee-yam tinba adududa sharuk yaruba khakta oirabasu mahak asi IPC gi Section 149 gi makhada attoppagi die-tya pugadabani, haibadi dasa taraba mee-oi (victim) adubu mee-yam duna phubadagi shikhiba adugi die-tya adu mahaknasu puba yaogadabani, toubatabu maralleiraba mee-oi aduda mahak asi attoppagi die-tya pubagi maral shiri haibadu khanghangadabani. Hairiba IPC gi Section 149 da piriba attoppagi dia-tya puba (*vicarious liability*) haiba adugi yumpham oiba warol adu warep adugi para 28 ta piri, warolsing adudi:

“Section 149 na thamliba attoppagi die-tya puba [Shambhu Nath Singh v. State of Bihar, AIR 1960 SC 725: 1960 CrLJ 1144] asi thoudok anida oiba yai haina phongdokli, madudi (i) karigumba aa-in kaina mee-yam tinbada pumnamakki oiba pandam adu phangnanaba mee-yam tilliba adugi mee-oi amana aa-in na yadaba thabak tourakpa tarabadi, aa-in kaina meeyam tinba aduda yaoba mee-oi pumnamak mee-oi attoppa amana aa-in nayadaba thabak tourakpa adugi maral leigani, amadi (ii) attoppa oibayabana, karigumba aa-in kaina meeyam tilliba adugi mee-yamsing aduna akaknaba aa-in na yadaba thabaktoubada makhoigi pandam adu mannadrabsu, makhoina karigum mee-yam tilliba adugi mee-oi kharana pumnamakki oiba pandam adu phangnanaba aa-in na yadaba thabak tourakpagi oithokpa leibayai haibadu khanglamba.”

14. IPC gi Section 141 da piriba aa-in kaina mee-yam tinba haiba wakhallon asi para 31 da piriba adugi matung inna machang ani lei:

“(i) mee-yam tinba adu yamdrabada mee mangnga shugadabani; amadi

(ii) makhoina aa-in na yadaba thabak toubu aduda pumnamakki oiba pandam ama leigadabani natraga maduda (section/provision) piramba pandamsing adudagi ama phangnanaba toubu.

15. Mathakki warolsingdugi makhaponna, para 32 amadi 33 ta utlibadi:

“32. Waroi-sin ama ishinbada/leppada, haibadi mee-oi amabu (i) Section 143, 146 natraga 148 gi makhada maralleire haiba, natraga (ii) Section 149 gi makhada attoppa mee-oi gi damak (*vicariously*) maral leire haiba oirabadi, mee-oi adu mee-oi mangadagi tadana “a-in kaina mee-yam punba” adugi mee-oi amani haibadu hanna utkadabani, maduda mee-oi mangnga adugi mashak-maming adu khangba ngamdrabasu thoidokloi. Karigumba wari/thoudok adu achumbani haibadu utpa ngamlabadi, matung taba thijin-humjinbagi khongthang adudi, aa-in kaina mee-yam tilliba adugi pumnamakki oiba pandam adu Section 141 da piriba pandam 5sing adugi manung chanbra haina yengbaduni.

33. Mee-yam tinba adugi pumnamakki oiba pandam adu karibuno haiba adu ayamba matamda thoudok-thoudok adugi phibamsing adudagi yenggadabani, haibadi mee-yam pullakliba adugi mapham-matam, mee-oi amam-mamtagi oiba ma-ong ga khetnariba/khetnaba meeyam pumbagi ma-ong adudagi mee-yam pumnamakki oiba pandam adu utli. Mee-yam tilliba adugi pumnamakki oiba pandam adu mee-yam tilliba adugi mee-oi ammam-mamtagi oiba thabak-thou-ong sing adukhaktada yenglaga leppa adu, Court asina ayaba pibangamloi. Khudam oina hairabada, karigumba mee-oi mang-ngadagi henbana pullaga shibayaba khutlai paiduna mee-oi amabu phubadagi shiba thoklabada, maduda yaoruba mee-ama natraga kharanadi, makhoynadi ashok-appan yamna pikhide maramaduna phibam loona shokhanbagi pumnamakki oiba pandam adu makhoiga manmade haina leppadu langani.”

16. Maramaduna, thamlakliba waphamdi IPC gi Section 141 asi paallaktabagi kannabadi, aa-in kaina meeyam tinbagi darkar oiba yumpham adu leitabagini.

17. Mathakki wapham adu sougatpa oina, ***Dani Singh v. State of Bihar***⁷, da takhiba warep aduggi mateng lourakli, para 11 da piramlibadi warolsing adudi:

“11. IPC gi Section 149 da maru-oina thamliba warol asi pumnamakki oiba apunba wakhallon (common intention) adubu natte pumnamakki oiba pandam (common object) adubuni. Aa-in kaina mee-yam tinba aduda yaoruba khaktana mee-oi adu maral leire haiba yaro, karigumba maralleire haibadu utke hairabadi mahakna touruba adu pumnamakki oiba pandam adugi i-thilnani haibadu utkadabani, aduga hairiba pandam adu Section 141 da piriba pandamsing adugi manungda yaoba oigadabani. Karigumba aa-in kaina mee-yam tilliba adugi pumnamakki oiba pandam lei haibadu utpa ngamdrabadi, maralleire hairiba mee-oi (accused) sing adu Section 149 gi pambei sijinnaduna phadok piba yaro.

Mashida yamna maru-oina hanggadouriba wahangdi, mee-yam tinba adu mee mangnga subra natraga mangnga dagi henba oibra haiba wahang aduga loinana makhoising aduna Section 141 da piriba pumnamakki oiba pandamsing adudagi ama natraga amadagi henba pandam adu phangnanaba hotnabra haibaduni. Karigumba aa-in kaina mee-yam tinba aduda yaoba mee-oi aduna toukhiba adu praman-pangkhakka loinana utpa-ngamdrabadi mahak adu mee-yam tinba adugi mee-oi ni haiba yaroi haiba wapham asi a-in gi oiba chatna kanglonni haina leppa yaroi. Mashida darkar oiriba wapham amakhak adudi, mahakna mee-yam tilliba adu aa-in kaina tinbani khangbaga loinana Section 141 gi makhada piriba thabak-thou-ongsing adu tourakpa yabagi oithokpa lei haiba khangba aduni. “Pandam” (“*object*”) hairiba wahei ashigi arthadi arreppa-aningba natraga thourang-thousil buni aduga hairiba adubu “pumnamakki” (“*common*”) oige hairabadi madu makhoi loinamakna sharuk yaminna oigadabani. Attoppa waheida hairagana, pandam adu mee-yam pullaklibasingduda mannagadabani, haibadi makhoiloinamak madugi matangda khangbaga amadi yanaba oigadabani. Pumamakki oiba pandam adu makhoigi marakta khannaraba matung phongdoklaba yannaba oiba yai, adubu masi tangngai phadaba oibadi natte. Hariba pandam asi khongthang amatada mee-yam tilliba adugi mee loinamakna natraga kharana shagatlakpa/shemgatlakpa yai aduga mee-oi attoppasing aduna pandam adu yaraduna matung inba oibasusu yai. Pandam adu shemkhre haiduna, madu hongdana chatthabagi tangai phadaba leite. Madu khongthang amatada shemdokpa natraga onthokpa natraga thadokpa yai. “Pumnamakki oiba pandam adu phangnaba toubada” (“*in prosecution of common object*”) hairiba Section 149 da piriba warol asi “pumnamakki oiba pandam adu phangnabagi damak” (“*in order to attain the common object*”) haina chapchana mannaba arthada han-gadabani. Hairiba asi, pandam adugi ma-ong matougi maram oiraga pumnamakki oiba pandam aduga hakthengnana mari leinagadabani. Pandam adu yannaba oigadabani aduga pandam adu akaknaba khongthang phaobada leiraga makhatana leitabasusu. Aa-in kaina mee-yam tilliba adugi mee-oi sing adugi yannariba pandam adu akaknaba khongthang phaoba khakta leiba yai aduga makha tarakpa khongthang dadi pandam adu mannakhidabasusu yai, aduga mee-oi sing aduna mashana-mashana khangnariba/khannariba pumnamakki oiba pandam adu phangnanaba tourakpa yabasing adu masha-mashana phangliba pao-duta natana makhoina pandam adubu kadaiphaoba yabage haiba adugi matung inna khetnaba yai, maram aduna IPC gi Section 149 na chapmanaba mee-yam tinba adugi tongngan-tongnganba mee-oi singda tonganba warol piba yai.”

18. IPC gi section 149 asi akaknana paanbagi kannaba asi khangnanabagi damak, Court asina ***Mahadev Sharma v. State of Bihar***⁸, ta takhikhiba warep adu panbada channagani. Court asina phongdokhiba waroldi IPC gi Section 149 asi paange hairabadi, aa-in kaina meeyam tinba ama leigadabani. Aa-in adugi chatna-kanglon asi makhada shandokna piri:

“9. Thoudok (case) singda lanna thajanaribasi Section 147 da maral shirakpa asi tangngaiphadaba oigani hariba asigi maramdi Section 147 gi machaksing adu Section 143 da thamli, aduga Section 149 da maral shirakpada Section 147 gi machaksing adu palli haibadu yengshindabagini. Section 141 adu munna thijinbada khangba ngamlibasi aa-in kaina mee-yam tinba adugi pumnamakki oiba pandam adu phangnanaba aa-in kaina hingsha shijinnaba natraga utpa, attoppada shoknaba natraga mangnaba toubu, natraga meegi lamda henjinba, natraga attoppa aa-in na yadaba thabak toubu, natraga aa-in gi thabak thouramsingda ayetpa-athingba pirakpasing asi yaoba yai. Karigumba Section 149 gi matengna mee-oi ama hatpa (murder) gi maral shiraklabadi Section 143 amadi 147 asi tangngai phadana yaogadabani, adubu makhoigi makhada phadok phanghange haiba natragadi, hairiba attoppa ani adugidi tongngan-tongnganna maral thabagi darkar leiroy. Maram aduna Section 147 natraga 148 ki makhada maral shirakpada Section 143 asi shijinnaroi, amadi Section 148 ki makhada maral shirakpada Section 147 asi shijinnaroi. Karigumba Section 149 amadi attoppa IPC gi aa-in na yadaba thabak toubagi maral shirakpa matamda Section 147 asi yaohandrabaasu yagani.”

19. Adugi matungda phongdokkhiba waroldi, karigumba appellant ta Section 149 gi matengga loinna maral shirakliba, aa-in kaina meeyam tinba adugi tangai phadaba machaksing adu praman ga loinana mee-oi sing adugi mayokta utpa ngamlaba amadi wayel aduda pumnamakki oiba pandam amada aa-in kaina mee-yam tille haiba amadi appellantsing adu mee-yam tinba adugi mee-oi singni haibadu utpa ngamlabadi, attopa praman utpagi tangphadaba leiroy. Warol asina utlibadi, IPC gi Section 141 na piriba asi aa-in kaina meeyam tinba asi karino amadi karamba phibamda aa-in kaina mee-yam tille haigani haiba aduni, aduga karamba thoudoksingda pumnamakki oiba pandam aduna mee-yam tinba adu a-in kaibani haina loughani haibadu makhataba Section singda sandokna piri, aduga IPC gi Section 149 gi makhada channaba dandi phanggani haibaduni.

20. ***Kuldip Yadav v. State of Bihar***⁹, gi para 36 ta thamkhiba waroldi pumnamakki oiba pandam adugi ma-ong matoudu mayek shengna phangba amadi pumnamakki oiba pandam adugi puthok-rakliba praman-pangkhaksing utpada natana, pandam adu a-in kaiba pandamni haibadu , IPC gi Section 149 da phadok pidringeida utkadabani. Darkar oiribadi IPC gi Section 141 gi maru-oiba machangsing adu phangbani.

21. Mathakki wapham asi yengshillba matungda, Court asina yaba/leppa ngamdriba waphamdi, IPC gi Section 141 asigi makhada police na maral thabada yaoraktaba adu yamna ashoiba lei aduna wayel pumba adu neyom kai, natraga maduna IPC gi Section 149 adu paanba yabagi mapham leiroy haiba warol aduni. Learned Counsel nadi wayel-loishang adugi warep haibadi Section 149 adu paallaknabagi darkar oibasing pikhiba warep adugi warol adubu makhoina achumba mityengda yengduna yaba ngamdabagi mami tai. IPC gi Section 141 asi akaknana paan-gadabani natrabadi makhataba wayelsingda ashoiba leigani haiba wapham asi haikhiba leite. Karigumba IPC gi sec 141 da piriba aa-in kaina meeyam tinba (unlawful assembly) gi machak sing adu puthoktuna utpa ngamlabadi maduna mapung pharaba oigani. Aa-in kaina mee-yam tinba adugi thabak-thou-ong sing amadi madugi dandi adu s.141 gi makha taba chatna-kanglon singda piri, aduga hairiba darkar oiba machaksing adu utpa ngamlabadi s.149 asi paanba yagani.

22. Tashenglaba wari adugi matung-inna, leikhidraba adugi marup amadi maralleire hairiba mee-oi taret adugi marakta karigumba makhal amagi yanadaba natraga khatnaba leiba aduna maralleire hairiba mee-oi taret aduna shokpayaba khutlai paiduna leikhidraba adugi shemgat-shagatliba yum aduda changduna leikhidraba adubu makhoi loinamakna phukhi. Shikhraba Accused No.1 nadi *bahi* na phubata-natana likhidraba adubu hatkadabani haina lao-khongkhi. Maralleiraba atoppa pumnaknasu leikhidraba adu phukhi. PW-7 amadi PW-8 na khamlabasu phuba adu lepkhide, khamluba aduna phuba leppagi mahutta PW-7 amadi PW-8 su ashok-appan nanglamkhi. Hairiba thoudok asi, mee-yamna mapham aduda pullaklaga khudakta phurase haina lepkhiba nate. Mee-oising aduna khudak khanghoudana punshillakpa natte, makhoigidu hanna wakhalda phururase haibagi wakhallon puduna laklaga phukhibani. Maralleiraba mee-oising adunasu mapham adudagi chenkhiba natraga phurase haibagi wakhallon adu thadokkhibasu leite, aduna leikhidraba mee-oi adu shikhibani. Maram aduna, makhoigi pandam adu mayak shengna uba-ngamli. Leikhidraba mee-oi adu yamdrabada mapham 24 da ashokpa nangkhi, aduga makhagi Court animak nasu, thoudok aduda shokpa nangkhra PW-7 amadi 8 na thamliba wapham adu thajaba yaba-oi hairi. Maru-oidaba moat khetnabagi, mee-yamna khudakta phubagi thou-ong asi mahousagi oina thokkanba thou-ongni. Thoudok adubu u-houba shakhising aduna maralleiraba mee-oising adu mashak khangba ngamba maramna meeshak onnaba lei haibagi wapham adu leitre. FIR pallakpa adu thengbagi maram utlaktabsu leite. Accused Nos. 4 amadi 6 anigi oinadi case asi khannabada kannaba leiraroi.

23. Court asina, IO gi jaban da yoo vendor adu numidanggi pung 11 phaoba hangngi haibadu chingnaba leite, adubu wapham asina wari adubu lanna uhanbadi yaroi, maramdi adugumba pungpham aduda yoo phangba ngammi haibasi khangbada awaba oide, aduga hairiba asi achumbani haibadu makhoina hourakpagi/ahanbagi yoo adu loikhiduna

yoo amuk louraga mee-oi singduna mapham aduna yoo thaklammi haiba aduna utli.

24. Adubu, Court asina uba yabadi, Sandeep amadi ahanba khatnakhiba maphamda konna lakkhiba attei attoppa mee-oising amasung Narender adu wahang-paohang touramgadabani haibaduni. Wapham asida, maralleiraba mee-oi gi mayokta wakatlakpa u-kil (prosecution) gi maikeidagi shengna asoiba lei. Adubu, hanggadouriba wahangdi, mashina phibam/ma-ong amatada leikhidraba mee-oi adubu shihankhiba thoudok adubu, natraga leikhidraba mee-oi aduda shokkhibagi phibam/ma-ong amadi madugi sakhising adubu chingnaningai oiba leihanbra haibaduni. Hairiba thoudok asigi wari asi kupna neinaraba matungda, phangliba paokhum di chingnaningai leite haibaduni. Adubu aphaa amadi, Surrender S/o Bhagwan Singh bu, wakatlakpa mee-oi (Complainant) oibana, PW-7 oina wahang-paohang touhouduna thoudok adugi mayekshengba paodam thamlamba aduni. Ashokpa nagkhraba sakhising aduna maralleiraba mee-oi sing adubu mashak khangngi. Thoudok thokpham adu shemgat-shagatliba yumni haiduna mei thallamloi aduna maralleiraba mee-oi-sing adubu mashak khangbada chamamnaba leigani haiba yaroi.

25. Eikhoinasu uba yaribadi, trial court ki warep adu appellate court nasu yaraduna maduda pukhatlakkhiba praman-changdam adubusu ayabapikhi, amadi eikhoina khanbada Court asi, pukhatlakliba praman-changdam adu amukhanna ayabapinaba appeal gi ahumshuba court ta onthokloidabani.

26. Eikhoina nasu yaba ngamdriba wakatti, dandi adu Section 304 Part II gi makhada oina chahi mapal makhai da makhoina hanna maralleiraba mee-oi oina phandok phangkhraba aduda oina onthokpiyu haibaduni. Phukhibagi ma-ong, pumnamakki oiba pandam adugu shemgatlakhibagi ma-ong, ashokpa adugi ma-ong aduna eikhoina thoudok (case) asi legislature (aa-in sabha/parliament) na piramba yathang haibadi punshigi oina jail da leiba (attopa oiba yabana shibagi dandi) adu piba natana thoujalleiba mityengda yengda yengduna maralleiraba mee-oi sing adubu hanthaba dandi piba yaroi.

27. Maram aduna eikhoina, case asi Accused No. 4 amadi 6 gi oinadi khanabada kannaba letre.

28. A-5, Suresh, ki learned senior counsel oiriba Mr. Basant nadi thounaleina maru-oiba wakat thanggatlakli madudi, thoudok thokphamda leite haibadi thoudok aduda yaode haiba wapham, haibadi mee-shak onnabagi case. Khwaidagi asoibadi, A-2 amadi A-3 ga khatnakhiba Sandeep pu sakhi oina jaban louhoudaba aduni. Adubi mashigi wapham asidi eikhoina hanna khannakhrabani. Phadok pikhiba adu maru-oina PW-7 amadi PW-8 haibadi shokpa nangkhraba sakhi sing, adugi jaban dagi oibana, u-kil (learned counel) na sakhi ani adugi jabansing aduda

mannadaba khara lei haina utningei hotnabaga, loinana PW-7, wakatlakiba mee-oi (complainant) na FIR da thamlakpa A-5 pu shaktaklapagi warol adusu mannadaba lei haina thamlakli. Ahanbada mashak taklakkhiba adudi Lala kouba amabuni haina wakatlakli. FIR dadi, Suresh @ Lala (A-5) ni haiba warol thamlammi. Maram aduna, Lala na karamna Suresh @ Lala oirakkkhibano haibadu FIR da natraga IO na iramlibano haibadu takte haina wakatlakli. Police ki thijin-humjinbagi paodam (inquest report) tasu Lala haina khakta shijinnei haina thamlakli. Maram aduna, thamlakliba waphamdi maralleiraba mee-oi adu Suresh ni, aduga mahak asi Lala ni haina khangnade. Suresh ti thoudok thokpa numit aduda mapham aduda leite, mahakti mahakki hourakpham khunggang aduda lei haina thamlakli, adubu mashidi attoppa maral leiraba mee-oi singnasu wakatlakkkhiba, thoudok thokpham aduda leite (*alibi*) haiba wapham aduni.

29. Learned senior counsel na PW-7 amadi PW-8 ki jaban adu shandokna pathoknaba hotnakhi. PW-8 nadi, A-5 na mahakpu phuduna shokhankhi haina maral shirakhide, adubu PW-7 nadi A-5 na PW-8 pu phukhi haina akaknana maral shiri. Amaromdadi, PW-7 nadi A-5 na leikhidraba adugi makhongda utup (rafter)na thomkhi haina hairakli, adubu PW-8 nadi phukhi haiba waphamadu khakta thamkhi, shandokna takkhide.

30. Mathakta pankhiba wakatsing adu yengshellaba matung, Court asina yaribadi High Court na lepkhiba asigumba yannadaba asi maru-oidaba moat khetnabagini haina lougani, haibadi leikhidraba mee-oi adubu maralleire hairiba mee-oi loinamakna punna khudakta phubagi thoudok asigumba asi mahousagi oina thokkanba thoudokni.. Hairiba khatna adu khamluba PW-7 amadi PW-8 su thoudok adugi dasa taraba mee oikhi. Asigumba thoudok asigi waridi chapchana ligadabani haibadu oithokpa wagani, toubatabu matam aduda thokkkhiba thoudok adugi waridi changchatta mannagadabani. Learned senior Counsel gi wakat adu ahanba yengbadadi maramchaba manba yai adubu kuppna yengshellakpada maral leite haibagi warep adu taraknaba shakhising adugi jabansingdugi ashoiba thibani. Court asina uba yabadi A-5 ki oinadi mahakna thoudok aduda yaorakningei oiba mahakka hanna yanakhidabasu leite. Tashengbadi leikhidraba aduna penkhidabadi maralleire hairiba mee-oi sing dugi hannagi lamchatsingdubuni. Maram adudagi maralleiraba mee-oising aduna leikhidraba amadi wakatlakliba mee-oi (complainant) gi marup amaga chinda poudanaba amagi tanja louduna thoudok thokpham haibadi leikhidraba adugi shemgat-shagatliba yum aduda changlaga leikhidraba mee-oi adubu tamthina phubadagi shikhibani.

31. State ki U-kil (learned Counsel) nasu A-5 ki shaktak ka marileinana takhiba chayetnaba yathang adubu eikhoida mityeng changhallakli:

“... FIR aduda, maralleiraba Suresh asi Munthiya Kheri gi Lala Ahir ni haina taklamli. Adubu, uhouba sakhising adunadi, Courtta sakhi piba matamda mahak adu Suresh@ Lala haina takkhi. Yetpa yadraba amadi, maralleiraba Suresh asi Munthiya Kheri dagini. Sakhi sing aduna mahakpu hannadagi mashak khangba meeni. Maduna tarakpa yaba waroidi, mahak asi Lala oinasu khangnaramgani maram aduna mahak asi mapham aduda leiramgani haibadu chingnaningei leiroyi.”

32. PW-8 ki jaban dagi khangba ngamlibasi mahakna A-6 amadi attoppa maralleiraba mee-oisingbu hanna ukhre haibadu shaktakpa matamdasu uba ngamli haibaduni. Adugumba phibam aduda mahakna maralleiraba mee-oi loinamak mashak khangba ngamkhi. A-6 adu thoudok adugi matung tarakpa numitta pharabasu A-3, A-4 amadi A-5 singdi thoudok thokpagi numit aduda phakhi haibadu lengdraba waphamni. A-5 ki jaban adudagi khutlaising adusu phangba ngamkhi. Maram aduna A-5 na mahakki case asi attoppa maralleiraba mee-oisingga khetnei mahakkidi mee-shak onnei haibagi wakatni haibadu Court asina yaba ngamloi.

33. Eikhoina nasu ubayabadi A-3 gi oinadi, mee-shak onnei haina yetlakpadu nattana A-5 na yetlakpa loinamak loukhi adubu mishak onnabagi wakat adudi A-5 tamakki oibani, aduga A-4 amadi A-6 na yetlakpa waphamsing adudi niyomtagi oina loukhi, adubu hairiba wapham adudi Court na hannana yakhidraban.

34. Mathakta khannakhriba adugi aroiba phal di, maralleiraba mari makki appeal adu maipaktre, maramaduna appeal adu kakthatle.

35. Maralleiraba mee-oi sing adu khudakta wayel-loishang (trial court) da ngashi dagi numit tara-mangngani phaobagi manungda changjaraktuna lemhouriba dandi adu phangnanaba yathang tare.

36. khangnaraba amana, karigumba channaba dandi adu phanglabada, dandi adu hanthahanbagi wapham phanglabadi (remission earned) State Government gi chatna-kanglongi matung inna makhoi adu thadokpa yagani.