

(1995) 07 DEL CK 0088

Delhi High Court

Case No: Criminal Appeal No. 28 of 1991

Ramesh and others

APPELLANT

Vs

State (Delhi Admn.)

RESPONDENT

Date of Decision: July 20, 1995

Citation: (1996) CriLJ 309

Hon'ble Judges: P.K. Bahri, J; J.B. Goel, J

Bench: Division Bench

Advocate: K.B. Andley and Sunil Sethi, for the Appellant; N.K. Handa, Add. Standing Counsel (Criminal), for the Respondent

Judgement

P.K. Bahri, J.

Appellants-Ramesh, his mother Smt. Ganga Devi and his married sister Smt. Santosh Kumari have been convicted of an offence punishable u/s 302 read with Section 34 of the Indian Penal Code vide judgment dated January 28, 1991 and vide subsequent order of the Additional Sessions Judge dated January 29, 1991, they have been sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs. 500/- each and in default of the same to undergo rigorous imprisonment for six months. They have come up in appeal challenging their convictions and sentences.

2. Smt. Krishna since deceased, who was about 24 years at the time of her death, was married to Daya Ram PW2 who is brother of Ramesh-appellant. Smt. Santosh and son of Smt. Ganga Devi appellant No. 2. This marriage took place about eight years prior to the date of the occurrence and there were two small children alive from the wedlock at the time of the occurrence. Smt. Ganga Devi had four sons. This family was living in house No. T-52. Church Lane, Bhogal. The house was owned by the family. A few years earlier there occurred some partition of the house in the manner that half of the house was taken over by Om Prakash, brother of Daya Ram wherein he started living with his own family and whereas the remaining half of the house was occupied by the remaining family members and Daya Ram and his deceased wife and two children were living in one of the rooms in the said house in

the ground floor. There used to occur frequent quarrels between Daya Ram and his wife on the one side and Smt. Ganga Devi and Ramesh on the other side. The dispute pertained to the right of way to the said room.

3. It is the case of the prosecution that there was a demand of Rs. 10,000/- by the appellants from deceased which amount they claimed to have spent on the marriage of Daya Ram with the deceased and quarrels used to take place on this demand as deceased was not able to persuade her parents to comply with this demand. It is the case of the prosecution that on a day earlier to October 2, 1988, the appellants had picked up a quarrel with the deceased on their insisting the deceased and his family to vacate the room and also the deceased's inability to satisfy their demand of Rs. 10,000/- but certain persons of the Biradari (brotherhood) had intervened and the matter was pacified with the assurance that no such quarrel would be repeated. Since morning of October 2, 1988, the quarrel started again on the same issues by the appellants giving little regard to the settlement brought about a day earlier and at 1.25 P.M. Daya Ram had gone to ease himself and while the deceased was in the process of putting her two children to sleep in her room that the three appellants came in that room whereas appellants Smt. Santosh and Smt. Ganga Devi caught hold of the deceased and pulled her down from the bed and Ramesh-appellant poured kerosene oil on her and had flung a lighted match stick at her which put the deceased on ablaze and all the appellants fled away from the room with Ramesh uttering that they had decided the fate of deceased at that moment. The deceased rushed towards the verandah and in the meanwhile Daya Ram came and poured some water over the flames and extinguished the fire and brought her to Safdarjang Hospital and got her admitted there.

4. At 1.35 P.M. on that day a message was received at Police Control Room on telephone given by Ramesh Chand that a lady had been burnt at Lahorian Di Hatti, Bhogal, which message was conveyed to Police Post Jungpura, Bhogal, which was recorded at Daily Diary No. 9, copy of which is Ex. PW 12/A. Shri Dharambir Joshi. S1 (PW 18), along with Constable Dal Chand on being deputed had proceeded to the spot. On reaching the area mentioned in the said report and on making local inquiries he learnt that the incident had taken place in house No. T-52, Church Lane, Bhogal and there he learnt that Daya Ram had already removed the injured Krishna to the Safdarjang Hospital and he inspected the place of occurrence in casual manner and found that in the room and the verandah of the said house there were living broken glass-bangle pieces and one container of plastic having some kerosene oil and a match-box and match sticks and some scalp hair and one broken pot and leaving behind Constable Dal Chand to preserve the spot he accompanied by ASI Bhoop Singh and Constable Ravinder Singh reached the hospital and obtained the Medico Legal Certificate of Krishna injured and put in an application to the doctor for recording the statement of the injured and on the doctor having declared the injured fit to make the statement, he proceeded to record the

statement of Smt. Krishna which is Ex. PW 10/B, on the basis of which the case was got registered u/s 307/498A read with Section 34 of the Indian Penal Code. The Medico Legal Certificate Ex.PW3/A was prepared by Dr. K. Ramesh Babu CW 1 in which he mentioned that Krishna has been brought in injured condition by Daya Ram, her husband at 2.10 P.M. on October 2, 1998 and, the patient herself had given the history of "alleged to have sustained burns when mother-in-law Smt. Ganga Devi, her sister-in-law Smt. Santosh held her and brother-in-law Ramesh lit her clothes with a match stick in her house on October 2, 1988 at about 1.30 P.M.". He found the patient to be conscious with no history of vomiting and he recorded that patient was well oriented and was answering to the questions and her pulse rate was recorded 136 per minute, blood pressure 60/42 and he found that superficial and deep burns were present around the neck, both upper limbs, both lower limbs, both sides of cheeks wall and abdomen, and both gluteal regions. According to his assessment, the body was having 70% burns.

5. The Investigating Officer thereafter had called the Sub-Divisional Magistrate Shri I. S. Chinna, PW17, from New Delhi as per application Ex.PW3/B, who came to the hospital and obtained the certificate from same doctor at 3.30 P.M. on that day declaring the patient fit to give the statement and he recorded the statement of Krishna Ex.PW17/C. Krishna had put her signatures on the purported statements recorded by Investigating Officer as well as by the Sub-Divisional Magistrate. EX. PW 18/C is the application given by the Investigating Officer to the said doctor at 3.10 PM for recording the statement of Krishna and the doctor had declared her fit to give the statement and doctor had written in his endorsement made on both the applications, one given by Investigating Officer and the other produced by the Sub-Divisional Magistrate that patient was conscious, well oriented and answering to the questions and fit to give statement. So, these three dying declarations, one recorded by Dr. K. Ramesh Babu and the second recorded by the Investigating officer and the third recorded by the Sub-Divisional Magistrate followed in very quick succession and were made between 2.10 PM to 3.30 PM. Smt. Krishna expired on October 8, 1988, at about 6.40 PM in the hospital and the post-mortem on her body was performed on October 9, 1988, at about 1.15 PM. by Dr. A. K. Sharma, PW9 and the post-mortem report proved by this doctor is Ex. PW9/B. He has found the superficial to deep burns in most part of the body and had opined that death has occurred due to septicemia following ante-mortem burns produced by flames. From the place of occurrence, the Investigating Officer took into possession some burn pieces of clothes, some fallen hair of the scalp, the said plastic container, burnt match stick and the match box Ex.P5 to P10 vide seizure memo Exs. PW10/B.

6. It appears that some clothes of the deceased which she might be wearing at the time she was taken to hospital were taken off and were handed over by Daya Ram to the Investigating Officer later on which are exhibited Ps 1 to P4. These are half burnt petticoat, blouse and saree of the deceased which were taken into possession vide recovery memo Ex. PW10/A.

7. The appellants had, however, pleaded that they have been innocent and falsely implicated in this case. In their statements u/s 313 of the Code of Criminal Procedure, they took the plea that Ramesh was even not present in the house at the time of occurrence. In their statements they have not given any facts as to how Krishna got the burn injuries. Daya Ram who initially had gone along with the prosecution, had turned hostile when he appeared as PW2 understandably because perhaps he had second thought of deposing against his own mother, sister and his brother. According to his testimony in court, when he came after hearing the noise he found his wife Krishna in flames and he extinguished the fire and her wife told him that she got burn while she was cooking food on a stove. From his testimony it was proved that there has been previous quarrel between Daya Ram and his wife on the one side and the appellants on the other side and he had made a written complaint, photo copy of which is Ex.PW2/B, to the police. He had gone to the extent of deposing that the signatures appearing on the dying declaration are not of his wife Krishna. He went on to state that the doctor who prepared the Medico Legal Certificate initially had written the names of the appellants as the culprits at the instance of the police. The learned Additional Sessions Judge has, however, brought home the offence to the appellants placing implicit reliance on the dying declarations made by the deceased which the court found to be truthful.

8. PW Mange Lal, father of the deceased, came into the witness box and had deposed about Rs. 10,000/- being demanded from the deceased by the appellants and there taking place quarrel with regard to the house as well amongst them and matter being settled by brotherhood on a few occasions. He also deposed that he had a word with the deceased in the hospital on the following day of occurrence and deceased had made a dying declaration to him as well that she was caught hold by Smt. Ganga Devi and Smt. Santosh and it was Ramesh who put her on fire after pouring kerosene oil on her. PW5 is Tulsi Ram a neighbour, residing in the same lane and has deposed about quarrel taking place between Daya Ram and deceased on one side and Ramesh and Smt. Ganga Devi on the other side. He has also made reference to the Panchayat meeting which took place on September 13, 1988, when the matter was settled. It appears that the APP has unnecessarily got him declared hostile and put some leading questions to him. He admitted that there was a dispute about the passage to the room of the deceased amongst them. In cross-examination, no suggestion was given to him that in fact, there was no quarrel taking place between Daya Ram and his wife on the one side and the appellants on the other side with regard to the passage to the said room. PW 6 Chiranji Lal has also referred to disputes taking place amongst them but he denied that a dispute was regarding demand of money but he did not disclose as to on what point they were quarrelling and why the Panchayat had taken place for settling their disputes. The case property was got sent to CFSL. The CFSL reports came which are Exs. PW13/D and E which show that on the partly burnt petticoat, blouse and saree wrapped in a chaddar, kerosene was detected. Even kerosene was detected on the

burnt places of clothes, broken bangles, match stick and hair which were lifted from the place of occurrence. CFSL report also indicated that the saree was similar to the burnt piece of cloth which was lifted from the spot.

9. The learned counsel for the appellants, has vehemently contended, that no dying declarations have been made by the deceased implicating the appellants and at any rate, the contents of the dying declarations given by the deceased from time to time are not truthful and there have appeared many contradictions in the aforesaid dying declarations which make the same as totally unreliable. He has urged that there is no evidence that deceased could make her signatures on the alleged dying declarations recorded by the Investigating Officer and the Sub-Divisional Magistrate and he has also pointed out to contradictions appearing in evidence as to how the Sub-Divisional Magistrate came to the hospital and timings in which the aforesaid dying declarations are alleged to have been recorded which according to him make it doubtful that any such dying declarations have been recorded as they purport to have been recorded. He has further urged that at least the dying declarations are not credible and there was no real motive for the appellants to have resorted to commission of such a ghastly crime and in fact, appellants have been got named by the deceased for some ulterior purpose, may be initially at the instance of Daya Ram who was not on good terms earlier with the family which fact has, however, not been admitted by the appellant. He has also urged that dying declarations have not been recorded in question and answer form and deceased having 80% burns on her person could not have been in a position to give any coherent narration of the events. He has also urged that there is no reason to doubt the statement of Daya Ram that deceased got accidental burns from the stove while cooking food on the stove. It was also argued vehemently by both the counsel appearing for the appellants that the bedroom where alleged occurrence took place was too small to accommodate more than two or three persons at a time in the vacant space left after excluding the beds lying there which could give any corroboration to the facts mentioned in the purported dying declarations.

10. On the other hand, the learned counsel for the State has argued that the deceased had made dying declarations promptly and consciously implicating the appellants and there is no reason to doubt that recording of the dying declarations by three different persons one after the other when there was no scope of any relations of the deceased exercising any influence over her. He has argued that there was motive for the appellants to kill the deceased as frequent quarrels were taking place between the appellants and the deceased on the passage leading to the room of the deceased and also on their frustration in not recovering Rs. 10,000/- spent by them in performing the marriage of Daya Ram with the deceased although the marriage had taken place eight years back.

11. Coming to the dying declarations made by the deceased, it is proved beyond any shadow of reasonable doubt that Krishna had suffered grievous burn injuries on

2nd October, 1988 at about 1.25 P.M. in House No. T-52, Church Lane, New Delhi and her husband Daya Ram, PW-2 had got her admitted in Safdarjung Hospital at 2-10 P.M. Daya Ram also had turned hostile and had not supported the prosecution case against the appellants but has categorically admitted that he got his wife admitted in that hospital. So, it is evident that no one else i.e. any close relation of Krishna was present in the hospital when she was got admitted therein.

12. PW-3, Dr. Ramesh, who was working in the Casualty Ward of the hospital had recorded the M.L.C. Ex. PW3/D and he recorded the history given by Krishna herself that she had been set ablaze by Ramesh when other two appellants caught hold of her. It has been contended before us that as this particular dying declaration made to this doctor had not been got signed or thumb impressed from Krishna, so the same should not be given any importance. We do not agree. The doctor who was functioning in the casualty was more keen to give some sort of treatment to the patient than to interrogate her in any detail or obtain her signatures or thumb impressions on the M.L.C. There is no column provided in the printed form in which the M.L.C. is to be prepared which required obtaining of any signatures or thumb impression of the patient. At any rate, there is no reason to disbelieve the doctor that he had recorded the history as given by Krishna, the patient. The doctor had no motive to implicate falsely the appellants. He had no reason to record any false information in the M.L.C. He had prepared the M.L.C. in normal and routine performance of his official duties. At that point of time, no police officer or police official had come to the hospital so that they could exercise any influence on the patient or on the doctor for getting recorded any false story.

13. It has been then contended before us by learned counsel for the appellants that the doctor had not at all mentioned that any smell of kerosene was noticeable from the person of the patient and even in the history, it is not mentioned that any kerosene was poured on Krishna by Ramesh. Mere fact that details have not been given by Krishna at that point of time as to the manner in which she had been set ablaze by Ramesh does not mean that the dying declaration given by her and recorded by the doctor is to be disbelieved. That was not the occasion for the doctor to elicit any detailed dying declaration of the patient. After all, at that point of time, the doctor was more keen to give some treatment to the patient than to elicit more information from her. Mere fact that doctor had not smelt any Kerosene would not also go to falsify the later dying declarations of the deceased that in fact kerosene was poured over her and thereafter Ramesh had set her ablaze by throwing a lighted match-stick on her. It is to be emphasised at this stage that the tuft of the scalp hair and pieces of half burnt clothes found at the place of occurrence did smell of kerosene when they were taken into possession by preparing a recovery memo by the I.O. and the C.F.S.L. reports also clearly show that kerosene was found present in those articles. If that is so, it is evident that the more detailed dying declaration given by Krishna to the I.O. and later on to the S.D.M. gave out the true facts and give due corroboration to the facts given by the deceased to the I. O. as

well as to the S.D.M. This particular dying declaration made to the doctor is first in time and appears to be quite spontaneous and there has not elapsed any considerable time in between the time of occurrence and the recording of this particular dying declaration by the doctor so that there could have taken place any manipulations or undue influence or any concoction of any false story during that short span. If this dying declaration had not been made by the patient to the doctor, Daya Ram, who must be aware of the dying declaration as he was accompanying Krishna when this dying declaration was recorded, would have raised hue and cry against the contents of such dying declaration because they implicated his mother, sister and brother for setting ablaze Krishna, his wife. At no point of time, Daya Ram had made any complaint to any higher authorities that his close relations had unnecessarily and falsely been implicated in this case. It is also not possible to give credence to the contention of the learned counsel for appellants that Daya Ram was instrumental in bringing out any false story for falsely implicating his close relations due to the fact that some differences had been occurring between him and the appellants with regard to the dispute regarding passage to the room or the demands of the appellants to be reimbursed with Rs. 10,000/- which they had spent on the marriage of Daya Ram.

14. It was sought to be contended before us that there is no evidence led by the prosecution to show that the burnt pieces of clothes and the tuft of scalp hair recovered from the place of occurrence belong to the deceased. These articles have been recovered from the place of occurrence by the police and it is not possible to hold that these articles had been planted. It is true that there is no direct evidence led by the prosecution to show that the burnt pieces of the clothes and the tuft of hair recovered at the place of occurrence belong to the deceased but from the circumstantial evidence, all these articles being recovered from the place of occurrence soon after the deceased suffered burn injuries at the place of occurrence should lead to an inference that they had come on from her person when she was ablaze and tuft of hair may have fallen when she was being dragged from the bed by the appellants.

15. Now, coming to the second dying declaration which Krishna made to I. O. it is proved by the prosecution that I. O. had given application, Ex. PW-18/C to Dr. Ramesh who made endorsement on this application declaring the patient well-oriented, conscious, answering to questions and fit to give statement on that date on 3.10 P.M. Thereafter, I. O. proceeded to record the statement of Krishna and had obtained her signatures on the said statement which gives the facts already noticed by us in the beginning of this judgment. It is not shown that facts mentioned in this dying declaration are untrue.

16. It has been argued before us by learned counsel for appellants that as both upper limbs of Krishna had burn injuries, so she could not have been in a position to sign this statement. We do not agree. No question has been put to any of the

doctors in cross-examination suggesting that deceased was not in a position to sign. There is no reason to disbelieve the investigating Officer as well as S.D.M. that Krishna had signed in Hindi on the dying declarations recorded by them respectively

17. Daya Ram, of course, has gone on to depose that Krishna was illiterate and could not have made any signatures on any statements and he deposed that signatures appearing on the said dying declaration were not made by Krishna. We do not place any reliance on this testimony of Daya Ram who has sound reason to turn hostile against the prosecution in order to save his close relations from being convicted in this case for heinous offence of murder. It is significant to mention that the defense has given suggestion to the I. O. in cross-examination that signatures of Krishna were obtained on blank paper which was then converted not dying declaration, this contradictory plea being taken by the defense would rather show that defense was not serious in challenging the fact that Krishna had, in fact, signed the purported dying declarations.

18. Coming to the dying declaration recorded by the S.D.M. again it has been contended that it is really not possible that S.D.M. could have recorded the dying declaration at the time it purports to have been recorded because at that moment, the I. O. was busy in recording the dying declaration himself. Now coming to the timings, as already noticed, at about 3.10 P. M. Dr. Ramesh recorded that the patient was fit for giving statement when the I. O. approached him with written application. The I. O. completed the recording of the dying declaration i.e. Rukka at about 3.25 P. M. S.D.M. had obtained the permission from the doctor for recording the dying declaration at 3.30 P.M. There have appeared some discrepancies as to the manner in which S.D.M. reached the hospital. It is the case of the I. O. that he had sent A.S.I. Bhoop Singh for bringing the S.D.M. to the hospital whereas the S.D.M. had deposed that it was the I. O. who brought him to the hospital. On the original application, Ex. PW3/B, the S.D.M. had recorded the proceedings, Ex. PW17/A, which show that a written application was given to S.D.M. signed by the I. O. and on such request being received by him, he came to the hospital and recorded the dying declaration. Due to passage of time, it appears that S.D.M. had made a mistake in deposing that it is the I.O. who brought him to the hospital because at that time, the I.O. was busy in recording the statement of the deceased. So, in all probability, some other police officer must have gone to call the S.D.M. and brought him to the hospital and by mistake S.D.M. thought that officer to be the Investigating Officer. At any rate, the fact remains that doctor at the hospital had given permission to S.D.M. to record the statement at 3.30 P.M. by making an endorsement on the said application. So, it is evident that S.D.M. had reached the hospital at about 3.30 P.M. and thereafter had recorded the dying declaration of Krishna which was also signed by Krishna.

19. If we compare the two dying declarations, the one recorded by the I. O. and the other recorded by the S.D.M. we find that substantially the same facts have come about except for some minor details which are there in the dying declaration

recorded by S.D.M. and which are not there in the dying declaration recorded by the I.O. It is not that the dying declaration recorded by the S.D.M. is verbatim copy of the dying declaration recorded by the I.O. as was sought to be urged before us by learned counsel for the appellants. There was no reason for the S.D.M. to have recorded any false facts in the dying declaration at the instance of the police or anyone else. He was called to the hospital for recording the dying declaration and he, in his official capacity and in due performance of his official functions, came and recorded the statement of Krishna, from cross-examination of S.D.M. nothing has come out which could show that S.D.M. had any reason to record any false dying declaration.

20. In case of *Mam Chand v. State* 2nd (1971) 2 Delhi 689, a Division Bench of this Court has held that dying declaration recorded at the earliest opportunity and within a short span of occurrence, though not signed and not recorded in the words of the maker, is admissible in evidence and the dying declaration made by the deceased to the doctor can be treated as oral testimony of the deceased as to the cause of his death and the circumstances of the transaction which resulted in his death and that being so, the statement made by deceased is a relevant fact when the cause of death of the deceased is in question. It was also laid down that dying declaration is not required to be corroborated if the same is truthful.

21. In [Surat Singh and Another Vs. State of Punjab](#), it was found by the Supreme Court that dying declaration had been recorded, although a very short version of the occurrence, by the doctor in the hospital and the contents of the dying declaration were found to be truthful, it was held that mere fact that details have not been given in that short version of the occurrence recorded by the doctor would not detract in the least from the truthfulness of the statement in the first dying declaration.

22. So, in the present case also, it cannot be said that when only short version of the occurrence has come in the first dying declaration made by the deceased soon after the occurrence, the same is not to be given any credence.

23. It is true, as laid down by the Supreme Court in [Rabi Chandra Padhan and Others Vs. State of Orissa](#), that preferably the dying declaration should be recorded in question and answer form but mere fact that the dying declaration is not recorded in the question and answer form would not by itself be sufficient to throw aside the dying declaration, if from the circumstances and evidence in a particular case, it is proved that dying declaration has been duly recorded and the contents of the dying declaration are truthful, then implicit faith can be put in the dying declaration for bringing home the offence to the accused without seeking any further corroboration to the said dying declaration.

24. In [Kusa and Others Vs. State of Orissa](#), it has been held that it is now well-established, that although a dying declaration should be carefully scrutinised

but if, after perusal of the same, the Court is satisfied that a dying declaration is true and is free from any effort to prompt the deceased to make a statement and is coherent and consistent, there is no impediment in founding the conviction on such a dying declaration even if there is no corroboration.

25. In [State of Punjab Vs. Amarjit Singh](#), it was laid down by the Apex Court that the practice of investigating officer himself recording the dying declaration during the course of investigation ought not to be encouraged and it would be better to have dying declaration recorded by Magistrate but no hard and fast rule can be laid down in this regard. It all depends upon the facts and circumstances of each case. In the said case, the dying declaration recorded by the investigating officer was found to be truthful and was made the basis for conviction. However, in the present case, the investigating officer wisely took the steps to get the dying declaration recorded by the S.D.M.

26. In [Ganpat Mahadeo Mane Vs. State of Maharashtra](#), similar to the present case, first dying declaration was recorded by the doctor, second was recorded by the police and the third dying declaration was recorded by the Magistrate. The Court did not find any infirmity in any of the dying declarations and held that although dying declaration had not been recorded in question and answer form, yet it would not make the dying declaration doubtful.

27. We have perused the contents of the dying declarations and we have no reason to doubt the correctness of the facts mentioned in the said dying declaration. The dying declaration made by Krishna, who remained alive for about six days even after the occurrence, appear to be truthful. The Additional Sessions Judge, in our view, was right in placing implicit faith in the aforesaid dying declarations in bringing home the offence to the appellants. It is significant to mention that the appellants Ganga Devi and Santosh admit that they were present in the house but they do not claim that they had come forward to give any assistance to Daya Ram in extinguishing the fire.

28. Krishna had no such enmity that he would falsely implicate the appellants. She had no reason to commit any suicide. The story given that she received burn injuries accidentally from the stove is not substantiated in any manner from the evidence and the circumstances produced on the record. We have no hesitation in agreeing with the reasoning given by the Additional Sessions Judge in believing the said dying declarations and placing reliance on the same for bringing home the offence to the appellants.

29. In the alternative, learned counsel for the appellants have contended that the offence is not covered by any of the ingredients mentioned in Section 300 of the Indian Penal Code. It is argued that Krishna died due to septicemia which may be as a result of some infection which comes about for varied reasons.

30. We do not agree. It is true that the doctor who performed the post-mortem had not given any opinion that the burn injuries were sufficient to cause death in the ordinary course of nature. Section 300 secondly lays down that if act is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused and clause 4 of the Section 300 lays down that if the person committing the act knows that this was imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death then the same amounts to murder. These two clauses of Section 300 clearly apply to the facts of the present case because an act of putting any person aflame after pouring kerosene is definitely likely to cause death of that person and this fact is obviously known to the appellants when two of the appellants caught hold of Krishna and Ramesh poured kerosene over her and set her ablaze.

31. We have also looked to the sketch prepared by the investigating officer as well as the detailed map prepared by the draught man and we do not find that it was impossible or improbable for the three appellants to have secured Krishna in the said place in the bedroom where the occurrence had taken place.

32. In view of the above discussion, we find no merit in this appeal. We, while, affirming the conviction and the sentences of the appellants, dismiss this appeal and require the appellant. Ganga Devi, who is on bail, to surrender and undergo the remaining part of her sentence. The order be also communicated to the other two appellants in jail. The Additional Sessions Judge shall now take steps to see that Ganga Devi, appellant, is arrested and sent to jail for undergoing the remaining part of the life sentence.

33. Order accordingly.