

Criminal Appeal (DB) No. 1578 of 2022

(Against the judgment and order of conviction and sentence dated 28.07.2022 (sentence passed on 06.08.2022) passed by Sri Rajni Kant Pathak, learned Special Judge CBI, Dhanbad in S.T. Case No. 206 of 2021)

1. Lakhan Kumar Verma @ Lakhan Verma, S/o Late Triveni Verma, R/o Digwadih 12 Number, BSNL Exchange office, Sonarpatti, P.O. & P.S.- Jorapokhar, Dist.- Dhanbad.

2. Rahul Kumar Verma @ Rahul Verma, S/o Naresh Saw, R/o Digwadih 12 Number, Mahavir Talkies, Sonarpatti, P.O. & P.S.- Jorapokhar, Dist.- Dhanbad.

... **Appellants**

Versus

Union of India through CBI ... **Respondent**

PRESENT

HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant(s) : Mr. Sabyasanchi, Adv.
For the CBI : Mr. Prashant Pallav, Sr. Adv.

CAV On : 22/04/2026

Pronounced On : 14/07/2026

JUDGEMENT

Per Rongon Mukhopadhyay, J. :

1. Heard Mr. Sabyasanchi, learned counsel for the appellants and Mr. Prashant Pallav, learned senior counsel for the CBI.

2. This appeal is directed against the judgment and order of conviction and sentence dated 28-07-2022 (sentence passed on 06-08-2022) passed by Sri Rajni Kant Pathak, learned Special Judge CBI, Dhanbad in connection

with S.T. Case No. 206/2021, whereby and whereunder, the appellants have been convicted for the offences under Sections 302/34 and 201/34 IPC and have been sentenced to undergo rigorous imprisonment for life without any remission and commutation till their last breath along with a fine of Rs. 20,000/- and in default in payment of fine, to undergo simple imprisonment for one year under Section 302/34IPC. They have further been sentenced to undergo rigorous imprisonment for seven years along with the fine of Rs. 10,000/- for the offence under Section 201/34 IPC and in default in payment of fine, to undergo simple imprisonment for six months. Both the sentences were directed to run concurrently.

3. The prosecution case arises out of a written report submitted by Kritee Sinha in which it has been stated that on 28-07-2021 at 05:00AM, the husband of the informant, namely, Uttam Anand, District & Additional Sessions Judge-VIII had gone out for a morning walk and even after expiry of a considerable length of time when he did not return, a search was made and it came to light that the husband of the informant was taken by the locals in an injured condition to Shaheed Nirmal Mahto Medical College & Hospital (hereinafter referred to as SNMMCH). In the meantime, a video was seen circulating in the mobile from which it could be deciphered that an auto rickshaw driver had deliberately collided against the husband of the informant as a result of which, he died.

Based on the aforesaid allegations, Dhanbad P.S. Case No. 300/2021 was instituted against an unknown auto rickshaw driver under Section 302 IPC. Initially, the

investigation was conducted by the Dhanbad Police, but subsequently a Special Investigation Team was constituted by the orders of the Director General of Police vide Order No. 182/NGO dated 29-07-2021. However, in view of the gravity of the offence, the Government of Jharkhand directed to hand over the investigation to the Central Bureau of Investigation vide Memo No. 2715 dated 30-07-2021. Thereafter, the Government of Jharkhand, Department of Home Prison and Disaster Management vide Notification No. 10/CBI/410/2021/ 2075 dated 30-07-2021 conveyed its consent for transfer of investigation of Dhanbad P.S. Case No. 300/2021 to CBI. Notification F. No. 228/47/2021-AVD-II dated 04-08-2021 was issued by the DOPT, Govt. of India on 04-08-2021. Pursuant to the aforesaid notification on 04-08-2021 itself, the CBI re-registered the case vide RC 048 2021 S 0005 dated 04-08-2021 under Section 302 IPC in CBI Special Crime-I, New Delhi for investigation into Dhanbad P.S. Case No. 300/2021 under Section 302 IPC. On completion of investigation, charge sheet was submitted bearing No. 08/2021 dated 20-10-2021 against Lakhan Kumar Verma and Rahul Kumar Verma under Section 302, 201/34 IPC after which cognizance was taken and the case was committed to the Court of learned Special Judge, CBI, Dhanbad where it was registered as S.T. No. 206/2021. Charge was framed against the accused under Section 302/34 and 201/34 IPC which was read over and explained to the accused in Hindi to which they pleaded not guilty and claimed to be tried.

4. The prosecution has examined as many as ***fifty eight (58)*** witnesses in support of its case:

P.W.1 Dr. Vivek Bhaskar is an Assistant Professor in SNMMCH, Dhanbad who has stated that on 28-07-2021, he was on duty from 07:00AM to 02:00PM at SNMMCH, Dhanbad and he had relieved Dr. Sudhanshu Mishra who was on night duty in the Emergency Ward. At the time of relieving, Dr. Sudhanshu Mishra had told him that there is a serious patient with head injury admitted in the hospital and had asked him to take care of the patient. He had visited the Surgical Intensive Care Unit (SICU)-05 where the patient was admitted and where he found that there was bandage on the head of the patient and he was in a serious condition and was unconscious. The patient was intubated. There was no response in the patient. The intubation was done by Dr. Vinit. He had seen the notes on Bed Head Ticket of the patient noted from 08:30AM onwards and the same was prepared on his instruction by Dr. Kumari Jyoti and she was also monitoring the condition of the patient. He has stated that as per the records, life-saving drugs Atropine, Adrenalin, Dexona and Deriphyllin were administered to revive the heartbeat, pulse rate and respiration was given to the patient at 08:30AM and the same was repeated at 08:45AM. When the condition got worse, he had given CPR in presence of Dr. Jyoti, but there was no sign of revival and the pupil dilated which indicated that the patient was no more. The patient was finally declared dead at 09:00AM.

In cross-examination, he has deposed that the doctor had advised for NCCT (Non-Contrast CT scan), but since the condition of the patient was very serious and he was not in a conscious position, hence NCCT was not performed.

P.W.2 Dr. Kumari Jyoti had completed her MBBS from SNMMCH, Dhanbad in the year 2018 and after completing her internship, she had joined as a Junior Resident in the same hospital where she had worked till October 2021. On 28-07-2021, her duty was from 06:00AM to 01:30PM in Emergency Ward of SNMMCH, Dhanbad and when she joined duty, Dr. Sudhanshu Mishra was the senior doctor for surgery in the Emergency Department. After joining duty, Dr. Sudhanshu Mishra instructed her to look after the patient at Bed No. 05 of SICU. She saw the patient, who was unconscious, his vitals were unstable and he was intubated. The patient was having head injury and his dressing was already done. She has proved the entry made by her in the Bed Head Ticket of the patient Uttam Anand which has been marked as Exhibit-1. After the death of the patient at 09:00AM, she had mentioned second PIR No. 3695, D/R No.- 1917, D/D – 28-07-2021, T/D 09:00AM in front page of Bed Head Ticket which has been proved and marked as Exhibit-1/1. She has also proved the OD Slip dated 28-07-2021 which has been prepared by her at the time of death of the patient which has been marked as Exhibit-2.

In cross-examination, she has deposed that after the death of the patient, it came to her knowledge that the patient was a sitting District Judge.

P.W.3 Dr. Kumar Shubhendu was posted as an Assistant Professor, Department of FMT, SNMMCH, Dhanbad and on 28-07-2021, a Board was constituted for conducting the post-mortem on the body of Uttam Anand and the said Board was headed by him. On conducting the

post-mortem, the following were the findings:

“(i) *The body was average built. Rigor Mortis was present all over the body. Abdomen was slightly distended, head bandaged with gouge piece in both ears. Uco-plast bandage was present over dorsum of right hand and over left wrist. Face was blood stained. Bleeding present in both ears. Swelling was present in an area 2 inch over left parietal scalp and in an area 1½ inch over right parietal scalp. Injection prick marks present over dorsum of right hand.*

ii) The external injuries found on the body of deceased are as under: -

A) Abrasion (Reddish) - Time of injury - within 12 hours of time of death

a) 1¾ inch x 1½ inch over midline parieto-occipital scalp junction.

b) 3 inch x 1 inch over back of chest middle and lower part 6 inch below the nape of neck.

c) 2 inch x ¾ inch over back of left side of lower part of chest, 2 inch away from midline.

B) Internal finding (On dissection): -

a) Diffuse contusion of both Temporo-parieto-occipital scalp.

b) Linear fracture measuring 3½ inch over right Temporo-Parietal Skull extending to right mastoid bone with separation of right side of parieto-occipital suture middle part.

c) Linear fracture measuring 5 inch in length

over left mastoid bone to left parietal bone with separation of left Parieto- occipital suture in between.

d) Meninges adhered to inner table of skull.

e) Subdural Blood and blood clots present on both sides of Brain.

f) All internal organs are congested.

g) Stomach contains Blood mixed fluid about 50 c.c.

h) Hyoid intact.

iii) After examination of the dead body of the deceased the board unanimously arrived at the following opinion: -

a) Above noted injuries are Ante-mortem.

b) Caused by hard and blunt substance.

c) Death is due to head injury.

d) Time since death is 06 hours to 18 hours from the time of postmortem examination.”

It has been opined that all the injuries were ante-mortem in nature caused by hard and blunt substance. Death was due to head injury. He has proved the post-mortem report which has been marked as Exhibit-3. He has proved the signature of the doctors in the inquest report and dead body chalan which have been marked as Exhibit-4 and 4/1 respectively. He had submitted a report in response to the queries made by SHO, Dhanbad P.S. regarding the injuries of the deceased and the said report in printed form has been marked as Exhibit-5. The forwarding letter dated 31-07-2021 issued under the signature of Dr. Jakka Srinivas Rao, HOD, FMT, SNMMCH, Dhanbad has

been marked as “X” for identification. The original copy of his answer submitted to the Officer-in-Charge, Dhanbad P.S. has been proved and marked as Exhibit-6. The forwarding letter bearing No. 405/FMT dated 31-07-2021 has been proved and marked as Exhibit-7. He has opined that even the single injury caused on the head/skull is singularly sufficient to cause death of the deceased in ordinary course of nature. Even the injury on left temporoparietal region of head is sufficient enough to cause death of the deceased in ordinary course of nature. He had submitted prototype skull diagram to explain the probabilities of the injuries which took place on the skull of late Uttam Anand. The images of the left and right skull respectively have been prepared by him and bears his signature which have been marked as Exhibit-8 and 8/1. He has proved his signature as well as the signature of Surendra Kumar, S.D.M., Dhanbad in the sealed envelope produced by the P.P.-CBI which have been marked as Exhibit-9 and 9/1 respectively. A sealed paper inside a sealed envelope was opened which contained one 16GB Sandisk chip which bears his signature. The chip has been marked as Material Exhibit- M-I. The videography of the entire proceeding of the post mortem was done.

In cross-examination, he has deposed that the body of the deceased was in motion when hit by the auto rickshaw and it took an anti-clock spin, meaning thereby that spinning of the body was not possible simply because of being hit by a hard substance other than the auto rickshaw in question. The impact of the hit was very strong which led to grievous injuries.

P.W.4 Dr. Sudhanshu Mishra has stated that on

28-07-2021, he was posted at SNMMCH, Dhanbad as Senior Resident in the Department of General Surgery. On that day, his duty started from 27-07-2021 at 09:00PM till 28-07-2021 at 07:00AM. Dr. Abhishek Giri was in his shift as Assistant Casualty Officer. At about 05:30AM, he got a call from Dr. Abhishek that an unknown person with alleged history of road traffic accident has been brought to the hospital. He immediately went to the minor O.T. where he saw one patient lying on a stretcher with bleeding from both ears and nose and he was having labored breathing. One Pawan Kumar Pandey who had brought the injured to the hospital had disclosed that he had found the patient in an injured condition near Randhir Verma Chowk. He has stated that the condition of the patient was very critical. To stop the bleeding from ear and nose, packing of ears and nose was done after suctioning the blood. He had asked Dr. Abhishek to make a call to the Anesthetist. Dr. Vinit was the Anesthetist at that point of time who intubated the patient and made further arrangements. As the patient Uttam Anand was in a critical condition and was not breathing properly and gasping, it was decided to put him on ventilator support and he was shifted to SICU at 06:15AM. He had mentioned about the physical inspection, treatment and other observation in the Bed Head Ticket of the patient Uttam Anand. He has proved his handwriting and signature from page 01 to page 04 of the Bed Head Ticket of the deceased which has been marked as Exhibit-10. He has also identified the writing and signature of Dr. Vivek Bhaskar at page 07 of the Bed Head Ticket of Uttam Anand which has been marked as Exhibit-11.

In cross-examination, he has deposed that when

he had assessed the patient, he was not hemodynamically stable. As such, he was not in a position to be referred to a higher center.

P.W.5 Dr. Vinit Kumar has stated that from 26-07-2021 at 07:00PM to 28-07-2021 at 07:00AM, he was on duty at SNMMCH, Dhanbad. On 28-07-2021, he had received a call at 05:45AM from Dr. Abhishek regarding an emergency case of road traffic patient. He had reached the Emergency Ward within 10-15 minutes and in the meantime, he had instructed over phone his staffs Rakesh and Shambhu for arrangements of emergency airway equipments which were in the hospital. After reaching the hospital, he had seen the patient Uttam Anand having severe head injuries and was lying unconscious with breathing difficulties. He was bleeding from ears and nose. He gave him stimulus with knuckle to see whether the patient is responding or not, but he was not responding. His oxygen saturation level was 50% SPO₂ which is very serious for the patient. After clearing secretions and blood from the patient's throat, he had secured airway using endotracheal tube and blood and secretion was aspirated in the lungs. The patient was unresponsive and hypoxic. He had put him on ventilator support to oxygenate him after which his saturation level rose up to 90-92%. He has proved his signature and handwriting on the backside of page No. 6 of the Bed Head Ticket of the deceased Uttam Anand which has been marked as Exhibit-12.

In cross-examination, he has deposed that he had advised for NCCT of the brain to be done. The NCCT can be done only when the patient gets stabilized.

P.W.6 Dr. Abhishek Kumar has stated that he was on duty from 27-07-2021 at 09:30PM to 28-07-2021 at 06:00AM in the Emergency Department of SMMMCH, Dhanbad. He has stated that on 28-07-2021 at about 05:30AM, one patient was brought in an unconscious condition in the hospital and on information by the staff, he had visited the minor O.T. where the patient was lying on a stretcher in a pool of blood bleeding from mouth and nose and he was gasping. The patient was given oxygen and suction was started. He had entered the name of the person who had brought the patient to the hospital in the register of the hospital and had called Dr. Sudhanshu Mishra, M.S. Surgeon who was on duty and he arrived at the minor O.T. within one or two minutes. Dr. Sudhanshu Mishra had immediately started treatment of the patient and in his absence, he had called Dr. Vinit, Anesthetist and on the advice of Dr. Sudhanshu Mishra, nasal and ear packing of the patient was done and medicines and injections were administered on the patient. He has proved the relevant portion of the certified copy of page No. 406 of Assistant Casualty Officer duty roster register wherein his endorsement and the signature of Dr. Jyoti is present which has been marked as Exhibit-13.

In cross-examination, he has deposed that in his presence, the process of ventilator was started and the patient was intubated.

P.W.7 Pawan Kumar Pandey has stated that on 28-07-2021 at 05:00AM, he was going from his house on a scooty to golf ground via Randhir Verma Chowk. On the way, he found that he had left his mobile at home and he returned

back and was going home for his mobile when he saw near Ganga Medical Store, 6-7 persons standing. He had immediately stopped his scooty and saw that a person in a seriously injured condition lying on the road with blood coming out from his mouth, ears and nose. He tried to stop an auto, but failed and thereafter he went to the opposite side of the road and stopped an e-rickshaw on which the injured person was loaded with the help of 3-4 persons. He had accompanied the driver of the e-rickshaw and went to Sadar Hospital and on finding the gate locked, he had taken the injured to PMCH where he got the injured admitted. He had thereafter come to the place of occurrence, took his scooty and left for his house. Later on, he came to know that the injured person was Uttam Anand, a Judge in Dhanbad Court. He has stated that on 07-08-2021, he was called to the Camp Office of CBI from where the CBI team and other persons had gone to the place of occurrence and he as well as the accused had shown them the exact place where the incident had taken place. The CBI team had collected blood-soaked earth and had also recreated the incident as well as taken photographs of the place of occurrence. The entire exercise was taken down on a Memorandum (D-85) and the sample was also sealed and documents were prepared. He has proved his signature on the Memorandum (D-85) and the sample sealed paper and the same have been marked as Exhibit-14 to 14/5. The scene of the incident with an auto rickshaw was recreated and a Memorandum (D-85) has been prepared. He has proved his signature on each of the pages of the Memorandum (D-86) which have been marked as Exhibit-15 to 15/4.

In cross-examination, he has deposed that he had not witnessed the incident.

P.W.8 Sheela Handa is an A.N.M. who was on duty at Platform No. 1 of Dhanbad Railway Station for conducting COVID Test on the passengers and on 28-07-2021 at 05:00AM, after her duty hours, she was going home on the motorcycle of her colleague Ashish Ram and as she reached Ganga Medical Store, she found an assemblage of 3-4 persons in front of the medical store. She and Ashish Ram had stopped and saw a person in an injured condition with blood coming out from his nose, ears and mouth. She had dialed from her own phone for an ambulance, but the ambulance did not arrive. The injured person was finding difficulty in breathing and she had cleaned the blood from his mouth and nose with a handkerchief lying besides the injured so as to facilitate proper breathing. She has stated that thereafter a person had gone to the opposite side of the road and stopped an e-rickshaw in which the injured was loaded and taken to Sadar hospital. Pawan Pandey had sat on the e-rickshaw. She and Ashish had gone to Sadar Hospital, but since the gate of the Hospital was closed, the injured was taken to PMCH, Dhanbad where he was admitted in the Emergency Ward. She and Ashish had thereafter left the Hospital. Later on, she had come to know that the injured was Uttam Anand, a Judge of Dhanbad Court. On 07-08-2021, she was called to the Camp Office of CBI where both the accused were present and she had left with the entire team for the place of occurrence at 11:00AM. The CBI officials had collected samples at the place of occurrence and had also recreated the incident and had

taken photographs. A Memorandum (D-85) was prepared for the entire exercise and she had also signed on the same. She has proved her signature on each of the pages of the Memorandum (D-85) which have been marked as Exhibit-16 to 16/5.

In cross-examination, she has deposed that the occurrence had taken place prior to her reaching the place of occurrence.

On a Court question, she has deposed that the treatment of the injured started in her presence in the Emergency Ward of the hospital.

P.W.9 Ajay Kumar was posted as a Scientific Assistant in DFSL, Ranchi and on 28-07-2021, the Additional Deputy Director, DFSL had constituted a four-member team for inspection of the place of occurrence. On 29-07-2021, the team reached Dhanbad P.S. where they were briefed about the incident. The forensic team had inspected the auto rickshaw kept in the Police Station premises as well as the place of occurrence and a report was prepared with a request to send the Exhibits to DFSL, Ranchi for forensic examination after taking permission from the Court. The said report has been proved and marked as Exhibit-17. The team had held a meeting with the ADGP and other police officials and it was decided to recreate the scene of crime and collect the CCTV footages and the videography of the post mortem and a report was prepared which has been proved and marked as Exhibit-18. He has stated that on 31-07-2021, the forensic team had reached the place of occurrence and had recreated the scene of crime and had also taken photographs and had made videography which

was included in the report which has been marked as Exhibit-19. The details of the recreated scene of crime was sent to the D.G.P.(Operations) through a forwarding letter and the said forwarding letter has been proved and marked as Exhibit-20. The Forensic Inspection Report dated 29-07-2021 has been proved and marked as Exhibit-21. The details of the inspection and recreation of the crime scene was sent through a forwarding letter and the said report has been proved and marked as Exhibit-22.

In cross-examination, he has deposed that the collision of the auto rickshaw with the judge Uttam Anand lasted for only one second.

P.W.10 Arun Kumar Das was posted as a Motor Vehicle Inspector, District Transport Office, Dhanbad and he had received a letter dated 29-07-2021 from S.H.O., Dhanbad P.S. for submitting an inspection report with respect to vehicle No. JH10R0461. He has proved his signature on the letter dated 29-07-2021 which has been marked as Exhibit-23. He had inspected the vehicle bearing Registration No. JH10R0461 which is an auto rickshaw at Dhanbad P.S. and had submitted his inspection report to S.H.O., Dhanbad P.S. He has proved the inspection report which has been marked as Exhibit-24. On inspection, it was detected that the auto was technically fit and the brakes, steering etc. were found in a proper condition. The indicator glass on both the left and right sides were found broken, but the glass on the left indicator was found broken recently. The front Number Plate was found scratched while there was no Number Plate in the back. He had come to a finding on inspection that the auto did not have any mechanical defect

leading to it dashing against the deceased. He has proved the forwarding letter addressed to the Deputy Superintendent of Police (Traffic) dated 31-07-2021 and the same has been marked as Exhibit-25. He has proved the inspection report and the registration vehicle details which have been marked as Exhibit-26. As per the office records, the auto bearing Registration No. JH10R0461 is registered in the name of Sugani Devi Loharin.

In cross-examination, he has deposed that the left side of the indicator of the auto was recently broken.

P.W.11 Dr. Sunil Kumar was the I/c Civil Surgeon-cum-Chief Medical Officer, Dhanbad and on 01-08-2021, he had received a letter from S.H.O., Dhanbad P.S. for determination of the age of Rahul Kumar Verma and Lakhan Kumar Verma by a Medical Board. After receiving the request letter, a Medical Board was constituted under his Chairmanship. The other members of the board were Dr. Sanjay Kumar, Radiologist, Dr. Toyaj Sukla, Dental Surgeon and HOD of Forensic Science, SNMMCH, Dhanbad. An intimation was given to the Members of the Board vide Memo No. 1396 dated 01-08-2021. He has identified his signature on the copy of the said letter which has been marked as X/1 for identification. On the same day, the accused persons were examined physically and their dental and radiological examination was done by the board members. After examination, the Board had submitted its report and as per the unanimous opinion of the Board, the age of the accused Rahul Kumar Verma was assessed to be 19-20 years and other details of the accused persons were also mentioned in the said report. He has proved the report of the Medical

Board relating to Rahul Kumar Verma which has been marked as Exhibit-27. As per the unanimous opinion of the Board, the age of the accused Lakhan Kumar Verma was assessed to be 20-21 years and other details of the accused were mentioned in the said report. He has proved the report of the Medical Board relating to Lakhan Kumar Verma which has been mentioned as Exhibit-28. The aforesaid reports were sent to S.H.O., Dhanbad P.S. vide Letter No. 1397 dated 01-08-2021 and he has identified the said letter which has been marked as Exhibit-29.

In cross-examination, he has deposed that for each assessment of the accused persons, physical, dental and radiological examination were conducted by the board members.

P.W.12 Prabhat Jha was working as a Nodal Officer, Reliance Jio Infocom Ltd., Bihar Service Area, Ranchi and on 06-10-2021, he had provided CDR and CAF (Customer Application Form) along with the certificate under Section 65B of Indian Evidence Act relating to 22 mobile nos. of the Investigating Officer of CBI vide letter dated 06-10-2021. As per CAF of mobile No. 9304861558, the said mobile no. was allotted to Lakhan Kumar Verma. As per CAF, mobile No. 8102223099 was allotted to Rahul Kumar Verma. The letter dated 06-10-2021 sent by him to the I.O., CBI along with the “CAFs”, “CDRs” and certificate issued under Section 65B Indian Evidence Act consisting of 23 pages have been proved and marked collectively as Exhibit-30. The Cell ID chart prepared from the system consisting of 113 pages is proved and marked as Exhibit-31.

In cross-examination, he has deposed that he cannot tell orally the contents of the Call Detail Record.

P.W.13 Nirbhay Kumar Sinha was working as a Nodal Officer, Bharti Airtel, Ranchi, Jharkhand since October 2008 and on 05-10-2021, he had provided CDR and CAF along with the certificate under Section 65B Indian Evidence Act relating to 14 mobile nos. to the Investigating Officer of CBI vide letter dated 05-10-2021. As per CAF, mobile No. 8102223099 is in the name of Rahul Kumar and mobile No. 8409955491 is also in the name of Rahul Kumar. He has proved the letter dated 05-10-2021 addressed to the I.O., CBI along with CAFs, CDRs and certificate under Section 65B Evidence Act consisting of 35 pages which have been collectively marked as Exhibit-32. The Cell ID Chart prepared from the system consisting of 04 pages has been marked as Exhibit-33.

In cross-examination, he has deposed that he does not know personally about the contents of CAF and CDR of mobile No. 8102223099 of the accused Rahul Kumar Verma.

P.W.14 Jay Prakash Mahto was posted as an Assistant Engineer, Electrical, Dhanbad Municipal Corporation and on 29-07-2021, he had received a notice from Municipal Commissioner in which he was directed to produce the DVR installed in the District Control Room. On 31-07-2021, he had handed over the DVR to the S.H.O. and a seizure list was also prepared. He has identified his signature and the signature of Suman Kumar in the seizure list which have been marked as Exhibit-34 and 34/1. He has also proved his signature on the certificate under Section 65B Evidence Act which has been marked as Exhibit-25.

In cross-examination, he has deposed that the DVR contains the footage of Randhir Verma Chowk.

P.W.15 Mukund Kumar Sinha was posted as an Assistant Director, DFSL since 13-12-2018. He had received 08 wooden boxes vide Memo No. 281/2021 dated 31-07-2021 in connection with the present case through Sri Randhir Kumar, S.I. on 01-08-2021. The seals on the packets were found intact and the boxes relating to biology and DNA division were opened in the laboratory. He had examined the exhibits for presence of blood on the same and he had found blood on the articles which are mentioned in his report from point no. 01-04. He has proved the report consisting of two pages which has been marked as Exhibit-36. He had submitted the articles for DNA extraction and the result of the examination has been mentioned under the heading “results of examination report” in his report. He has proved the report comprising of two pages which has been marked as Exhibit-37. After examination, all the articles were returned to the learned C.J.M., Dhanbad vide forwarding letter dated 18-10-2021 by Sri B.K. Thakur, Joint Deputy Director, DFSL. He has identified the signature of Sri B.K. Thakur which has been marked as Exhibit-38. He has also identified the list of articles which were returned after examination and the same has been marked as Exhibit-39. The second box having identification no. M No. 770/21 was opened in Court and the following sealed envelopes and paper packets came out:

- “i) Envelope containing Gauze piece marked-A by forensic department.*
- ii) Paper envelope marked-B by forensic department.*
- iii) Envelope containing stone piece marked- C by*

- forensic department.*
- iv) Envelope containing Earth marked- D by forensic department.*
 - v) Envelope containing Face mask marked- E by forensic department.*
 - vi) Envelope containing Handkerchief marked- F by forensic department.*
 - vii) Envelope containing Underwear marked- G by forensic department.*
 - viii) Paper envelope marked-H by forensic department.*
 - ix) Paper envelope marked-1 by forensic department.*
 - x) Envelope containing Cotton piece marked- 2 by forensic department.*
 - xi) Envelope containing Bedsheet marked - 3a by forensic department.*
 - xii) Envelope containing T-shirt marked - 3b by forensic department.*
 - xiii) Envelope containing Ganji marked- 3c by forensic department.*
 - xiv) Envelope containing Half pant marked- 3d by forensic department.*
 - xv) Envelope containing Janghiya marked- 3e by forensic department.*
 - xvi) Envelope containing Gauze piece marked- 4 by forensic department.*
 - xvii) Envelope containing Gauze piece marked- 5 by forensic department.”*

The gauge piece marked “A” by the Forensic

Department was the same gauge piece he had examined. The same has been marked as Material Exhibit- M-II. He has proved his signature in the main envelope which has been marked as Exhibit-40. The stone piece marked “C” by the Forensic Department was the same stone piece which he had examined. The same has been marked as Material Exhibit- M-III. He has proved his signature on the main envelope which has been marked as Exhibit-40/1. The soil marked “D” by the Forensic Department was the same soil which he had examined and the same has been marked as material Exhibit- M-IV. He has proved his signature on the main envelope which has been marked as Exhibit-40/2. The face mask which was marked “E” by the Forensic Department was the same face mask which was examined by him and the same has been marked as Material Exhibit- M-V. He has proved his signature in the main envelope which has been marked as Exhibit- 40/3. The handkerchief marked “F” by the Forensic Department is the same handkerchief which has been examined by him and which has been marked as Material Exhibit- M-VI. The signature in the main envelope has been marked as Exhibit-40/4. The underwear marked “G” by the Forensic Department is the same underwear which he had examined and the same has been marked as Material Exhibit- M- VII. His signature in the main envelope has been marked as Exhibit-40/5. The cotton piece which has been marked “2” by the Forensic Department is the same cotton piece he had examined and which has been marked as Material Exhibit- M-VIII. His signature in the main envelope has been marked as Exhibit-40/6. The bed sheet marked “3a” by the

Forensic Department is the same bed sheet which he had examined and the same has been marked as Material Exhibit- M-IX. The T-shirt marked “3b” by the Forensic Department is the same T-shirt which has been examined by him and the same has been marked as Material Exhibit- M-X. The Ganji marked “3c” by the Forensic Department is the same Ganji which he had examined and which has been marked as Material Exhibit- M-XI. The half pant marked “3d” by the Forensic Department is the same half pant which he had examined and it has been marked as Material Exhibit- M-XII. The Janghiya marked “3e” by the Forensic Department is the same Janghiya which he had examined and which has been marked as Material Exhibit- M-XIII. The gauze piece marked “4” by the Forensic Department is the same gauze piece which he had examined and the same has been marked as Material Exhibit- M-XIV. His signature in the main envelope has been marked as Exhibit-40/7. The gauze piece marked “5” by the Forensic Department is the same gauze piece which he had examined and the same has been marked as Material Exhibit- M-XV. His signature in the main envelope has been marked as Exhibit-40/8.

In cross-examination, he has deposed that the Exhibit marked “F” by the forensic Department and the Exhibit marked “G” matched with the Exhibit marked “4” of accused Lakhan Kumar Verma.

P.W.16 Om Prakash Yadav was posted as an Assistant Transport Officer who has stated that on 30-07-2021 he had received Memo No. 2686/2021 from the Inspector-cum-Officer-in-Charge of Dhanbad P.S. in which

details were sought for of the driving licenses of Rahul Kumar and Lakhan Kumar Verma. He had replied to the said communication vide his letter dated 30-07-2021 in which it has been stated that the licenses were not issued by Sarthi software. He has proved the letter which has been marked as Exhibit-41. On 25-08-2021, he had received a letter from the CBI regarding furnishing of the details of the vehicle bearing Registration No. JH10R0461 and he had submitted the details as desired of the registration and transfer of the said vehicle. The said communication has been proved and marked as Exhibit-42. As per the official records, the said vehicle is registered in the name of Sugani Devi Loharin after its transfer from the previous owner Virendra Kumar Tiwari.

In cross-examination, he has deposed that he had submitted the details of the vehicle as asked for by the CBI.

P.W.17 Dinesh Prasad was posted as an Executive Engineer, Road Division, Dhanbad who has stated that as per the request of the Deputy Superintendent of Police (Traffic), Dhanbad vide letter dated 31-07-2025, he had prepared a map of the place of occurrence which was in four pages and which was made available to the Deputy Superintendent of Police (Traffic), Dhanbad vide letter dated 02-08-2021. The said letter has been proved and marked as Exhibit-43.

In cross-examination, he has deposed that the map was prepared based on the actual oriental compass/total station of the road. He had not visited the place of occurrence.

P.W.18 Amitosh Kumar was posted as a Senior Scientific Officer-I, CFSL, New Delhi and he has stated that

a letter was received dated 04-08-2021 for inspection and recreation of the crime scene at Dhanbad. On the direction of Director, CFSL, New Delhi he along with other members of the CFSL visited Dhanbad. On 07-08-2021, the CFSL team carried out inspection on the scene of crime and collected the blood-stained soil samples and control soil sample from the side of the road near Ganga Medical Hall and the same was sealed in two envelopes. The photography and videography at the place of occurrence and in and around the area was done by the CFSL team. Officers of Kwick Soft Solution Pvt. Ltd. had also conducted digitization of the scene of crime in 3D. The Memorandum which was prepared regarding the proceeding conducted on 07-08-2021 has been proved and marked as Exhibit-44. He has stated that on 08-08-2021, the CFSL team had recreated the scene of crime with the help of persons used as auto driver and one CBI official used as a co-passenger. One person was used as dummy of Uttam Anand. The crime scene was recreated after analyzing the CCTV footage of the scene of crime. The photography and videography of the recreated scene of the occurrence was done by the CFSL team. Officers of Kwick Soft Solution Pvt. Ltd. had also conducted digitization of the scene of crime in 3D. The memorandum which was prepared regarding the proceeding conducted on 08-08-2021 has been marked as Exhibit-45. The CFSL team had prepared report No. CFSL-2021/P-411 dated 13-08-2021 and as per observation of the team, the speed of the auto rickshaw at the time of hitting the deceased could be 20-25 kmph and the angle of impact at the time of collision between the deceased and the auto rickshaw was 21 degrees

approximately. The report and its forwarding letters have been proved and marked as Exhibit-46. The answer to some of the queries of the CBI and the forwarding report have been collectively proved and marked as Exhibit-47.

In cross-examination, he has deposed that the CFSL in which he works is under the administrative control of CBI.

P.W.19 Ashutosh Deo Tiwary was working as the Principal Scientific Officer, CFSL who has stated that a letter dated 16-08-2021 was received in the office of CFSL, New Delhi for clarification of certain queries. The answer to the queries were sent by the CFSL team vide letter dated 25-08-2021. The report was signed by all the team members including himself. He has identified his signature on the forwarding letter of the chemical examination report dated 26-08-2021 which has been marked as Exhibit-48. He had received an authority letter dated 01-09-2021 for collection of Exhibits. He has identified his signature on the said letter regarding receiving of the same which has been marked as Exhibit-49. Pursuant to the said letter, he had handed over the Exhibits in two envelopes containing SDHC card having 36 video clips and one Sandisk 16 GB card having 404 images from DSC-3699 to DSC-4102 to the official of CBI vide letter No. CFSL-2021/P-411/2654 dated 02-09-2021. He has identified his signature on the said letter which has been marked as Exhibit-50.

In cross-examination, he has deposed that the chemical examination report is not known to him. He had just forwarded it.

P.W.20. Jani Babu was working as an In-charge

in City Fuels and on 29-07-2021, he had given the CCTV footage of the petrol pump of camera no. 8 and 16 from 05:15AM to 05:35AM dated 28-07-2021 in a 16 GB pen drive to the Officer-in-Charge Govindpur P.S. He has proved the production-cum-seizure list of the pen drive and the certificate given under Section 65B Evidence Act which has been marked as Exhibit-51. He had also handed over to the Officer-in-Charge, Govindpur P.S., the DVR with the charger and the production-cum-seizure list as well as the certificate issued under Section 65B Evidence Act which have been proved and marked as Exhibit-52. He has also proved his signature and the signature of other witnesses in the sealed envelope containing the 16 GB Sandisk pen drive which has been marked as Exhibit-53. The Sandisk pen drive has been marked as Material Exhibit- M-XVI.

In cross-examination, he has deposed that the Police had not recorded his statement.

P.W.21 Md. Samsher Ali was working as a Nozzle Man in City Fuels. He has identified Lakhan Kumar Verma through V.C. as the person who on 28-07-2021 at 05:30AM had come to the petrol pump in his autorickshaw and after diesel worth Rs. 200/- was filled up in the tank, he had left with the auto. In course of investigation by the CBI, he had identified Lakhan Kumar Verma by his photograph.

The CCTV footage was displayed in Court which included the footage outside the petrol pump and inside the petrol pump. On seeing both the footages, he had stated that the auto and the person driving the auto in both the photographs are same.

In cross-examination, he has deposed that

Lakhan Kumar Verma had later on worn a mask. The auto had two passengers sitting, one of whom had got down from the vehicle while the other was sitting.

P.W.22 Dr. Amod Kumar Singh was a member of the CFSL team and he has reiterated what has been stated by P.W.18. He had prepared one crime scene profiling report dated 17-08-2021 which has been marked as Exhibit-54.

In cross-examination, he has deposed that in the said report, he had mentioned that the act of collision seems intentional based on CCTV footages, scene of crime and his observation.

P.W.23 Brij Kumar Thakur was posted as Joint Deputy Director, DFSL, Ranchi and on 01-08-2021, 08 sealed wooden boxes with white cloth cover were received vide Memo No. 281/2021 dated 31-07-2021 in connection with the present case. After receiving the boxes, a receipt was issued by Subodh Prasad, ASI deputed at DFSL, Ranchi. He has identified the signature of Subodh Prasad on the receipt. The receipt has been proved and marked as Exhibit-55. On 02-08-2021, an autorickshaw without key of green-yellow color was received in DFSL, Ranchi after which a receipt was issued by Subodh Prasad, ASI. He has proved the receipt which has been marked as Exhibit-55/1. He has stated that on 07-08-2021, a letter addressed to DFSL, Ranchi by Tarun Kumar Sinha, Dy. S.P., CBI, ACB, Ranchi was received for return of the above said autorickshaw for the purposes of investigation. The order of the learned S.D.J.M.-cum-Special Judicial Magistrate, CBI, Dhanbad dated 07-08-2021 was also attached with the said letter. The receipt of the letter has been proved and marked as Exhibit-56. In compliance to the

said letter, the autorickshaw was handed over to Tarun Kumar Sinha, Dy. S.P., CBI, ACB, Ranchi vide letter No. SFSL/2374/2021 dated 07-08-2021 addressed to the learned Chief Judicial Magistrate, Dhanbad. The said letter has been proved and marked as Exhibit-57. He has stated that the team of DFSL, Ranchi Physics Division examined the objects of wooden box no. 1. The Exhibits marked 1a, 1b and B1 are part of the one-sided silver-colored coated damaged light reflector connected with axial hole on the front side of the grey color damaged indicator frame. After examination, a report was prepared by his team and the said report has been proved and marked as Exhibit-58. The forwarding letter of the report sent to the Court of learned C.J.M., Dhanbad and S.S.P., Dhanbad has been proved and marked as Exhibit-58/1. The fiber-like objects, he had examined has been marked as Material Exhibit- M-XVII and M-XVII/1. He has identified his signature in the main envelope which has been marked as Exhibit-59. The five broken pieces of fiber-like object marked B1 to B5 were the same fiber-like objects which were examined by him and which have been marked as Material Exhibit- M-XVIII to M-XVIII/4. He has proved his signature in the main envelope which has been marked as Exhibit-60. The damaged indicator frame of fiber-like object marked "H" was the same object which was examined by him and which has been marked as Material Exhibit- M-XIX. He has proved his signature on the main envelope which has been marked as Exhibit-61. He has proved the receipt of the auto rickshaw which has been marked as Exhibit-62. The authorization letter addressed to Director, DFSL for return of the Exhibits has been proved and marked as Exhibit-63. The

letter by which one sealed wooden box with white cover M No. 770/2021 was returned vide forwarding Memo No. 5176 dated 18-10-2021 has been proved and marked as Exhibit-64.

In cross-examination, he has deposed that the articles marked B2 to B5 did not match with the indicator marked "H".

P.W.24 Vishwajeet Kumar Chetan was posted as a Sub-Inspector of Police in Dhanbad P.S. and on the orders of the Officer-in-Charge of Dhanbad P.S., he had, on 28-07-2021, gone to visit the place of occurrence at Ganga Medical near Randhir Verma Chowk. In course of inspection, he had taken two witnesses; Puran Gope and Nayan Laha. He had collected from the place of occurrence some pieces of fiber and blood collected in cotton and had put them in an envelope. He had submitted the envelope to the Investigating Officer Vinay Kumar. He has proved the carbon copy of the seizure list which has been marked as Exhibit-65. He has identified his signature and the signature of the other witnesses over the envelope containing pieces of fiber which has been marked as Exhibit- 65/1. He has also identified his signature and the signature of the witnesses over the envelope containing blood samples in cotton which has been marked as Exhibit-65/2.

In cross-examination, he has deposed that he had prepared the seizure list at the place of occurrence itself.

P.W.25 Dr. Harish Mani Lal Pathak was posted as Professor and Head of the Department of Forensic Medicines, SETH, GS Medical College and KEM Hospital, Parel, Mumbai and on 04-08-2021, he had received a request

from the Investigating Officer of the present case to visit the scene of crime at Dhanbad and give his opinion. Accordingly, on 09-08-2021, he along with Dr. Mahesh Akare reached Dhanbad and had interactions with the Investigating Officer and had done the preliminary examination of the autorickshaw which was intercepted. The following was done which has been mentioned in the report:

- *Preliminary Analysis of CCTV Footage of incident.*
- *Preliminary analysis of photographs provided.*
- *Visit to the Scene of incident.*
- *Examination and measurements at the scene,*
- *Reconstruction of events with volunteer of similar height and built as that of deceased.*
- *Forensic photography at the scene of incident.*
- *Visit to the Mortuary, detailed discussion regarding autopsy with Dr. Kumar Shubendu, Assistant Professor, Department of Forensic Medicine, SNMMCH, Dhanbad.*
- *Interview / History taking from Accused Rahul Kumar Verma, and Lakhan Kumar Verma.*

On 11-08-2021, his team had received the following documents for further analysis:

- *Received one Pen Drive containing Post Mortem Videography of the deceased.*
- *Received one Pen Drive containing the photography of scene of crime and the vehicle used in the incident (Clicked on 29/07/2021).*
- *Received one Pen Drive containing the CCTV*

footage of incident.

- *Analysis of CCTV Footage of incident on 28.07.2021.*
- *Analysis of photographs clicked on 29.07.2021.*
- *Analysis of videography of post mortem on 28.07.2021.*
- *Examination and forensic photography of auto-rickshaw intercepted in relation to the incident.*

Based on the analysis of the CCTV footage of the incident, photographs provided, videography of post-mortem, interviewing accused Rahul Kumar Verma and Lakhan Kumar Verma, visit to the scene of incident, examination of auto rickshaw, reconstruction of the events, forensic photography primarily revealed the following findings:

“1. Injury A

Linear Fracture present over right temporo-parietal region of size 3.5 inches, fracture line extending from squamous part of temporal bone including Parietal bone to right mastoid bone, separating the right lateral aspect of lambdoid suture, Margins irregular, blood infiltrated.

Injury A is probably caused by impact of head on the ground after fall as seen in Photo 1.3.

2. Injury B

Linear Fracture present over left temporo-parietal region of size 5 inches, fracture line extending from left Parietal bone with separation of left lateral lambdoid suture to the left mastoid bone. Margins

irregular, blood infiltrated.

Injury of Left aspect of skull has probably been caused by the Yellow dented edge of the auto rickshaw as seen in the photograph (Photo 2.3).

3. Injury C

Patterned Abrasion injury over back of chest 6" below the nape of neck. This injury is probably caused by the blue rod at the left edge of the auto as seen in Photo 2.4 above.

4. Injury D

Graze abrasion present over back of left side of lower part of chest, directed downwards, laterally and located 2 inch away from midline of size 2 x $\frac{3}{4}$ inch, reddish in color.

Injury observed in Photo 4.1 was caused by fall on ground after impact with auto.

5. Injury E

5.1 Contusion present on lower back.

Contusion present over back of chest on the right lateral side approximately 3 inch away from midline of size approximately 2 x 1 inch, bluish in color.

The injury observed in photo 5.1 was probably sustained by impact with the left headlight of the auto, which could have caused the headlight to break as observed in photo 5.2.”

He has stated that on examination of auto rickshaw, reconstruction of events, photography and analysis of post-mortem findings, it was deduced that the driver of the auto rickshaw Lakhan Kumar Verma appears to

be in full control of the vehicle. At no point of time, he exhibited any sort of attempting to turn or swerve away from the deceased, no attempts at sudden breaks, sudden turning or wobbling of vehicle indicating that he was in full control of the auto and clearly been changing the moving auto's path from the middle of the road specifically towards the deceased for about 20 metres at an angle of about 20 degrees from the midline. The auto rickshaw is seen returning back to the original path towards the middle of the road after hitting the deceased, completely in control of the vehicle. The summary of conclusions arrived at were as follows:

- “1. Injury on left aspect of skull has probably been caused by the Yellow dented edge of the auto-rickshaw as seen in the photograph (Photo 2.3).*
- 2. Patterned Abrasion injury over back of chest 6" below the nape of neck. This injury is probably accused by the blue rod at the left edge of the auto (Photo 2.4).*
- 3. Graze Abrasion injury present over lower back of chest on left side 2 inches away from midline, has probably been caused by impact on ground after being hit by auto (Photo 4.1).*
- 4. Contusion present over lower back has probably been caused by impact with the left headlight of the auto (Photo 5.1).*
- 5. Injury sustained on the right side of Skull has probably been caused by the impact of deceased hitting the ground after being hit by the auto at a speed of 23 km/hr (Photo 1.3).*

6. *Driver of Auto Rickshaw, Lakhon Kumar Verma, appears to be in full control of the vehicle*
7. *The above-mentioned injuries were sustained when the auto- rickshaw struck a physically fit, well built, height 5'8" pedestrian adult at a speed of 23 km/hr. Injury Number A and B on the head (Singularly or Collectively) are sufficient to cause death in ordinary course of nature;”*

He has opined that the findings and observations indicate that the hit and run incident was not accidental, but intentional. He has proved the report along with its enclosures which has been marked as Exhibit-66.

In cross-examination, he has deposed that the speed of the auto rickshaw in question was sufficient to cause death by blunt impact against the head of the deceased.

P.W.26 Randhir Kumar was posted as an Inspector of Police in Bank More P.S. and on 28-07-2021, he was called to the office by the Senior Superintendent of Police, Dhanbad as someone had committed the murder of a Judge. On such information, he had reached the office at 06:30PM where the City S.P., Ram Kumar had constituted a team. He was sent to the Police Control Room with Addl. S.P. to go through the CCTV footages. The CCTV footage was shown by the technical engineer in which he had seen an auto rickshaw deliberately colliding with the Judge and thereafter going ahead. They had thereafter seen the CCTV footage of City Fuels Petrol Pump where the driver of the auto

was seen filling up the auto with fuel. On seeing the CCTV footage installed near Vishwakarma Hardware, G.T. Road, an auto was seen crossing the said place and it was also seen crossing the electronic appliances shop of Jaiswal Ji. When they were searching for the accused in Govindpur Bazar, it was informed by the Officer-in-Charge of Dhanbad P.S. that one accused Rahul Verma has been apprehended from just outside the Dhanbad Railway Station and apart from admitting his involvement, had also disclosed that Lakhan Verma, his accomplice had deliberately collided with the Judge. He had also disclosed that Lakhan Verma had taken his auto to his brother-in-law's place at Giridih. He had also disclosed the mobile no. of Lakhan Verma. He has stated that based on the inputs given by Rahul Verma, he and his team had reached the house of Deepak Sonar on 29-07-2021 at 04:30AM from where Lakhan Verma was arrested. He has proved the arrest memo which has been marked as Exhibit-67. On a search of the room, an airbag was recovered from under the cot in which Lakhan Verma was sleeping and wearing apparels as well as some personal items were seized. The articles recovered from the bag except the SIM card has been collectively marked as Material Exhibit- M-XX. He has proved the seizure list which has been marked as Exhibit- 67/1. Lakhan Verma had disclosed that the offending auto is standing in front of the house which was subsequently seized along with the mobile and a transfer form. The seizure list of the seized auto has been proved and marked as Exhibit- 67/2. The auto rickshaw which was produced in the Court has been marked as Material Exhibit- M-XXI.

In cross-examination, he has deposed that the arrest memo was prepared in the house of Deepak Sonar.

P.W.27 Chandrashekhar Prasad was the Ward Member in Ward No. 35 who, on the direction of the Police, had reached the house of Deepak Sonar on 29-07-2021 at 04:30AM. On opening the door, Lakhan Kumar Verma was arrested and an arrest memo was prepared. The Police had seized an airbag which contained some personal necessities. On the disclosure of Lakhan Kumar Verma, the offending auto was seized.

In cross-examination, he has deposed that his house is at a distance of 20 metres from the house of Deepak Sonar.

P.W.28. Dr. Hema Vinod Chandra Acharya was posted as an Assistant Director, Forensic Psychology Division, DFS, Gandhi Nagar, Gujarat and on 31-07-2021, the case was received in the office for the analysis of images, video clips relating to present case sent by email by S.S.P., Dhanbad. Besides the images and video clips, she had also received the case papers like FIR, accident report form, sitemap of scene of occurrence and nearby area, post-mortem report of the deceased, late Uttam Anand etc. The case was allotted to her on 02-08-2021 for analysis and report thereon. She had done the analysis of the CCTV footages and images of the crime scene and nearby area and after analysis had prepared report No. DFS/EE/21/Psy Asse/06 dated 02-08-2021. The details of the CCTV footages she had analysed are as follows:

“i) CCTV footage of Randhir Verma Chowk towards SSLNT dated 28.07.2021 from

05:06:03 am to 05:16:34 am (00:10:31).

- ii) CCTV footage of Randhir Verma Chowk to Police Line dated 28.07.2021 from 04:52:16 am to 05:16:33 am (00:24:17).*
- iii) CCTV footage of CAM 8 installed at City Fuels Petrol Pump dated 28.07.2021 from 05:15:01 am to 05:35:29 am (00:20:28).*
- iv) CCTV footage of City Center Towards DMC dated 28.07.2021 from 05:05:03 am to 05:14:21 am (00:09:16).*
- v) CCTV footage of Raju Yadav Chowk to Rangatand dated 28.07.2021 from 05:01:36 am to 05:14:21 am (00:12:46).*
- vi) CCTV footage of Rangatand towards Raju Yadav Chowk dated 28.07.2021 from 05:0X:11 am to 05:1X:27 am (00:03:13). (X: Not legible).*

She had also analyzed 08 photographs as mentioned in her crime scene profiling report. She had analyzed 06 video clips and images which have been mentioned in her report from Serial No. 1 to 6 and after analysis, the following conclusions were arrived at:

- “1) Based on the analysis of the CCTV Video clips and images, it is thus concluded that someone has followed Shri Uttam Anand in auto rickshaw and on getting an opportunity; the Auto-Rickshaw driver did the act to hit Shri Uttam Anand. On analyzing all the CCTV Video clips, the manner in which the Auto-Rickshaw driver has driven the Auto-*

Rickshaw and the way act has been executed, shows that the Auto-Rickshaw driver is in good state of mind. Thus, this incident seems to be planned and intentional. It does not appear to be an accident.

- 2) *Two persons in the auto rickshaw are seen before and during the incident and when the same Auto-Rickshaw comes to petrol pump, only one person is seen in the auto rickshaw. It is suggested to investigate whether another person accompanying the Auto-Rickshaw driver is dropped on the route between the place of incident to the petrol pump.”*

She has proved the crime scene profiling report and the forwarding letter which have been collectively marked as Exhibit-68.

In cross-examination, she has deposed that on analysis of all six video clips that were sent to her by email, the auto appears to be moving smoothly and on normal speed in the video clip bearing Serial Nos. 4, 5 and 6. She had mentioned in her report about the auto driver being in a good state of mind.

P.W.29 Mahendra Kumar Tiwary was posted as a Technical Engineer in S.P. Office, Dhanbad and on 29-07-2021, he had handed over to the Officer-in-Charge, Govindpur P.S. footages of two CCTV cameras situated near City Centre, 03 cameras from Shramik Chowk, Rangatand, Circuit House and S.S.L.N.T. College and 02 cameras from Randhir Verma Chowk total footages from 07 cameras in presence of two witnesses. The footages were given in a

32 GB Pen Drive along with a certificate under Section 65B of the Evidence Act. The seizure list of CCTV footages and the certificate under Section 65B of Evidence Act have been collectively proved and marked as Exhibit-69. He has stated that on 31-07-2021, he had handed over the CCTV footage from 16-07-2021 to 28-07-2021 relating to the morning walk of Uttam Anand in presence of two witnesses. He had also given a certificate under Section 65B Evidence Act. The production-cum-seizure list of the CCTV footages and the certificate under Section 65B Evidence Act have been collectively proved and marked as Exhibit-70.

In cross-examination, he has deposed that the seizure list was prepared in S.S.P. Office.

P.W.30 Vijay Yadav is an auto rickshaw driver and he plies his auto from 05:00PM to 06:00AM from Govindpur to Dhanbad Railway Station and back. He has stated that on 28-07-2021, he had left Govindpur for the Railway Station at 04:30AM with two passengers. He had dropped one passenger near D.R.M. Office at around 05:15AM. He has identified his auto in the CCTV footage. He had been shown a photograph and he had identified a person who on 27-07-2021 at 05:10AM had boarded his auto near Hatia More and he had dropped him near D.R.M. Office. The CBI officials, after his identification, had disclosed the name of the passenger as Rahul Verma. He has identified Rahul Verma who was produced through video conferencing.

In cross-examination, he has deposed that on the same night he had come to know about the occurrence from the auto rickshaw drivers present in the railway station.

P.W.31 Vinod Bhagwan Ramteke was working in

CFSL, New Delhi since the year 2005 and he has stated that letter No.- SPL/3/1/RC05/S-21/New Delhi dated 15-08-2021 addressed to the Director, CFSL, New Delhi by HOB, CBI, SC-I, New Delhi along with one sealed parcel was received by him through the Biology Division of CFSL, New Delhi and in the said letter, a questionnaire was attached in which opinion regarding presence of alcohol or any other psychotropic substance in the blood sample and urine sample exhibits of accused Rahul Kumar Verma and Lakhan Kumar Verma were sought for. It was also requested that DNA profiling from the above sample may be generated and preserved. The exhibits were analyzed by him through physio-chemical methods, chemical tests, thin layer chromatography, gas liquid chromatography and gas chromatography-mass spectroscopy for the presence of ethyl alcohol and psychotropic substances viz. Barbiturates, phenothiazines, alkaloids, benzodiazepines, cannabinoids and amphetamines. On examination, all the above exhibits gave negative tests for the presence of ethyl alcohol and psychotropic substances. He has proved the report prepared by him which has been marked as Exhibit-71. The DNA profile of Lakhan Kumar Verma and Rahul Kumar Verma was generated and documented for future reference. The report prepared by him has been proved and marked as Exhibit-72. The vacutainer tubes containing the blood samples of Lakhan Kumar Verma has been marked as Material Exhibit- M-XXII and M-XXII/1. The vacutainer tubes having the blood samples of Rahul Kumar Verma have been marked as Material Exhibit- M-XXIII and M-XXIII/1. The container having the urine samples of Lakhan Kumar Verma

has been marked as Material Exhibit- M-XXIV, while the container having the urine sample of Rahul Kumar Verma has been marked as Material Exhibit- M-XXV.

In cross-examination, he has deposed that the test performed by him was 100% accurate.

P.W.32 Krishna Nand Mishra works as a Cook in Khalsa Hotel, Govindpur and he has stated that on 23-07-2021 in the evening, Rahul Kumar Verma had come to him and sought for a job in the hotel. On 24-07-2021, Rahul Kumar Verma had once again come with his Aadhar card and he was taken to the hotel owner who appointed Rahul Kumar Verma as a kitchen helper. He has stated that on 27-07-2021, one of the staffs of the hotel Prakash Modi had come to him and disclosed that his mobile has been stolen which he had disclosed to his Manager Satyajit Roy. In course of search, a woman of the locality had disclosed that a person had jumped the wall and had kept something inside the earth. On search, the stolen mobile was recovered and the said woman had identified Rahul Kumar Verma as the person who had hid the mobile. The said Rahul Kumar Verma fled away before he could be taken to the owner of the hotel. He has identified Rahul Kumar Verma from the photographs shown to him by the CBI officials. He has identified the bag produced before him as the bag which was with Rahul Kumar Verma when he had fled away from the hotel. He has identified Rahul Kumar Verma who was produced through video conferencing.

In cross-examination, he has deposed that he does not have any personal acquaintance with Rahul Kumar Verma.

P.W.33 Rakesh Kumar Rawani @ Raju works as a Parking Agent in Dhanbad Railway Station since the year 2011. On 27-07-2021, his duty was from 07:00PM till 07:00AM on the next day. At about 01:30AM, two persons had come with an auto rickshaw and parked it in the parking lot of Dhanbad Railway Station. The number plate in the front of the auto rickshaw was scratched, while there was no number plate at the rear. There was a sign of “heart” in the front glass of the auto. During the CBI investigation, some photographs were shown to him from which he had identified two persons who had parked their auto rickshaw which did not have a number plate. Later on, he had come to know the name of the said persons as Lakhan Verma and Rahul Verma. He has identified both the accused who were produced before him through video conferencing. The photographs shown to him have been marked as Y and Y/1 for identification.

In cross-examination, he has deposed that the accused persons had taken away the auto from the parking lot after 30 minutes. The auto was being driven by Lakhan Verma.

P.W.34 Saddam Hussain has stated that on 29-07-2021, he had gone to Giridih along with the Officer-in-Charge Bank More P.S. and his team from where Lakhan Verma was arrested and an auto was recovered. On the same day, he had driven the auto and brought it back from Giridih to Dhanbad P.S. He had filled diesel worth Rs. 500/- in the said auto.

In cross-examination, he has deposed that the auto was running in a proper condition.

P.W.35 Sonika Verma was posted as Sub-Inspector in Saraidhela P.S. and on 28-07-2021, her duty was at SNMMCH, Dhanbad. On 28-07-2021, she was working in the mortuary in a different case when an information was received at 09:30AM that an unidentified dead body is lying in SNMMCH. She had gone to the Emergency Ward and found a dead body lying in bed no. 5 with his head bandaged. After sometime, Manoj Swargiari, A.S.P. (Law & Order) and Vinay Kumar, Officer-in-Charge, Dhanbad P.S. had come and identified the dead body as that of Uttam Anand, A.D.J.-VIII. She had seen the wife of the deceased in the hospital premises at 11:00AM. She has proved the inquest report which has been marked as Exhibit-73. The carbon copy of the dead body challan has been proved and marked as Exhibit-73/1. On 16-08-2021, she had handed over the O.D. Slip to the Inspector of CBI. The production-cum-seizure list of O.D. Slip has been marked as Exhibit-74.

In cross-examination, she has deposed that in the inquest report, the cause of death had been mentioned as collision by an unknown vehicle.

P.W.36 Pradeep Kumar Gottam was working as a Principal Scientific Officer (Photo & Scientific Aid Division), CFSL, New Delhi and on 10-08-2021, he along with Srinivas Pillari, Sri Kuldeep, S.I. and two independent witnesses assembled at CBI Camp Office, CIMFER, Dhanbad for the purposes of extraction, cloning, imaging and copying of data from DVR, Pen Drive, Memory Card, Hard Disk, C.D./D.V.D. etc. seized in the present case. The team under his supervision extracted the data from the above said

devices by using Tableau TX1 forensic imager. After extraction/cloning/copying/imaging of data, the said exhibits were again sealed with the seal impression of “SIT Dhanbad”. A memorandum dated 10-08-2021 was also drawn about the aforesaid proceedings and 15 certificates under Section 65B Evidence Act were also given by him. The memorandum dated 10-08-2021 along with specimen seal impressions and certificates under Section 65 B Evidence Act have been collectively proved and marked as Exhibit-75 (except photocopies). He has stated that again from 11-08-2021 to 14-08-2021, he along with Vikas Sharma, SSA, CFSL, New Delhi, Srinivas Pillari, Senior System Analyst, Dhruba Kundu, PC, CBI, TAFSU, Kolkata, Arvind Jaitley, Inspector, Kuldeep, S.I. and two independent witnesses assembled at CBI Camp Office, CIMFER, Dhanbad for the purposes of extraction/exporting of data from the DVRs and laptop seized in the present case. The details of the above said devices are mentioned in the memorandum dated 14-08-2021 under the heading “description” from serial no. 1 to 11. The team under his supervision extracted/exported the data mentioned at serial no. 1 to 11 by connecting the DVR to monitor device and exporting the data of all storage devices one by one by collecting one storage device at a time in the monitor. The exhibits, except at serial no. 1 to 11, were in sealed condition. The said sealed exhibits were sealed in the presence of all the members and witnesses and after de-sealing the data from the above said devices was stored in one hard drive of 2TB for investigation purposes. After extraction/exporting of data, the said exhibits were again sealed with the sealed impression of “SIT

Dhanbad”. A memorandum was also drawn dated 14-08-2021 about the proceedings and 13 certificates under Section 65B Evidence Act were also given by him. He has proved the memorandum along with specimen seal impressions and certificates under Section 65B Evidence Act which has been collectively marked as Exhibit-76 (except photocopies. The two photocopies of Section 65 B Evidence Act certificates are marked X/1 and X/2 for identification.

During examination-in-chief, the learned P.P.-CBI has produced the various sealed exhibits in Court. The pen drive from which data was extracted and stored in the external hard disk as mentioned in the memorandum dated 10-08-2021 has been marked as Material Exhibit- M-XXVI. He has proved his signature on the envelope in which the pen drive was sealed and the same has been marked as Exhibit-77. The pen drive containing the CCTV footages of the crime scene and nearby areas and from which data was extracted and stored in the external hard disk as mentioned in memorandum dated 10-08-2021 has been marked as Material Exhibit- M-XXVII. He has identified his signature on the envelope in which the pen drive was sealed and which has been marked as Exhibit-77/1. The sealed box wrapped with a white cloth was opened and on opening, one cardboard box containing one External Seagate 1TB Hard Drive was found. The hard disk has been marked as Material Exhibit- M-XXVIII. This is the same hard disk from which data has been transferred in hard disk and was submitted to the Investigating Officer of the case. The aforesaid hard disk was kept in a box sealed with white cloth which bears his signature and the signature of other team members. His

signature on the cloth of Material Exhibit- M-XXVIII has been marked as Exhibit-77/2. On opening another sealed packet, one UDVR was found which was analyzed for extraction as mentioned in the memorandum dated 14-08-2021. The UDVR has been marked as Material Exhibit- M-XXIX. The said UDVR was sealed with white cloth which bears his signature and the signature of other team members. He has identified his signature on the cloth of Material Exhibit- M-XXIX which has been marked as Exhibit-77/3. Another sealed cloth packet was opened which contained one NVR/DVR which was analyzed for extraction and data was stored in hard disk as mentioned in memorandum dated 14-08-2021. The NVR/DVR has been marked as Material Exhibit- M-XXX. The NVR/DVR was sealed in white cloth which bears his signature and the signature of other team members. He has identified his signature on the cloth of Material Exhibit- M-XXX which has been marked as Exhibit-77/4. He has stated that on opening another envelope, one pen drive of Sandisk Cruzer Blade 8 GB was found in which the data was stored for 04 CCTV cameras and also stored the relevant screenshots as mentioned in the memorandum dated 14-08-2021. The pen drive has been marked as Material Exhibit- M-XXXI. The pen drive was sealed in envelope which bears his signature as well as the signature of other team members. He has proved his signature on the envelope of Material Exhibit- M-XXXI which has been marked as Exhibit-77/5. He has proved his signature on the envelope of Material Exhibit- M-I which has been marked as Exhibit-77/6. He has also proved his signature on the envelope of Material Exhibit- M-XVI which

has been marked as Exhibit- 77/7.

In cross-examination, he has deposed that there was no loss of data or degeneration of data in his test. All the submitted exhibits were in sealed condition except the CD/DVDs which he had mentioned in the memorandum.

P.W.37 Sarban Singh was posted as a Cable Man in the Vishwakarma Project in Dhansar Colliery of M/s B.C.C.L. On 27-07-2021, his duty was from 09:00PM to 05:00AM in the next morning and on that shift Tej Bahadur Ram and Madan Das were also with him. He has stated that on 28-07-2021, he had left the factory for his house at 04:50AM on his motorcycle. The route to his house at Jag Jivan Nagar from his factory goes via Randhir Verma Chowk. When he was passing Randhir Verma Chowk, he had seen an auto rickshaw deliberately going towards the left and dashing against a person near Ganga Medical Hall. Because it was early morning, there were very few people present. When he crossed the injured person fallen on the road, he had seen blood on his mouth but he did not stop as he is a heart patient and he had got nervous on seeing blood. After the auto had collided with the person, it continued to ply in a normal manner and he followed the auto since his home was on the same route. There was no number plate in the back portion of the auto. He has stated that near Hatia More, the auto all of a sudden stopped and a young boy aged 19-20 years came out from the auto and ran towards the other side of the road and took an auto going towards Randhir Verma Chowk. The offending auto, however, continued on its onward journey. In course of investigation, he was shown CCTV footage in the CBI office and he had

identified himself as the motorcycle rider who was going behind the auto. He was shown a photograph of Rahul Kumar Verma whom he had identified as the person who came out of the auto and ran towards the opposite side of the road and caught a tempo going towards Randhir Verma Chowk. He has proved the photographs of the auto which has been marked Y/2 for identification.

In cross-examination, he has deposed that the distance between his motorcycle and the auto was about 30-40 metres. The auto rickshaw was being driven at a speed of 20-25 kmph. He had not given information to anyone about the incident but later on he had disclosed the same to the Police.

P.W.38 Dr. Asha Srivastava was working in CFSL, New Delhi as I/c Director, CFSL, New Delhi and she has stated that a letter bearing No. - SPL/RC05/S/21/SC-I/New Delhi dated 09-08-2021 addressed to the Director, CFSL, New Delhi by H.O.B., SC-I, New Delhi was received in CFSL to conduct forensic psychological assessment, forensic statement analysis, layered voice analysis and polygraph test of Lakhan Kumar Verma and Rahul Kumar Verma. The issues which were to be assessed were as follows:

- “i) Whether they have prior knowledge about the crime under reference or otherwise?*
- ii) Whether they are hiding any information about the crime under reference or otherwise?*
- iii) Whether they are involved in the crime under reference or otherwise?”*

Thereafter, she along with Dr. Ranjeeta Kumari, S.S.O.-I conducted the required test on Lakhan Kumar

Verma and Rahul Kumar Verma separately. After conducting the examination, it was concluded that Lakhan Kumar Verma is deceptive in his statements that he was not with Rahul Kumar Verma at the time of the incident and that he intentionally did not hit the Judge. After conducting the required examination on Rahul Kumar Verma, it was concluded that he was deceptive in his statement that he was not with Lakhan Kumar Verma at the time of the incident and that he intentionally did not hit the Judge. The report of both the accused has been proved and marked as Exhibit-78. The forwarding letter addressed to H.O.B., CBI, New Delhi has been proved and marked as Exhibit-78/1.

She had also conducted Polygraph Test with Dr. Ranjeeta Kumari, S.S.O.-I upon Lakhan Kumar Verma and Rahul Kumar Verma and the issues to be probed were as follows:

- “i) Whether they are telling the truth regarding the crime under reference or otherwise?*
- ii) Whether they are hiding any information about the crime under reference or otherwise?*
- iii) Whether they are involved in the crime under reference or otherwise?”*

After conducting the tests, the following opinion was formulated with respect to Lakhan Kumar Verma:

- “a. The analysis and evaluation of polygrams reveal truthful response on the issue no. (i) to (iii). According to polygraph examination and analysis of polygrams, Lakhan Kumar Verma is truthful in his answer on the issue no. (i) to (iii).*

- b. The analysis and evaluation of polygrams reveal deceptive responses on the issues no. (iv) to (ix). According to polygraphs examination and analysis of polygrams, Lakhan Kumar Verma is deceptive in his answers on the issues no. (iv) to (ix).*
- c. No meaningful inference could be drawn on the analysis and evaluation of polygrams of Lakhan Kumar Verma on the issue no. (x). No opinion, therefore, could be furnished in respect of the issue no. (x).”*

After conducting the required test on Rahul Kumar Verma, the following opinion had been formulated:

- “a. The analysis and evaluation of polygrams reveal truthful response on the issue no. (i). According to polygraph examination and analysis of polygrams, Rahul Kumar Verma is truthful in his answer on the issue no. (i).*
- b. The analysis and evaluation of polygrams reveal deceptive responses on the issues no. (ii) to (ix). According to polygraph examination and analysis of polygrams, Rahul Kumar Verma is deceptive in his answers on the issues no. (ii) to (ix).”*

The report of both the accused has been proved and marked as Exhibit-79. The forwarding letter addressed to HOB, CBI, New Delhi has been proved and marked as Exhibit-79/1.

In cross-examination, she has deposed that as per the tests conducted, the act of the auto colliding with the

Judge was intentional.

P.W.39 Jayant Kumar Reddy was posted as I.T.-In-Charge-cum-Ayushman Bharat In-Charge, SNMMCH Dhanbad and on 31-07-2021, he had handed over the CCTV footage of SNMMCH in a pen drive to Sri Dhananjay Kumar, Sub-Inspector of Police, Saraidhela P.S. and he had also handed over a certificate under Section 65B of the Evidence Act. A seizure list was prepared which was signed by him and two witnesses. He has proved his signature in the production-cum-seizure list which has been marked as Exhibit-80. He has also proved the certificate issued under Section 65B Evidence Act which has been marked as Exhibit-80/1. He had also handed over the relevant documents including Bed Head Ticket, roster duty of the doctors etc. to the Sub-Inspector of Police through a letter dated 31-07-2021. The said letter was signed by Sri Arun Kumar Choudhary, the then Superintendent, SNMMCH, Dhanbad. He has proved the letter dated 31-07-2021 which has been marked as Exhibit-81. He has proved his signature on the envelope in which CCTV footage was handed over to the Sub-Inspector of Police which has been marked as Exhibit-82.

In cross-examination, he has deposed that the seizure list was prepared on 31-07-2021 in the Control Room of SNMMCH, Dhanbad.

P.W.40 Dhananjay Kumar was posted as a Sub-Inspector of Police on 31-07-2021 in Saraidhela P.S. and he was made a member of the Special Investigation Team. On 31-07-2021, Sri Jayant Kumar Reddy had handed over a 64 GB Pen Drive containing the CCTV footage of the

hospital along with a certificate under Section 65B Evidence Act. He has proved the production-cum-seizure list of the pen drive which has been marked as Exhibit-83. He has also proved the production-cum-seizure list of Duty Roster Register, Nurses on Duty Register produced by Sri Ajay Hadi, Clerk in SNMMCH, Dhanbad which has been marked as Exhibit-84. He has proved his signature on the envelope which contained the CCTV footage of the hospital in a pen drive which has been marked as Exhibit-82/1. He has also proved the production-cum-seizure list of the original Bed Head Ticket of Uttam Anand which has been marked as Exhibit-85.

In cross-examination, he has deposed that the Bed Head Ticket contains the details of the treatment given to the patient.

P.W.41 Gultan Poddar runs a jewelry shop and is a goldsmith and he has stated that his sister and brother-in-law stay at Digwadih No. 12. He knows Rahul Verma for the last 3-4 years and he also stays at Digwadih. On 21-07-2021, Rahul had asked his nephew to lend him Rs. 700/- and since his nephew did not have Rs. 700/- in his possession, he was requested to pay the amount to Rahul Verma. When he called Rahul and asked the reason for taking a loan of Rs. 700/-, Rahul had stated that if he is given Rs. 700/- and an old mobile phone, he will give back a phone worth Rs. 10,000/-. He has stated that on the same day at 07:30PM, he had transferred an amount of Rs. 700/- to Rahul through PhonePe and thereafter till 27-07-2021, Rahul did not pick up his phone. On 27-07-2021, Rahul had called him and disclosed that he could not arrange for a

mobile and he requested for a further amount of Rs. 300/-. When he had gone to give the money, Rahul was seen standing with another person near the roadside. He has further stated that on 28-07-2021 at 09:00AM, Rahul called him and asked him to come to Di Nobili More, Digwadih No. 12 in order to take the phone of the brother of Rahul as he had not been able to arrange another phone. He and his nephew had gone to the said place, but Rahul could not be found and his phone was also found switched off. During CBI investigation, he was shown a photograph and he had identified the person in the photograph as the person standing with Rahul near the roadside. The CBI officials had disclosed the name of the person shown in the photograph as Lakhan Kumar Verma.

In cross-examination, he has deposed that he is not involved in the sale and purchase of mobiles.

P.W.42 Dr. Surbhi Mathur was working in the National Forensic Science University, Gandhi Nagar, Gujarat and she has stated that on 03-09-2021, one yellow color A4 size parcel duly sealed with tape containing three different parcels was received in NFSU. After opening the same, there were three separate parcels. One orange color parcel was marked parcel 1/1, the white colored envelope was marked parcel 1/2 and one brown color C.D. mailer envelope was marked as parcel 1/3. In parcel 1/1, there was a Sandisk Pen Drive in which there were four videos and eleven snapshots for forensic analysis. The parcel 1/2 contained one Sandisk 16 GB Red and Black Color SDHC Card over which description of 404 images was mentioned. The parcel 1/3 contained one SDHC UHS-1 Card 16 GB red and black

colored memory card containing 36 video clips. The examination was conducted as per the questionnaire provided by the CBI, details of which are as under:

- “1. Whether the Auto-Rickshaw (Tempo) seen in the CCTV Camera footage of the incident dated 28.07.2021 and the Auto-Rickshaw (Tempo) seized during investigation in the instant case which has been used by CFSL, New Delhi during recreation of the Scene of Crime on 08.08.2021, as seen in the videos/photographs of recreation of the Scene of Crime taken by CFSL, New Delhi, are one and the same Auto- Rickshaw or otherwise?”*
- 2. Whether the Auto Rickshaw (Tempo) seized during investigation in the instant case which has been used by the CFSL, New Delhi during recreation of Scene of Crime is the same Auto-Rickshaw (Tempo) which is seen ramming upon the Late Judge Uttam Anand in the morning around 05:08:30hrs on 28.07.2021 as seen in the aforesaid CCTV Camera Footages Randhir Verma Chowk, Dhanbad?”*
- 3. Any other valuable opinion relevant to the incident, Experts may like to offer on the basis of aforesaid materials forwarded by CBI.”*

The Exhibits were thoroughly examined and enhanced by using the forensic tool “AMPED FIVE Professional version 10039” and enhanced frames were analyzed. “FTK imager version ADI4.5.0.3” was used to create the working copy of Exhibits received and the hash

value of the Exhibits was also generated. After scientific examination of CCTV footage of the incident and the auto rickshaw seized during investigation, some peculiar characteristics were observed in the vehicle in the submitted Exhibits and reference images which are as under:

- “1.1. The Auto-Rickshaw (Tempo) seen in the exhibit as well as the one found in the reference image is YELLOW AND GREEN in color.*
- 1.2. The windshield of the Auto-Rickshaw (Tempo) seen in the exhibit as well as the one found in reference image have some peculiar pink design on the upper left of the windshield.*
- 1.3. Similar pattern was observed at the centre bottom of the windshield of the Auto-Rickshaw (Tempo) seen in the exhibit as well as the one found in reference image.*
- 1.4. On the left side just below the pink design some white colored pattern in similar format is observed in Auto- Rickshaw (Tempo) seen in the exhibit as well as the one found in reference image.*
- 1.5. On the top of the Auto-Rickshaw (Tempo) in exhibit as well as its reference image, as distinct “BLUE LUGGAGE CARRIER” can be observed.*
- 1.6. The seat of the Auto-Rickshaw (Tempo) appears to be in blue color as seen in the exhibit as well as the one found in reference image.*
- 1.7. A visible mark can be identified on the yellow*

band right below the windshield in the exhibit as well as the one found in reference image.”

On scientific analysis of the auto rickshaw seized during investigation and used during recreation of SOC and auto rickshaw which is seen ramming the deceased Uttam Anand, some positive characteristics were observed in the vehicle in the submitted Exhibits and reference images which are as under:

- “2.1 The Auto-Rickshaw (Tempo) seen in the exhibit as well as the one found in the reference image is YELLOW AND GREEN in color.*
- 2.2 The backseat of the Auto-Rickshaw (Tempo) seen in the exhibit as well as the one found in reference image appears blue in color.*
- 2.3 On the top of the Auto-Rickshaw (Tempo) in exhibit as well as its reference image, as distinct “BLUE LUGGAGE CARRIER” can be observed.*
- 2.4 A similar frame including footrest and light guard is observed on the lower backside of the Auto-Rickshaw (Tempo) seen in the exhibit as well as the one found in reference image.*
- 2.5 The back gate of the Auto-Rickshaw (Tempo) is open as seen in the exhibit as well as the one found in reference image.*
- 2.6 A similar yellow patch is observed right side of the Auto-Rickshaw (Tempo) seen in the exhibit as well as the one found in reference image.”*

After scientific examination and analysis of the Exhibits, the opinion on the same was given by her and Sri

Nilay Mistry, Senior Assistant Professor, NFSU which is as under:

- “1. The Auto-Rickshaw (Tempo) seen in the CCTV Camera footage of the incident dated 28.07.2021 and the Auto- Rickshaw (Tempo) seized during investigation in the instant case which has been used by CFSL, New Delhi during recreation of the Scene of Crime on 08.08.2021, as seen in the videos/photographs of recreation of the Scene of Crime taken by CFSL, New Delhi, appears to be same in all probabilities.*
- 2. The Auto Rickshaw (Tempo) seized during investigation in the instant case which has been used by the CFSL, New Delhi during recreation of Scene of Crime, appears to be same in all probabilities to the Auto-Rickshaw (Tempo) which is seen ramming upon the Late Judge Uttam Anand in the morning around 05:08:30 hrs. on 28.07.2021 as seen in the aforesaid CCTV Camera Footage Randhir Verma Chowk, Dhanbad.*
- 3. After the in-depth scientific examination of the suspected Auto-Rickshaw (Tempo) seen in the CCTV footages of the incident dated 28.07.2021, submitted by CBI, New Delhi, two individuals seem to be sitting on the front seat of the vehicle.”*

The report which was submitted has been proved and marked as Exhibit-86. The forwarding letter addressed

to S.P., CBI, SC- II, New Delhi has been marked as Exhibit-86/1. The envelope containing Material Exhibit- M-XXXI has her signature which has been identified by her and which has been marked as Exhibit-87. She has also identified her signature on the envelope having Sandisk 16 GB SDHC Card having 404 images. The seal along with her signature has been collectively marked as Exhibit-88. The sheets which were having screenshots of inside of Sandisk SDHC UHS-1 and description of Sandisk SDHC UHS-1 have been collectively marked as X/3 for identification. The SD card which contains 404 images has been marked as Material Exhibit- M-XXXII. She has identified her signature on the envelope containing one Sandisk Ultra SDHC 16 GB Memory Card containing 36 video clips and her signature and seal have been collectively marked as Exhibit-89. The said SD card has been marked as Material Exhibit- M-XXXIII.

P.W.43 Sugani Devi has stated that last year she had purchased an auto bearing Registration No. JH10R0461 from Birendra Tiwary on a consideration amount of Rs. 48,000/-. It was Gopal Prasad who was the driver of the auto who had plied the auto 4-5 days prior to its theft. On 27-07-2021, the driver did not come as a result of which the auto remained standing beside a tree near her house. She has stated that on 27-07-2021 at 10:00PM, she and her family members after having dinner had gone to sleep and when at 03:00AM she got up and went outside, she did not find the auto. A search was made but the auto could not be found as a result of which her father-in-law had gone to Patherdih P.S. and made a complaint and ultimately, on

29-07-2021, a case of theft was registered. She has identified the auto rickshaw from the photographs and videos produced by the CBI officials. The thieves had mutilated the number plates of the auto.

In cross-examination, she has deposed that she had not witnessed the theft of her auto.

P.W.44 Rajesh Kumar was posted as Dy. S.P. (Traffic), Dhanbad and on 29-07-2021 in order to investigate Dhanbad P.S. Case No. 300/2021 on the orders of the Director General of Police, a Special Investigation Team was constituted in which he was selected as one of the members. The photocopy of the order of the Director General of Police as contained in Memo No. 182/NGO dated 29-07-2021 has been marked as X/04 for identification. He had sent a letter to the Executive Engineer, Road Construction Department, Road Division, Dhanbad seeking for the sketch map from Randhir Verma Chowk to the place of occurrence and the same letter has been marked as X/05 for identification. Pursuant to the said letter, the sketch map was made available to him by the Executive Engineer, Road Construction Department, Road Division, Dhanbad.

In cross-examination, he has deposed that the sketch map consisted of 5 pages.

P.W.45 Rajdeo Singh was posted as an Officer-in-Charge of Jorapokhar P.S. and he has stated that on 30-07-2021, he had sent a certified copy of Sanha No. 16 dated 31-07-2020 to the S.D.P.O., Sindri wherein description has been given of 09 stolen mobiles recovered from the house of Rahul Kumar. He has proved Sanha No. 16 dated 31-07-2020 which has been marked as Exhibit-91. He has

proved the photocopy of Memo No. 1152/2021 dated 10-08-2021 which is the forwarding of the Sanha by S.D.P.O., Sindri to Sr. S.P., Dhanbad and which has been marked as Exhibit-X/06 for identification. He has also proved the photocopy of letter No. 1574 dated 10-08-2021 by which the Sanha was provided by the Senior S.P., Dhanbad to A.S.P., CBI, S.C.-2 and which has been marked as X/07 for identification. He has proved the letter dated 24-08-2021 and the FIR, Charge Sheet and Sanha in connection with Jorapokhar P.S. Case No. 32/2018 and these have been collectively marked as Exhibit-92.

In cross-examination, he has deposed that the FIR and other documents in connection with Case No. 32/2018 was obtained from his office and handed over the same to the CBI after certifying them.

P.W.46 Dilip Kumar Mahato was posted at CID, Ranchi since the year 2009 and on the orders of the higher officials of CID, he had come to Dhanbad and had gone to the place of occurrence where he had taken photographs. He had handed over the photographs to the Investigating Officer. He has proved the photographs which have been marked as Exhibit-93 to Exhibit-93/07. On the same day, he had gone to the premises of Dhanbad P.S. and had taken the photographs of the seized auto rickshaw which were handed over to the Investigating Officer. He has proved the photographs which have been marked as Exhibit-94 to 94/05. He has produced the soft copy of the photographs in a C.D. which has been marked as Material Exhibit- M/XXXVI. The certificate given by him in terms of Section 65B Evidence Act has been proved and marked as

Exhibit-95.

In cross-examination, he has deposed that the photography was done by him on the orders of his higher officials.

P.W.47 Amrendra Kotwar was posted at Parthardih P.S. and on 30-07-2021 in connection with Parthardih P.S. Case No. 18/2021 lodged by Sugani Devi for theft of her auto, he had seized the keys of the auto. He has proved the photocopy of the seizure list which has been marked as X/08 for identification.

In cross-examination, he has deposed that the seizure list was prepared in the house of Sugani Devi.

P.W.48 Amit Joshi has stated that he had joined Kwick Soft Solution in the year 2020 and on the request of CBI and CFSL, New Delhi he along with Shri Inder Dhingra, Regional Manager, Kwick Soft Solution visited Dhanbad in connection with the present case. On 07-08-2021 at 11:00AM, he along with Inder Dhingra, CFSL team, CBI team and the witnesses and accused persons had visited the place of occurrence. The CFSL team had carried out the inspection on the scene of crime and collected the blood-stained soil sample and control soil sample from the side of the road near Ganga Medical Hall and the same was sealed into envelopes. The photography and videography at the place of occurrence and in and around area was done by the CFSL team. He had conducted digitization of the scene of crime in 3D. A memorandum was also prepared regarding the proceedings conducted on 07-08-2021 and he along with the other witnesses had signed on the said memorandum. On 08-08-2021, the team had once again visited the place of

occurrence and the CFSL team had recreated the scene of crime with the help of a person used as auto driver and one CBI official acting as a co-passenger. One person was used as a dummy of the deceased Uttam Anand. The photography and videography of the recreated scene of occurrence was done by the CFSL team. He had conducted digitization of the scene of crime in 3D. A memorandum was prepared regarding the proceedings conducted on 08-08-2021 which was signed by the team members of CBI, CFSL and other witnesses including himself and Inder Dhingra. He has stated that on 21-09-2021, he had submitted his report regarding the digitization of the scene of crime in 3D to the CBI. As per his report, the angle of impact is 20.9 degree and critical maximum speed of auto was 25-26 kmph. The report which is in 24 pages has been collectively marked as Exhibit-95. The 32GB Sandisk SD Card in which the actual raw scan data was stored by him at the time of conducting 3D digitization on 07-08-2021 and 08-08-2021 has been marked as Material Exhibit- M-XXXV. The pen drive has been marked as Material Exhibit- M-XXXVI. The certificate issued under Section 65B Evidence Act has been proved and marked as Exhibit-96.

In cross-examination, he has deposed that in his report there is no chance of data tampering.

P.W.49 Umesh Prasad Singh was posted as Inspector of Police-cum-S.H.O. in Govindpur P.S. and he has stated that on 29-07-2021, he had received CCTV footages from 7 cameras from Mahendra Tiwary, Technical Engineer, S.S.P. Office, Dhanbad which he had seized. On the same day at 05:00PM, the CCTV footage of camera nos. 8 and 16

of dated 28-07-2021 between 05:15AM to 05:35AM was copied to a 16GB pen drive by Jani Babu, CCTV Operator, City Fuels Petrol Pump and was handed over to him and he had prepared a production-cum-seizure list. He has stated that on 31-07-2021, he had received from Mahendra Tiwary the CCTV footage from 16-07-2021 to 28-07-2021 relating to the morning walk of Uttam Anand and he had prepared a production-cum-seizure list. On the same day, Jani Babu had produced before him a DVR whose serial no. was 5AC8B233PA507723 along with a charger and he had prepared a production-cum-seizure list. An envelope in which it was written M.R. No. 744/2021 was produced before him and inside the said envelope, there was another envelope and he had recognized his signature on the said envelope as well as the signature of Jani Babu and two witnesses. From the envelope, a 16GB Sandisk Pen Drive was taken out which contains the CCTV footages of camera nos. 8 and 16 of City Fuels Petrol Pump and which has already been marked as a material exhibit. He has proved his signature as well as the signature of Mahendra Tiwary, Sumant Kumar and Karyanand Singh in the envelope which was inside the envelope bearing M.R. No. 743/2021 and which has been marked as Exhibit-97. He has also proved his signature as well as the signatures of Jani Babu, Md. Zafar Iqbal Ansari and Md. Dulal Ansari on a paper pasted in an UDVR which has been marked as Exhibit-98. He has proved his signature and the signatures of Mahendra Tiwary and two witnesses on the paper pasted on the hard disk which has been marked as Exhibit-99.

In cross-examination, he has deposed that he had

prepared the seizure list at the places from where the exhibits were seized.

P.W.50 Amar Kumar Pandey was posted as Dy. S.P. HQ-1, Dhanbad and he has stated that on 28-07-2021, he had gone to the District Control Room and had taken note of the CCTV footages of 28-07-2021 from 05:08:39AM to 05:17:00AM and had thereafter prepared an analyzed report. The said report has been proved and marked as Exhibit-100. On the same day, he had taken note of the movement of vehicles from the CCTV footages and had prepared an analyzed report which has been proved and marked as Exhibit-101. He had verified the CCTV footages of 28-07-2021 from prior to 05:00AM and he had found the place of occurrence to be at a distance of 45 metres from Randhir Verma Chowk. At around 05:08:23AM, the deceased was moving towards the Police Kendra and as soon as he reached Ganga Medical Hall at 05:08:25AM, an auto was seen coming from S.S.L.N.T. College and had taken a turn at Randhir Verma Chowk. He has stated that at 05:08:30AM, the auto-rickshaw speedily came and deliberately dashed the deceased Uttam Anand from behind. The auto did not stop and continued in its journey towards Police Kendra. The features of the offending auto was noted by him in his report which has been proved and marked as Exhibit-102. He had made a physical inspection of the auto and after noting its features, came to a conclusion that it was the same auto which was shown in the CCTV footage. The report submitted by him in that context has been proved and marked as Exhibit-103. He had also submitted a report with respect to the pattern of morning walk of the deceased Uttam Anand

and he had submitted a report which has been proved and marked as Exhibit-104. He had prepared a chart indicating the time of morning walk of Uttam Anand from 16-07-2021 to 27-07-2021 and the said chart has been proved and marked as Exhibit-105.

In cross-examination, he has deposed that the CCTV footage pertaining to the morning walk of the deceased Uttam Anand from 18-07-2021 to 20-07-2021 could not be made available due to technical reasons.

P.W.51 Kritee Sinha is the informant and the wife of the deceased who has stated that on 28-07-2021, her husband Uttam Anand had gone out of his house at 05:00AM for morning walk. Her husband used to frequently go out for morning walk and he used to return home after 25-30 minutes. On 28-07-2021, when her husband did not return back even at 07:00AM, she became restless and worried and she started enquiring from the staffs and the bodyguard and she had sent them to find out the whereabouts of her husband. She has stated that around 08:00AM, a call came from her brother who is posted in Rajasthan that her husband has suffered an accident. In between 10:30-11:00AM, she came to know that her husband is no more. On enquiry, she came to know that some local persons had got her husband admitted in a serious condition in SNMMCH. In the meantime, a video had gone viral and it appears on seeing the video that the auto rickshaw driver had deliberately dashed against the head of her husband which resulted in his death. She has proved the written report submitted to the Officer-in-Charge, Dhanbad P.S. and which has been marked as Exhibit-106. She has stated that

her husband had come to Dhanbad after being transferred from Tenughat. As per her assessment, her husband did not have animosity with anyone and he was never perturbed about his work. He never would discuss his official work at home.

In cross-examination, she has deposed that she had instituted the First Information Report against an unknown auto driver.

P.W.52 Amit Kumar was posted as Dy. S.P.-CBI and he has stated that in the present case, he was a member of the SIT of CBI from the very inception. On 12-08-2021 at 12:30PM, the accused Rahul Kumar Verma had handed him a T-shirt and a blue jeans which he had worn on the date of the incident which was sealed and a seizure list was prepared. He has proved the seizure list and the photocopy of the sample of seal which have been collectively marked as Exhibit-107. He has stated that on the same day at 12:45PM, the accused Lakhan Kumar Verma had handed him one black colored T-shirt and a blue jeans which he had worn on the date of the incident and he had prepared a seizure list of the said wearing apparels. He has proved the seizure list and photocopy of the sample of the seal which have been collectively marked as Exhibit-108. On the same day at 12:45PM, Lakhan Kumar Verma had handed him a piece of old shoes which he had worn on the date of the occurrence for which a seizure list was prepared. The seizure list and the photocopy of the sample of seal have been collectively marked as Exhibit-109. On the same day at 07:45PM, the Officer-in-Charge of Dhanbad P.S. had handed him an Airtel SIM card recovered from the bag of Rahul

Kumar Verma for which a seizure list was prepared. The seizure list and the photocopy of the sample of seal have been collectively marked as Exhibit-110. At the same time, the Officer-in-Charge, Dhanbad P.S. had handed him the unexamined blood and urine samples of the accused and he, after seizing the articles, had prepared a seizure list. He has proved the seizure list and the photocopy of the sample of seal which have been collectively marked as Exhibit-111. The Officer-in-Charge Dhanbad P.S. had also handed him over the bag of Lakhan Kumar Verma which was seized from the house of his sister and he had prepared a seizure list which has been marked as Exhibit-112. He has proved his signature on the envelope containing the clothes of Rahul Kumar Verma which has been marked as Exhibit-113. The T-shirt and blue jeans seized from Rahul Kumar Verma have been marked as Material Exhibit- M-XXXVII and M-XXXVIII respectively. He has also proved his signature on the envelope containing the wearing apparels of Lakhan Kumar Verma which has been marked as Exhibit-113/1. The T-shirt and jeans seized from Lakhan Kumar Verma have been marked as Material Exhibit- M-XXXIX and M-XL respectively. A bundle of cloth which contained the clothes of Lakhan Kumar Verma had his signature which have been marked as Exhibit-113/2. The shoes have been marked as Material Exhibit- M-XLI. He has identified his signature on the bundle of clothes which contained the unexamined blood and urine samples of the accused which has been marked as Exhibit-113/3.

In cross-examination, he has deposed that he had prepared the seizure list in the CBI, SIT Camp Office,

Dhanbad.

P.W.53 Ramesh Baitha has stated that on 28-07-2021, he had left for morning walk at 04:30AM along with his friends Banarsi Sao, Ravi Shankar Yadav and Brajesh Kumar. At about 05:00AM, they were going from Randhir Verma Chowk towards Police Line and near Ganga Medical he had seen a person lying in a pool of blood in an injured condition. He and his friends went ahead with their morning jogging and on the next day, he came to learn that the injured person was the Additional Sessions Judge, Dhanbad.

In cross-examination, he has deposed that he had briefly stopped near the injured, but he could not bear the sight of blood and, therefore, he went ahead. He had not informed the police about the incident.

P.W.54 Vinay Kumar was posted as an Officer-in-Charge of Dhanbad P.S. and he has stated that on 28-07-2021 at 09:00AM, Saurabh Sao had come to the Police Station and disclosed that he is the bodyguard of Uttam Anand, A.D.J-VIII, Dhanbad and he had also stated that Uttam Anand had left for his morning walk, but he has not returned. On this information, Sanha No. 13/21 was entered by him and he left the Police Station along with his force and Sourabh Sao in search of Uttam Anand. The photocopy of the Sanha has been marked X/9 for identification. The certified copy of the Sanha has been proved and marked as Exhibit-114. The certified copy of the Sanha was sent to the CBI through a forwarding letter. The forwarding letter has been proved and marked as Exhibit-114/1. He has proved the screenshot of the photos of the Judge in the WhatsApp

which has been marked as X/10 for identification. He had gone to SNMMCH, Dhanbad where it was ascertained that the person who was admitted to the hospital in an injured condition and who died was Uttam Anand, A.D.J.-VIII, Dhanbad. On the same day, he had made a request to the Senior S.P., Dhanbad to constitute a Medical Board to conduct post-mortem of the deceased and depute a Magistrate and also to video graph the post-mortem. He has proved the photocopy of the request letter which has been marked as X/11 for identification. Pursuant to the said letter, the Deputy Commissioner, Dhanbad had directed the Sub-Divisional Officer for constitution of a Medical Board to conduct the post-mortem of Uttam Anand and video graph the entire exercise, a copy of which was also sent to the Senior S.P., Dhanbad and others. He had received the copy with Memo No. 3307 which has been proved and marked as Exhibit-115. On 28-07-2021, a written report given by Smt. Kritee Sinha, wife of Uttam Anand was received at Dhanbad P.S. which was registered as Dhanbad P.S. Case No. 300/21 and he had taken over the investigation. The endorsement on the written report has been proved and marked as Exhibit-106/1. The First Information Report has been proved and marked as Exhibit-116. He had inspected the place of occurrence besides the road near Ganga Medical Hall situated at Randhir Verma Chowk. On inspection of the place of occurrence and on his direction, Vishwajeet Kumar Chetan, Sub-Inspector of Police had prepared a sketch map and observation report of the place of occurrence. The same has been proved and marked as Exhibit-117. From the place of occurrence, he had collected broken glasses, broken pieces

of fiber and cotton with blood stains and a seizure list was prepared by Vishwajeet Chetan. In course of investigation, the photographs of the auto derived from the CCTV footages and of the suspected accused were used at the time of investigation in Railway Station and Bus Stand and it was learnt that one of the persons in the auto was present in the auto stand. He has stated that on such information, he had apprehended the said person who had disclosed his name as Rahul Kumar Verma and he had admitted his involvement in the offence. Rahul Kumar Verma was arrested and an Arrest Memo was prepared which has been marked as Exhibit-118. From the possession of Rahul Kumar Verma, four mobiles and a SIM card were recovered and a seizure list was prepared which has been proved and marked as Exhibit-119. The Police team had arrested Lakhan Kumar Verma from Giridih along with the auto. On 29-07-2021, on the orders of Sri Neeraj Sinha, D.G.P. Jharkhand, a Special Investigation Team was constituted, of which he was also one of the members. An observation report was prepared at his instance on 29-07-2021 of the seized auto and the said report has been marked as Exhibit-120. On 29-07-2021, he had sent a notice under Section 91 Cr.P.C. to the Municipal Commissioner to produce the DVR of the CCTV cameras connected to Randhir Verma Chowk and the said notice has been marked as Exhibit-121. He had also sent a notice to Sri Vivek Tulsyan, Director, Maple, PC and Peripheral Ltd., Jamshedpur which has been marked as Exhibit-122. He had sent a requisition to the Medical Officer, SNMMCH for collecting the urine samples of Rahul Kumar Verma and Lakhan Kumar Verma to ascertain as to whether any traces

of alcohol or psychotropic substances are found or not. He has proved the letter addressed to the Motor Vehicles Inspector for a mechanical inspection of the auto bearing Registration No. JH10R0461 which has been marked as Exhibit-124. The District Transport Officer, Dhanbad in response to his letter dated 30-07-2021, had sent a letter to the effect that no license was ever issued in the name of both the accused persons. On 31-07-2021 he had sent a letter containing Memo No. 2692 addressed to Dr. Kumar Shubhendu, F.M.T. Department, SNMMCH, Dhanbad making queries on 5 points pursuant to the receipt of the Autopsy Report which has been proved and marked as Exhibit-125. The comments on the aforesaid letter was given by Dr. Kumar Shubhendu vide Memo No. 405/F.M.T. He has stated that on 31-07-2021, he had filed two separate applications before the Chief Judicial Magistrate, Dhanbad in the present case for adding Section 201/34IPC. The separate applications have been proved and marked as Exhibit-126 and 127. On 31-07-2021, the DVR in the CCTV Control Room was handed over to him by the Assistant Engineer, Dhanbad Municipal Corporation which was seized and a seizure list was prepared. The same has been proved and marked as Exhibit-128. He had made an application before the Chief Judicial Magistrate, Dhanbad to enclose the exhibits collected from the place of occurrence in the records of the case and the said application has been proved and marked as Exhibit-129. Another application was given by him to the Chief Judicial Magistrate, Dhanbad for examination of the blood samples of the accused and the same has been marked as Exhibit-130. On such application,

permission was granted by the Court to collect the blood samples of the accused by a Medical Officer. He had sent an application to the Chief Judicial Magistrate, Dhanbad for permission to send the seized articles to the State Forensic Science Laboratory and this application has been proved and marked as Exhibit-131. In the context of the said application, a forwarding letter was sent on the order of the Court to the Director, SFSL to examine as to whether there is presence of alcohol or psychotropic substance in the blood and urine samples of the accused. The same has been marked as Exhibit-132. A forwarding letter was also sent to the Director SFSL to match the DNA of the accused with the seized articles and the same has been marked as Exhibit-133. On 01-08-2021, he had sent an application to the Chief Judicial Magistrate, Dhanbad seeking permission to send the auto rickshaw for examination to the SFSL, Ranchi and the said application has been proved and marked as Exhibit-134. In the context of the said letter, a forwarding letter was sent from the Court to the Director, SFSL for examination of the auto rickshaw and the said communication has been proved and marked as Exhibit-135. He has further stated that a letter dated 01-08-2021 was addressed to the District Manager by the S.S.P., Dhanbad for making available the bank account details of Lakhan Kumar Verma, Rahul Kumar Verma, Ramdev Vishwakarma, Shravan Singh and Gopal Prasad Verma. He has identified the signature of Sri Sanjeev Kumar, S.S.P., Dhanbad on the said letter which has been marked as X/12 for identification. He had sent an application to the Civil Surgeon-cum-Chief Medical Officer, Dhanbad for assessing the age of Lakhan Kumar Verma and

Rahul Kumar Verma by a Medical Board. The said application has been proved and marked as Exhibit-136. On 03-07-2021, he was in receipt of a letter dated the same day from the S.S.P., Dhanbad wherein it was mentioned that G.C.V. and Scape instruments are not available in SFSL, Ranchi and as such, he was directed to get the exhibits analyzed by a different institute in response to which, he had made a separate application to the S.S.P., Dhanbad and Chief Judicial Magistrate, Dhanbad to collect the unexamined articles from SFSL, Ranchi. The Court had given him permission to take back the unexamined articles. All the applications/communications have been collectively proved and marked as Exhibit-136. He has proved the communication dated 05-08-2021 received from the S.S.P., Dhanbad to hand over the charge of investigation along with all the documents to the CBI team and the photocopy of the same has been marked as X/13 for identification. In terms of the said letter, he had handed over the documents as well as the exhibits to Vijay Kumar Shukla, Addl. S.P., C.B.I., SC-II, New Delhi and a production-cum-seizure list was prepared which has been marked as Exhibit-137. He had also sent a letter to the Investigating Officer, CBI regarding the handing over of the documents and exhibits which has been marked as Exhibit-138. He had made available to the CBI, 12 photographs of the accused through a letter dated 11-08-2021 and the said letter has been proved and marked as Exhibit-139. The photographs have been marked X/14 to X/25 for identification. He has also proved the letter dated 12-08-2021 providing the sealed packet of the unexamined blood and urine samples of the accused to Dy. S.P., CBI and

the said forwarding letter has been marked as Exhibit-140. On 12-08-2021 itself, he had sent a forwarding letter and a seizure list along with a bag recovered from the accused Lakhan Kumar Verma and handed it over to Sri Amit Kumar, Dy. S.P., CBI. The forwarding letter has been proved and marked as Exhibit-141. He has also proved the letter dated 14-08-2021 sent to the Investigating Officer, CBI along with the Crime Scene Profiling Report of DFSL, Gandhi Nagar, Gujarat which has been marked as Exhibit-142. The documents with respect to the criminal history of the accused were sent to the Investigating Officer, CBI through a letter dated 25-08-2021 and the entire documents have been marked as X/26 for identification. The Investigating Officer of CBI was also handed over the report of FSL, Ranchi of analysis of the place of occurrence, collection of evidence and recreation of the crime scene through a letter dated 28-08-2021 which has been marked as Exhibit-143. The Memo No. 362 dated 27-08-2021 having the signature of Sri Sanjay Anand Latekar, A.D.G.P. (Operations) has been marked as Exhibit-144. He had also submitted to the Investigating Officer, CBI, a letter dated 20-09-2021 along with the Bio/DNA, Physics Test Report and the same has been marked as Exhibit-145. In course of investigation, he had recorded the statements of the witnesses and had seized various articles. He has identified both Lakhan Kumar Verma and Rahul Kumar Verma who had been produced through video conferencing.

In cross-examination, he has deposed that he does not have any information as to whether a recce was carried out by the accused persons of the place of occurrence or not.

P.W.55 Dr. Ravi Shankar was posted as an Assistant Professor in the Clinical Pathology Department in SNMMCH and on 29-07-2021, he had taken the urine sample of Lakhan Kumar Verma and Rahul Kumar Verma and he had handed over a sample handover slip to Roshan Tigga. He has proved the sample handover slip which has been marked as Exhibit-146. He has proved the signatures of Dr. B.C. Banerjee, H.O.D. Pathology Department and Harendra Mahto, Technician on the envelope containing the urine sample of Lakhan Kumar Verma which have been marked as Exhibit-147 and 147/1. He has also proved the signatures of Dr. B.C. Banerjee and Harendra Mahto on the envelope containing the urine sample of Rahul Kumar Verma which have been marked as Exhibit-148 and 148/1. He has proved the receiving of the urine sample by Roshan Tigga which has been marked as Exhibit-149/1, while his signature on the Indoor Pathology Register at page no. 294, entry no. 13285/60 has been marked as Exhibit-149.

In cross-examination, he has deposed that he had not examined the urine sample taken from Lakhan Kumar Verma and Rahul Kumar Verma.

P.W.56 Dr. Shaoor Nazish was posted as a Tutor, Pathology in SNMMCH, Dhanbad and on 31-07-2021, he had taken the blood samples of Lakhan Kumar Verma and Rahul Kumar Verma for the purposes of DNA matching. He has proved the E.M.O.P.D. Slip No. 6682 and 6683 dated 31-07-2021 which have been marked as X/27 and X/28 for identification. He has proved his signature as well as the signatures of Harendra Mahto, Technician and Roshan Tigga, P.S.I. on the sealed envelope containing the blood

samples of Lakhan Kumar Verma and Rahul Kumar Verma which have been marked as Exhibit-150 and 151 respectively. He has proved his signature on the entry made in the Indoor Pathology Register of Rahul Kumar Verma and Lakhan Kumar Verma which have been marked as Exhibit-152 and 153 respectively. The receiving of the blood sample of Rahul Kumar Verma and Lakhan Kumar Verma have been proved and marked as Exhibit-152/1 and 153/1 respectively.

In cross-examination, he has deposed that he had asked for the accused their names, but he had not seen any identity proof.

P.W.57 Vijay Kumar Shukla was posted in Special Crime-II Branch of CBI, New Delhi and he has stated that the present case was transferred to CBI after which the case was re-registered as RC No.- 5(S)/2021-New Delhi dated 04-08-2021 under Section 302 IPC. He has proved the FIR which has been marked as Exhibit-154. The photocopy of the notifications of the State Government and Central Government have been marked as Exhibit-154/1 and Exhibit-154/2. After re-registration of the case, he was nominated as the Investigating Officer. After receipt and perusal of the First Information Report on 04-08-2021, he had sent a letter to the Director, CFSL, New Delhi to depute a team comprising of experts from various divisions of CFSL to visit the scene of crime at Dhanbad for inspection and other proceedings relating to the case. He has proved the office copy of the said letter which has been marked as Exhibit-X/29 for identification. On 05-08-2021, he along with the team had reached Dhanbad and received the case

diaries, all the relevant documents and case property relating to the case from Sri Vinay Kumar, S.H.O., Dhanbad P.S. and Investigating Officer through production-cum-seizure memo dated 05-08-2021. He had also received a forwarding letter dated 05-08-2021 from S.H.O., Dhanbad P.S. regarding handing over the said documents and material exhibits to him relating to the present case. He has stated that on 07-08-2021, a multidisciplinary team of CFSL, New Delhi, CBI team, independent witnesses and one Shamsuddin Ansari, who played the role of a dummy assembled at CBI Camp Office, Dhanbad along with accused Lakhan Kumar Verma and Rahul Kumar Verma who were also present in police custody. Thereafter, all the said persons proceeded to the scene of crime at Randhir Verma Chowk near Ganga Medical Hall for reconstruction and inspection of the scene of crime. An independent witness, Ms. Sheela Hansda had identified the place where she found Uttam Anand in a bleeding and unconscious condition and from where she took him to the hospital in the morning of 28-07-2021. The CFSL team had inspected the scene of crime and had collected blood-stained soil and had seized the same. The scene of crime was also recreated with the assistance of Shamsuddin Ansari who was used as a dummy showing his position in place of Uttam Anand. Mr. Amit Joshi of Kwick Soft Solution Pvt. Ltd. along with his team took the photographs of the scene of crime and all the proceedings in 3D. The CFSL team had also taken photographs and had done videography of the scene of crime and in and around areas. A memorandum dated 07-08-2021 was prepared at the spot by mentioning all the proceedings which were signed

by the members including him. On 08-08-2021, the above team again assembled at CBI Camp Office, Dhanbad along with independent witnesses. The accused were also present in police custody. For the purposes of recreation of the crime scene, the offending auto rickshaw was called for from FSL, Ranchi. The front number plate of the auto rickshaw was blurred and there was no number plate on the rear side of the auto rickshaw. He has stated that one Shankar Rawani was used as a driver of the auto rickshaw, while one Kuldeep, Sub-Inspector-CBI was used as a co-passenger of the driver sitting on the front seat of the auto rickshaw besides the driver. Shamsuddin Ansari was used as a dummy acting as Uttam Anand jogging alongside the road. As per the sequence recorded in CCTV on 28-07-2021 at the time of the incident, the crime scene was recreated thereby directing the driver to drive the vehicle in the same manner as seen in the CCTV footage of the incident and it was made to appear that the auto rickshaw hit the dummy of the deceased in the same manner as shown in the CCTV footage. The CFSL team had taken photographs and had also done the videography of the same. Sri Amit Joshi of Kwick Soft Solution Pvt. Ltd. along with his team had taken the pictures of the scene of crime and all the proceedings in 3D. A memorandum dated 08-08-2021 was prepared at the spot by mentioning all the proceedings which was signed by the members including himself. On 09-08-2021, he had filed an application before the learned C.J.M., Dhanbad for seeking permission to conduct Polygraph, Narco-Analysis, Brain-Mapping, BEOS, Forensic Psychological Assessment and Forensic Statement Analysis on accused Rahul Kumar Verma and Lakhan

Kumar Verma as the accused persons had given voluntary consent to undergo the said tests. The said application has been proved and marked as Exhibit-155. The original consents of both the accused have been proved and marked as Exhibit-155/1 and 155/2. The learned court had allowed the application vide order dated 09-08-2021 which was communicated to the CBI vide Memo No. 280 dated 09-08-2021. He has proved the order which was communicated to the CBI which has been marked as Exhibit-156. He has stated that on 09-08-2021, he had sent a letter to the Director, CFSL, New Delhi with a request to depute a team of experts for imaging, cloning, copying, data extraction of the seized storage devices for the purposes of investigation. The said letter has been proved and marked as Exhibit-157. On the same day, he had sent a letter to the Director, CFSL New Delhi with a request to conduct Forensic Psychological Assessment, Forensic Statement Analysis, Layered Voice Analysis and Polygraph tests on the accused persons. The said letter has been proved and marked as Exhibit-158. Thereafter, the tests were conducted on the accused persons by the experts of CFSL, New Delhi. In the said test, accused Rahul Kumar Verma had stated that on reaching Randhir Verma Chowk, Lakhan Kumar Verma had told him that he (Lakhan Kumar Verma) will hit the person going on the road and he (Rahul Kumar Verma) should take the belongings and mobile of that person. Rahul Kumar Verma had also stated that he did not deboard to take the mobile because he did not get a chance as one scooty and an auto rickshaw were coming from the steel gate side. After going forward, he had deboarded and had gone to the station

by taking another auto rickshaw, while Lakhan went to the house of his sister. The conclusion of the said report observed that Rahul Kumar Verma and Lakhan Kumar Verma are deceptive. The Polygraph Examination Report dated 16-08-2021 of both the accused persons was received by him. As per the opinion of the expert, the response of both the accused was deceptive. The aforesaid report clearly establishes the involvement of both the accused in intentionally hitting the judge at Randhir Verma Chowk. On 10-08-2021, a letter was addressed to the S.S.P., Dhanbad with a request to provide the documents regarding criminal cases registered against the accused in any Police Station of Dhanbad. He has identified the letter dated 10-08-2021 which has been marked as Exhibit-159. In response to the said letter, a letter dated 10-08-2021 was received from S.S.P., Dhanbad in which details of two cases of theft against Rahul Kumar Verma was furnished. On 10-07-2021, the accused Rahul Kumar Verma had made disclosure before Sri Satyapal Yadav, Inspector CBI, SC-II, New Delhi at Camp Office, Dhanbad to the effect that he can show the house from where he had stolen three mobiles. A disclosure memo dated 15-08-2021 was prepared to that effect. He has identified the signature of Sri Satyapal Yadav, Inspector and Sachin, Sub-Inspector which have been marked as Exhibit-160 and 160/1. He has further stated that on 10-08-2021, the expert of CFSL, New Delhi, Sri P.K. Gottam along with his team, CBI team, independent witnesses and he himself had done extraction/imaging/cloning of seized pen drives, CDs/DVDs, Hard Disk and Memory Card. A memorandum dated 10-08-2021 was prepared along with

certificates given under Section 65B Evidence Act by Sri P.K. Gottam. From 11-08-2021 to 14-08-2021, the expert of CFSL, New Delhi, Sri P.K. Gottam along with his team, CBI team and independent witnesses had done extraction/exportation of data from storage devices, DVRs. A memorandum dated 11-14.08.2021 was prepared along with certificates under Section 65B Evidence Act given by Sri P.K. Gottam. A letter dated 11-08-2021 was sent to Dr. Harish Pathak, Professor and HOD of Forensic Medicines, Seth G.S. Medical College and K.E.M. Hospital, Mumbai vide which one pen drive containing post-mortem videography of the deceased, one pen drive containing photography of the scene of crime and the vehicle used in the offence and CCTV footages of the incident were forwarded for his opinion and analysis report. The office copy of the letter is proved and marked as Exhibit-161. In response to the said letter, a detailed report dated 24-08-2021 was received from Dr. Harish Pathak based on crime scene visit, examination of auto rickshaw, recreation with volunteers, analysis of CCTV footage of the incident, analysis of post-mortem video, interaction with autopsy surgeon, analysis of photographs provided in which the following conclusions were arrived at:

- “1. Injury on left aspect of skull has probably been caused by the Yellow dented edge of the auto-rickshaw as seen in the photograph (Photo 2.3).*
- 2. Patterned Abrasion injury over back of chest 6” below the nape of neck. This injury is probably caused by the blue rod at the left*

edge of the auto (Photo 2.4).

3. *Graze Abrasion injury present over lower back of chest on left side 2 inches away from midline has probably been caused by impact on ground after being hit by auto (Photo 4.1).*
4. *Contusion present over lower back has probably been caused by impact with the left headlight of the auto (Photo 5.1).*
5. *Injury sustained on the right side of Skull has probably been caused by the impact of deceased hitting the ground after being hit by the auto at a speed of 23km/hr (Photo 1.3).*
6. *Driver of Auto Rickshaw, Lakhon Kumar Verma, appears to be in full control of the vehicle.*
7. *The above-mentioned injuries were sustained when the auto-rickshaw struck a physically fit, well built, height 5'8" pedestrian adult at a speed of 23 km/hr. Injury Number A and B on the head (Singularly or Collectively) are sufficient to cause death in ordinary course of nature.*

Finding of this report conclusively established that the hit and run incident of hitting late Judge Uttam Anand by the auto-rickshaw in question was not accidental but intentional.”

He has stated that on 11-08-2021, he had received the photographs already marked X/14 to X/25 for identification of accused persons from Sri Vinay Kumar

S.H.O., Dhanbad P.S. A letter dated 15-08-2021 was sent to the Director, CFSL, New Delhi along with a forwarding note, list of extracts and the exhibits for examination and expert opinion regarding presence of alcohol/psychotropic substance in urine and blood samples of accused Lakhan Kumar Verma and Rahul Kumar Verma and also requested for regeneration and preservation of DNA profiling from the collected samples. He has identified the letter and the enclosures which have been collectively marked as Exhibit-162. In response to the said letter, a report dated 26-08-2021 was received from CFSL, New Delhi and as per the report, the blood and urine samples of the accused gave negative results for the presence of ethyl alcohol and psychotropic substance. A letter dated 15-08-2021 was sent to the Director, CFSL, New Delhi along with a forwarding note, list of articles and the exhibits for examination and expert opinion regarding examination of suspected blood-stained soil and controlled soil lifted from the scene of crime. The said letter along with its enclosures have been collectively proved and marked as Exhibit-163. He has further stated that a letter dated 16-08-21 addressed to the Director, CFSL, New Delhi was sent for report on 10 questionnaires as mentioned in the said letter. This letter has been proved and marked as Exhibit-164. In response to the said letter, a report dated 25-08-2021 of CFSL, New Delhi was received and, in the report, answers to the 10 questions were provided and which established the involvement of both the accused persons in the present case. A CFSL report dated 13-08-2021 was received regarding recreation of scene of crime conducted on 07-08-2021 and 08-08-2021 which

concludes that the speed of auto rickshaw at the time of hitting the deceased could be 20-25 kmph and angle of impact at the time of collision between the deceased and the auto rickshaw was 21 degrees approximately. The auto rickshaw used in the commission of crime was received from FSL, Ranchi for the purposes of investigation vide letter dated 07-08-2021. After investigation, the said auto rickshaw was again sent to FSL, Ranchi vide letter dated 16-08-2021. This letter has been proved and marked as Exhibit-165. A letter dated 24-08-2021 was received along with annexures from Sri Vinay Kumar, SHO, Dhanbad P.S. in which he had produced the documents regarding registration of case of theft against Rahul Kumar Verma registered as Dhanbad P.S. Case No. 334/21. A letter dated 24-08-2021 was sent to Dr. S.O. Junare, Director, N.F.U., Gandhi Nagar for comparison of the seized auto rickshaw in the present case with the auto rickshaw seen in the CCTV footages of 28-07-2021 at the time of hitting of the deceased. Along with the said letter, the Pen Drive containing relevant CCTV footages and screenshots, two sealed envelopes said to contain one SD Card having 404 images taken during visit of the scene of crime by CFSL from 07-08-2021 to 08-08-2021 and one 16GB Memory Card containing 36 video clips was sent. The said letter has been marked as X/30 for identification. In response to the said letter, the report dated 24-09-2021 of National Forensic Science University, Gandhi Nagar was received which is already marked as Exhibit-86. The report conclusively established that the auto rickshaw seen in the CCTV footage of the incident dated 28-07-2021 of hitting the Judge and the auto rickshaw seized during investigation in the incident case is one and the same. It has also been established that the auto

rickshaw seized during investigation and used by CFSL during recreation of the scene of crime which is seen ramming the late Judge in the morning around 05:08:30AM on 28-07-2021 as seen in the CCTV footages at Randhir Verma Chowk is one and the same auto rickshaw involved in the incident. The report also established that at the time of the incident, two individuals seem to be sitting on the front seat of the said vehicle. He has stated that a letter dated 28-07-2021 addressed to him was received by S.S.P., Dhanbad along with reports of inspection of scene of crime by the team of FSL, Ranchi and crime scene recreation report of FSL, Ranchi. In the report regarding recreation of the scene of crime, the expert of FSL, Ranchi mentioned that the auto rickshaw and the deceased remained in contact for one second and the auto rickshaw would have gone straight in the middle of the road instead of taking a left turn as seen in the CCTV footages. The report of Bio and DNA Division gave an opinion on the article seized from the auto rickshaw and blood sample of the accused Lakhan Kumar Verma which established that the DNA extracted from the articles of Lakhan seized from the auto rickshaw matched with the DNA of Lakhan Kumar Verma extracted from his blood sample. The reports of FSL, Ranchi, Physics Division proves that the broken fiber pieces seized from the scene of crime are part of the broken one side indicator of the seized auto rickshaw in the present case which established that on 28-07-2021, the seized auto rickshaw being driven by the accused persons was used by them in the commission of the crime. A report dated 21-09-2021 was received from Kwick Soft Solution Pvt. Ltd. in which it was established that the critical maximum speed of auto was 25-26 kmph and the angle of impact was 20.9 degrees. As per the CAF attached with the

letter dated 05-10-2021, the mobile numbers 8102223099 and 8409955491 was in the name of accused Rahul Kumar Verma and the CDR of the said mobiles reveals about his conversation with Lakhan Kumar Verma on 27-07-2021 and 28-07-2021, i.e., before, at the time and after commission of crime. A chart showing Cell ID location was also received from the Nodal Officer which shows the areas of location where the aforesaid mobile numbers were being used at the relevant time. It has further been stated that a letter dated 06-10-2021 was received from the Nodal Officer, Jio, Jharkhand along with the CDR, CAF and certificate under Section 65B Evidence Act regarding various mobile numbers mentioned in the said letter. As per the CAF, the mobile number 9304861558 is in the name of accused Lakhan Kumar Verma. The CDR of the said mobile number shows his conversation with Rahul Kumar Verma on 27-07-2021 and 28-07-2021, i.e., before, at the time and after commission of crime. A chart showing Cell ID location was also received from the Nodal Officer which shows the areas of location when the aforesaid mobile number was being used at the relevant time. A letter dated 18-10-2021 was sent by him to the Director, FSL, Ranchi authorizing Mithilesh Kumar, S.I. for collection of exhibits and remnants of the present case. The said letter has been proved and marked as Exhibit-167. In response to the said letter, the Director, FSL, Ranchi handed over the articles relating to the present case vide letter dated 18-10-2021 addressed to the learned C.J.M., Dhanbad. During investigation of the case, both the accused persons were taken into police custody on the orders of the Special Judicial Magistrate, CBI, Dhanbad and during interrogation both had confessed to have committed the offence. During investigation, he had examined various witnesses and collected all necessary

documents and reports. Several CBI officials had also assisted him during investigation and handed over the documents collected by them and the statements of witnesses recorded by them during the investigation. He has stated that the investigation conducted by Jharkhand Police, SIT of Jharkhand Police, by him and the CBI team clearly established that the accused Lakhan Kumar Verma and Rahul Kumar Verma had stolen the auto rickshaw in the night of 27-07-2021 and thereafter, they intentionally and deliberately hit Uttam Anand on 28-07-2021 in the morning at 05:08:30AM with common intention and ran away from the spot. He has proved the Forensic Hypnosis Examination report which has been marked as Exhibit-168. On the basis of Forensic Hypnosis Examination of the accused persons, it was concluded by the experts that both of them are habituated in snatching/stealing phone or valuables and had intentionally dashed against the deceased Uttam Anand. After conclusion of investigation, he had submitted charge sheet against Lakhan Kumar Verma and Rahul Kumar Verma.

In cross-examination, he has deposed that the entire investigation and deposition had focused on deliberate/intentional hit. The report of the NARCO Analysis has not been submitted as it was to ascertain whether there was any larger conspiracy or not.

P.W.58 Nayan Laha has stated that he works in Ganga Medical for the last 4-5 years and on 28-07-2021, the police officer V.K. Chetan had involved him as well as Puran Gope as independent witnesses at the time of inspection of the place of occurrence. He had signed on the seizure list of pieces of fiber and blood sample taken from the place of occurrence.

In cross-examination, he has deposed that the seizure list was prepared at the place of occurrence itself.

5. The statements of the accused were recorded under Section 313 Cr.P.C. in which they have denied their complicity in the incident leading to the death of Uttam Anand.

6. The defence has examined **one** witness in support of its case:

D.W.1 Lakhan Kumar Verma is the accused/appellant no. 1, who has stated that he drives auto rickshaws since 2013-14. On 27-07-21 at around 03:30-04:00PM, Rahul Kumar Verma had come to him and asked him to take him in his auto. He had agreed to give a ride to Rahul Kumar Verma who had on the way taken some money from a person named Gultan and he had given him some money. After taking the money, he had smoked cannabis and had also taken an intoxicant tablet. On that day, they had ferried passengers till 10:00PM. He had thereafter returned the auto to its owner. While going home, they had seen an auto parked which they had stolen and on reaching Baliapur More, Rahul had broken the rear number plate and scratched the number plate in the front portion of the auto. After reaching Dhanbad Station, they had parked the auto in the auto rickshaw stand. He had woken up Rahul at 02:30-03:00AM and they were going towards Jharia when on seeing a police vehicle, they had turned back and started going towards Giridih. He has stated that when he reached the turning of Randhir Verma Chowk, a stone came under the tyre of the auto and suddenly the auto veered towards the Judge and collided with him. He has also stated that

Rahul told him to speed up his auto and near Police Line, Rahul had got down from the auto and he had left for Giridih.

In cross-examination, he has deposed that he had seen the incident from the CCTV footage, but the footage does not show any stone. At the time of the collision, the road was empty. He has deposed that Rahul Kumar Verma was sitting beside him when the auto had hit the Judge. The auto rickshaw which collided with the Judge was the same auto he and Rahul had stolen from outside a house at Patherdih.

7. It has been submitted by Mr. Sabyasanchi, learned counsel for the appellants that the learned trial court has convicted the appellants primarily on the basis of assumption and inferences rather than legally admissible evidence establishing the essential ingredients as encapsulated in Section 300 IPC. The prosecution was required to prove beyond any reasonable doubt that the appellants had voluntarily caused the death of the deceased or possessed the requisite mens rea contemplated under Section 300 IPC. The evidence adduced during trial falls substantially short of the standard. It has been submitted that the deceased was an Additional District & Sessions Judge posted at Dhanbad and there is absolutely no evidence suggesting either of the appellants having any previous acquaintance, dispute, enmity or motive against the deceased. Mr. Sabyasanchi has submitted that the prosecution has failed to establish; a) any prior meeting, b) any conspiracy, c) any planning, d) any financial gains, e) any political matter and f) any personal hostilities which would have contributed in the culpability of the appellants of being involved in the incident. The learned trial court has

virtually convicted the appellants without taking into consideration as to why the appellants would cause such act against a total stranger. Absence of motive assumes great significance, as the prosecution case rests entirely upon circumstantial evidence. Mr. Sabyasanchi has submitted that none of the witnesses have deposed that the appellant no. 1 had voluntarily rammed the auto rickshaw on the deceased in order to commit his murder. There is no direct evidence with respect to a) planning, b) intention, c) common intention, d) conversation between the appellants and e) prior meeting of minds. Every circumstance relied upon by the prosecution required independent proof, but instead the learned trial court has treated suspicion as proof. It has been submitted that howsoever strong the suspicion may be, the same cannot act as a substitute to substantial proof. The approach of the learned trial court is contrary to the settled principles governing circumstantial evidence.

Mr. Sabyasanchi, learned counsel for the appellants has further submitted that the CCTV footage merely depicts the movement of the auto rickshaw and it does not establish; a) the mental state of the driver, b) intention to kill, c) prior planning, d) deliberate targeting and e) pre-meditation. The learned trial court has interpreted the footage according to one possible hypothesis, though criminal law requires the exclusion of every other reasonable hypothesis. It is a settled principle of law that when two interpretations are possible, the one favorable to the accused must prevail. It has been submitted that the prosecution has not produced any evidence proving that the appellants deliberately selected the deceased as the target. There is no

evidence that: a) they waited for him, b) chased him, c) identified him beforehand, d) knew his identity e) had any reason to murder him. Without proving these pre-meditated necessities, the intention to commit murder cannot be presumed merely because death had occurred.

8. Relying on the scientific evidence collected by the prosecuting agency, it has been submitted by Mr. Sabyasanchi that the DNA evidence merely establishes contact, the mechanical examination only establishes the condition of the auto rickshaw, the CCTV analysis establishes movement and the C.D.R. merely establishes communication. The scientific reports do not prove common intention, knowledge, motive or conspiracy. The learned trial court has converted corroborative evidence into substantive evidence. Even if for the sake of argument, it is accepted that the auto rickshaw was recovered from the appellant no. 1, the same merely establishes possession and not otherwise.

9. So far as the invocation of Section 34 IPC is concerned, the prosecution has failed to prove prior concert, meeting of minds and a pre-arranged plan which are the basic components necessary to prove common intention. Mere travelling in one vehicle does not constitute common intention. An association cannot be equated with participation in murder.

10. Mr. Sabyasanchi has focused on the 313 Cr.P.C. statement of the accused which is intended only to provide an opportunity to explain incriminating circumstances and such statement should not have been relied upon by the learned trial court to cure discrepancies in prosecution evidence, fill missing links and take the place of substantive

evidence.

It has been submitted that the testimony of appellant no. 1 Lakhan Kumar Verma examined as D.W.1 required complete scrutiny, but the learned trial court has accepted only those points which are favorable to the prosecution, while negating the explanation offered by the appellant no. 1. It has been submitted that the learned court has erred in relying upon the conduct of the appellants after the occurrence, but such conduct can at best constitute a weak incriminating circumstance. Despite the best efforts by the prosecuting agency, doubts still linger as several blanks in the case have remained unfilled. The sensational nature of the case has further downsized the defence of the appellants. Mr. Sabyasanchi, learned counsel, based on the circumstances put across by him, has prayed for setting aside the impugned judgment and order of conviction.

11. Mr. Prashant Pallav, learned senior counsel for the CBI has submitted that the ocular and technical evidence painstakingly collected by the prosecuting agency demarcates the specific role played by each of the appellants in intentionally and deliberately ramming the auto rickshaw against Uttam Anand, who had gone out for a morning walk. The evidence of 3D forensic experts P.W.25 and P.W.48 mathematically proves that the driver had full control over the vehicle and had intentionally changed path at a 21degree angle to hit the victim. The “drunkenness” claim has also dissipated by virtue of the evidence of P.W.31 as the blood and urine samples of the appellants were found negative regarding the presence of alcohol and/or psychotropic substances. The offending auto rickshaw was in a perfect

condition as P.W.10, the Motor Vehicles Inspector, had concluded that the auto rickshaw was technically fit and brakes, steering etc. were in a perfect condition. The CCTV footages were analyzed and, as per P.W.50, the same indicated a deliberate 21degrees swerve dashing against the deceased. Mr. Pallav has submitted that P.W.37 is a witness who had followed the auto rickshaw and had seen the intentional act and he had also identified the appellant no. 2 getting down from the auto rickshaw and going to the opposite side of the road and taking another auto rickshaw which was going towards the Dhanbad Railway Station. The premeditated act of the appellants has been proved by P.W.43 whose auto rickshaw which was parked outside her house was stolen in the night. The offending auto was recovered from near the house of the sister of the appellant no. 1 and the appellant no. 1 was also arrested from the said house. The medical evidence is corroborative of the manner of occurrence as gathered from the CCTV footage as well as from the testimony of P.W.37. It has been submitted that the entire sequence of the movement of the appellants has been captured in the CCTV footages which prove beyond any reasonable doubt the act of the appellant of intentionally ramming the auto rickshaw against Uttam Anand which turned fatal. Replying to the contention of the learned counsel for the appellants that there was only a single blow upon the deceased, without any repetition Mr. Pallav, learned senior counsel for the CBI has submitted that Section 300 "Thirdly" demonstrates an intentional hit which caused blow to a vital part of the body (head) with the vehicle which is murder. So far as motive is concerned, the same

becomes irrelevant when direct ocular and documentary evidence are available on record. Reference has been made to the case of ***Chandan v. State (NCT of Delhi)*** reported in **(2024) 6 SCC 799**. The conduct of the appellants is also to be noted as after the incident both the appellants fled in different directions and had also concealed the vehicle which is suggestive of the mens rea under Section 8 of the Evidence Act. The common intention of both the appellants is evident from the time they had stolen the auto rickshaw and were together when the incident had taken place clearly attracting Section 34 IPC.

12. We have heard learned counsel for the respective sides and have also perused the trial court record.

13. When Uttam Anand, A.D.J.-VIII, Dhanbad went out of his house for his customary morning walk in the early morning of 28-07-2021, little did he or his family realize what lay in store for them. A collision by an auto, the impact hardly lasting for one second, led to a massive hemorrhage of the brain and there lay besides the road, the victim unidentified, unconscious and profusely bleeding from the mouth, nose and ears. The city of Dhanbad was waking up and Randhir Verma Chowk, one of the busiest thoroughfares of the city due to its location, wore a desolate look with some health freaks, carts and auto rickshaws interrupting the morning serenity. Some joggers had a glance at the injured, but continued with their jogging oblivious to the immediate medical attention which was needed by the fallen man. Some passersby had, however, gathered near the injured Uttam Anand, but the initiative to get him to the hospital was taken by P.W.7 who was crossing the area of incident since he had

forgotten his mobile at home and P.W.7, acting as a responsible citizen, managed to stop an e-rickshaw on the opposite side of the road from where Uttam Anand was lying and with the help of some persons, loaded Uttam Anand on the same and proceeded to Sadar Hospital, Dhanbad. The gate of Sadar Hospital was closed and he had taken the injured to SNMMCH where he was admitted in the Emergency Ward and immediate treatment was given by injecting life-saving drugs and keeping him on life support. The impact of the auto was so devastating and powerful that despite the best efforts of the doctor, Uttam Anand could not be saved. The commendable act of P.W.7 was supplemented by P.W.8 who was an A.N.M. and was returning home from her duty at Dhanbad Railway Station and on seeing the injured lying besides the road and was gasping for breath, she had wiped the blood from his mouth and nose making breathing much easier. P.W.8 had also followed P.W.7 to Sadar Hospital and then to SNMMCH where the injured was immediately admitted. The Police sprang into action on being informed by the bodyguard of Uttam Anand that he had not returned home from his morning walk even after passage of a considerable length of time and ultimately, it was detected that the person lying motionless in a hospital bed was none other than Uttam Anand, A.D.J.-VIII, Dhanbad. The incident gathered momentum on account of the videos of the impact circulated in social media which created a furore as it was viewed as a direct assault on the judicial system of the country. The case, on account of the importance it generated and in order to explore the deep-rooted conspiracy it evoked, was handed over to the CBI where detailed investigation

mostly on the technical aspects of the case led to submission of charge sheet against the appellants who ultimately, were convicted for the offenses under Sections 302/34 and 201/34 IPC. It is to be deciphered in this appeal as to whether the learned trial court had, based on the ocular and documentary evidence, correctly appreciated the materials available on record to arrive at its conclusion about the culpability of the appellants of being involved in the murder of Uttam Anand.

14. So far as the ocular evidence is concerned, the testimony of P.W.37 assumes considerable significance as it was P.W.37 who is the only eyewitness to the moment of impact/collision of the auto rickshaw with Uttam Anand. P.W.37 was returning from duty from Dhansar Colliery where he was employed as a Cable Man at about the same time when the incident had occurred. The route of his home at Jag Jivan Nagar was via Randhir Verma Chowk and as he had crossed the chowk, he had seen an auto rickshaw which was in front of him deliberately veering towards the left and dashing against an individual in front of Ganga Medical Hall. P.W.37, on seeing the injured lying on the road with blood oozing out from his mouth, continued on his onward journey and neither had he stopped at the place of occurrence, nor did he seek any medical assistance and the explanation given by him for such conduct is that he is a heart patient and he had become nervous on witnessing what unfolded in front of him. P.W.37 has also stated about one of the occupants of the auto rickshaw getting out near Hatia More and taking another auto rickshaw which was going on the opposite direction towards Randhir Verma

Chowk, while the other person continued on his journey with the offending auto rickshaw. There was no number plate in the rear portion of the auto rickshaw.

In course of investigation, it came to light that the auto rickshaw which was used in the deliberate collision with Uttam Anand was a stolen one and the owner of the auto was P.W.43 Sugani Devi. She had purchased the auto rickshaw from Birendra Tiwary and had hired a driver for plying the same. However, the driver did not come for 3-4 days and the auto rickshaw was kept parked in front of her house. On 28-07-2021, when P.W.43 went outside her house, she found her auto rickshaw missing which ultimately led to registration of an FIR for the offense of theft.

15. The Police on coming to know about the seriousness of the crime had constituted a team on the direction of the Sr. S.P., Dhanbad and P.W.26 who was also a member of the team was deputed to the Police Control Room for going through the CCTV footages. After investigation of the CCTV footages in which the auto rickshaw had collided with the deceased and on identifying the features of the auto rickshaw, P.W.26 proceeded to City Fuels Petrol Pump, Govindpur and from the CCTV footage in the petrol pump, the same auto rickshaw was detected and the driver was seen filling up the fuel tank of his vehicle. The CCTV footages of Vishwakarma Hardware at G.T. Road was seen and the auto rickshaw was found crossing the said place. As P.W.26 and his team were enquiring at Govindpur market, he came to know that the appellant no. 2 was apprehended outside Dhanbad Railway Station. On the disclosure of appellant no. 2, a raid was conducted in the early hours

of 29-07-2021 in the house of Deepak Sonar, the brother-in-law of the appellant no. 1 and appellant no. 1 was apprehended from inside the house. On the pointing out by the appellant no. 1, the auto rickshaw involved in the incident was seized. P.W.26 has given a physical description of the auto rickshaw and what was noticeable was the absence of the rear number plate and the front number plate was found defaced. In the context of the evidence of P.W.26, we may now refer to the evidence of P.W.10, who was posted as a Motor Vehicles Inspector and who had inspected the auto rickshaw. He, on inspection, had found the front number plate scratched, while there was no number plate at the rear. The auto rickshaw was found technically fit and the brakes, steering etc. were found in a proper condition. In order to establish as to whether the auto rickshaw seized during investigation and the auto rickshaw seen in the CCTV footage are one and the same, the details were sent to P.W.42 along with some questionnaires and after conducting a forensic examination, P.W.42 has concluded that the auto rickshaw seen in the CCTV footage of the incident dated 28-07-2021 and the auto rickshaw seized during investigation appears to be same in all probabilities. The forensic reports also established that the broken fibers recovered from the place of occurrence were part of the one side indicator of the seized auto. It can, therefore, be concluded that the auto rickshaw recovered at the instance of the appellant no. 1 is the same auto rickshaw which had rammed into Uttam Anand as seen in the CCTV footage and as witnessed by P.W.37.

16. The identification of the auto rickshaw having

been established, we have to now unravel as to whether the appellants were the persons who were present in the auto rickshaw and whether there was an intent on their part to deliberately ram into the deceased Uttam Anand in order to facilitate his death. The dominant feature of the case seems to be the CCTV footages collected from various sources. The CCTV footage collected from the Police Control Room, Dhanbad is pre-dominantly with respect to the turning of the auto rickshaw at Randhir Verma Chowk, dashing against the deceased and the continuing of the journey of the auto rickshaw in a normal fashion albeit one of the accused (appellant no. 2) getting down from the auto rickshaw and taking another auto rickshaw going towards the Randhir Verma Chowk. As we have noticed above, P.W.26 has given a vivid description of the sequence of the path of the auto. With reference to the identification P.W.21, who is a Nozzle man at City Fuels Petrol Pump has already stated that the person who had stopped for taking fuel was the appellant no. 1. He had also identified the appellant no. 1 from his photograph. In fact, P.W.21 in his cross-examination has deposed that a passenger was sitting in the auto rickshaw of the appellant no. 1. P.W.33 was working as a Parking Agent in Dhanbad Railway Station and he has stated about two persons having parked their auto rickshaw and had taken it away after 30 minutes. His description of the auto rickshaw which was parked for a brief period matches the description of the offending auto rickshaw. This witness has identified both the appellants who were produced through video conferencing. It also appears from the forensic reports that the DNA extracted from the blood sample of the appellant no.

1 matched with the DNA of the article seized from the auto rickshaw. The ocular, technical and scientific evidence is further strengthened by the evidence of D.W.1, who is none other than the appellant no. 1, who in his examination-in-chief has admitted that his auto had dashed against a Judge and the said collision was because of a stone which was lying on the road in front of the moving auto. D.W.1 has also accepted the fact that appellant no. 2 was also present. It has, therefore, been proved beyond any reasonable doubt that both the appellants were present in the auto rickshaw which dashed against Uttam Anand.

17. Whether the act of the appellants was deliberate or not has to be construed from the evidence of the witnesses as well as the CCTV footage. The CCTV footage was run in a screen inside the Court Room and after having a careful and minute view of the incident, what transpired is the sudden veering of the auto rickshaw towards the left side where Uttam Anand was walking and after the impact, the opposite parties drove the auto rickshaw in a dispassionate manner and it did not even speed up which would generally be the reaction had the impact been accidental. The entire sequence would indicate a semblance of pre-meditated act which commenced with the theft of the auto rickshaw of P.W.43. If the intention was of divesting the Judge of his mobile and/or purse or other belongings, there would have been some movement of either of the appellants at the time of impact from inside the vehicle. The concatenation of events as evinced from the testimony of the witnesses and the various reports of the experts as well as the CCTV footages, convincingly proves the devious and deceptive manner in

which the objective of the appellants were executed. The appellant no. 1 in his evidence as D.W.1 has stated about a stone which obstructed the wheel of the auto rickshaw as a result of which it veered towards the deceased and collided with him. The defence taken by D.W.1 is fragile and not supported by any sort of evidence. The place of occurrence was inspected time and again by the police and the CBI officials and various materials were collected for furthering the investigation, but presence of a stone has never surfaced in such investigation. If at all there was a stone, the forensic analysis of the CCTV footages would definitely have given a finding in support of such defence but none of the forensic experts have stated about the presence of a stone in the path of the auto rickshaw. If a stone would have obstructed the auto rickshaw, there would have been some features defining such obstruction. The auto rickshaw would have wobbled or it would have suffered a jerk, but even with a naked eye on seeing the CCTV footages, the smooth run of the auto rickshaw from Randhir Verma Chowk to the place where the deceased was dashed with the auto rickshaw is established. To reinforce the finding regarding the culpability of the appellants in cohesively participating in the murder, we may refer to the evidence of P.W.28 who had analyzed the video clips and the photographs and her conclusion reveals that someone had followed Uttam Anand in an auto rickshaw and on getting an opportunity, the auto rickshaw driver dashed against Uttam Anand. It has been opined by P.W.28 that the auto rickshaw driver was in a good state of mind and the incident appears to be planned and intentional. A suggestion had also been given in the report to investigate as to whether

another person accompanying the auto rickshaw driver was dropped on the route. P.W.25 who is a Professor and Head, Department of Forensic Medicines, SETH, G.S. Medical College and KEM Hospital, Parel, Mumbai has opined that the appellant no. 1 appeared to be in full control of the vehicle and at no point of time he exhibited any sign of attempting to turn or swerve away from the deceased, no attempts at sudden breaks, no sudden turning or wobbling of vehicle which would indicate about the control the appellant no. 1 had on the auto rickshaw. The auto rickshaw was seen changing the path from the middle of the road specifically towards the deceased and returned back to the original path after hitting the deceased. In his summary of conclusion, P.W.25 has established that the injury suffered by the deceased Uttam Anand on skull, neck and chest were on account of being struck by an auto rickshaw and the same indicates that the incident was not accidental, but intentional. Both the appellants were in a fit state of mind and no trace of alcohol or psychotropic substance were found in the urine and blood samples of the appellants.

18. Though it has been strenuously argued by Mr. Sabyasanchi, learned counsel for the appellants that there was no intention on the part of the appellants to commit bodily injury which can be fathomed from the fact that a solitary blow was given, but it is clearly evident from the labyrinth of evidence that “Thirdly” of Section 300 IPC will apply. In the context of the above, we may refer to the case of **Virsa Singh v. State of Punjab** reported in **AIR 1958 SC 465**, wherein it has been held as follows:

“12. *To put it shortly, the prosecution must prove the*

following facts before it can bring a case under S. 300 "thirdly"; First, it must establish, quite objectively, that a bodily injury is present; Secondly, the nature of the injury must be proved; These are purely objective investigations. Thirdly, it must be proved that there was an intention to inflict that particular bodily injury, that is to say, that it was not accidental or unintentional or that some other kind of injury was intended. Once these three elements are proved to be present, the enquiry proceeds further and, Fourthly, it must be proved that the injury of the type just described made up of the three elements set out above is sufficient to cause death in the ordinary course of nature. This part of the enquiry is purely objective and inferential and has nothing to do with the intention of the offender.

13. *Once these four elements are established by the prosecution (and, of course, the burden is on the prosecution throughout) the offence is murder under S. 300 "thirdly". It does not matter that there was no intention to cause death. It does not matter that there was no intention to cause death. It does not matter that there was no intention even to cause an injury of a kind that is sufficient to cause death in the ordinary course of nature (not that there is any real distinction between the two). It does not even matter that there is no knowledge that an act of that kind will be likely to cause death. Once the intention to cause the bodily injury actually found to be present is proved, the rest of the enquiry is purely objective and the only question is whether, as a matter of purely objective*

inference, the injury is sufficient in the ordinary course of nature to cause death. No one has a licence to run around inflicting injuries that are sufficient to cause death in the ordinary course of nature and claim that they are not guilty of murder. If they inflict injuries of that kind, they must face the consequences; and they can only escape if it can be shown, or reasonably deduced, that the injury was accidental or otherwise unintentional.”

19. The spectrum of evidence as discussed above caters to the essentials of Section 300 IPC “Thirdly” and, therefore, the submission advanced by the learned counsel for the appellants in the said issue is negated.

19. Another issue which has been flagged by the learned counsel for the appellants is the absence of motive. The said contention does not hold good simply for the reason that motive will be compelled to take a back seat when faced with a deluge of direct evidence as in the present case. Reference is made to the case of **Chandan v. State (NCT of Delhi)** reported in **(2024) 6 SCC 799**, wherein it has been held as under:

“9. The argument of the defence that the prosecution has not been able to establish any motive on the accused for committing this dastardly act is in fact true, but since this is a case of eyewitness where there is nothing to discredit the eyewitness, the motive itself is of little relevance. It would be necessary to mention some of the leading cases on this aspect which are as under.

10. *In Shivaji Genu Mohite v. State of Maharashtra*, it was held that it is a well-settled principle in criminal jurisprudence that when ocular testimony inspires the confidence of the court, the prosecution is not required to establish motive. Mere absence of motive would not impinge on the testimony of a reliable eyewitness. Motive is an important factor for consideration in a case of circumstantial evidence. But when there is direct eyewitness, motive is not significant. This is what was held : (SCC pp. 224-25, para 12)

“In case the prosecution is not able to discover an impelling motive, that could not reflect upon the credibility of a witness proved to be a reliable eyewitness. Evidence as to motive would, no doubt, go a long way in cases wholly dependent on circumstantial evidence. Such evidence would form one of the links in the chain of circumstantial evidence in such a case. But that would not be so in cases where there are eyewitnesses of credibility, though even in such cases if a motive is properly proved, such proof would strengthen the prosecution case and fortify the court in its ultimate conclusion. But that does not mean that if motive is not established, the evidence of an eyewitness is rendered untrustworthy.”

11. The principle that the lack or absence of motive is inconsequential when direct evidence establishes the crime has been reiterated by this Court in **Bikau Pandey v. State of Bihar, (2003) 12 SCC 616;**

Rajagopal v. Muthupandi, (2017) 11 SCC 120; Yogesh Singh v. Mahabeer Singh, (2017) 11 SCC 195.”

21. Both the appellants have been convicted for the offences under Section 302 and 201 IPC with the aid of Section 34 IPC. Though the appellant no. 1 had taken an active part in the murder as he was on the steering of the auto rickshaw when the same veered towards Uttam Anand and then proceeded normally, but the role of the appellant no. 2 as acting in concert with the appellant no. 1 in furtherance of a common intention cannot be discounted. Section 34 IPC acts as an umbrella and if the accused persons are acting with a common intention, they all should be brought within the sphere of Section 34 IPC. In the case of ***Jasdeep Singh @Jassu v. State of Punjab*** reported in ***2022 Live Law (SC) 19***, it has been held as follows:

“28. The existence of common intention is obviously the duty of the prosecution to prove. However, a court has to analyse and assess the evidence before implicating a person under Section 34 IPC. A mere common intention per se may not attract Section 34 IPC, sans an action in furtherance. There may also be cases where a person despite being an active participant in forming a common intention to commit a crime, may actually withdraw from it later. Of course, this is also one of the facts for the consideration of the court. Further, the fact that all accused charged with an offence read with Section 34 IPC are present at the commission of the crime, without dissuading themselves or others might well

be a relevant circumstance, provided a prior common intention is duly proved. Once again, this is an aspect which is required to be looked into by the court on the evidence placed before it. It may not be required on the part of the defence to specifically raise such a plea in a case where adequate evidence is available before the court.”

22. The appellant no. 2 as per the evidence of D.W. 1 and his own admission in his 313 Cr.P.C. statement apart from the other ocular and forensic evidence was with the appellant no. 1 from the time the auto rickshaw of P.W.43 was stolen till the deliberate and intentional collision was made with the deceased. The defacing of the front number plate of the auto rickshaw and removal of the rear number plate clearly demonstrates an act designed to camouflage the identity of the auto and the subsequent acts prove beyond any reasonable doubt the cohesiveness in the chain of circumstances making the appellant no. 2 equally and effectively responsible for such distressing and shocking act of murder in concert with the appellant no. 1.

23. The enormity of the act of the appellants and the audacious nature of its execution has been an affront to the judiciary encapsulating serious concerns over the safety and security of the Judicial Officers. As we have discussed and observed above, based on the voluminous records of the case, the complicity and culpability of the appellants is palpable. The impugned judgment and order of conviction and sentence embodies the features of the case and the role played by the appellants. We do not find any rationale to

arrive at a different conclusion and based on the reasonings enunciated by us, we **dismiss** this appeal.

24. Pending I.A.s, if any stands, closed.

(RONGON MUKHOPADHYAY, J.)

(PRADEEP KUMAR SRIVASTAVA, J.)

Jharkhand High Court, Ranchi
Dated the 14th Day of July, 2026.

Preet/N.A.F.R.

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