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IN THE COURT OF SESSIONS JUDGE, KANNAUJ (U.P.)

Presiding Officer: Chandroday Kumar, HJS, UP6553

Session Trial No. 956 of 2022,

State

v.

- 1. Swadesh alias Sudesh Kumar, s/o Mangoo Lal, r/o Mirapur, p/s Saurikh, district Kannauj, and**
- 2. Sunil Kumar, s/o Subedar Yadav, r/o Sathavanpurwa, p/s Shivali, district Kanpur Dehat**

Crime Number-574/2015

Under Sections 307 I.P.C.
Police Station- Saurikh
Distt. Kannauj.

Prosecution Counsel: Shri Tarun Chandra, DGC (Criminal),
Defence Counsel: Shri R.C. Pandey, Advocate, Shri Swetank Arun Tiwari
Chief Defense Counsel

JUDGMENT

Introduction

1. This judgment arises from Session Trial No. 956 of 2022, State v. Swadesh alias Sudesh Kumar and Sunil Kumar, before the Court of Sessions Judge, Kannauj, Uttar Pradesh. The case emanates from **Crime No. 574 of 2015** registered (NCRB - Computerised FIR) at **Police Station Saurikh, District Kannauj**. On the same computer-generated FIR, Crime No. 575 of 2015 has been added by hand writing. The four accused, Sunil Yadav s/o Subedar Yadav, Sudesh Kumar s/o Mangoo Lal, Santosh s/o Mangoo Lal and Sonu s/o Mangoo Lal, were alleged with offences punishable under Section 307 of the Indian Penal Code, 1860 (attempt to murder) and Section 25 of the Arms Act, 1959 (possession of an unlicensed firearm). The allegations stem from an incident on the night of 14/15 November 2015, in which the accused individuals – along with two others – allegedly fired upon a police patrol

with intent to kill, and one country-made pistol and ammunition were purportedly recovered from the accused Sunil Kumar upon his apprehension.

2. According to the prosecution's narrative, in the early hours of 15.11.2015, a police team on night patrol encountered four persons near Nandpur Tiraha. On being challenged, **one of the miscreants** fired a shot at the police party with the intent to kill, narrowly missing the officers. The police gave chase; at about 3:10 AM, they apprehended one individual (accused Sunil Kumar) near a temple, while the others escaped. The **three** who fled were allegedly identified in the torchlight as co-accused Swadesh alias Sudesh Kumar and two others (Santosh and Sonu, both not before the Court). A **.315 bore** country-made pistol with one spent cartridge in its barrel and four live cartridges was reportedly recovered from Sunil's possession at the spot. Since Sunil produced no valid license for the firearm, it was seized and sealed, and a recovery memo (**Ex. Ka-3**) was prepared on the spot by the police. Based on this recovery memo, a First Information Report (**Ex. Ka-1**) was lodged at 5:30 AM the same night, registering Case Crime Nos. 574 and 575/2015 under Section 307 IPC and Section 25 of the Arms Act, respectively, against Sunil, Swadesh alias Sudesh, and the two others under Section 307 IPC. Investigation was taken up, and charge-sheets were filed: initially against Sunil Kumar (for the Section 307 IPC (Charge-Sheet No. 335/2015) and Section 25 Arms Act (Charge-Sheet No. 336/2015) on 25.12.2015 and subsequently against Swadesh alias Sudesh Kumar (for the Section 307 IPC (Charge-Sheet No. A-335A/2015) on 23.08.2016. Both accused (Sunil and Swadesh alias Sudesh) were eventually committed to the Court of Sessions to stand trial under section 307 IPC only.

3. Surprisingly, the Case Diary states that a prosecution sanction for the Arms Act case will be obtained and filed later. On query, the prosecution could not provide the whereabouts of the Arms Act case. The investigation remains pending against the accused Santosh and Sonu. In the meantime, the accused, Sonu, surrendered to the Court. The charge-sheet against accused Santosh was filed on 17.01.2022, which, after cognisance and committal, is pending before this court as separate Sessions Trial No. 193/2025 and is at the initial stage of trial. The last Case Diary does not mention that an investigation is pending against the accused Sonu. Prosecution could not tell what the fate of the accused Sonu was, and before which court the case under Section 25 of the Arms Act is pending or disposed of. Regarding this, no information is available on the CIS software.

4. The accused persons pleaded not guilty to the charges and claimed a trial. The prosecution examined a total of **six witnesses** in support of its case. All material eyewitnesses to the incident are police personnel: there were no independent civilian witnesses to the encounter, as the police stated that local villagers refused to cooperate due to fear. The key witnesses include **PW1 SI Prakash Narayan Dwivedi** (who formally proved the FIR **Ex. Ka-1** and GD entry **Ex. Ka-2**), **PW2 SI Chandrapal Singh Solanki** (the complainant and leader of the police patrol, who prepared the recovery

memo **Ex. Ka-3**), **PW3 Constable Chandra Prakash** and **PW4 Constable Surendra Singh** (members of the patrol team who purportedly witnessed the incident and assisted in the arrest and recovery), and **PW6 SI Nepal Singh** and **PW5 SI Barelal Azad** (investigating officers who prepared the charge-sheets **Ex. Ka-6**, and site plan **Ex. Ka-5** and **Ex. Ka-4**, respectively). The accused were examined under Section 313 of the Code of Criminal Procedure, 1973, wherein they denied the incriminating evidence. Accused Swadesh alias Sudesh stated that he has been falsely implicated due to a village election rivalry in conspiracy with the police. Accused Sunil Kumar also pleaded innocence, stating he was apprehended and framed without cause. No defence evidence was led on behalf of either accused.

5. I have heard the learned District Government Counsel (DGC) for the State and the learned defence counsel, and have carefully perused the oral and documentary evidence on record. Now, I proceed to frame the points for determination and record my findings.

Points for Determination

From the rival contentions and the charge-sheet, the following **points for determination** arise in this trial:

1. **Whether on 15th November 2015 at about 3:00 AM at Nandpur Tiraha, P.S. Saurikh, the accused Swadesh alias Sudesh Kumar and Sunil Kumar, in furtherance of their common intention, committed an act of firing upon the police party with such intention or knowledge and under such circumstances that, if death had been caused, they would be guilty of murder, thereby committing the offense of "attempt to murder" punishable under Section 307 of the IPC?**
2. **Whether on the same date, time and place, accused Sunil Kumar was found in possession of a country-made pistol (.315 bore) and four live cartridges without a valid license?**
3. **If point nos.. 1 and 2 are answered in the negative, what order should be passed?**

Appreciation of Evidence

6. Before analysing the evidence, it is pertinent to recall the ratio of [Krishnegowda & Ors vs State Of Karnataka By Arkalgud Police on 28 March, 2017: AIR 2017 SUPREME COURT 1657 \(MANU/SC/0321/2017\)](#) wherein it was held that in a criminal trial, the burden lies on the prosecution to prove the guilt of the accused beyond a reasonable doubt, and the accused is presumed innocent until proven otherwise. It is settled law that suspicion, however strong, cannot replace proof, and any benefit of doubt must be given to the accused. With these principles in mind, the Court has examined the evidence on record.

(A) Testimony of Police Witnesses and Lack of Independent Corroboration

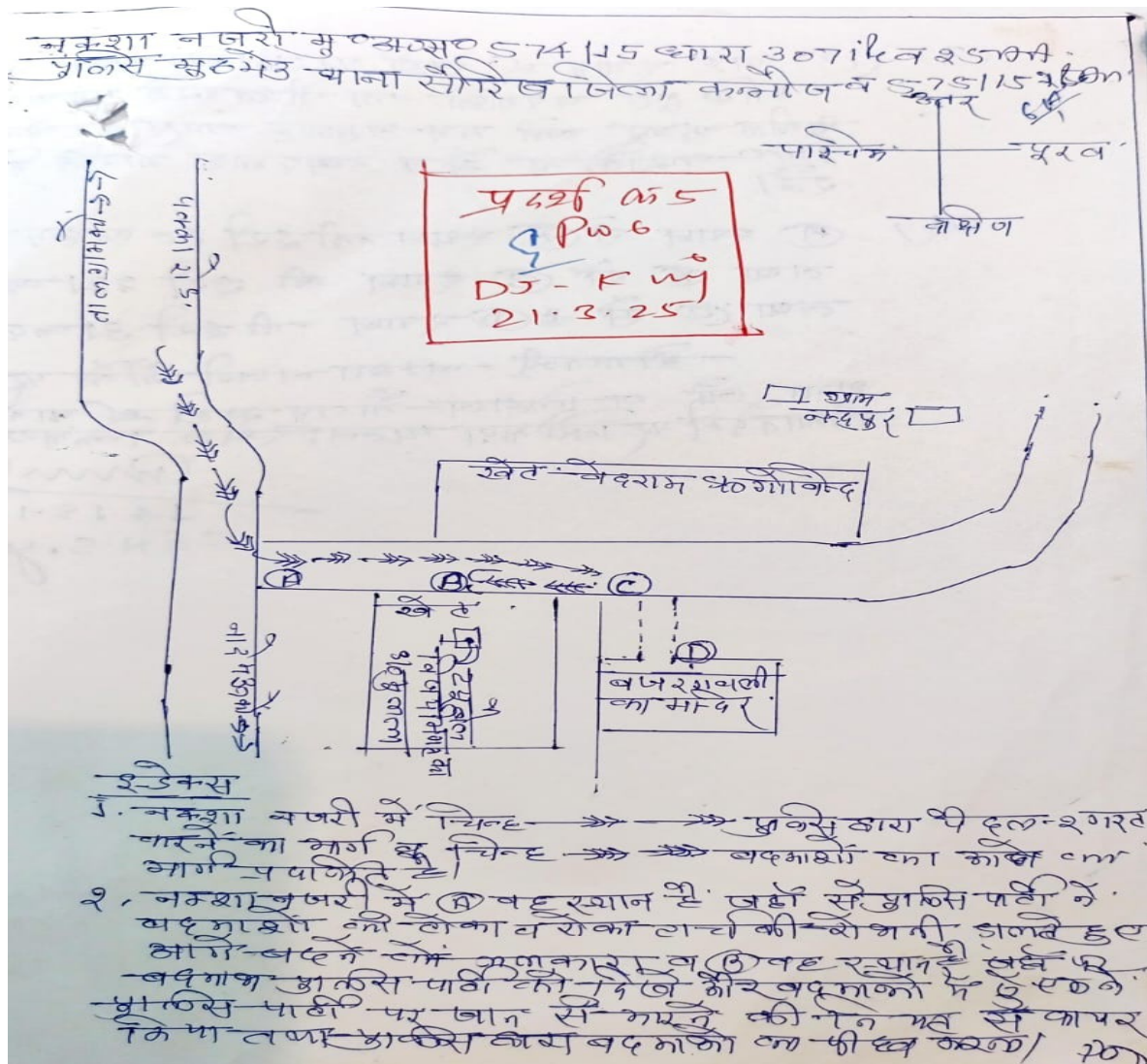
7. All the eyewitnesses to the incident are members of the police party itself – **interested witnesses** in the sense of being official participants in the encounter. No independent public witness to the incident or the recovery was produced. The record shows that the police did attempt to secure independent witnesses from the nearby village immediately after the incident, but *“due to fear, no one agreed to join”*. It is important to note that the police did not record the names and addresses of the individuals they contacted as potential witnesses. It is unlikely that any of these individuals would have refused to provide their names and addresses to the police. While the mere fact that witnesses are police officers is not a ground to discard their testimony, it is equally well-recognised that where the **prosecution relies solely on interested witnesses**, their evidence must be scrutinised with caution and preferably corroborated by independent evidence, a forensic link of arms and ammunition or reliable circumstances. The **Hon’ble Supreme Court** has observed in the case of Krishnegowda (supra) that although there is no absolute rule requiring independent corroboration of related or interested witnesses, the absence of independent witnesses assumes significance when the testimony of such witnesses is **improbable or not trustworthy**. Here, as analysed below, the police witnesses’ accounts are riddled with material contradictions and deficiencies. Therefore, the lack of any independent witness or corroborative material evidence further undermines the prosecution's case.

8. According to PW2 SI Chandrapal Singh (the informant and patrol in-charge), as per his examination-in-chief, **one of the four miscreants** (without naming him) fired at the police and, after a chase, one accused, who introduced himself as Sunil, was caught with a pistol and cartridges, while accused Swadesh (Sudesh) s/o Mangoo Lal, Santosh s/o Mangoo Lal and Sonu s/o Mangoo Lal identified in the torch light escaped. PW3 and PW4 (Constables Chandra Prakash and Surendra Singh) in their depositions supported the broad sequence of events during the chief examination, essentially reiterating that Sunil was apprehended with an unlicensed firearm after a shot and chase at night, and that the other assailants fled but were identified by name as residents of the area. However, under cross-examination, **serious cracks** appeared in the prosecution’s edifice:

A. Contradictions & Witness Credibility: PW2 Chandrapal Singh, who is the star witness having authored the recovery memo and led the operation, virtually **disowned his earlier testimony during cross-examination**. He claimed to be suffering from memory loss (dementia) and professed an alarming lack of recollection about the incident and even about filing the case. In his own words, *“I am suffering from dementia, I do not remember anything... I have no information about this case... I do not remember if I lodged the case or not, or whether the case was false or true”*. No medical papers regarding dementia have been produced. He further admitted that he had testified through video conferencing in chief by reading from the written papers, and that he did not even recognise the accused **Swadesh (Sudesh) Kumar**, stating *“I do not know him and have never seen him”* when the accused

was pointed out in court. This is a **critical contradiction** – the very officer who named Swadesh in the FIR and recovery memo as an identified culprit now claims not to know him at all. Such a turnaround by the complainant/officer casts grave doubt on the veracity of the prosecution's story at its genesis. The **law** is clear that where prosecution witnesses make **inconsistent statements** at different stages, their testimony becomes **unreliable and unworthy of credence**, and in the absence of special corroboration, no conviction can be safely based on such evidence. In the present case, PW2's testimony is so materially self-contradictory that it cannot be relied upon. The doctrine *falsus in uno, falsus in omnibus* (false in one thing, false in all) may not be a hard-and-fast rule in Indian jurisprudence, but a witness who **undermines his own earlier statement** on a material fact (here, the very occurrence of the incident and identification of the accused) cannot be deemed credible.

B. Discrepancies in Witness Accounts: The other two eye-witness constables (PW3 and PW4) attempted to stick to the prosecution version, but their testimonies, too, reveal significant discrepancies and admissions that erode the prosecution's case. For instance, there is an inconsistency regarding the **conditions of visibility and identification**. PW3 (Const. Chandra Prakash) suggested that although it was a winter night, *"it was not completely dark; there was some light"* around the time of the incident. In contrast, PW4 (Const. Surendra Singh) stated that at the time and place of occurrence, *"it was pitch dark night... we were seeing by torchlight"*. This contradiction over whether there was ambient light or complete darkness is material because the police's **ability to identify the fleeing suspects (including accused Swadesh)** in the dead of night is a critical issue. If it was "ghanghor andhera" (extremely dark) as PW4 says, the claim of instantly recognising three running individuals by name in torchlight becomes **improbable**, especially when PW3 had not known Swadesh from before (as he admits). On the other hand, if there was some early morning light as PW3 implied, it contradicts the testimony of PW4 and even the timing (around 2:30–3:00 AM in mid-November, well before dawn). Such discrepancies **"go to the root of the matter"** and create reasonable doubt regarding the accuracy and truthfulness of the witnesses' observations. Further, PW3 admits in cross-examination that the police party departed from the police station by vehicle up to the police chowki and then proceeded by motorcycle up to Nademau village 2 to 2.5 km away from the incident site, where he parked the motorcycle and then moved on foot for patrolling from Mirapur side to Nandpur. PW4 also said that the police party was patrolling from the Mirapur side to Nandpur. Still, both witnesses are in contradiction with the site map prepared on the behest of PW1 as follows:



From the perusal of the above site map, it appears that the police party is not coming from Nademau direction to Nandpur but from the opposite direction. PW3 and PW4 are also in contradiction over whether the motorcycle was parked in Mirapur or Nademau. PW-3 is not sure whether the police party started from the police station to the incident site, 12-13 km away, on foot or by motorcycle. The GD of the departure of the police party from the police station is not filed. Overall, discrepancies in testimonies raise serious doubts about the police encounter.

- C. Procedure and Handling of Evidence:** The police witnesses admitted to certain **procedural lapses** in the handling of the encounter and the recovered firearm. Notably, PW3 conceded that the police team **did not conduct any personal search amongst themselves prior to the incident**. It was only after apprehending Sunil that the officers decided to search each other to ensure none of them was carrying any illicit items. In fact, PW3/PW4 acknowledged that *"we did not frisk ourselves before catching Sunil... we only searched each other after catching him"*. They could not deny the suggestion that this lapse **opened the possibility of a weapon being planted**, as one constable admitted, *"I do not know if any team member had an illegal pistol or cartridges before catching Sunil"*. While the officers refuted the defence's accusation of planting the firearm on Sunil, the **absence of a prior precautionary search** is indeed a serious lapse that undermines the integrity of the

recovery. While it is not feasible for each officer to search one another during a sudden chase, the recovery memo suggests that the police only conducted these searches after the chase had ended. This implies that, up until that point, there was no protection against any officer potentially having a similar weapon or ammunition. This raises doubts about the prosecution's assertion that **the pistol solely belonged to Sunil**. The recovery memo states that a copy of the memo was given to the accused, Sunil; however, according to the GD/CD, it was not found with Sunil at the time of the search before he was taken to lockup. This also raises serious doubts about what happened to the copy of the recovery memo while Sunil was in police custody. Sample seal of sealed arms and ammunition is also not on the record.

D. Missing Forensic Evidence: Furthermore, the forensic handling of the firearm evidence was inadequate. PW3 and PW4 testified that when the country-made pistol was seized from Sunil, a spent cartridge ("**khokha**") was found jammed in its barrel, and it emanated a smell of fresh gunpowder, which they noted in the memo. However, no **ballistic expert or forensic report** was produced to scientifically confirm that the recovered firearm had been recently fired or was in operable condition. The prosecution did not send the weapon, cartridges for any ballistic examination or residue analysis or the person who fired to test/trace whether gun powder/discharged gun powder was present on the hands of the assailant, relying solely on the officers' observations (smelling gunpowder, etc.). Additionally, despite a shot having been fired, **no bullet was recovered from the scene** (other than the cartridge allegedly stuck in the pistol). PW3 admitted *"the fired bullet was not found at the spot"* and PW4 corroborated that *"only one shot was fired... the fired bullet/pellet was not recovered"*. Though the bullet/pellets are hard to recover after going off, the **failure to recover any bullet, pellet, or impact evidence** (such as a bullet mark on a nearby object) from the scene raises doubt whether any shot was actually fired towards the police as claimed, or at least whether the incident unfolded in the manner alleged by the prosecution. It is telling that no member of the police party or the alleged assailants sustained even a scratch despite an alleged close-range shootout in the darkness. While fortunately no injuries occurred, the complete lack of any tangible sign of the bullet's trajectory or impact makes the allegation of "attempt to murder" less convincing, especially when coupled with the unreliable witness testimony. There may be a possibility that if it is presumed that a shot was fired, it may be in the air or without aiming in order to escape. It is hard to detect in the dark night or even in the light of a torch that the barrel of a small handgun was aimed towards the police party.

E. Attempt to murder and fleeing of the accused: There is a serious doubt that the assailant's act was an attempt to murder. PW3 stated that *"if his life is in danger, then first he will ask his senior officer before firing, even if it costs him his life. The senior officer had not forbidden him to fire. He also did not ask whether he should fire or not. At the time of*

departure, he had a rifle/insas/3-naught-3 weapon with him; he does not remember exactly. When the accused was running away, he tried to load his pistol". This indicates that there was no threat to life; otherwise, he would have taken permission from the senior to counterfire. The witness further stated that he did not remember which of the accused fled in which direction, which direction Sunil ran, or from which direction he was arrested. It is a crucial fact of any encounter wherein the accused opened fire and ran, and the police chased. It was not a simple event that can be forgotten. The pistol recovered could not be identified in court, as PW2 retracted all the deposition based on dementia, and the prosecution did not make an effort to identify it from other witnesses.

(B) Lack of Evidence Linking Accused Swadesh alias Sudesh Kumar

9. The case against accused **Swadesh alias Sudesh Kumar** is particularly weak and suffers from a complete lack of direct evidence. Swadesh was **not arrested at the scene** – he is said to have escaped and was charge-sheeted later based on being named by the police. It is undisputed that **no weapon, ammunition or any incriminating article was recovered from Swadesh** at any stage. The sole basis of implicating him is the claim by the police party that they recognised him among the fleeing suspects that night. However, as discussed, the identification is doubtful given the conditions. In fact, the investigating officer **PW6 SI Nepal Singh** admitted in his testimony that he could not find any independent public witness against Swadesh during investigation, and that aside from the complainant naming Swadesh, there was no other evidence connecting Swadesh to the offense: *"During investigation I did not find any public witness against accused Sudesh... it is correct that no tamancha (firearm) or cartridges were recovered from Sudesh".* He further stated, *"I do not know whether the complainant (SI Chandrapal) knew Sudesh from before or how he identified him".* This indicates that the **identification of Swadesh was never corroborated or verified** through any means, such as a Test Identification Parade (TIP). If the spotting were truly in the flash of a torch at 2:30–3:00 AM in rural darkness, one would expect the investigators to approach the identification with caution. Instead, the IO merely relied on the naming done by PW2 Chandrapal (who himself later denied knowing Swadesh) and filed the charge-sheet. Such uncorroborated identification by interested witnesses, especially when the primary identifying witness (PW2) became non-supportive, cannot form a safe basis for conviction. The law requires that in the absence of **any corroborative evidence** (whether forensic, circumstantial or reliable testimonial) actually linking an accused to the crime, the accused must be given the **benefit of doubt**. Here, with **zero material evidence** against Swadesh, and with the oral testimony against him being discredited, it would be eminently unjust to hold him guilty. The Court is mindful that it is better to err in acquitting a guilty person than to wrongly convict an innocent one – a principle that looms large when the evidence is this tenuous.

(C) Deficiencies in Investigation and Procedural Lapses

10. Apart from the evidentiary inconsistencies, the investigation exhibited certain **lapses** that further prejudice the prosecution's case. As noted, the failure to involve independent witnesses is one (though not conclusive by itself), and the lack of forensic analysis is another. Hon'ble Supreme Court in the case of *State of Rajasthan v. Hanuman [(Criminal Appeal No. 631 of 2017), decided on 19.06.2025]*, held that **mere recovery of a weapon is not enough without forensic linkage; it cannot prove guilt**. Additionally, the record reflects that the FIR (Ex. Ka-1) was registered on the basis of the recovery memo without delay, and the necessary entries were made in the GD. However, there is an indication that some **post-occurrence formalities were handled clumsily**. For example, PW4 Surendra in cross stated that there was a *cutting/overwriting on the recovery memo to correct the time* and that he simply signed wherever his superior (Chandrapal) asked him to, without knowing the contents. He candidly said, "*Daroga ji is my superior officer, so I did not question what was written; I signed as he told me*", while denying the suggestion that the memo was pre-written at the police station. Such testimony suggests a **mechanical compliance** by the junior officers and leaves room to suspect that the documentation may have been tailor-made to some extent after the incident. It is also notable that the police did not send the charge-sheet under Section 25 of the Arms Act. The prosecution did not explain that any Arms Act case is pending in any other Court. Although this Court is not trying the accused under Section 25 of the Arms Act, it is still pertinent to examine the investigation faults. **No sanction under Section 39 of the Arms Act** was brought on the records of both trials. The prosecution did not clarify whether any sanction was obtained from the District Magistrate for prosecuting the Arms Act offence, which was a **legal formality** that can vitiate the proceedings if overlooked. What was the fate of the accused Sonu? It is not clear. This omission, coupled with the above-discussed gaps and uncertainty of investigation against the accused Sonu, reflects a less-than-ideal investigation. Instead, the way in which the investigation was done may be termed as a very poor investigation. There are serious doubts that the accused were roped in falsely. The Hon'ble **Supreme Court** has cautioned that while mere negligence or lapses of the investigating officer should not by themselves exonerate an accused, when such lapses **are material and combine with doubts in the prosecution evidence**, they strengthen the case for acquittal. In **Krishnegowda & Ors. v. State of Karnataka (2017)**, the Court observed that if there are "*severe contradictions in oral evidence, clear lapses in investigation,*" and the evidence as a whole is not trustworthy, the accused must be given the benefit of doubt. In the case at hand, the investigative lapses have indeed aggravated the doubts arising from the shaky eyewitness testimony.

11. Finally, the defence version, though not substantiated by independent evidence, is not implausible in light of the prosecution's weaknesses. The accused have maintained that this is a **fabricated case**, possibly driven by personal/political enmity (as accused Swadesh hinted, his family having local political rivals). It is not the burden of the defence to prove any motive for false implication – that burden squarely lies on the prosecution to prove

guilt. However, the Court notes that no clear motive was shown as to why these particular accused would attack the police that night, as no criminal history has been attached to the charge-sheet by the police. The police team was ostensibly patrolling for a different case (Crime 567/2015), and there is no evidence of any prior animosity between the accused and the police. Thus, the defence suggestion that the encounter might have been stage-managed or that Sunil was a hapless person picked up (e.g. a visitor in the area, as suggested in cross) cannot be ruled out outright, given the serious doubts in the prosecution's proof.

12. In summary, the evidence on record is **insufficient and unreliable** to prove beyond a reasonable doubt that the accused persons committed the alleged offences. The prosecution's case suffers from: (a) the **lack of independent witnesses** to support the police version, (b) **material contradictions** and credibility issues in the testimony of the police witnesses themselves, (c) significant **procedural lapses** and absence of scientific corroboration, and (d) a **complete lack of incriminating material** specifically against the accused Swadesh alias Sudesh. When evaluated holistically, these deficiencies entitle the accused to an acquittal. As the Hon'ble Supreme Court has emphasised, if the evidence is "**filled with discrepancies, contradictions and improbable versions**" such that it is not safe to rely upon, the accused cannot be convicted. If a reasonable doubt arises, it must be resolved in favour of the accused. The Court must also remember that a miscarriage of justice can occur not only by wrongful conviction but also by wrongful punishment of the innocent. In this case, the multitude of doubts means the prosecution has failed to discharge its heavy burden of proof.

Findings

13. Point No.1 (Attempt to Murder – Section 307 IPC): In view of the foregoing discussion, the Court finds that the prosecution has not proved beyond a reasonable doubt that the accused Swadesh alias Sudesh Kumar and Sunil Kumar attempted to commit the murder of the police party on 15.11.2015 with the requisite intention or knowledge. The identification of the accused (particularly Swadesh) as the perpetrators is totally doubtful, and the act of firing with intent to kill is not established by credible evidence. Important eyewitness testimony is unreliable, and there is no corroborating evidence from independent or scientific sources to support it. Therefore, **Point no.1 is answered in the negative.**

14. Point No.2 (Possession of unlicensed firearm): The only evidence of the accused Sunil Kumar's alleged possession of the country-made pistol and cartridges comes from the same doubtful police witnesses. Given the serious questions about the recovery (possible planting, no prior search, no forensic proof), the Court is not convinced that the prosecution has proved a conscious and exclusive possession of the working firearm and live cartridges with Sunil. Without a forensic, recovered things shall only be deemed iron and brass. The legal requirement that the accused possessed

the weapon is technically satisfied by the oral testimony that Sunil failed to produce a license, but that fact is moot if the recovery itself is not credible. No independent witness or circumstantial evidence corroborates that Sunil was carrying the weapon. On the totality of circumstances, the prosecution has **failed to establish the alleged recovery of a firearm** from Sunil Kumar beyond a reasonable doubt. **Point no. 2 is answered in the negative.**

15. Consequently, Point No.3 (Order to be passed): In view of the findings on Point nos.1 and 2, both accused are entitled to acquittal. The evidence on record does not fulfil the threshold of proving guilt beyond a reasonable doubt for either of the charges. As held by the Hon'ble Supreme Court, *"there would be failure of justice if an innocent man is punished"*, and courts must be alive to the duty of ensuring that the prosecution proves its case to the hilt or else the benefit of doubt goes to the accused. Here, the numerous doubts and gaps in the prosecution's case must be resolved in the accused's favour.

Final Order

16. In the result, **accused Swadesh alias Sudesh Kumar and accused Sunil Kumar are hereby acquitted** of the charges under Section 307 of the IPC. They are on bail. **The bail bonds of the accused shall continue for a period of six months in terms of Section 437-A of the Cr.P.C./481 BNSS, to secure their presence in case of any appeal.**

17. The case property (one country-made pistol and four live cartridges, sealed) shall be confiscated by the State and dealt with as per law after lapse of time of appeal or final disposal of any other case pending in this regard and its appeal period, since no lawful claimant has appeared.

18. Accordingly, Session Trial No. 956 of 2022 stands disposed of on the above terms. The accused persons are acquitted and discharged from their respective liabilities under the bond. Let a copy of this judgment be sent to the District Magistrate for information (as per Section 365 Cr.P.C.). The file may be consigned to the record room.

Pronounced in open Court on this 6th day of September, 2025.

(Chandroday Kumar)
Sessions Judge, Kannauj.