**Team Code: 1**

**SURANA & SURANA NATIONAL TRIAL ADVOCACY**

**MOOT COURT COMPETITION 2018**



**IN THE HON’BLE COURT OF SESSIONS JUDGE, PUNNAI**



**C.C. NO. 100 of 2018**



**STATE OF SARDAM**

**(PROSECUTION)**

**V.**

**DEVEN & JEYANT**

**(DEFENCE)**



**FOR OFFENCES CHARGED UNDER:**

**SECTIONS 307, 325, 354(D), 355, 504, 509 & 358**

**OF THE BARAT PENAL CODE, 1860**



**UPON SUBMISSION TO THE HON’BLE SESSION JUDGE**



**MEMORIAL ON BEHALF OF THE DEFENCE**

**Team Code:**



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**LIST OF ABBREVIATIONS**



|  |  |
| --- | --- |
| & | And |
| A.P. | Andhra Pradesh |
| AIR | All India Report |
| Anr. | Another |
| BPC | Barat Penal Code |
| CrPC | Code of Criminal Procedure |
| E.g. | Example |
| Hon’ble | Honorable |
| IPC | Indian Penal Code |
| M.P. | Madhya Pradesh |
| No. | Number |
| Ors. | Others |
| r/w | Read with |
| Retd. | Retired |
| S./Sec. | Section |
| SC | Supreme Court |
| SCC | Supreme Court Cases |
| St. | State |
| U.P. | Uttar Pradesh |
| u/s | Under Section |
| v. | Versus |



**INDEX OF AUTHORITIES**



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**STATUTES:**

1. The Code of Criminal Procedure, 1973 (Act 2 of 1973)
2. The Indian Evidence Act, 1872 (Act 18 of 1872)
3. The Indian Penal Code, 1860 (Act 45 of 1860)



**STATEMENT OF JURISDICTION**



The Hon’ble Court has the jurisdiction to try the instant matter under Sec. 177 r/w Sec. 209 of the Code of Criminal Procedure, 1973[[1]](#footnote-1).

**Section 177:**

**‘177.Ordinary place of inquiry and trial-**

Every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed.’

**r/w Section 209:**

**‘209.Commitment of case to Court of Session when offence is triable exclusively by it**- When in a case instituted on a police report or otherwise, the accused appears or is brought before the Magistrate and it appears to the Magistrate that the offence is triable exclusively by the Court of Session, he shall-

(a) Commit the case to the Court of Session;

(b) Subject to the provisions of this Code relating to bail, remand the accused to custody during, and until the conclusion of, the trial;

(c) Send to that Court the record of the case and the documents and articles, if any, which are to be produced in evidence;

(d) Notify the Public Prosecutor of the commitment of the case to the Court of Session.’

**The Counsels for the Prosecution most respectfully submit to this jurisdiction of the Hon’ble Sessions Court.**



**STATEMENT OF FACTS**



1. On the 12th of June 2017 at around 10:00 am. Deven and Pooja were going to meet each other at the Indira Nagar metro station. Kavita and Jeyant were accompanying Pooja.
2. Everyone panicked when Deven while talking to Pooja took out a knife. After seeing the knife Jeyant alerted the public and threw stones at Deven. Deven took Pooja as a human shield and asked everybody to back off. On seeing the crowd approaching towards him, he used the knife he was wielding on Pooja injuring her and she fell unconscious.
3. Deven was overpowered by the crowd and Jeyant started beating him. The ambulance came with police and they both were taken to the hospital in the critical state and were admitted to ICU.
4. Deven and Pooja moved to Punnai after completing their graduation. Pooja got campus placement and Deven got a job with a private builder. Pooja was staying with Kavita in a flat near Indira Nagar metro and Deven was staying as a paying guest with Kishore.
5. Pooja started distancing herself from Deven after moving to Punnai and Deven was not taking it well. On 9th June they met at the Taj restaurant and Pooja informed him of her plan to become an air hostess. Deven abused her and told her that she is losing her character, reacting to the insult, Pooja slapped Deven after
6. Deven then got drunk with Karan, whom he met on his way to home and after getting intoxicated he again called Pooja late at the night asking her to meet for one last time and he wants to apologize for what he had done. They met at Indira Nagar metro station where the incident took place.



**STATEMENT OF CHARGES**



**Charge-1**

Deven – has been charged under The Barat Penal Code, 1860 - Section 307 for attempt to murder, Section 354D for stalking and Section 509 for Word, gesture or act intended to insult the modesty of a woman.

**Charge-2**

Jeyant – has been charged under The Barat Penal Code, 1860 - Section 325 for voluntarily causing grievous hurt, Section 355 for Assault or criminal force with intent to dishonour person, otherwise than on grave provocation & Section 504 for Intentional insult with intent to provoke breach of peace.

**Charge-3**

The unknown persons who attacked Deven were also charged under Section 358 of The Barat Penal Code, 1860.



**Summary of Arguments**



**ISSUE I: Whether Deven is guilty of stalking and outraging the modesty Pooja?**

It is humbly submitted before the Hon’ble court that Accused no. 1, Mr Deven is not guilty for the offense of stalking and outraging the modesty of victim. The intention to outrage the modesty is an important ingredient of the section, which lacks in the case. In the context of stalking, it is necessary that the victim communicates her dis-interest, which is not done by the victim. Ergo, the essential elements of the sections are not fulfilled, thereby proving the accused not guilty.

**ISSUE II: Whether Deven is guilty under section 307 BPC for attempting murder?**

It is humbly submitted before the Hon’ble court that Accused no. 1, Mr. Deven is not guilty under Section 307 of BPC for attempting to murder as the mens rea or the intention of offender to cause death is absent, thereby proving that the essential element to the section is not fulfilled. The actus rea was also due to the reason of using victim as a human shield. Ergo, the accused is not guilty.

**ISSUE III: Whether Jeyant is an offender under Section 325 and Section 355 of BPC?**

The counsel submits that Accused no. 2, Mr Jeyant is not guilty of causing grievous hurt voluntarily and using criminal force with intent to dishonour a person without any provocation under Section 325 and 355 respectively. His act of throwing stones was for the purpose of private defence and the act of raining fresh blows on Deven was due to grave provocation. Ergo, the essential elements of both the sections are not fulfilled thereby leading to prove the accused not guilty.

**ISSUE IV: Whether Jeyant are liable under section 504 BPC?**

The counsel submits that Accused no. 2, Mr. Jeyant is not guilty of an offence of insulting Deven intentionally with the intention to provoke breach of peace. The intention of Jeyant was to stop Accused no. 1 from attacking Pooja. He did not intend to disrupt peace, neither did he want to insult anyone. Therefore, he is not guilty under this Section as the essential elements of the section are not fulfilled.

**ISSUE V**

**Whether the mob who attacked Deven should be charged under Section 358 of BPC?**

It is humbly submitted before the Hon’ble court that the accused unknown persons who are charged under this section are not found yet and the police continues its search.



**ARGUMENTS ADVANCED**



**ISSUE 1:**

**Whether Deven is guilty of stalking and outraging the modesty of Pooja?**

It is humbly submitted before this Hon’ble Court that Deven (hereinafter referred to as “A1”) can neither be charged for the offence of outraging the modesty of Pooja (hereinafter referred to as “the victim”) nor for stalking her as well. The council, proving the innocence of the accused, has divided his arguments on this issue into two parts. The offence of outraging Pooja’s modesty will be dealt with in the first part, while the second part will deal with the offence of stalking.

* 1. **For Outraging Pooja’s modesty:**

It is humbly submitted before this Hon’ble Court that the acts committed by Deven (hereinafter referred to as Accused No. 1) did not, in any way outraged the modesty of Pooja (hereinafter referred to as Victim) as per the provisions of Section 509 of the Barat Penal Code, 1860[[2]](#footnote-2) (hereinafter referred as ‘BPC’). Instead, they were the repercussions of casting aspersions on Deven by her.

It is to be noted that the essential ingredients of Section 509 are as follows –

* Intention to insult the modesty of a woman
* The insult must be caused by uttering some word, or making some sound, or gesture, or exhibiting any object so as to be heard or seen by such a woman.

An intention can be understood as the willingness to bring about something planned or foreseen.[[3]](#footnote-3) An act is intentional if, and in so far as, it exists in the idea before it exists in fact, the idea of realizing itself in the fact because of the desire in which it is accompanied.[[4]](#footnote-4) The Supreme Court laid that the culpable intention of the abused is the crux of the matter.[[5]](#footnote-5) The counsel submits that the intention to insult the modesty of the woman is lacking in this case. It is true that intention is one of the essential ingredients of any criminal offence. Those ingredients being the state of mind may not be proved by direct evidence and has to be inferred from attending circumstances of the given case.[[6]](#footnote-6)

The question of infringing the modesty of woman would depend on customs and habits of people.[[7]](#footnote-7) The counsel would like to bring in notice the fact that Accused no. 1 was being ridiculed by the victim for conveying his perception on decent jobs. The accused had not been in an open environment that’d change his outlook about certain things and since the victim was very close to him, he was persuading her for something that’d be the best for her according to him. Therefore, Deven persuading Pooja to keep her job instead of joining the training to be an air hostess was his perception built on societal approach. On being held up to shame by Pooja for displaying his concern, he lost his mind and ended up using offensive language. The counsel would like the court to refer to the **Annexure 2(7)** that would prove that Deven was often worried about Pooja’s safety and wellbeing. Instead of understanding his concern for her and bringing forth her own perspective calmly, Pooja ridiculed and insulted him. She further slapped him **(Annexure 2(9))** and asked him to get lost in front of the crowd of a posh restaurant. Such events clearly indicate that the intention to outrage the modesty of woman was absent and things happened in the heat of the moment. Pooja was complimented by Deven **(Annexure 2(9))** which proves that he did not intend to insult Pooja at all. Instead, it was he who was insulted and mocked at two incidences. First, when he was belittled and ridiculed for showing his concern, thereafter on being slapped in a posh restaurant and being told to get lost.

* 1. **The offence of Stalking**

The counsel also submits before the court that accused no. 1 is not an offender under Section 354D of BPC since what the prosecution believes to be an act of stalking was merely the concern of the accused for the victim.

The communication of disinterest, which is a very important part of the section was absent in this case.

Section 354D of BPC has two main ingredients:

* If a man follows a woman and contacts or attempts to contact such a woman
* To foster personal interaction repeatedly despite a clear indication of disinterest by such a woman.

The word “clear indication” in general sense means a sign that is certain and unmistakable. The counsel would like to bring in view the fact that Accused no. 1 never got any clear indication from the victim. Everything was going smoothly between both of them even after moving to Punnai **(Annexure 2(13)).** They had a good relationship for one year. However, suddenly the victim stopped responding to calls and texts by the accused, which baffled him.He got excuses like she was busy with work and would contact him later. And akin to the man in love, he believed her and thought she was actually busy.

Deven was concerned about her safety and would often talk about it with his friend **(Annexure 2(8))**. He also tried to contact Divya, the victim’s roommate and their mutual friend, but could not gather any information about Pooja’s wellbeing. **(Exhibit H)** Eventually, Deven waited for her outside her office. The intention was not to stalk but to inquire about the safeness of the woman he was in the relationship with. This is not a case of one-sided love and there was a mutual investment in the relationship from both sides.

The clear indication of disinterest is one of the most important factors to determine whether the offence of stalking is actually committed or not.[[8]](#footnote-8) Ergo, it is established that the accused did not get any clear indication of disinterest by the victim and so, he cannot be held guilty under this section for the offence of stalking.

**ISSUE 2:**

**Whether Deven is guilty of attempt to murder?**

It is humbly submitted before this Hon’ble Court of Session that Deven (A1) has not committed an offence u/s 307 BPC and shouldn’t be charged with attempt to murder of Pooja.

In order to prove the crime u/s 307, analysis of different stages of crime is important. The first stage is the intention to commit the crime, secondly, the preparation to commit the crime; and thirdly, an attempt to commit it. It is to be noted that the essential elements of Sec. 307 are as follows:

* The act must be capable of causing death,[[9]](#footnote-9)
* The existence of the inten­tion of the offender to cause death.[[10]](#footnote-10)

For a conviction under this section it is not necessary that the accused should complete every stage in the actual offence, except the final action. It is enough if in the attempt he did an act towards the commission of the offence.[[11]](#footnote-11)

The pre-requisite of an act to be capable of causing death will be dealt with in the first part of this issue while the intention of causing death will be dealt with in the subsequent part.

* 1. **The act must be capable of causing death:**

It is humbly submitted before this Hon’ble court that the act of Deven was incapable of causing death. To justify a conviction under Sec 307 BPC, it is necessary that bodily injury capable of causing death should have been inflicted.[[12]](#footnote-12) In the case of *Jodha v. St. of Rajasthan[[13]](#footnote-13),* the court ruled that in order for an offence to fall under the ambit of Sec 307, the injury has to be caused on a vital part of the body.

Absence of Actus Reus: It is humbly submitted before this Hon’ble court that the act of Deven is not a crime as it lacks the essential element of *actus reus*. The court, in a case, found that the accused had a dangerous weapon but he inflicted only minor injuries on the victim, which clearly showed that he had no intention to murder and hence he was not convicted under section 307 IPC*[[14]](#footnote-14)*.

The act done by Deven was putting the knife around Pooja’s neck for human shielding and not harming her. The injury caused to Pooja was because of her act of resisting the attack. **(Exhibit D)** Therefore, it can be concluded that the act of Deven was an assault and not a battery and thus it cannot be considered to an act capable of causing death.

* 1. **Absence of the inten­tion of the offender to cause death:**

The essential ingredient to constitute an offence under this section is having the intention or knowledge. The intention or knowledge can be understood as explained under Section 300 of the Code[[15]](#footnote-15). An act, though sufficient in the ordinary course of nature to cause death, it would not constitute an offence under this Section if necessary intention or knowledge is lacking.[[16]](#footnote-16)

It is humbly submitted that Deven didn’t have intention or knowledge to commit murder of Pooja. It is evident that such an intention or *mens rea* was never there, as Deven was only concerned about her life **(Annexure 2(8))**. In order to prove the absence of intention, the counsel would request the bench to refer to the statement given by his psychologist **(Annexure 2(10))**. His only intention to meet Pooja was to seek an apology. Agreeing to meet at a crowded place like the metro station itself proves that there was no intention to murder. Also, holding an apple in a hand and knife in another, with tears in eyes is not how a murderer act. **(Annexure 2(6)).**

If the accused intended that the natural consequence of his act should The court in determining the intention of murder observed, “as far as the part of proving his intention the nature of the wound, type of weapon used, can be taken into account.”*[[17]](#footnote-17)*

Referring the same to our case, the following observations can be made:

* Nature of the wound: The wound was never caused because of the act of Deven. It was the consequence of the resistive action of Pooja. Deven, by holding the knife against Pooja’s neck, just exercised his right to private defence for protecting himself from the approaching mob. This act of Deven is justified under Sec. 106 BPC, wherein, he has the right to hurt an innocent person while exercising his right to private defence.
* Type of weapon used: The injury was caused by a penknife, used to cut the fruits. The Court in Jitender v. State (NCT Of Delhi) observed that each and every knife cannot be said to be a "deadly weapon". Also in Sukhvinder Singh vs The State (Govt. Of NCT of Delhi) the Delhi High Court observed that “the knife which was a vegetable knife cannot be termed as 'a deadly weapon'.” Therefore, a penknife, used for cutting fruits cannot be considered to be a deadly weapon.
  1. **Act of Deven is justified under private defence:**

The act of Deven holding a knife against Poojs’s neck is justified in the exercise of Right to Private Defence given under general exceptions of the BPC.

Section 106 of BPC states that “*If in the exercise of the right to private defence against an* *assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right to private defence extends to running of that risk*.”

Upon a plain reading of section 106 of BPC, it is clear that to plead a right of private defence extending to voluntary causing of death, the accused must show that there were circumstances giving rise to reasonable grounds for apprehending that either death or grievous hurt would be caused to him.4

This section removes an impediment in the right of private defence. The impediment is the doubt in the mind of the defender as to whether he is entitled to exercise his right even when there is a possibility of some innocent persons being harmed by his actions. The section says that in the case of an assault reasonably causing an apprehension of death, if the defender is faced with such a situation where there exists the risk of harm to an innocent person, there is no restriction on him to exercise his right of defence and he is entitled to run that risk.

In other words, with the presence of innocent persons in situations where one is entitled to exercise his right of private defence, there is no curtailment in one’s right and he is entitled to use force even at the risk of causing harm to those innocent persons.

The counsel would like to draw the attention of this Hon’ble court to the case of *St. of Karnataka v. Madesha*[[18]](#footnote-18), where the court examined that whether the right to private defence could be available to a person who caused the death of a man who had no role to play in the dispute. The court observed that the right to harm an innocent person in the exercise of the right to private defence is excusable under it.

In the instant case, Deven had the right to exercise private defence and his action of putting a knife at Pooja’s neck is justified because he feared that the approaching crowd would beat him to death, creating an apprehension of being dead in his mind, thereby his act is covered under the rule of general exception given in BPC. He used Pooja as a shield. **(Annexure 2(3))**.

Therefore, it is most humbly submitted that the act of Deven is excusable under Sec 106 BPC, and Deven cannot be charged under section 307 of BPC.

**ISSUE 3:**

**Whether Jeyant is an offender under Sec 325 and 355 of BPC?**

It is humbly submitted before this Hon’ble Court that Jeyant (hereinafter referred to as A2) is not an offender u/s 325 and 355 BPC. The criminal forces used by Jeyant are excusable homicides as the acts were the outcome of private defence and provocation. There were two assaults committed by Jeyant, the first being the throwing of stones **[3.1]**; and the second being a fresh set of blows after Deven slits Pooja’s throat **[3.2]**.

* 1. **Throwing stones: An act of private defence.**

It is humbly submitted before this Hon’ble Court that the act of Jeyant throwing stones on Deven was a move for private defence under Section 97 with the intention to prevent a greater mishap under Section 81 of BPC.

Jeyant threw the first stone when Deven pulled the knife out of his bag and took it too close to Pooja’s face; and threw the second stone when Deven held the knife against Pooja’s neck. The counsel submits that the accused did so in order to prevent Deven from causing any harm to Pooja. Therefore, Jeyant exercised his right to private defence, as he had reasonable ground for believing that his act was necessary to protect Pooja. In order to prove the existence of reasonable apprehensions, the counsel requests the bench to refer to the statement given by Kavita, the victim’s friend who was present when the incident happened,

In the support of his arguments, the counsel would like to refer to the case of Kashiram v. St. of M.P.[[19]](#footnote-19) wherein under the circumstances which might have induced the belief that a man was cutting the throat of his wife, their son shot and killed his father. It was held that if the son had reasonable ground for believing and honestly believed that his act was necessary for the defence of his mother.

The right of private defence cannot be dismissed summarily when raised.[[20]](#footnote-20) It is a substantial and arguable point of law.[[21]](#footnote-21) It is the right available against apprehended unlawful aggression.[[22]](#footnote-22) [[23]](#footnote-23) Ergo, the entire incident must be taken into consideration in a proper way.[[24]](#footnote-24) As soon as a reasonable apprehension of danger arises, the right of private defence may be exercised.[[25]](#footnote-25) There must be an apprehension of any physical violence[[26]](#footnote-26) from the opponent’s side and it should be of causing grievous hurt[[27]](#footnote-27) or death. [[28]](#footnote-28) On the facts and circumstances and the objective test, the court should decide whether the situation was likely to cause such apprehension of death or grievous hurt or not.[[29]](#footnote-29) The accused is not even needed to prove beyond reasonable doubt that his act was of private defence[[30]](#footnote-30), since making out a prima facie case would suffice. Also, the requirement to bring up the shreds of evidences will not be needed if the facts and circumstances of the case themselves prove that the situation was likely to reasonably cause apprehension of death or hurt.[[31]](#footnote-31) It can be believed that he has already proved by showing a preponderance of probabilities towards his plea.[[32]](#footnote-32) Therefore, he is likely to be acquitted if after considering the pieces of evidence, including the evidence given to support the plea, a reasonable doubt is created in the mind of the court in relation to the guilt of the accused.[[33]](#footnote-33)

The right of private defence is available to one who is suddenly confronted with the necessity of averting an impending danger, not of his creation and the necessity can be real or apparent.[[34]](#footnote-34) Therefore, the counsel contends that Jeyant acted in good faith, to prevent any harm that could have been done to his friend Pooja. The mens rea or the criminal intention is absent and the actus rea is probably an outcome of acting in good faith. Thus, it can be concluded that the act of throwing a stone at Deven was an excusable homicide u/s 97 r/w 81 of BPC.

* 1. **Act of Raining fresh blows: As a consequence of provocation**

The counsel submits that the act of raining fresh set of blows by Jeyant was an outcome of the grave and sudden provocation. After Deven slits Pooja’s throat, Jeyant was provoked and in sudden rage, he used criminal force against Deven. As Jeyant was a good friend of Pooja and also liked her, it would be obvious that any person committing an offence against Pooja would provoke him. The act of Deven slitting Pooja’s throat provoked Jeyant and in a sudden rage, he used criminal force against Deven.

**Sec 325** makes provocation an excusable ground for causing grievous hurt. Also, **Sec 355** makes every criminal force, used to dishonour a person under the influence of sudden and grave provocation, an excusable homicide.

Therefore, it is humbly submitted that the act of raining fresh blows as a result of provocation on Deven by Jeyant is not an offence u/s 325 and 355.

“Provocation is some act or series of acts done by the dead man to the accused which would cause in any reasonable person and actually causes in the accused a sudden and temporary loss of self-control rendering the accused so subject to passion as to make him or her for the moment not master of his mind”.[[35]](#footnote-35) It is the defence used when criminal liability arises due to some incident and the offender is not completely responsible. In *K.M. Nanawati v State of Maharashtra[[36]](#footnote-36)*, it was observed that the test of a grave and sudden provocation is whether a reasonable man belonging to the same class of society as the accused placed in the situation in which the accused was placed would be so provoked as to lose his self-control. In the present case, Jeyant was provoked to see his friend’s throat being slit and attacked Deven. In Para 13 of *Jaspal Singh* case[[37]](#footnote-37), the Delhi High Court held, “The fatal blow should be clearly treated to be an influence of passion arising from that provocation and not after the passion had cooled down by lapse of time or otherwise giving room and scope for premeditation and calculation.” The Supreme Court stand has been re-enacted in a number of cases decided by the various High Courts.[[38]](#footnote-38) Sec 355 makes every criminal force used to dishonour a person under the influence of sudden and grave provocation, an excusable homicide. Ergo, it is proved that Jeyant acted in good faith and for self-defence when he aimed stones, and he was probably provoked when he attacked Deven’s abdomen. The intention to cause any grievous hurt or insult was absent.

**ISSUE 4:**

**Whether Jeyant can be convicted under Sec 504 BPC?**

It is humbly submitted that Jeyant is not guilty of the offense under Sec 504 BPC. This section punishes intentional insult with intent to provoke breach of peace. It states that whoever intentionally insults, and thereby gives provocation to any person, intending that such provocation will cause him to break public peace or to commit any other offence, or with the known that it was likely that such provocation will cause him to break public peace or to commit any other offence, shall be punished with simple or rigorous imprisonment for a term extending up to two years, or with fine, or with both. The section contemplates that

* The offender must intentionally insult a person.
* He must thereby give that person provocation.
* He must have an intention that such provocation will cause him to break public peace or to commit any other offence, or he must have knowledge that it is likely that such provocation will cause him to break public peace or to commit any other offence.

The counsel contends that Jeyant did not have the intention to insult Deven. The act of throwing stones and causing grievous hurt cannot be considered to be an act of insulting Deven, as those acts were the outcome of sudden and grave provocation and private defence. As it is clear from the language used in the section, the provision is intended to take care of person responsible for causing a breach of peace or committing other offences as well as who openly abet or incite them. In other words, the section requires an intention to insult and thereby to give provocation to the person insulted and an intention that such provocation should cause or the knowledge that the provocation is likely to cause the person so insulted to break public peace or commit any other offence.

The insult may be caused by spoken or written words, that is to say, it may be in the form of speech or writing. Insult means treating with offensive disrespect or offer indignity. The court would like to have at least the gist or purport of the statement if reproduction of exact words is not possible.

The context, manner and occasion of using an abusive language are most relevant considerations because friends exchanging unusable words by way of jokes would not be liable but when the circumstances are not friendly and the words are exchanged seriously, this section may come into play.

Since the section does not insist that breach of peace or any other offence must be committed, it is attracted even where the person likely to commit a breach of peace or any other offence is actually provoked but does not do the same even though he is intentionally insulted.

In the instant case, the accused caused grievous hurt to Deven while exercising his right to private defence **(Exhibit C)** and acted under the influence of sudden and grave provocation. **(Exhibit D).** Therefore, it is humbly submitted before this Hon’ble Court that the accused is not guilty of committing the offence u/s 504 BPC for intentionally provoking Deven for committing a breach of peace.

In the instant case, the accused caused grievous hurt to Deven while exercising his right to private defence and acted under the influence of sudden and grave provocation. Therefore it is humbly submitted before this Hon’ble Court that the accused is not guilty of committing the offence u/s 504 BPC for intentionally provoking Deven for committing a breach of peace.

**ISSUE-5**

**Whether the unknown people who attacked Deven should be charged u/s 358 BPC?**

It is humbly submitted before the honourable court that the unknown persons who are charged under the section attacked Deven after they see Jeyant running towards Deven (who had a knife in his hand) and shouting murder. The main ingredients of this section are:

* There must be an assault or use of criminal force to any person
* The assault or criminal force must be an outcome of a grave and sudden provocation given by that person.

The section recognizes that assault or use of criminal force under grave and sudden provocation deserves to be a part of the principle of diminished responsibility and, therefore, it has been treated very lightly. The maximum imprisonment prescribed is only for one month and that too only simple imprisonment, not rigorous.

The counsel humbly submits that the police is still in search of those unknown persons who are charged under this section.



**PRAYER**



Wherefore, in light of the issues raised, arguments advanced and authorities cited, may this Hon‘ble Court be pleased to:

1. **Acquit**:
2. Mr Deven for not committing the offence of outraging of the modesty of women u/s 509, not committing an offence of stalking a woman under section 354D, and not attempting murder under section 307 of Barat Penal Code, 1860
3. Mr Jeyant for not voluntarily causing grievous hurt to Devan under section 325 and not committing an offence of assault with the intent to dishonour Mr Deven under section 355 of Barat Penal Code,1860

**AND/OR**

Pass any other order it may deem fit, in the interest of Justice, Equity and Good Conscience.

***All of which is most humbly and respectfully submitted***

|  |  |
| --- | --- |
| **Place:** Punnai | S/d\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Date:** 6 October, 2018 | **COUNSEL FOR THE DEFENCE** |



**LIST OF ANNEXURES**



|  |  |
| --- | --- |
| **S. No.** | **Particulars of Documents** |
| D-1 | FIR No. 110/2017 dated 12.06.2017 |
| D-2 | Statement of witnesses |
| D-3 | Report of Investigating Officer u/s 173 Cr.P.C. dated 20.02.2018 |
| D-4 | Panchnama |
| D-5 | Arrest Memo |
| D-6 | Final Report u/s 173 Cr.P.C. dated 07.08.2017 |
| D-7 | Call records of Deven and Pooja |
| D-8 | Certificate u/s 65B of the Rabat Evidence Act, 1872 |
| D-9 | All Exhibits in Photographic format |

Additional documents will be added if required.

**Annexure 1**

**FIRST INFORMATION REPORT**

(UNDER SECTION 154 CrPC)

1. **District:** Punnai **P.S.:** Punnai **Year:** 2017 **FIR No:** 110/2017 **Date:** 12 June 2017

|  |  |  |
| --- | --- | --- |
|  | **Act(s)** | **Section(s)** |
|  | 1. Bharat Penal Code, 1860 | 509/354D/307/325/355/504/358 |

|  |  |  |
| --- | --- | --- |
| 1. **Occurrence of Offence:** |  |  |
| **(a) Day:** | Day from: 12.06.2017 | Day to: 12.06.2017 |
| **Time Period:** | Time from: 10.00 am | Time to: 10.15 am |
| **(b) Information Received at P.S.:** Punnai | Date: 12.06.2017 | Time: 10.15 am |
| **(c) General Diary Inference:** | Entry No.: N/A | Time: N/A |

1. **Type of Information:** **Written / Oral:** Oral
2. **Place of Occurrence:**
3. **Direction/Distance from PS:** 2 km
4. **Address:** Gate No. 2,Indra Nagar Metro Station
5. **In case, outside the limit of the Police Station:**

|  |  |
| --- | --- |
| **Name of P.S.:** Punnai | **District:** Punnai |

1. **Complainant/Informant:** Unidentified Person

|  |  |  |
| --- | --- | --- |
| 1. **Name:** N/A 2. **Date of Birth:** N/A 3. **Passport No.:** N/A 4. **Occupation:** N/A | **Nationality:** N/A  **Date of Issue:** N/A | **Place of Issue:** N/A |

1. **Details of Known/Unknown/Suspected accused with full particulars (attach separate sheet if necessary):**

|  |
| --- |
| Mr Deven |
| Mr Jeyant |

1. **Reasons for delay in reporting by the complainant/informant:** NA
2. **Inquest Report / U.D. Case No., if any:** NA

**District:** Punnai **P.S.:** Punnai **Year:** 2017 **FIR No:** 110/2017 **Date:** 12 June 2017

1. **F.I.R. Contents (attach separate sheet, if required):**

To the duty officer, Punnai, it is lodged that I was present outside Indra Nagar Metro Station on 12th June 2017 when at around 9:50 AM, a woman came and sat next to the man on the bench. They were engaged in a conversation when the man took out a pen-knife and an apple out of his bag to offer it to the woman. She made an expression of denial and he was in tears. In an attempt to wipe his tears with his sleeves, the knife got close to her face. Just then another man in a white shirt standing nigh the car parked at about 200 meters from them threw stone at the man sitting on the bench, and shouted “murder, murder” and hurried towards them. The people standing nearby also saw the man holding knife and ran towards him. The man who shouted murder then picked up another stone and threw it towards the man. The stone hit him on his forehead and he started to bleed. On seeing so many people running in fury towards him, he panicked and held the knife against the woman’s throat. He shouted that he would do something to her if the crowd did not back off. He tried taking the woman along with him and running from the place but she resisted and then the knife slashed her neck and she feel unconscious. By then, the public caught hold of him and kicked him brutally. He fell down and could not even move. Then the man who threw stones at him too caught him and kicked him on stomach and lower abdomen. Both man and woman were unconscious and hurt.

1. **Action Taken since the above information reveals commission of offence(s) u/s as mentioned at item 2:** 
   1. **Registered the case and took up the investigation: or**
   2. **Directed (Name of the I.O.)** Mr. Prakash **Rank:** Inspector
   3. **Refused investigation due to: or**
   4. **Transferred to P.S. (name):** Punnai **District:** Punnai

**On point of jurisdiction**

**F.I.R. read over to complainant/informant admitted to be correctly recorded and a copy given to the complainant/informant free of cost:**

**R.O.A.C.**

**District:** Punnai **P.S.:** Punnai **Year:** 2017 **FIR No:** 110/2017 **Date:** 12 June 2017

|  |  |
| --- | --- |
| **Signature/Thumb impression of Complainant/Impression (Unidentified)** | **Signature of Officer**  C:\Users\login\AppData\Local\Microsoft\Windows\INetCache\Content.Word\prakash.jpeg  **Name: Mr. Prakash**  **Rank: Inspector** |

**ANNEXURE: 2**

**LIST OF WITNESSES IN FIR-110/2017**

|  |  |  |
| --- | --- | --- |
| **S.NO** | **NAME & ADDRESS OF THE WITNESS** | **Annexure no.** |
| **A1** | Deven, aged about 25, S/o Perumal, Address: 1, Canal Street, Chirapalli, Vanjiyur, Sardam – 1, Mobile: 99555 99555 | 2(1) |
| **A2** | Jayant, aged about 26, S/o Gajanan, Address: 3 Subhedar Street, Chirapalli, Vanjiyur, Sardam-3, Mobile: 88555 77333 | 2(2) |
| **PW1** | Pooja, aged about 25, D/o Vishal, Address: 2 Mettu Street, Chirapalli, Vanjiyur, Sardam-1, Mobile: 99555 88666 | 2(3) |
| **PW2** | Kavita, aged about 25, D/o Subash, Address: 4 Temple Street, Mannai, Mital Nadu – 4, Mobile: 88555 77444 | 2(5) |
| **PW3** | Kannan, aged about 27, S/o Murali, Address: 20 Trivarna street, Elamakkara, Indira Nagar-6, Mobile:9337445658 | 2(6) |
| **DW1** | Karan, aged about 26, S/o Ram singh, Address: 12 Nehru Street, Sector44, Punnai – 4, Mobile: 88555 65444) | 2(7) |
| **DW2** | Kishore, aged about 25, S/o Sachin, Address: 7 M.G Street, Sector 42, Punnai – 12, Mobile: 88555 65714 | 2(8) |
| **DW3** | Alex, aged about 28, S/o John, Address: 45 Ashok Road, Sector 85, Punnai – 32, Mobile: 98855 65714 | 2(9) |
| **DW4** | Dr Abhay (Psychologis), aged about 45, S/o Sam, Address: 44 Gandhi Road, Sector 36, Punnai – 42, Mobile: 98822 65714 | 2(10) |
| **Magistrate** | Alok Verma(Magistrate), aged about 56, S/o Verma, Address: 2 M.G Road, Sector 85, Punnai – 32, Mobile: 94855 65714) | 2(11) |
| **PW4** | Divya, aged about 25, D/o Rajesh, Address: 3 Mettu Street, Chirapalli, Vanjiyur, Sardam-1, Mobile: 9966688666 | 2(13) |

**Statement of Witnesses**

**ANNEXURE- 2(1)**

**Statement of Deven:**

“Pooja and I were together since college days. I called Pooja to meet for the last time because she was soon moving to Mumbai and she wanted to end everything on a good note. I always carried a pen knife and fruits with me since my college days and in fact, that is how we came together. At the metro station, I was going to cut an apple for her but I was hit by a stone on the head that was thrown at me by Jeyant and I started bleeding. He shouted ‘murder murder’ and the public started running towards me. He hit me with another stone. I panicked after seeing everybody and stood behind Pooja. I tried to pull her near and was asking to help me and in the process, the knife touched and left her injured. I was then attacked by Jeyant and fell unconscious by the time I regained consciousness I was in the hospital.”

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| **(Deven)** | Before Me  **(Alok Verma)**  **Magistrate** |

**ANNEXURE- 2(2)**

**Statement of Jeyant:**

“My name is Jeyant. I am a relative and an old friend of Pooja. I knew this day would come one day and I have been warning Pooja since the college days. I knew that people like Deven could never be trusted. When Pooja told me and Kavita that she was going to meet Deven and after knowing what happened at the restaurant we agreed to accompany her.

They met at the metro station on 12 June, 2017. Kavita and I were standing at a distance observing the whole conversation between Deven and Pooja, suddenly we saw him taking a knife out of his bag and took it close to her face, in an attempt to kill her. In a state of panic and anguish I hurled a stone at him, injuring his head and blood gushed out. I warned the public, as I was in utter disbelief of the whole scene and to avert any harm on Pooja. When the crowd approached Deven, he caught hold of Pooja and warned us to back off or he might end up doing something wrong. Noticing the crowd not being affected by the warning, Deven slits Pooja’s throat. The crowd later overpowered Deven and started beating him.”

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| **(Jeyant)** | Before Me  **(Prakash)**  **Police Inspector** |

**ANNEXURE- 2(3)**

**Statement of Pooja:**

“Deven was my boyfriend since college days. I had moved forward in my life and Deven was still the same. I realized that my life has changed and wanted to sever all ties with him. I went to meet Deven at the metro station for the last time. He always brought with him some fruits to share with me. He offered me an apple which I denied. I did not want to give him any false hopes. He took out a knife and it created a state of panic for others. He took me as a shield and later attacked me. The last thing I remember is falling on the floor, bleeding.”

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| **(Pooja)** | Before Me  **(Prakah)**  **Police Inspector** |

**ANNEXURE- 2(5)**

**Statement of Kavita:**

“My name is Kavita and I am 25 years old. I am friend with Pooja and her colleague. Deven was a nuisance in Pooja’s life, she used to avoid him and repeatedly used to tell him to stay away but he never listened. She went to the extent of changing her mobile number only to find him standing outside the office. Pooja and I were planning to join a training institute in Mumbai. Before that, she wanted to put an end to the Deven chapter and they both met at a restaurant where she told me that she was abused by Deven. He still kept calling her even after being told that she did not want him to contact her at all.

On repeated requests from Deven, Pooja agreed to meet him at the Indira Nagar metro station. Pooja asked me and Jeyant to accompany her. I went with Pooja to meet Deven but I was asked to give them some personal space and I moved away. I saw them talking for a few seconds and then Deven took out an apple and a pen-knife from his bag. He then took the knife close to Pooja’s face, and this move shocked me. Jeyant hurled stones at Deven and he started bleeding. Seeing everyone approaching him he first threatened to kill Pooja by placing a knife at her throat and then slits her throat. She fell unconscious. Deven was overpowered by Jeyant and other people and kicked till he fell unconscious.”

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| **(Kavita)** | Before Me  **(Prakah)**  **Police Inspector** |

**ANNEXURE- 2(6)**

**Statement of Kannan:**

“My name is Kannan and I am a software engineer. I was waiting for a friend outside metro when I saw Pooja and Deven who occupied the bench near the place I was standing. I was close to them and could hear them talk. Deven was looking upset. He went for his bag, took out an apple and offered it to Pooja. She denied. He then took a knife out of his bag and as soon as he wiped his tears from the sleeves of the hand he was holding knife with, he was hit by a stone on the head by Jeyant. Pooja did not move in defense though and sat there like a normal person.

Jeyant was running towards him and shouting murder, murder. He then went for Pooja and took as a human shield and warned everybody from approaching him. Jeyant threw another stone at Deven and this too hit him on his head. Seeing that his plans are not working he attacked Pooja. Later he was apprehended by the crowd who started hitting him for causing such an offense. He was hapless but then Jeyant came in and rained fresh blows on him until he was unconscious.”

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| **(Kannan)** | Before Me  **(Prakah)**  **Police Inspector** |

**ANNEXURE- 2(7)**

**Statement of Karan:**

I met Deven near my house. He was always concerned about Pooja’s safety and well-being and told me the same. He was looking devastated that day. I was going for the dinner so I asked him to tag along. I asked him the reason behind his state and he told me that Pooja wants to break up with him and he went to meet her and after a verbal altercation, she slapped him in public. He also told me that he ended up using offensive language because he lost his mind when she ridiculed him. He told me that he was convincing her because he cares for her. He also told me about how Pooja’s sudden change of behaviour is hurting him a lot and how she has started treating him like a stranger. He was depressed and I offered him a couple of drinks and then dropped him at his flat.

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| **(Karan)** | Before Me  **(Prakah)**  **Police Inspector** |

**ANNEXURE- 2(8)**

**Statement of Kishore:**

I am Kishor, Deven’s roommate. He is constantly worried about Pooja’s safety and well-being, but she took him for granted. For last 2 months, he couldn’t even contact her, when he called her from my number or the public booth near our house, the call got connected but she hung up the phone after hearing Deven’s voice. He also texted her on WhatsApp, but Pooja, even after seeing the messages, didn’t reply. I always felt that she wasn’t serious for Deven. Deven told me how much he missed Pooja. Deven would ask me to shut up when I told him that she wasn’t the right girl for him. The night he met Pooja and came back home inebriated, I got shocked as I had never seen him in such a condition before. He was shattered. He came and sat next to me on the sofa and started watching TV, there was a hit song, named “Adra Avalai, Udhaida Avalai” being broadcasted on the TV which means, Beat her, Kick her and so on. Deven uttered “what he says is right, that is what is to be done to these girls who play with the lives of boys.” I was shocked and he pacified Deven and asked him to cool down. But that reaction was, I think, a result of him being intoxicated. He then called Pooja and convinced her to meet one last time. Before calling he told me that this time he will end everything on a good note. Like always he took fruits and a small knife in his cotton bag and told me that this is how it all started and how he will offer her an apple for the one last time. It is unfortunate whatever happened to him. He deserved better.

RO&AC

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| **(Kishore)** | Before Me  **(Prakah)**  **Police Inspector** |

**ANNEXURE- 2(9)**

**Statement of Alex:**

“I am a waiter at the Taj restaurant, Punnai. I attended Mr Deven and Miss Pooja when they came to our restaurant on 9th of June. Mr Deven was looking happy to meet Miss Pooja and I also heard him complimenting her. They were talking normally and enjoying the snacks. However, when the customer seated near their table signaled like they needed something and I went to attend them, I heard Miss Pooja making jokes on the thinking of Mr Deven and telling him that he has not grown up even a bit. She said that his mentality is as conservative as that of a 60-year-old and she could never be with someone like him. On feeling insulted, he abused her and told her that she is losing her character and that can be depicted by dressing sense and way of talking.

When I was moving away with the used plates to bring the cheque for the customer, I saw Ms. Pooja slapping Mr. Deven. She even shouted that she is done with him and he should get lost because she did not want him to contact her. The other customers in our restaurant also had their eyes on the incident, because of which Mr. Deven felt humiliated and left.”

RO&AC

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| **(Alex)** | Before Me  **(Prakah)**  **Police Inspector** |

**ANNEXURE- 2(10)**

**Statement of Dr Abhay (Psychologist):**

“My name is Dr Abhay and I am a psychologist at Punnai. Deven was my patient. He came to me a few months ago and was battling with depression, anxiety and insomnia. He was also suffering from psychological trauma. I was treating him and developments in his personal life wasn’t helping him at all. But Deven was not an aggressor and even after multiple sessions he did not ever give any sign of hatred towards Pooja nor did he show any intention of hurting her. All he would tell was that he was scared of losing the girl he loved and his relationship was not going well. He would mention that he is worried for her and that he isn’t able to contact her.

Deven had always mentioned that Pooja was like a family, away from home and he could not stop worrying for her. She was her only support here.”

RO&AC

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| **(Dr. Abhay)** | Before Me  **(Prakah)**  **Police Inspector** |

**ANNEXURE- 2(11)**

**Statement of Alok Verma (Magistrate):**

I was present at the hospital. Statements of Pooja and Deven were recorded in my presence. Both of them were injured and gave short statements.

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| **(Alok Verma)**  **Magistrate** |  |

**Annexure: 2(13)**

**Statement of Divya:**

“My name is Divya. I am friend of Pooja and Deven since our college days. Pooja fell for Deven for his kindness and simplicity. He used to carry a bag containing some fruits and a small knife and we found it absurd. Once he shared it with Pooja and they started talking often from then onwards. Eventually they fell in love. Jeyant, a distant relative of her also liked her and was jealous of Pooja’s closeness with him. After moving to Punnai and joining her office, Pooja made some really good friends and started enjoying life even more. Deven, on the other hand would poke her and tell her to be cautious of some of her friends. Pooja did not like it when he said such things about her friends. For one year, she tried explaining and helping him overcome his insecurities but when he kept poking her, she did not feel loved. She started ignoring his calls and texts, because she knew that was the only way to sever ties with him. Eventually, Jeyant provided her with a number to use so that she could ignore the calls from Deven. She used the old number only to talk to her parents and whenever she switched on to that number, she saw numerous texts and calls from Deven. Some were from different numbers. She picked a few calls from unknown numbers to see who it was, only to hear Deven. She disconnected immediately. She also asked me to not respond to Deven’s texts and calls. I did the same. I got his texts enquiring about Pooja. As I too did not reply to him and ignored him for days, Pooja told me that she stalked him and was standing outside her office whole day. She eventually decided to meet him to make things clear and getting rid of the mess that he created. The meet at the restaurant also turned ugly when Pooja was abused.”

RO&AC

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| **(Divya)** | Before Me  **(Prakah)**  **Police Inspector** |

**Annexure: 3**

**REPORT OF INVESTIGATING OFFICER**

**(Under Section 173 Cr.P.C.)**

**In the Court of the Sessions Judge, Sessions Court at Punnai**

1. **District:** Punnai **PS:** Punnai **Year:** 2018 **FIR No.:** 110/2017 **Date:** 12 June 2017
2. **Charge Sheet No.:** 16 dated 20 Feb 2018
3. **Acts/ Section(s):**
4. Barat Penal Code, 1860 307, 325, 354(D), 355, 504, 509 & 358
5. **Type of Charge Sheet:** Original

**Charge Sheet against:** Mr Deven

Mr Jeyant

1. **Offence as mentioned did occur as per the contents of the FIR.**
2. **Original Charge sheet, supplementary to follow against the rest of the accused.**
3. **I.O.:** Mr Prakash; **Rank:** Inspector
4. **Complainant:** Unidentified Person
5. **Date of Properties/Articles/Documents Recovered/Seized during investigation and relied upon:**
   1. **Stones** with blood stains are marked as **“Exhibit-A”.**
   2. **Knife** which was used for attempting murder is marked as **“Exhibit- B”.**
   3. **Picture of Deven holding knife against Pooja’s neck,** which was captured by an unidentified person, is marked as **“Exhibit- C”.**
   4. **Close Circuit Camera recording, “Exhibit-D”**
   5. **Medical reports** showing the wound details of Pooja and Deven are marked as **“Exhibit-E”**
   6. **Forensic Report** showing thatBlood Stained Samplesmatchwith that of victim is marked as **“Exhibit- F”.**
   7. **Lyrics of the song** that Deven was listeningon the night of 9th June, is marked as **“Exhibit- G”**
   8. **Call records and messages** sent by Deven to Pooja and Divya are marked as “**Exhibit-H”**
6. **Particulars of accused persons charge sheeted:**

|  |  |  |
| --- | --- | --- |
| **S. No.** | **Name of the Accused** | **Status of the Accused** |
| 1. | Deven | In Custody |
| 2. | Jeyant | In Custody |
| 3. | Unidentified person | Not in Custody |

1. **FIR is not false.**
2. **Result of Forensic Science attached**
3. **Brief facts of the case:**
4. On the 12th of June 2017 at around 10:00 am. Deven and Pooja were going to meet each other at the Indra Nagar metro station. Kavita and Jeyant were accompanying Pooja. Everyone panicked when Deven while talking to Pooja took out a knife. After seeing the knife Jeyant alerted the public and threw stones at Deven.
5. Deven took Pooja as a human shield and asked everybody to back off. On seeing the crowd approaching towards him, he used the knife he was wielding on Pooja injuring her and she fell unconscious. Deven was overpowered by the crowd and Jeyant started beating him. The ambulance came with police and they both were taken to the hospital in the critical state and were admitted to ICU.
6. Deven and Pooja know each other since the days of college. Jeyant was also in their locality but not in the same college. Jeyant and Deven didn’t like each other but Pooja and Deven were close to each other.
7. They all moved to Punnai after completing their graduation. Pooja got campus placement and Deven got a job with a private builder. Pooja was staying with Kavita in a flat near Indra Nagar metro and Deven was staying as a paying guest with Kishore.
8. Pooja started distancing herself from Deven after moving to Punnai and Deven was not taking it well. Pooja tried telling him that she wants to start a new life and will be going to Mumbai to train for becoming an air hostess with Kavita.
9. On 9th June they met at the Taj restaurant where Pooja slapped Deven after Deven abused her and told her that she is losing her character.
10. Deven then got drunk with Karan, whom he met on his way to home and after getting intoxicated he again called Pooja late at the night asking her to meet for one last time and he wants to apologize for what he had done.
11. They met at Indra Nagar metro station where the incident took place.

|  |  |
| --- | --- |
|  | **C:\Users\login\AppData\Local\Microsoft\Windows\INetCache\Content.Word\prakash.jpeg**  **(Mr. Prakash)**  **(Investigating Officer)** |

**Annexure: 4**

**PANCHNAMA**

**(PREPARED UNDER GUIDELINES UNDER SEC. 100 (4) & (5) CR. PC)**

1. Name and place of police Station: - **Indira Nagar Police Station, Punnai**

2. Name of officer commencing Panchnama:- **Prakash**

3. Place of commencement of Panchnam:- **Indira Nagar Metro Station**

4. Time of commencement of Panchnama:- **11.15 am**

5. Date of commencement of Panchnama:- **12th June 2017**

6. Rank of officer:- **Inspector of police**

7. Name, age and address of Panchas:-

a) **Kannan:- S/o of Murali, Age 27, DOB: 29 October 1991, Address: 20 Trivarna street, Elamakkara, Indira Nagar-6, Mobile:9337445658, Mobtel**

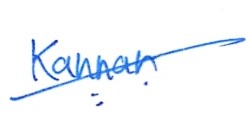
b) **Kavita**: **D/o of Subash, Age 25, DOB: 5 March 1993, Address: 4 Temple Street, Mannai, Mital Nadu – 4, Mobile: 88555 77444, Mobtel**

8. Detail list of articles found in that place or from the person which are incriminating:

**In pursuance of the FIR No. 110/2017 dated 12 June 2017 raids and investigations were conducted in the matter pursuant to which the following evidences were recovered and marked as following exhibits:-**

1. **Stones that hit Deven seized from the premises of Indira Nagar metro station and are marked as “Exhibit-A”.**
2. **Knife and the Cotton bag with fruits seized from Deven from the Indira Nagar metro Station and is marked as “Exhibit – B”.**
3. **Picture of Deven holding a knife against Pooja’s neck recovered from a commuter mobile phone at Indira Nagar metro station and is marked as “Exhibit – C”.**
4. **Footage of security cameras recovered from the Indira Nagar metro station and is marked as “Exhibit – D”.**
5. **Medical reports showing the wound details of Pooja and Deven are marked as “Exhibit-E”**
6. **Forensic Report showing that Blood Stained Samples match with that of victim is marked as “Exhibit- F”.**
7. **Lyrics of the song that Deven was listening on the night of 9th June, is marked as “Exhibit- G”**
8. **Call records and messages sent by Deven to Pooja and Divya are marked as** “**Exhibit- H”**

**Read and verified by:-**

****

**(Kannan)**

****

**Sd/-**

**Kavita**

****

**Sd/-**

**Prakash, Inspector**

**Investigating Officer**

**ARREST MEMO IN CC-110/2017/BPS/BCB/BIL**

* + 1. **Accused No. 1**

|  |  |  |
| --- | --- | --- |
| **Name of the Accused** | **:** | Mr Deven |
| **Date and Time of Arrest** | **:** | 12.06.2017, 10.00 a.m. |
| **Place of Arrest** | **:** | Indira Nagar Metro Station |
| **Age/Date of Birth** | **:** | 25 years, (DOB: 01.04.1993) |
| **Parentage** | **:** | Shri Perumal |
| **Address** | **:** | 1, Canal Street, Chirapalli, Vanjiyur, Sardam |

* + 1. **Accused No. 2**

|  |  |  |
| --- | --- | --- |
| **Name of the Accused** | **:** | Mr Jeyant |
| **Date and Time of Arrest** | **:** | 12.06.2017, 10.00 a.m. |
| **Place of Arrest** | **:** | Indira Nagar Metro Station |
| **Age/Date of Birth** | **:** | 26 years, (DOB: 10.09.1992) |
| **Parentage** | **:** | Shri Gajanan |
| **Address** | **:** | 3 Subhedar Street, Chirapalli, Vanjiyur, Sardam-3 |

Signature of Witnesses



**(Kannan)**

**Annexure: 5**

**FINAL REPORT**

**(Under Section 173 Cr.P.C.)**

**IN THE COURT OF SESSIONS JUDGE, SESSIONS COURT AT PUNNAI**

1. **Name of Branch**: Punnai **FIR No.**: 110/2017

**Year**: 2017 **Date:** 12.06.2017

1. **Final Report/ Charge sheet No.** : 16 dated 20 Feb 2018
2. **Date :** 07.08.2017
3. **Act :** U/s 307, 325, 354(D), 355, 504, 509 & 358 of BPC, 1860
4. **Type of Final Form/Report** : Charge sheeted
5. **If Charge Sheeted** :Charge sheeted
6. **Name of the IO** : Mr. Prakash
7. **Name of the Complainant/Informant** : Unidentified Person
8. **Details of Properties/Articles/Documents recovered/Seized during the investigation and relied upon (separate list can be attached, if necessary)**
9. **Particulars of persons charge sheeted (use separate sheet for each accused)**

**1.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Name** | | **:** | Mr. Deven |
|  | **Father’s name** | | **:** | Shri Perumal |
|  | **Date/Year of Birth** | | **:** | 1 April 1993 |
|  | **Sex** | | **:** | Male |
|  | **Nationality** | | **:** | N/A |
|  | **Passport No.** | | **:** | N/A |
|  | **Date of Issue** | | **:** | N/A |
|  | **Religion** | | **:** | N/A |
|  | **Whether SC/ST/OBC** | | **:** | N/A |
|  | **Occupation** | | **:** | Civil Engineer |
|  | **Address** | |  |  |
|  | **(i)** | **Present Address** | **:** | 1, Canal Street, Chirapalli, Vanjiyur, Sardam |
|  | **(ii)** | **Permanent Address** | **:** | Same as above |
|  | **Whether verified** | | **:** |  |
|  | **Provisional Criminal No.** | | **:** |  |
|  | **Regular Criminal No.** | | **:** |  |
|  | **Date of arrest** | | **:** | 12.06.2017 |
|  | **Date of release on bail** | | **:** |  |
|  | **Date on which forward to Court** | | **:** |  |
|  | **Under Act and Section** | | **:** | 307, 354D, 509 |
|  | **Name(s) of Bailers/sureties and address** | | **:** |  |
|  | **Previous convictions and address** | | **:** |  |
|  | **Status of the accused** | | **:** |  |

**2.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Name** | | **:** | Mr. Jeyant |
|  | **Father’s name** | | **:** | Shri Gajanan |
|  | **Date/Year of Birth** | | **:** | 10 September 1992 |
|  | **Sex** | | **:** | Male |
|  | **Nationality** | | **:** | Indian |
|  | **Passport No.** | | **:** | N/A |
|  | **Date of Issue** | | **:** | N/A |
|  | **Religion** | | **:** | N/A |
|  | **Whether SC/ST/OBC** | | **:** | N/A |
|  | **Occupation** | | **:** | N/A |
|  | **Address** | |  |  |
|  | **(i)** | **Present Address** | **:** | 3 Subhedar Street, Chirapalli, Vanjiyur, Sardam-3 |
|  | **(ii)** | **Permanent Address** | **:** | Same as above |
|  | **Whether verified** | | **:** |  |
|  | **Provisional Criminal No.** | | **:** |  |
|  | **Regular Criminal No.** | | **:** |  |
|  | **Date of arrest** | | **:** | 12.06.2017 |
|  | **Date of release on bail** | | **:** |  |
|  | **Date on which forward to Court** | | **:** |  |
|  | **Under Act and Section** | | **:** |  |
|  | **Name(s) of Bailers/sureties and address** | | **:** |  |
|  | **Previous convictions and address** | | **:** |  |
|  | **Status of the accused** | | **:** |  |

1. **Particulars of accused persons not charge sheeted:**
2. **If FIR is false, indicate action taken or proposed to be taken under section 182/211 BPC:** Not Applicable
3. **Result of laboratory analysis:**
4. **Brief facts of the case:**
5. The instant case has been registered by PPS/PCB, Punnai on 12.06.2017 on receipt of a complaint by the security staff of the Indra Nagar metro station. It was alleged as per the reliable information source that there was an attempt to murder of a girl near the metro station.
6. On the 12th of June 2017 at around 09:45 am, Deven and Pooja were going to meet each other at the Indra Nagar metro station. Kavita and Jeyant were accompanying Pooja.
7. Everyone panicked when Deven while talking to Pooja took out a knife. After seeing the knife Jeyant alerted the public and threw stones at Deven.
8. Deven took Pooja as a human shield and asked everybody to back off. On seeing the crowd approaching towards him, he used the knife he was wielding on Pooja injuring her and she fell unconscious.
9. Deven was overpowered by the crowd and Jeyant started beating him. The ambulance came with police and they both were taken to the hospital in the critical state and were admitted to ICU.
10. **Facts disclosed during Investigation:**
11. Accused A1, Mr Deven and the victim, Ms Pooja, were found to be in a love relationship for last five years. A year after they shifted to Punnai, the accused observed a change in behaviour of the victim. Investigation revealed that he made multiple phone calls to her, but many of those calls remained unanswered. It is also revealed that the victim even blocked the contact number of accused from her phone. Thereafter, the victim changed her number, in order to get rid of calls from the accused.
12. On further investigation, it was revealed that the victim and the Accused A1 decided to meet at a restaurant on 9th June, 2017. A person in the restaurant witnessed the victim slapping the accused. On further enquiry, it was found that on his way back, he met his friend Karan, who took him to another restaurant where they were served liquor. They were inebriated beyond limits and were asked to leave the restaurant.
13. On further investigation, it was found that on the night of 9th June, 2017, the accused 1 made multiple phone calls the victim. For the first five times the victim didn’t pick the phone up, and finally when she picked the phone, they conversed for 09.50 minutes. On further enquiry, it was found that in their conversation the accused apologised to the victim and requested her to meet one last time. They decided to meet near Indira Nagar metro station on 12th of June, 2017.
14. Further investigation revealed that Jeyant too loved Pooja, therefore he was jealous of Deven for being in a love relationship with Pooja.
15. **Charge:**
16. Investigation revealed that the case CC- 100/2017/PPS/PCB/PIL u/s 307, 509 and 354D of Barat Penal Code, 1860 against Mr. Deven S/o Perumal, R/o 1, Canal Street, Chirapalli, Vanjiyur, Sardam – 1; u/s 325, 355 and 504 of Barat Penal Code, 1860 against Mr. Jeyant S/o Gajanan, R/o Subhedar Street, Chirapalli, Vanjiyur, Sardam-3; on receipt of a complaint in pursuance to the information acquired through an undisclosed identity, the police reached at the place of incident and conducted enquiry. After enquiring, the accused persons were arrested and were held in custody by the police.
17. Investigations further reveal that for past 5 years, the accused 1 and the victim were in a love relationship. A year after they shifted to Punnai, the accused observed a change in behaviour of the victim, he made multiple phone calls to her, but many of those calls remained unanswered. It is also revealed that the victim even blocked the contact number of accused from her phone. Thereafter, the victim changed her number, in order to get rid of calls from the accused.
18. On further investigation, it was revealed that the victim and the accused 1 decided to meet at a restaurant on 9th June, 2017. A person in the restaurant witnessed the victim slapping the accused. On further enquiry, it was found that on his way back, he met his friend Karan, who took him to another restaurant where they were served liquor. They were inebriated beyond limits and were asked to leave the restaurant.
19. On further investigation, it was found that on the night of 9th June, 2017, the accused 1 made multiple phone calls the victim. For the first five times the victim didn’t pick the phone up, and finally when she picked the phone, they conversed for 09.50 minutes. On further enquiry, it was found that in their conversation the accused apologised to the victim and requested her to meet one last time. They decided to meet near Indira Nagar metro station on 12th of June, 2017.
20. On interrogating the college mates of the victim and the accused 1, it was found that the accused always used to carry a pen-knife along with some fruits with him. A college friend of the victim said that the victim and the accused became friends when the accused offered the victim some fruits. Some apples and a pen-knife were also recovered from the crime scene.
21. On further investigation, it has been revealed that when the accused A1 took the knife close to the victim’s face, accused 2 threw stone at the accused A1.
22. Further, when the accused A1 slits the throat of the victim, the accused A2 overpowered the accused A1 and rained fresh set of blows on his abdomen.
23. That the above facts disclosed the commission of offences punishable u/s 307, 509 and 354D of Barat Penal Code, 1860 against Mr. Deven S/o Perumal, R/o 1, Canal Street, Chirapalli, Vanjiyur, Sardam – 1; u/s 325, 355 and 504 of Barat Penal Code, 1860 against Mr. Jeyant S/o Gajanan, R/o Subhedar Street, Chirapalli, Vanjiyur, Sardam-3
24. It is, therefore, prayed that all the accused persons in the present matter may kindly be tried according to law.
25. **Refer Notice served:** Yes/No
26. **Dispatched on :**
27. **No. of Enclosures :**
28. **List of enclosures :** As annexed
29. List of Witnesses
30. List of Documents
31. List of Articles

Additional list of witnesses and additional list of documents will be filed, if required.

|  |  |
| --- | --- |
|  | **C:\Users\login\AppData\Local\Microsoft\Windows\INetCache\Content.Word\prakash.jpeg** |
| **Forwarded by Supdt. Of Police/PCB** | **Signature of the Investigation Officer submitting the Final Report** |

**Certificate u/s 65-B of the Barat Evidence Act**

Certified that the information pertaining to Mobile numbers **9955599555 and 9955588666** for the **Period 25-May-2017 TO 09-June-2017** is being produced in form of hard copy of the computer generated record, which was produced by computers maintained by our company during the aforesaid period and the said computer was used regularly to store and process information and the undersigned was having lawful control over the use of computer(s) and during the aforesaid period the information of this kind contained in electronic record is derived was regularly fed into the computer in the ordinary course of business and throughout the material part of the said period. The computer was operating properly and the information contained in the form of hard copy is an electronic record which reproduces such information which was feed into the computer and to the ordinary course of business and there are no chances of tempering & manipulation.

That the Access to the Computer System and the data stored thereon is controlled by defined authorized roles exercised through unique user-id and the associated passwords. Only the concerned user knows the password and the use of ID with password establishes his identity and accountability.

My computer make: Lenovo and S/N L99EB95 is provided by Mobtel Ltd. and it was operating and working properly during the period when CDR retrieved.

That the information contains in the electronic record is automatically fed into the system in the ordinary course of business and the computer generated information is certify to the best of my knowledge and beliefs.

|  |  |
| --- | --- |
| For Mobtel Ltd. |  |
| Nodal Officer Chander Shakher (Signature): |  |

**EXHIBITS**

**List of Exhibits**

|  |  |  |
| --- | --- | --- |
| **Sl. No.** | **Particulars of Exhibit** | **Exhibit No.** |
|  | Stones | A |
|  | Knife and Cotton Bag | B |
|  | Print of the picture with Deven holding Knife against Pooja’s neck | C |
|  | CCTV footage | D |
|  | Medical Report of Pooja and Deven | E |
|  | Forensic Report | F |
|  | Lyrics of Song that Deven was listening to on the night of 9th June, 2017 | G |
|  | Call records and Messages of Pooja and Divya | H |

**EXHIBIT-A**



**EXHIBIT-B**





**EXHIBIT-C**



**EXHIBIT-D**





**EXHIBIT-E**

**GOVERNMENT GENERAL HOSPITAL**



**MEDICAL REPORT**

Personal statement of the candidate:

1. Name in full (in capital letters, surname first): **POOJA**
2. Sex: **FEMALE**
3. Address: **2 Mettu Street, Chirapalli, Vanjiyur, Sardam1**
4. Date of birth: **10 October 1993**
5. Married/Single: **SINGLE**
6. Personal History:
7. History of Bleeding from Gastro-intestinal Track, Gastric or Duodenal Ulcers, Appendicitis, Internal Piles, Typhoid, Jaundice, etc, Give details: NIL
8. History of Asthma, Tuberculosis, Spitting of Blood, Pleurisy, Breathlessness, etc., Give details: NIL
9. History of Palpitation. Fainting spells, Pain on the Chest, Breathlessness on exertion, cyanosis, Rheumatic fever with Joint pains, Swelling of Legs, Face etc., Give details: NIL
10. History of Bleeding of Urinary Tract, Painful Urination passing of stones or given in Urine etc., Give details: NIL
11. History of Fits, Paralysis, Neurasthenia, Nervous Breakdown etc., Give details: NIL
12. Family History:
13. Heart Disease & Hypertension:-NIL
14. Tuberculosis:-NIL
15. Kidney Disease:-NIL
16. Any other serious ailment: NIL

I hereby declare that the above statements are correct to the best of my knowledge.

|  |  |
| --- | --- |
|  |  |
| C:\Users\login\AppData\Local\Microsoft\Windows\INetCache\Content.Word\deven.jpg  (Thumb impression of the Candidate)  Deven | C:\Users\login\Pictures\dr (2).jpg  Signed in my presence  Dr Elbin kurian |

REPORT OF THE MEDICAL EXAMINER

|  |  |  |
| --- | --- | --- |
| Name of the Candidate | : | **POOJA** |
| Category of the Post | : | **PATIENT** |
| General Development | : | **GOOD** |
| Nutrition | : | **THIN** |
| Best Weight | : | **59KG** |
| Any recent changes in weight | : | **NIL** |
| Height | : | **5.6 FEET** |
| Temperature | : | **98 FAHRENHEIT** |

Identification Marks:

1. **BLACK MOLE ON THE RIGHT PALM**
2. **BLACK MOLE ON THE RIGHT EAR**

**DOCTORS DISCRIPTION:-**

When Pooja was brought to the hospital, her neck was bleeding. We immediately took her to ICU. Upon examination, we found that the trachea is cut but the arteries were fine. It was the small vessels that started bleeding. The situation was critical so we performed the surgery without any delay. The patient is out of danger and recovering.

**X - RAY REPORT**

|  |
| --- |
| Name: POOJA |
| Category of Post: PATIENT |
| HEART: NORMAL |
| LUNGS: NORMAL |
| BONY CAGE: NORMAL |

Is there anything in the health of the patient likely to render him/her unfit for the efficient discharge of his/her duties in the service for which he / she is a patient :

**UNFIT**

Place: PUNNAI

Date:12.06.2017



Signature of the Medical Examiner

Name: DR.AAYUSH GUPTA

Designation: SURGEON

**GOVERNMENT GENERAL HOSPITAL**



**MEDICAL REPORT**

Personal statement of the candidate:

1. Name in full (in capital letters, surname first): **DEVEN**
2. Sex: **MALE**
3. Address: **1, CANAL STREET, CHIRAPALLI, VANJIYUR, SARDAM-1**
4. Date of birth: **01.04.1993**
5. Married/Single: **SINGLE**
6. Personal History:
7. History of Bleeding from Gastro-intestinal Track, Gastric or Duodenal Ulcers, Appendicitis, Internal Piles, Typhoid, Jaundice, etc, Give details: NIL
8. History of Asthma, Tuberculosis, Spitting of Blood, Pleurisy, Breathlessness, etc., Give details: NIL
9. History of Palpitation. Fainting spells, Pain on the Chest, Breathlessness on exertion, cyanosis, Rheumatic fever with Joint pains, Swelling of Legs, Face etc., Give details: NIL
10. History of Bleeding of Urinary Tract, Painful Urination passing of stones or given in Urine etc., Give details: NIL
11. History of Fits, Paralysis, Neurasthenia, Nervous Breakdown etc., Give details: NIL
12. Family History:
13. Heart Disease & Hypertension:-NIL
14. Tuberculosis:-NIL
15. Kidney Disease:-NIL
16. Any other serious ailment: NIL

I hereby declare that the above statements are correct to the best of my knowledge.

|  |  |
| --- | --- |
| DATE : 12.6.2017 |  |
| C:\Users\login\AppData\Local\Microsoft\Windows\INetCache\Content.Word\deven.jpg  (Signature / Thumb impression of the Candidate)  Deven | C:\Users\login\Pictures\dr (2).jpg  Signed in my presence  Dr Elbin kurian |

REPORT OF THE MEDICAL EXAMINER

|  |  |  |
| --- | --- | --- |
| Name of the Candidate | : | **DEVEN** |
| Category of the Post | : | **PATIENT** |
| General Development | : | **GOOD** |
| Nutrition | : | **THIN** |
| Best Weight | : | **78KG** |
| Any recent changes in weight | : | **NIL** |
| Height | : | **5.8 FEET** |
| Temperature | : | **98 FAHRENHEIT** |

Identification Marks:

1. **BLACK MOLE ON NECK**
2. **BLACK MOLE ON THE CHEEK**

**DOCTORS DISCRIPTION:-**

When Deven was admitted to the hospital, he was in pain. On examination, I found that his head was bleeding continuously and the spleen was ruptured, because of attack on his stomach. This led to internal bleeding which needed treatment immediately since the condition was critical. We immediately took him to ICU and performed the Surgery. He is out of danger now.

**X - RAY REPORT**

|  |
| --- |
| Name: DEVEN |
| Category of Post: PATIENT |
| HEART: NORMAL |
| LUNGS: NORMAL |
| MEDIASTINUM: NORMAL |
| CP ANGLES: NORMAL |
| BONY CAGE: NORMAL |

Is there anything in the health of the patient likely to render him/her unfit for the efficient discharge of his/her duties in the service for which he / she is a patient :

**UNFIT**



Signature of the Medical Examiner

Name: DR.ELBIN KURIAN

**Exhibit: F**



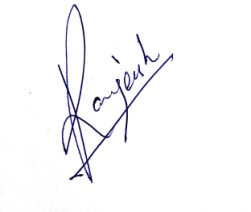
**FORENSIC REPORT**

1. **Examination Report No:- CFSL/1300/110/2017**
2. **Date:- 14.06.2017**
3. **FIR No:-110/2017**
4. **Date of Receipt:-14.06.2017**
5. **Client:- Punnai police, Sardam**
6. **Order reference:- 400913609**
7. **Scientist:- Rajesh**
8. **No. of sealed Parcel/exhibit(s) received:- 2**
9. **Details of parcel/exhibit(s) received:-**

|  |  |
| --- | --- |
| **Parcel Identity** | **Description including details of their seal/sealing and Exhibits contained therein** |
| **1** | **It contain two stones with blood stain which is marked as exhibit-1** |
| **2** | **It contain knife with blood stain which is marked as exhibit-2** |

1. **Purpose of reference:- For examination and Report**
2. **Date of examination:-28.06.2017**
3. **RESULT OF EXAMINATION**
4. The exhibit-1 was tested with blood sample of Deven. It was found that the blood stain on stone is matched with blood group of Deven.
5. The exhibit-2 was tested with blood sample of Pooja. It was found that the blood stain in Knife is matched with blood group of Pooja.
6. The exhibit-2 was analysed with finger print of Deven. It was found that the finger print in knife is matched with the finger print of Deven.

**Prepared and verified by:-**

****

**Rajesh**

**(Scientist)**

**Exhibit-H**

**ECOTEL PHONE CALL LOG**

**NAME:- POOJA**

**PERIOD:-MONTH OF MAY 2017**

**PHONE NUMBER- 99555 88666**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Date** | **Name of the Person/Company Called** | **Phone Number** | **Time of Call** | **Duration of call** |
| 25.05.2017 | DEVEN | 99555 99555 | 08.35 | 00.00 |
| 25.05.2017 | DEVEN | 99555 99555 | 08.36 | 00.00 |
| 25.05.2017 | VISHAL | 8963452178 | 09.00 | 01.03 |
| 25.05.2017 | DEVEN | 99555 99555 | 09.45 | 00.00 |
| 25.05.2017 | DEVEN | 99555 99555 | 10.25 | 00.00 |
| 25.05.2017 | DEVEN | 99555 99555 | 10.32 | 00.00 |
| 25.05.2017 | DEVEN | 99555 99555 | 10.45 | 00.00 |
| 25.05.2017 | DEVEN | 99555 99555 | 14.23 | 00.00 |
| 25.05.2017 | DEVEN | 99555 99555 | 14.39 | 00.00 |
| 25.05.2017 | DEVEN | 99555 99555 | 14.52 | 00.00 |
| 25.05.2017 | DEVEN | 99555 99555 | 19.01 | 00.00 |
| 25.05.2017 | KISHORE | 9688147563 | 19.25 | 00.00 |
| 25.05.2017 | KISHORE | 9688147563 | 19.40 | 00.00 |
| 25.05.2017 | DEVEN | 99555 99555 | 19.56 | 00.00 |
| 25.05.2017 | DEVEN | 99555 99555 | 20.32 | 00.00 |
| 25.05.2017 | KISHORE | 9688147563 | 20.45 | 00.00 |
| 25.05.2017 | KISHORE | 9688147563 | 21.00 | 00.00 |
| 25.05.2017 | DEVEN | 99555 99555 | 21.13 | 00.00 |
| 25.05.2017 | DEVEN | 99555 99555 | 21.16 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 06.02 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 06.16 | 00.00 |
| 26.05.2017 | DAWAN PRABHU | 0469-2369874 | 06.20 | 01.23 |
| 26.05.2017 | DAWAN PRABHU | 0469-2369874 | 06.25 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 07.00 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 07.01 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 08.17 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 08.45 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 08.56 | 00.00 |
| 26.05.2017 | DAWAN PRABHU | 0469-2369874 | 09.00 | 00.00 |
| 26.05.2017 | DAWAN PRABHU | 0469-2369874 | 09.45 | 00.00 |
| 26.05.2017 | DAWAN PRABHU | 0469-2369874 | 10.25 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 10.32 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 10.45 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 14.23 | 00.00 |
| 26.05.2017 | VISHAL | 8963452178 | 14.39 | 09.69 |
| 26.05.2017 | KISHORE | 9688147563 | 14.52 | 00.00 |
| 26.05.2017 | KISHORE | 9688147563 | 15.01 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 17.03 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 17.16 | 00.00 |
| 26.05.2017 | DAWAN PRABHU | 0469-2369874 | 17.18 | 01.23 |
| 26.05.2017 | DAWAN PRABHU | 0469-2369874 | 17.20 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 19.16 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 19.18 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 19.23 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 19.30 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 19.35 | 00.00 |
| 26.05.2017 | DAWAN PRABHU | 0469-2369874 | 20.03 | 00.00 |
| 26.05.2017 | DAWAN PRABHU | 0469-2369874 | 20.10 | 00.00 |
| 26.05.2017 | DAWAN PRABHU | 0469-2369874 | 20.16 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 20.30 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 20.32 | 00.00 |
| 26.05.2017 | DEVEN | 99555 99555 | 20.36 | 00.00 |
| 26.05.2017 | VISHAL | 8963452178 | 20.40 | 09.69 |
| 26.05.2017 | KISHORE | 9688147563 | 20.51 | 00.00 |
| 26.05.2017 | KISHORE | 9688147563 | 20.55 | 00.00 |
| 27.05.2017 | DEVEN | 99555 99555 | 07.23 | 00.00 |
| 27.05.2017 | DEVEN | 99555 99555 | 07.26 | 00.00 |
| 27.05.2017 | DEVEN | 99555 99555 | 07.30 | 00.00 |
| 27.05.2017 | DEVEN | 99555 99555 | 07.32 | 00.00 |
| 27.05.2017 | VISHAL | 8963452178 | 07.45 | 09.25 |
| 27.05.2017 | DEVEN | 99555 99555 | 08.14 | 00.00 |
| 27.05.2017 | KISHORE | 9688147563 | 08.17 | 00.00 |
| 27.05.2017 | VISHAL | 8963452178 | 08.25 | 04.36 |
| 27.05.2017 | DEVEN | 99555 99555 | 18.00 | 00.00 |
| 27.05.2017 | DEVEN | 99555 99555 | 18.15 | 00.00 |
| 27.05.2017 | DEVEN | 99555 99555 | 18.16 | 00.00 |
| 27.05.2017 | DEVEN | 99555 99555 | 18.19 | 00.00 |
| 27.05.2017 | KISHORE | 9688147563 | 21.30 | 00.00 |
| 27.05.2017 | DEVEN | 99555 99555 | 21.32 | 00.00 |
| 28.05.2017 | KISHORE | 9688147563 | 05.20 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 05.45 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 06.02 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 06.16 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 06.20 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 06.25 | 00.00 |
| 28.05.2017 | VISHAL | 8963452178 | 07.00 | 00.00 |
| 28.05.2017 | VISHAL | 8963452178 | 07.01 | 09.36 |
| 28.05.2017 | KISHORE | 9688147563 | 08.17 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 08.45 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 08.56 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 11.12 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 11.16 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 11.23 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 12.15 | 00.00 |
| 28.05.2017 | KISHORE | 9688147563 | 13.02 | 00.00 |
| 28.05.2017 | KISHORE | 9688147563 | 13.30 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 13.46 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 13.55 | 00.00 |
| 28.05.2017 | KISHORE | 9688147563 | 18.23 | 00.00 |
| 28.05.2017 | KISHORE | 9688147563 | 18.25 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 20.21 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 20.23 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 20.26 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 20.30 | 00.00 |
| 28.05.2017 | KISHORE | 9688147563 | 21.05 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 21.15 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 21.20 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 21.36 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 21.36 | 00.00 |
| 28.05.2017 | DEVEN | 99555 99555 | 21.40 | 00.00 |
| 28.05.2017 | VISHAL | 8963452178 | 21.55 | 00.00 |
| 29.05.2017 | VISHAL | 8963452178 | 07.20 | 03.36 |
| 29.05.2017 | KISHORE | 9688147563 | 08.36 | 00.00 |
| 29.05.2017 | KISHORE | 9688147563 | 08.39 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 12.12 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 12.29 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 12.36 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 13.02 | 00.00 |
| 29.05.2017 | KISHORE | 9688147563 | 14.25 | 00.00 |
| 29.05.2017 | KISHORE | 9688147563 | 14.29 | 00.00 |
| 29.05.2017 | KISHORE | 9688147563 | 14.30 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 16.32 | 00.00 |
| 29.05.2017 | KISHORE | 9688147563 | 16.35 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 17.02 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 17.04 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 17.16 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 17.23 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 17.30 | 00.00 |
| 29.05.2017 | KISHORE | 9688147563 | 18.03 | 00.00 |
| 29.05.2017 | KISHORE | 9688147563 | 18.06 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 18.55 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 19.00 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 19.03 | 00.00 |
| 29.05.2017 | VISHAL | 8963452178 | 19.15 | 06.30 |
| 29.05.2017 | KISHORE | 9688147563 | 20.03 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 20.06 | 00.00 |
| 29.05.2017 | KISHORE | 9688147563 | 20.10 | 00.00 |
| 29.05.2017 | KISHORE | 9688147563 | 20.15 | 00.00 |
| 29.05.2017 | DEVEN | 99555 99555 | 20.16 | 00.00 |
| 29.05.2017 | KISHORE | 9688147563 | 20.55 | 00.00 |

**IN THE MONTH OF JUNE 2017**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Date** | **Name of the Person/Company Called** | **Phone Number** | **Time of Call** | **Duration of call** |
| 01.06.2017 | DEVEN | 99555 99555 | 08.25 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 08.35 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 08.36 | 00.00 |
| 01.06.2017 | VISHAL | 8963452178 | 09.00 | 01.03 |
| 01.06.2017 | DEVEN | 99555 99555 | 09.45 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 10.25 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 10.32 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 10.45 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 14.23 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 14.39 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 14.52 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 19.01 | 00.00 |
| 01.06.2017 | KISHORE | 9688147563 | 19.25 | 00.00 |
| 01.06.2017 | KISHORE | 9688147563 | 19.40 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 19.56 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 20.32 | 00.00 |
| 01.06.2017 | KISHORE | 9688147563 | 20.45 | 00.00 |
| 01.06.2017 | KISHORE | 9688147563 | 21.00 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 21.13 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 21.16 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 17.03 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 17.16 | 00.00 |
| 02.06.2017 | DAWAN PRABHU | 0469-2369874 | 17.18 | 01.23 |
| 02.06.2017 | DAWAN PRABHU | 0469-2369874 | 17.20 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 19.16 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 19.18 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 19.23 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 19.30 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 19.35 | 00.00 |
| 02.06.2017 | DAWAN PRABHU | 0469-2369874 | 20.03 | 00.00 |
| 03.06.2017 | DAWAN PRABHU | 0469-2369874 | 20.10 | 00.00 |
| 03.06.2017 | DAWAN PRABHU | 0469-2369874 | 20.16 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 20.30 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 20.32 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 20.36 | 00.00 |
| 03.06.2017 | VISHAL | 8963452178 | 20.40 | 09.69 |
| 03.06.2017 | KISHORE | 9688147563 | 20.51 | 00.00 |
| 03.06.2017 | KISHORE | 9688147563 | 20.55 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 17.03 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 17.16 | 00.00 |
| 03.06.2017 | DAWAN PRABHU | 0469-2369874 | 17.18 | 01.23 |
| 03.06.2017 | DAWAN PRABHU | 0469-2369874 | 17.20 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 19.16 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 19.18 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 19.23 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 19.30 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 19.35 | 00.00 |
| 03.06.2017 | DAWAN PRABHU | 0469-2369874 | 20.03 | 00.00 |
| 03.06.2017 | DAWAN PRABHU | 0469-2369874 | 20.10 | 00.00 |
| 03.06.2017 | DAWAN PRABHU | 0469-2369874 | 20.16 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 20.30 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 20.32 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 20.36 | 00.00 |
| 03.06.2017 | VISHAL | 8963452178 | 20.40 | 09.69 |
| 03.06.2017 | KISHORE | 9688147563 | 20.51 | 00.00 |
| 03.06.2017 | KISHORE | 9688147563 | 20.55 | 00.00 |
| 04.06.2017 | DEVEN | 99555 99555 | 07.23 | 00.00 |
| 04.06.2017 | DEVEN | 99555 99555 | 07.26 | 00.00 |
| 04.06.2017 | DEVEN | 99555 99555 | 07.30 | 00.00 |
| 04.06.2017 | DEVEN | 99555 99555 | 07.32 | 00.00 |
| 04.06.2017 | VISHAL | 8963452178 | 07.45 | 09.25 |
| 04.06.2017 | DEVEN | 99555 99555 | 08.14 | 00.00 |
| 04.06.2017 | KISHORE | 9688147563 | 08.17 | 00.00 |
| 04.06.2017 | VISHAL | 8963452178 | 08.25 | 04.36 |
| 04.06.2017 | DEVEN | 99555 99555 | 18.00 | 00.00 |
| 04.06.2017 | DEVEN | 99555 99555 | 18.15 | 00.00 |
| 04.06.2017 | DEVEN | 99555 99555 | 18.16 | 00.00 |
| 04.06.2017 | DEVEN | 99555 99555 | 18.19 | 00.00 |
| 04.06.2017 | KISHORE | 9688147563 | 21.30 | 00.00 |
| 04.06.2017 | DEVEN | 99555 99555 | 21.32 | 00.00 |
| 05.06.2017 | KISHORE | 9688147563 | 05.20 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 05.45 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 06.02 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 06.16 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 06.20 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 06.25 | 00.00 |
| 05.06.2017 | VISHAL | 8963452178 | 07.00 | 00.00 |
| 05.06.2017 | VISHAL | 8963452178 | 07.01 | 09.36 |
| 05.06.2017 | KISHORE | 9688147563 | 08.17 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 08.45 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 08.56 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 11.12 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 11.16 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 11.23 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 12.15 | 00.00 |
| 05.06.2017 | KISHORE | 9688147563 | 13.02 | 00.00 |
| 05.06.2017 | KISHORE | 9688147563 | 13.30 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 13.46 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 13.55 | 00.00 |
| 05.06.2017 | KISHORE | 9688147563 | 18.23 | 00.00 |
| 05.06.2017 | KISHORE | 9688147563 | 18.25 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 20.21 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 20.23 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 20.26 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 20.30 | 00.00 |
| 05.06.2017 | KISHORE | 9688147563 | 21.05 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 21.15 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 21.20 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 21.36 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 21.36 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 21.40 | 00.00 |
| 05.06.2017 | VISHAL | 8963452178 | 21.55 | 00.00 |
| 06.06.2017 | VISHAL | 8963452178 | 07.20 | 03.36 |
| 06.06.2017 | KISHORE | 9688147563 | 08.36 | 00.00 |
| 06.06.2017 | KISHORE | 9688147563 | 08.39 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 12.12 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 12.29 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 12.36 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 13.02 | 00.00 |
| 06.06.2017 | KISHORE | 9688147563 | 14.25 | 00.00 |
| 06.06.2017 | KISHORE | 9688147563 | 14.29 | 00.00 |
| 06.06.2017 | KISHORE | 9688147563 | 14.30 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 16.32 | 00.00 |
| 06.06.2017 | KISHORE | 9688147563 | 16.35 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 17.02 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 17.04 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 17.16 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 17.23 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 17.30 | 00.00 |
| 06.06.2017 | KISHORE | 9688147563 | 18.03 | 00.00 |
| 06.06.2017 | KISHORE | 9688147563 | 18.06 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 18.55 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 19.00 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 19.03 | 00.00 |
| 06.06.2017 | VISHAL | 8963452178 | 19.15 | 06.30 |
| 06.06.2017 | KISHORE | 9688147563 | 20.03 | 00.00 |
| 06.06.2017 | DEVEN | 99555 99555 | 20.06 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 08.25 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 08.35 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 08.36 | 00.00 |
| 07.06.2017 | VISHAL | 8963452178 | 09.00 | 01.03 |
| 07.06.2017 | DEVEN | 99555 99555 | 09.45 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 10.25 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 10.32 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 10.45 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 14.23 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 14.39 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 14.52 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 19.01 | 00.00 |
| 07.06.2017 | KISHORE | 9688147563 | 19.25 | 00.00 |
| 07.06.2017 | KISHORE | 9688147563 | 19.40 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 19.56 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 20.32 | 00.00 |
| 07.06.2017 | KISHORE | 9688147563 | 20.45 | 00.00 |
| 07.06.2017 | KISHORE | 9688147563 | 21.00 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 21.13 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 21.16 | 00.00 |
| 07.06.2017 | DEVEN | 99555 99555 | 21.18 | 00.00 |
| 07.06.2017 | KISHORE | 9688147563 | 21.20 | 00.00 |
| 07.06.2017 | VISHAL | 8963452178 | 21.30 | 06.25 |
| 07.06.2017 | DEVEN | 99555 99555 | 21.45 | 00.00 |
| 08.06.2017 | KISHORE | 9688147563 | 06.23 | 00.00 |
| 08.06.2017 | VISHAL | 8963452178 | 06.30 | 02.30 |
| 08.06.2017 | DEVEN | 99555 99555 | 07.00 | 00.00 |
| 08.06.2017 | DEVEN | 99555 99555 | 08.15 | 00.00 |
| 08.06.2017 | DEVEN | 99555 99555 | 08.23 | 00.00 |
| 08.06.2017 | KISHORE | 9688147563 | 08.25 | 00.00 |
| 08.06.2017 | DEVEN | 99555 99555 | 08.55 | 00.00 |
| 08.06.2017 | DEVEN | 99555 99555 | 09.00 | 00.00 |
| 08.06.2017 | DEVEN | 99555 99555 | 09.15 | 00.00 |
| 08.06.2017 | KISHORE | 9688147563 | 09.23 | 00.00 |
| 08.06.2017 | DEVEN | 99555 99555 | 09.36 | 00.00 |
| 08.06.2017 | DEVEN | 99555 99555 | 09.53 | 00.00 |
| 08.06.2017 | KISHORE | 9688147563 | 09.59 | 00.00 |
| 08.06.2017 | DEVEN | 99555 99555 | 10.00 | 00.00 |
| 08.06.2017 | DEVEN | 99555 99555 | 10.12 | 00.00 |
| 08.06.2017 | KISHORE | 9688147563 | 10.18 | 00.00 |
| 08.06.2017 | DEVEN | 99555 99555 | 11.25 | 00.00 |
| 08.06.2017 | VISHAL | 8963452178 | 12.00 | 07.25 |
| 08.06.2017 | DEVEN | 99555 99555 | 13.05 | 00.00 |
| 08.06.2017 | DEVEN | 99555 99555 | 13.16 | 00.00 |
| 08.06.2017 | DEVEN | 99555 99555 | 13.23 | 00.00 |
| 09.06.2017 | DEVEN | 99555 99555 | 06.15 | 12.36 |

**ECOTEL PHONE CALL LOG**

**NAME:- DIVYA**

**PERIOD:-MONTH OF JUNE 2017**

**PHONE NUMBER- 9446587129**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Date** | **Name of the Person/Company Called** | **Phone Number** | **Time of Call** | **Duration of call** |
| 01.06.2017 | DEVEN | 99555 99555 | 07.23 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 07.26 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 18.15 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 18.16 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 18.19 | 00.00 |
| 01.06.2017 | KISHORE | 9688147563 | 21.30 | 00.00 |
| 01.06.2017 | DEVEN | 99555 99555 | 21.32 | 00.00 |
| 02.06.2017 | KISHORE | 9688147563 | 05.20 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 05.45 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 06.02 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 06.16 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 06.20 | 00.00 |
| 02.06.2017 | SANJAY | 9896203387 | 07.00 | 00.00 |
| 02.06.2017 | SANJAY | 9896203387 | 07.01 | 09.36 |
| 02.06.2017 | KISHORE | 9688147563 | 18.23 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 21.15 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 21.20 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 21.36 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 21.36 | 00.00 |
| 02.06.2017 | DEVEN | 99555 99555 | 21.40 | 00.00 |
| 02.06.2017 | SANJAY | 9896203387 | 21.55 | 00.00 |
| 03.06.2017 | SANJAY | 9896203387 | 07.20 | 03.36 |
| 03.06.2017 | KISHORE | 9688147563 | 08.36 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 17.30 | 00.00 |
| 03.06.2017 | KISHORE | 9688147563 | 18.03 | 00.00 |
| 03.06.2017 | KISHORE | 9688147563 | 18.06 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 18.55 | 00.00 |
| 03.06.2017 | DEVEN | 99555 99555 | 19.00 | 00.00 |
| 04.06.2017 | DEVEN | 99555 99555 | 21.45 | 00.00 |
| 05.06.2017 | KISHORE | 9688147563 | 06.23 | 00.00 |
| 05.06.2017 | SANJAY | 9896203387 | 06.30 | 02.30 |
| 05.06.2017 | DEVEN | 99555 99555 | 07.00 | 00.00 |
| 05.06.2017 | KISHORE | 9688147563 | 09.23 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 09.36 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 09.53 | 00.00 |
| 05.06.2017 | KISHORE | 9688147563 | 09.59 | 00.00 |
| 05.06.2017 | DEVEN | 99555 99555 | 10.00 | 00.00 |

**WhatsApp Messages**

**From Deven (9955599555) to Pooja (9955588666)**

[29/08/18, 2:09:28 PM] Deven: Hey Pooja!

[29/08/18, 2:09:40 PM] Deven: Where have you been!!?

[29/08/18, 2:09:53 PM] Deven: I'm calling you since morning.

[29/08/18, 2:10:21 PM] Deven: Pick up my call!

[29/08/18, 2:10:33 PM] Deven: Or reply me back here

[29/08/18, 2:10:55 PM] Deven: You are getting me worried.

[29/08/18, 2:18:41 PM] Deven: I know I have been very unsupportive lately. But don't be mad at me. I promise we will work this out. We have been together for five years!

[29/08/18, 2:18:52 PM] Deven: I am not giving up on you.

[29/08/18, 2:19:44 PM] Deven: Please pick my call up

[29/08/18, 2:19:57 PM] Deven: Are you okay!!

[29/08/18, 2:51:26 PM] Deven: Agar tu phone nhi utha rha to mein Ghar ke niche aa jaung

[29/08/18, 2:51:31 PM] Deven: Jaunga

[29/08/18, 2:51:51 PM] Deven: Yaar please phone utha lo

[29/08/18, 2:52:06 PM] Deven: U know na I can't live without you

[29/08/18, 2:52:13 PM] Deven: Please pick up my phone

[29/08/18, 2:52:19 PM] Deven: I am not feeling well

[29/08/18, 2:52:44 PM] Deven: I guess I am gonna hurt myself

[29/08/18, 2:52:48 PM] Deven: Please pick up my call

[29/08/18, 2:52:56 PM] Deven: For once at least

[29/08/18, 2:54:02 PM] Deven: Now that's it I am gonna storm in your apartment

[29/08/18, 7:46:37 PM] Deven: U know that u r stubborn, right?

[29/08/18, 7:51:00 PM] Deven: I know u have been busy lately.. stuck up in ur work! Please call me once u find time.. I am really worried about you..

[29/08/18, 8:02:52 PM] Deven: Listen Pooja

[29/08/18, 8:02:59 PM] Deven: Bhut deer ho gai hai

[29/08/18, 8:03:02 PM] Deven: Reply krde

[29/08/18, 8:13:24 PM] Deven: Can't live without you

[29/08/18, 8:15:29 PM] Deven: I haven't imagined my future without you.. if u leave me I have no reason to stay alive.. I'll have no future!

[29/08/18, 10:12:49 PM] Deven: Why didn't you answer my call?

[29/08/18, 10:13:04 PM] Deven: You are clearly avoiding me

[29/08/18, 10:13:19 PM] Deven: What have I done to deserve this?

[29/08/18, 10:19:36 PM] Deven: Why are you doing this to me Pooja? What's wrong with me? I love you with all my heart❤

[29/08/18, 10:19:46 PM] Deven: Did I do something?

[29/08/18, 10:21:31 PM] Deven: We've been together for last 5 years! We have shared best moments of our lives.. have u forgotten everything?

[29/08/18, 10:25:37 PM] Deven: Why are you not replying?

[29/08/18, 10:25:44 PM] Deven: I know you still love me

[29/08/18, 10:26:27 PM] Deven: But this Kavita is trying to separate us

[29/08/18, 10:27:29 PM] Deven: She feels sad by looking at us together

[29/08/18, 10:27:35 PM] Deven: She is jealous of you

[29/08/18, 10:27:49 PM] Deven: Reply yaar

[29/08/18, 10:28:00 PM] Deven: Why are you doing this to me?

[29/08/18, 10:28:06 PM] Deven: What have I done?

[29/08/18, 10:28:55 PM] Deven: Please pick the phone up!

[29/08/18, 10:29:04 PM] Deven: We really need to talk

[29/08/18, 10:29:24 PM] Deven: Things get worse if things are not clear

[29/08/18, 10:30:39 PM] Deven: Just give me a reason, just a little bit is enough.. Just a second we are not broken, just bent And we can learn to love again

[29/08/18, 10:32:44 PM] Deven: I am sorry I don't understand where all this is coming from.. I thought that we were fine.. your head is running wild again, my dear we still have everything

[29/08/18, 10:42:04 PM] Deven: I guess this time you are really leaving.. well as my broken heart lies bleeding. You say true love is suicide

**Exhibit-G**

**Lyrics of “Kaathal En Kaathal” with English Translation**

Kaathal En Kaathal Athu Kaneerula. (Oh Love Oh Love that's in the tears)

Pochu Athu Pochu Ada Thaneerula. (It goes it goes in the water)

Kaayam Puthu Kaayam En Ullukulla (wound, A new wound inside)

Paalaana Nenju Ippa Veneerula. (milky soul now in boiling water)

Adidaa Avala. Othadaa Avala. (Beat her , Kick her)

Vidra Avala. Thevayae Illa. (Leave her, we don't need her)

Ethuvum Purila. Ulagam Therila. (Can't understand anything, Can't understand the world)

Sariyaa Varala. Onnumae Illa. (Didn't come the correct way, It's nothing)

Hey Suthuthu Suthuthu Thalayum Suthuthu (Spins Spins My head Starts To Spin)

Guppunu Adicha Beerinila. (Because of the beer we drunk)

Paduthuka Paduthuka Odanae Thelinjudum (Sleep, The Hangover will end)

Kaalaila Adikira Morunula. (To the butter milk in the morning)

Hey Suthuthu Suthuthu Thalayum Suthuthu (Spins Spins My head Starts To Spin)

Guppunu Adicha Beerinila. (Because of the beer we drunk)

Paduthuka Paduthuka Odanae Thelinjudum (Sleep, The Hangover will end)

Kaalaila Adikira Mørunula. (To the butter milk in the morning)

Aayiram Šønniyae Kaathula Vaangala. (You advised me but I didn't hear them)

Šøøpula Aaenguraen Nenjuthaan Thaangala (i am suffering from the sadness. my heart cant take it)

Chinna Chinnathaa Dream Èllam Kandaen. (I dreamt about little little dreams)

Acid Oøthitha Kannukulla. (she poured acid on to it)

Nanban Azhuvura Kashtama Irukku (my friend you are crying, its hard for me)

Kønjam Køøda Ava Othae Illa. (she's not worthy even a little bit)

Thaen Oøruna Nenjukulla Kal Oøruthey Ènna Šølla (absinthe starts to comes from the soul from which honey came)

O Padagirukku Valai Irukku Kadalukkulla Meena Illa (the boat is here ,fish net is here, is there no fish in the ocean to hunt)

Vaenaam Da Vaenaam Intha Kaathal Møagam, (i don't need this love lust)

Pønnunga Èllam Namma Vaazhvin Šaabham. (all girls are our life curse)

Pinnadi Pøyee Naa Kandaen Nyanam. (i got enlightment from following them)

Pattaachu Šaami Ènakithuvae Pøthum. (it's enough god, i got it)

Adidaa Avala. Othadaa Avala. (Beat her, Kick her)

Vidra Avala. Thevayae Illa. (Leave her, we don't need her)

Maan Vizhi Thaen Møzhi, Èn Kili Naan Bali (deers eyes, tasty language,my parrot i am dead)

Kaathali Kaathali Èn Figure Kannagi. (oh love oh love my girl is kannagi. )

Friends'su Køødathaan Irukanum Mama. (we should be with friends)

Figure'ru Vanthuta Rømba Thølla. (if a girl comes its lot of trouble)

Unna Šuttava Urupada Maata. (the girl who hurt you will not be successful)

Unna Thavira Ènnakønnum Illa. (there is nothing other than you to me)

O. Kanavirukku Cøløurae Illa, Padam Paakaraen. Kathayae Illa (there is a dream without color, film without a story)

Odambirukku Uyirae Illa. Uravirukku, Peyarae Illa. (there is a body without life, relationship without a name)

Vaenaam Da Vaenaam Intha Kaathal Møagam (i don't need this love lust)

Pønnunga Èllam Namma Vaazhvin Šaabham. (all girls are our life curse)

Pinnadi Pøyee Naa Kandaen Nyanam. (i got enlightment from following them)

Pattaachu Šaami. Pøthum Machaan. (I felt it god... its enough dude)

Adidaa Avala. Othadaa Avala. (Beat her , Kick her)

Vidra Avala. Thevayae Illa. (Leave her, we don't need her)

Èthuvum Purila. Ulagam Therila. (Can't understand anything, Can't understand the world)

Šariyaa Varala. Onnumae Illa. (Didn't come the correct way, It's nothing)

Paduthuka Paduthuka Odanae Thelinjudum (Sleep, The Hangover will end)

Kaalaila Adikira Mørunula. (To the butter milk in the morning)

Gøød Night. Gøød Night. Ah. Ok. (good night, good night.. ahh..okk)

Gøød Night. Thank Yøu Šø Much Machi. (Good night, Thank you so much dude)

1. The Code of Criminal Procedure, No. 2 of 1974 [↑](#footnote-ref-1)
2. Barat Penal Code, 1860 (45 of 1860), Bare Act, Universal Law Publication [↑](#footnote-ref-2)
3. Black’s Law Dictionary with Pronunciations [↑](#footnote-ref-3)
4. John Salmond, Jurisprudence 378 (Glanville L Williams ed., 10th ed. 1947). [↑](#footnote-ref-4)
5. Tarkeshwar Sahu v. State of Bihar, (2006) 8 SCC 560 [↑](#footnote-ref-5)
6. Rupan Deol Bajaj v. Kanwar Pal Singh Gill, (1995) 6 SCC 194 [↑](#footnote-ref-6)
7. State of Kerala v. Hamsa, (1988) 3 Crimes 161 (Ker) [↑](#footnote-ref-7)
8. T. Manikandan v. The State (Govt of NCT of Delhi), (2017) 237 DLT 271; Renne Priyadarshini Kashyap v. State of Gujarat, 2015 SCC OnLine Guj 5196 [↑](#footnote-ref-8)
9. *St. of Maharastra v. Kashirao,* (2003) 10 SCC 434 [↑](#footnote-ref-9)
10. *Jage Ram v. St. of Haryana,* (2015) 11 SCC 366 [↑](#footnote-ref-10)
11. Raghunath alias Ram Singh, (1940) 16 Luck 194 [↑](#footnote-ref-11)
12. *Hari Mohan Mandal v. St. of Jharkhand*, (2004) 12 SCC 220 [↑](#footnote-ref-12)
13. 1994 SCC OnLine Raj 161 [↑](#footnote-ref-13)
14. *Kaluram vs St. of Assam* 1977 CR LJ 98 [↑](#footnote-ref-14)
15. Sarju Prasad v. State of Bihar, AIR (1965) SC 843 [↑](#footnote-ref-15)
16. *Abhiram Mukhi v St. of Orissa,* 1996 Cri LJ 2341 [↑](#footnote-ref-16)
17. *Pran Dutt v. U.P.* (1983) 1 Crimes 286 [↑](#footnote-ref-17)
18. (2007) 7 SCC 35 [↑](#footnote-ref-18)
19. (2002) 1 SCC 71 [↑](#footnote-ref-19)
20. *Scaria @ Thankan v. State of Kerala* AIR 1955 SC 2342, [↑](#footnote-ref-20)
21. *Duyanu Hariba Mail v State of Maharashtra* (1970) 3 SCC 7, [↑](#footnote-ref-21)
22. *Deo Narain v State of Uttar Pradesh* AIR 1973 SC 473, [↑](#footnote-ref-22)
23. *Kulwant Singh v State of Punjab* (2004) 9 SCC 257, [↑](#footnote-ref-23)
24. *Raj Pal v State of Haryana* (2006) 9 SCC 678, [↑](#footnote-ref-24)
25. *Mohd Khalid v. State of West Bengal,* (2002) 7 SCC 334, [↑](#footnote-ref-25)
26. *Kulwant Singh v State of Punjab* (2004) 9 SCC 257, [↑](#footnote-ref-26)
27. *Arjun v State of Maharashtra* (2012) 5 Scale 52, AIR2012 SC 2181, [↑](#footnote-ref-27)
28. *State of Uttar Pradesh v Gajey Singh* (2009) 11 SCC 414; *Darshan Singh v State of Punjab* AIR 2010 SC 1212 [↑](#footnote-ref-28)
29. *State of Uttar Pradesh v. Chatur Singh* (2005) 13 SCC 360, [↑](#footnote-ref-29)
30. *Dharminder v. State of Himachal Pradesh* (2002) 7 SCC 488, [↑](#footnote-ref-30)
31. *Thakur Mahato v. State of Bihar,* (1972) Cr Lj 835 (Pat), [↑](#footnote-ref-31)
32. *Gurmit Singh v State of Punjab* (2001) 9 SCC 681; [↑](#footnote-ref-32)
33. *Partap v State of Uttar Pradesh* AIR 1976 SC 966; *Buta Singh v State of Punjab* (1991) 2 SCC 612, [↑](#footnote-ref-33)
34. *Laxman Sahu v state of Orissa* AIR 1988 SC 83, (1986) Supp SCC 555. [↑](#footnote-ref-34)
35. R v. Duffy, (1949) 1 All ER 932 [↑](#footnote-ref-35)
36. AIR 1962 SC 605 [↑](#footnote-ref-36)
37. Jaspal Singh & Another v. State, 1986 SCC OnLine Del 46 [↑](#footnote-ref-37)
38. Madhaven v. State of Kerla, 1966 Ker LT 112; Amarjeet Singh, AIR 1970 SC Punjab 279; Chand Singh v State, 1971 Cri LJ 1 1501; *Atma Ram v The State*, (1967) Cri LJ 1697; In re Vadaychi, 1972 Cri LJ 1448; 9. *Duttu Genu Gaikwad v St. of Maharastra*, AIR 1974 SC 387; Hansa Singh, 1977 Cri LJ 1448 ; (1978) PLR 408; *Gurubasavaiah and another v St. of Karnataka Complainant*, 1979 Cri LJ 603. [↑](#footnote-ref-38)