



2026:CGHC:23104-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1555 of 2022

Judgment reserved on 21/04/2026

Judgment delivered on 15/05/2026

Nita Saraf W/o Dilip Saraf Aged About 45 Years R/o Khowa Mandi Ka Pass
Goadpara, P.S. City Kotwali, District : Bilaspur, Chhattisgarh

--- Appellant

versus

State Of Chhattisgarh Through P.S. City Kotwali, District : Bilaspur,
Chhattisgarh

---- Respondent

For Appellant : Mr. Sourabh Dangi, Advocate

For Respondent/State : Ms. Vaishali Mahilong, Deputy G.A.

CRA No. 1798 of 2022

Rajkishor S/o Shatruhan Singh Aged About 30 Years R/o Panna Nagar
Jharhabhata, P. S. Civil Lines, District Bilaspur Chhattisgarh Originally R/o
Village Arana, P. S. Masrakh, District Chhapra, Bihar

---Appellant

Versus

State Of Chhattisgarh Through P. S. City Kotwali District Bilaspur
Chhattisgarh

---- Respondent

For Appellant : Mr. Rishi Rahul Soni, Advocate

For Respondent/State : Ms. Vaishali Mahilong, Deputy G.A.

CRA No. 1823 of 2022

Anil Singh S/o Ram Singh Rajput Aged About 35 Years R/o Tarun Sharma Colony, Yadunandan Nagar, Tifra, Police Station - Sirgitti, District : Bilaspur, Chhattisgarh

---Appellant**Versus**

State Of Chhattisgarh Through Police Station - City Kotwali, District : Bilaspur, Chhattisgarh

---- Respondent

For Appellant	: Mr. Arvind Shrivastava, Advocate (through virtual mode)
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For Respondent/State	: Ms. Vaishali Mahilong, Deputy G.A.
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CRA No. 2018 of 2022

Satish Sharma S/o Kamlakant Sharma, Aged About 30 Years R/o Near Bhairav Baba Mandir, Ratanpur, Police Station Ratanpur, District - Bilaspur, Chhattisgarh, Presently R/o At Tifra, Industrial Area, Azad Chowk, Police Station Sirgitti, District : Bilaspur, Chhattisgarh

---Appellant**Versus**

State Of Chhattisgarh Through - Station House Officer, Police Station City Kotwali, District : Bilaspur, Chhattisgarh

---- Respondent

For Appellant	: Mr. Vinod Kumar Sharma and Mr. Chandra Kumar, Advocates
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For Respondent/State	: Ms. Vaishali Mahilong, Deputy G.A.
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CRA No. 218 of 2023

Harekrishna Kumar S/o Ramnaresh Rai Aged About 24 Years R/o Village Purhara, Police Station - Chauri, District Bhojpur (Bihar) At Present R/o House Of Rajkishore Singh, Panna Nagar, Jarhabhatha, Police Station - Civil Line, District : Bilaspur, Chhattisgarh

---Appellant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station - City Kotwali, Bilaspur, District : Bilaspur, Chhattisgarh

---- Respondent

(Cause title taken from Case Information System)

For Appellant : Mr. Aakash Singh, Advocate

For Respondent/State : Ms. Vaishali Mahilong, Deputy G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

C.A.V. Judgment**Per Ravindra Kumar Agrawal, Judge**

1. All these appeals are arising out of the same incident, same FIR, same sessions trial and from a common judgment, therefore, all the aforesaid appeals are being heard and decided together.
2. The details of criminal appeals filed by the respective appellants are given hereinbelow:-

Criminal Appeals	Appellants/accused persons
CRA No. 1555 of 2022	Nita Saraf
CRA No. 1798 of 2022	Rajkishore

CRA No. 1823 of 2022	Anil Singh
CRA No. 2018 of 2022	Satish Sharma
CRA No. 218 of 2023	Harekrishna Kumar

3. All these appeals have been filed under Section 374(2) of the Code of Criminal Procedure, 1973 by the respective appellants against the impugned judgment of conviction and sentence dated 23.09.2022, passed by learned First Additional Sessions Judge, Bilaspur in Sessions Case No. 113 of 2019. The said sessions trial is arising out of the crime No. 145 of 2019, registered at police station City Kotwali, Bilaspur for the offence under Sections 363, 365, 368, 364-A, 120-B and 34 of IPC. The appellants have been convicted and sentenced in the following manner:-

Conviction	Sentence
U/s 120-B IPC	Rigorous Imprisonment for a term of 14 year and fine of Rs. 10,000/- in default of payment of fine additional R.I. for 1 year.
U/s 363/120-B IPC	Rigorous Imprisonment for a term of 7 year and fine of Rs. 10,000/- in default of payment of fine additional R.I. for 1 year.
U/s 364-A/120-B	Life Imprisonment and fine of Rs 25,000/- in default of payment of fine additional R.I. for 3 years.
U/s 365/120-B IPC	Rigorous Imprisonment for a term of 7 year and fine of Rs 10,000/- in default of payment of fine additional R.I. for 1 year.
U/s 368/120-B IPC	Rigorous Imprisonment for a term of 7 year and fine of Rs 10,000/- in default of payment of fine additional R.I. for 1 year.
All the sentences are directed to run concurrently.	

4. The brief facts of the prosecution's case are that, the appellant Nita Saraf is the aunt of the kidnapped minor victim Virat Saraf (PW-9) (hereinafter referred to as 'victim') and his family member and was well acquainted with the family affairs of victim. She was also having terms with the appellant Anil Singh and some money transaction was also there between them. To compensate their huge outstanding dues, they initially prepared a plan to kidnap the son of the relative of the appellant Nita Saraf namely Satyanarayan Saraf for ransom. They hired appellant Rajkishore Singh, Harekrishna Kumar and Satish Sharma and in furtherance of their conspiracy, they prepared the plan and started Reiki to execute their plan. Since, Satyanarayan Saraf had gone outside of the town along with his family members, the appellants changed their plan and now they targeted the victim, who is also a relative of the appellant Nita Saraf.
5. In the execution of their plan on 10.04.2019, the appellant Rajkishore Singh, Anil Singh, Satish Sharma and Harekrishna had gone to vegetable market, Tifra and by misleading Naresh Dewangan (PW-6), who was running a snack cart (gupchup-bhel seller) there, taken out his SIM card Nos. 7389562148 and 7470557088 from his mobile phone. They purchased an old mobile phone on 18.04.2019 from Rahul Kumar Suryavanshi (PW-8), who was running Chhattisgarh Mobile shop at Chakarbhata. Bilaspur. They inserted both the SIM cards, which were fraudulently taken out from the mobile phone of Naresh Dewangan (PW-6) in the purchased mobile phone from Rahul Kumar Suryavanshi (PW-8) and get a recharge of the said SIM cards

for Rs. 65/- each from Friends Mobile shop, Talapara, Bilaspur on 18.04.2019.

6. It is the further case of prosecution that, on 19.04.2019, the appellant Rajkishore Singh and Harekrishna again conducted Reiki nearby the house of the victim and on 20.04.2019, the appellant Anil Singh, in his Wagon-R car bearing registration No. CG 10 AM 2818 along with the appellants Rajkishore Singh, Harekrishna and Satish Sharma had gone to the house of the victim. Harekrishna identified the victim Virat amongst his friends with whom he was playing and thereafter they gagged his mouth and kidnapped him by the said Wagon-R car. They proceeded towards Railway Station, Bilaspur via old Bus Stand, Shiv Talkies Chowk and Tarbahar Chowk. As per their plan, the appellant Anil Singh was present near Railway Station, Bilaspur in another Duster car of Rajkishore Singh bearing registration No. CG 04 KR 5232. They shifted the victim Virat from Wagon-R car to Duster car and took him to Panna Nagar, Jarhabhata, Bilaspur in the house of appellant Rajkishore Singh. They tied his hands and legs and confined him in a room. The appellant Harekrishna recorded the ransom demand through the voice of victim Virat in his mobile phone.
7. It is also the case of prosecution that, the appellant Rajkishore Singh informed his tenant that he is going to Bihar and proceeded on 21.04.2019 towards Ramajunganj and made a mobile call from the mobile No. 7389562148 [which was taken out fraudulently from the mobile phone of Naresh Dewangan (PW-6)] to the father of the victim namely Vivek Saraf (PW-1) in his mobile phone No. 9039287197 and

made a ransom call and demanded Rs. 6 crores as ransom. The appellant Rajkishore again made a ransom call on 23.04.2019 from Mainpur, District Kusinagar, Uttar Pradesh and on 24.04.2019 from Lahilpur, District Devariya, Uttar Pradesh in the mobile phone of Vivek Saraf (PW-1).

8. The matter was reported to the police by Vivek Saraf (PW-1), father of the victim Virat on 20.04.2019 and the FIR (exhibit P-56) was registered and during the course of investigation, the victim Virat was recovered on 26.04.2019 from the house of the appellant Rajkishore Singh at Panna Nagar, Jarhabhata, Bilaspur from the possession of appellant Harekrishna and Satish Sharma. The appellant Satish Sharma, Harekrishna Kumar and Anil Singh were taken into custody and their memorandum statements (exhibit P-69, P-61A and P-63 respectively) have been recorded. Based on their memorandum statements, the vehicles used in commission of the offence, the mobile phones of the appellants, etc. have been seized. On the basis of memorandum statement of appellant Anil Singh, the appellant Nita Saraf was also taken into custody and her memorandum statement (exhibit P-65) has been recorded and her mobile phone has also been seized. The memorandum statement of appellant Rajkishore Singh (exhibit P-67) was also recorded and his mobile phone has also been seized. The police has obtained the call details record of the seized mobile phones from the respective appellants and it was found that they were closely connected with each others at the relevant point of time and in furtherance of their common object to commit the offence

of kidnapping for ransom, they kidnapped the victim Virat and confined him in the house of appellant Rajkishore Singh at Panna Nagar, Jarhabhata, Bilaspur.

9. During the course of investigation, spot map (exhibit P-2) was prepared by the police. The CCTV footage from the CCTV installed in the house of Manish Kumar (PW-37), Manoj Mansukhani (PW-16) and Arvind Kashyap (PW-13) were obtained by the police in a pen-drive, which are exhibit P-3, P-4 and P-19, respectively. The certificate under Section 65-B of the Indian Evidence Act, 1872 has also been obtained from them, which are exhibit P-55, P-20 and P-18, respectively. From the Wagon-R car of the appellant Rajkishore, one green-coloured chappal has been seized and one green-coloured chappal has been seized from the room, where the victim Virat was confined. The said chappals were identified by Vivek Saraf (PW-1) that the said chappals belongs to his son victim Virat and a panchnama (exhibit P-5) was prepared. From the complainant Vivek Saraf (PW-1), the birth certificate of the victim, his mobile phone, in which ransom call was made by the appellants, have been seized vide seizure memo (exhibit P-6 and P-8). On being receiving the inputs, the house of Rajkishore Singh at Panna Nagar, Jarhabhata was searched by the police and Talashi panchnama (exhibit P-16) written statement prepared and the victim Virat was recovered from there and a recovery panchnama (exhibit P-15) was prepared. At the time of recovery of the victim, biscuit packets, one green-coloured chappal of the victim, sword, jeans pant of the appellant, T-shirt, one pair brown-coloured shoes,

one pair brown-coloured chappal and one pair red-coloured shoes have been seized from the room vide seizure memo (exhibit P-17). The victim, after his recovery, was handed over to his father Vivek Saraf and the Supurdnama (exhibit P-9) was prepared.

10. In the further course of investigation, the Duster car of the appellant Rajkishore Singh bearing No. CG 04 KR 5232 along with its registration papers have been seized from him vide seizure memo (exhibit P-23). The panchnama with respect to the CCTV footage demonstration from the CCTV footage taken out in the pen-drive from the CCTV installed in the house of Manish Kumar (PW-37), Arvind Kashyap (PW-13) were prepared, which are exhibit P-24, P-25 and P-42. The clothes seized from the spot vide seizure memo (exhibit P-17) was also compared from the CCTV footage and relevant panchnama (exhibit P-44) was prepared. The witness Shashikant Desai (PW-24) taken the voice sample of the appellant Rajkishore Singh in a pen-drive, which was seized vide seizure memo (exhibit P-26) and the certificate under Section 65-B of the Indian Evidence Act (exhibit P-57) was also obtained. The investigating officer wrote a letter to the Forensic Science Laboratory, Finger Print Cell, Bilaspur to preserve the fingerprint of the victim Virat as well as the appellants from the Wagon-R car bearing No. CG 10 AM 2818, which was used in kidnapping the victim and the said letters are exhibit P-33 and P-34.
11. During the investigation, spot map (exhibit P-41) was obtained from the Revenue Inspector Nikhil Kumar Jha (PW-31). With respect to the ownership of the house from where the victim Virat was recovered, the

police has wrote a request letter (exhibit P-48) for its revenue document and obtained the online copy of revenue map (exhibit P-45), Khasra Panchshala (exhibit P-46), B-1 Kishtbandi (exhibit P-47) from the witness Smt. Achla Tamboli (PW-33). Along with the memo of Superintendent of Police, Bilaspur, the police wrote a letter (exhibit P-59/158) to the service provider company of the mobile phones with respect to the call details and certificate under Section 65-B of the Indian Evidence Act of the mobile phone numbers 7389562148, 7470557088, 7470879717 and 8827600310 and the IMEI No. 355631072783770, 352035090961430 and 352035090961440 and obtained the relevant documents (exhibit P-159 to P-172).

12. During the investigating, on the basis of memorandum statement of Harekrishna (exhibit P-61A), one mobile phone, one T-shirt and jeans pant, one orange-coloured gamchha and one pair of brown-coloured sandal have been seized vide seizure memo (exhibit P-62A). From the appellant Anil Singh, based on his memorandum statement (exhibit P-63), Wagon-R car used in commission of the offence, one lock and two keys, one mobile phone, newspaper clippings of the subject kidnapping of the victim and one sword like shaped-edged weapon have been seized vide seizure memo (exhibit P-64). From the appellant Nita Saraf, based on his memorandum statement (exhibit P-65), her mobile phone has been seized vide seizure memo (exhibit P-66). From the appellant Rajkishore Singh based on his memorandum statement (exhibit P-67), his mobile phone and SIM card has been seized vide seizure memo (exhibit P-68) and from the appellant Satish

Sharma, based on his memorandum statement (exhibit P-69), two mobile phones have been seized from him. From the seized Wagon-R car, a green-coloured chappal, one keypad mobile, one passport size photograph of the victim Virat and RC book of the car have been seized vide seizure memo (exhibit P-71). The accused persons were put to test identification parade and the victim and witnesses duly identified the appellants and test identification parade panchnama (exhibit P-13, P-14, P-29, P-30, P-31 and P-32) have been prepared. The relevant scientific report from the Cyber Cell, Handwriting Expert, Service Provider company of mobile phones, call details reports and CAF of the mobile phones, CCTV footage, voice sample frequency report, etc. have been obtained by the police. The statements under Section 161 of CRPC of the witnesses have been recorded and after completion of usual investigation, charge sheet was filed against the appellants/accused persons before the learned Judicial Magistrate First Class, Bilaspur for the offence under Sections 363, 365, 364-A, 346, 120-B, 34 and 201 of IPC and Section 25 of Arms Act.

13. The case was committed to the Court of learned Sessions Judge, Bilaspur, from where it has been transferred to the learned trial Court for its trial. The learned trial Court has framed charges against the appellants/accused persons on 11.10.2019 for the offences under Sections 120-B, 363/34, 364-A/34, 365/34 and 368/34 of the IPC. The appellants/accused persons denied the charge and claimed trial. Against the appellant Anil Singh, the charge under Sections 120-B, 363/34, 364-A/34, 365/34 and 368/34 of the IPC and Sections 25(1)

(1b), (B) and 27 of Arms Act have also been framed. He also denied the charge and claimed trial.

14. In order to prove the charge against the appellants/accused persons, the prosecution has examined as many as 54 witnesses and exhibited 191 documents. The statements of the appellants/accused persons under Section 313 of CRPC have also been recorded, in which they denied the circumstances that appears against them, pleaded innocence and have submitted that they have been falsely implicated in the offence. In support of their defence, they have got exhibited three documents (exhibit D-1 to D-3).
15. The details of witnesses, who have been examined in the case and the documents exhibited by the prosecution and defence are given hereinbelow for the sake of convenience:-

साक्षी कं०	साक्षी का नाम	साक्ष्य की प्रकृति
PW 1	विवेक सराफ	प्रथम सूचना पत्र लेखक
PW 2	श्रीमती विभा सराफ	अपहृत बालक की मां
PW 3	राम सोनी	अपहृत बालक साक्षी
PW 4	सुखसागर सोनी	अन्य गवाह
PW 5	रीना बेहरा	चक्षुदर्शी साक्षी
PW 6	नरेश देवांगन	अन्य गवाह
PW 7	सत्यनारायण सराफ	अन्य गवाह
PW 8	राहुल कुमार	अन्य गवाह
PW 9	विराट सराफ	अपहृत बालक

PW 10	रामबली कौशिक	अन्य गवाह
PW 11	सूरज कुमार	गवाह
PW 12	अनुज टंडन	अन्य
PW 13	अरविंद कश्यप	पंच साक्षी
PW 14	गौरव रवानी	पंच साक्षी
PW 15	शांतनु सराफ	पंच साक्षी
PW 16	मनोज मनसुखानी	पंच साक्षी
PW 17	उदय कुमार	पंच साक्षी
PW 18	शैलेन्द्र सराफ	पंच साक्षी
PW 19	जितेंद्र धृतलहरे	पंच साक्षी
PW 20	पुष्पेन्द्र मधु	पंच साक्षी
PW 21	बी०आर० कुम्हार	पंच साक्षी
PW 22	नीरज सोनी	पंच साक्षी
PW 23	दीपक कसेर	पंच साक्षी
PW 24	शशिकांत दोराई	पंच साक्षी
PW 25	शैलेश कुमार वर्मा	पंच साक्षी
PW 26	नारायण प्रसाद	पंच साक्षी
PW 27	श्रीमती विद्या जौहर	पुलिस साक्षी
PW 28	विजय कुमार	पुलिस साक्षी
PW 29	एम०एल०अजगल्ले	पुलिस साक्षी
PW 30	एस०के० तिवारी	पुलिस साक्षी
PW 31	निखिल कुमार झा	पंच साक्षी
PW 32	अजय सिंह	पुलिस साक्षी

PW 33	श्रीमती अचला तंबोली	पंच साक्षी
PW 34	डॉ० मधु आनंद बंजारे	चिकित्सीय साक्षी
PW 35	सुनील यादव	पुलिस साक्षी
PW 36	संजीव नेमा	पंच साक्षी
PW 37	मनीष कुमार	पंच साक्षी
PW 38	विनय साव	पंच साक्षी
PW 39	मोहन	पंच साक्षी
PW 40	भरत लाल राठोर	पुलिस साक्षी
PW 41	नवीन कुमार	पंच साक्षी
PW 42	विकास पटेल	पंच साक्षी
PW 43	सन्नी उर्फ विशाल	पंच साक्षी
PW 44	महेश दुबे	पंच साक्षी
PW 45	अनिल गुलहरे	पंच साक्षी
PW 46	फैजूल होदा शाह	पुलिस साक्षी
PW 47	प्रभाकर तिवारी	पुलिस साक्षी
PW 48	ओमप्रकाश शर्मा	पुलिस साक्षी
PW 49	दीपक यादव	पुलिस साक्षी
PW 50	रोहित कुमार	पुलिस साक्षी
PW 51	हेमंत आदित्य	पुलिस साक्षी
PW 52	अंजू चेलक	पुलिस साक्षी
PW 53	कृष्णा शर्मा	पंच साक्षी
PW 54	पंकज रमैयया	पंच साक्षी

कं०	प्रदर्श	विवरण
1	प्रदर्श पी.-1	प्रथम सूचना रिपोर्ट
2	प्रदर्श पी.-2	मौका नक्शा
3	प्रदर्श पी.-3	संपत्ति जप्ती पत्र
4	प्रदर्श पी.-4	संपत्ति जप्ती पत्र
5	प्रदर्श पी.-5	पंचनामा
6	प्रदर्श पी.-6	संपत्ति जप्ती पत्र
7	प्रदर्श पी.-7	सुपुर्दनामा
8	प्रदर्श पी.-8	संपत्ति जप्ती पत्र
9	प्रदर्श पी.-9	सुपुर्दनामा
10	प्रदर्श पी.-10	प्रार्थी को आरोपीगण की पहचान कार्यवाही करने बाबत् पत्र
11	प्रदर्श पी.-11	संपत्ति जप्ती पत्र
12	प्रदर्श पी.-12	साक्षी नरेश देवांगन का पुलिस कथन
13	प्रदर्श पी.-13	राहुल द्वारा आरोपीगण की पहचान कार्यवाही का दस्तावेज
14	प्रदर्श पी.-14	अपहृत बालक द्वारा आरोपीगण की पहचान कार्यवाही का दस्तावेज
15	प्रदर्श पी.-15	बरामदगी पंचनामा
16	प्रदर्श पी.-16	तलाशी पंचनामा
17	प्रदर्श पी.-17	संपत्ति जप्ती पत्र
18	प्रदर्श पी.-18	धारा 65बी साक्ष्य अधिनियम का प्रमाण पत्र
19	प्रदर्श पी.-19	संपत्ति जप्ती पत्र
20	प्रदर्श पी.-20	धारा 65बी साक्ष्य अधिनियम का प्रमाण पत्र

21	प्रदर्श पी.-21	संपत्ति जप्ती पत्र
22	प्रदर्श पी.-22	संपत्ति जप्ती पत्र
23	प्रदर्श पी0-23	संपत्ति जप्ती पत्र
24	प्रदर्श पी0-24	जप्तशुदा सीसीटीव्ही फुटेज का प्रदर्शन पंचनामा
25	प्रदर्श पी0-25	जप्तशुदा सीसीटीव्ही फुटेज का प्रदर्शन पंचनामा
26	प्रदर्श पी0-26	संपत्ति जप्ती पत्र
27	प्र0पी027	साक्षी राहुल सूर्यवंशी से आरोपियों की पहचान कार्यवाही कराने बाबत प्रेषित पत्र
28	प्र0पी028	साक्षी नरेश देवांगन से आरोपियों की पहचान कार्यवाही कराने बाबत प्रेषित पत्र
29	प्र0पी029	नरेश देवांगन द्वारा आरोपियों की पहचान कार्यवाही
30	प्र0पी030	अपहृत बालक द्वारा आरोपी राजकिशोर की पहचान कार्यवाही
31	प्र0पी031	नरेश देवांगन द्वारा आरोपी राजकिशोर की पहचान कार्यवाही
32	प्र0पी032	राहुल द्वारा आरोपी राजकिशोर की पहचान कार्यवाही
33	प्र0पी033	अपराध में उपयोग किये गये जप्त कार से फिंगर प्रिंट रिजर्व करने बाबत दस्तावेज
34	प्र0पी034	अपहृत बालक के आदर्श अंगुल चिन्ह पर्णिया पाम्प प्रिंट सहित मिलान हेतु उपलब्ध कराये जाने बाबत पत्र
35	प्र0पी035	अपराध में उपयोग की गई कार के उपयोगकर्ता, संदेहियों एवं अपहृत बालक के आदर्श अंगुल चिन्ह पर्णिया प्रेषित करने बाबत दस्तावेज

36	प्र0पी036	आदर्श अंगुल चिन्हों का विवरण रिपोर्ट
37	प्र0पी037	अंतिम विशेषज्ञ मत निर्धारित प्रपत्र
38	प्र0पी038	आरोपी अनिल सिंह का आदर्श अंगुल चिन्ह
39	प्र0पी039	प्रदर्शों का परीक्षण कर अभिमत देने बाबत डायरेक्टर सेंट्रल फोरेंसिक साईंस लेबोरेटरी चण्डीगढ़ को प्रेषित दस्तावेज
40	प्र0पी040	तहसीलदार को मौका नक्शा प्रदान करने बाबत प्रेषित दस्तावेज
41	प्र0पी041	नजरी नक्शा सह पंचनामा
42	प्र0पी042	जप्तशुदा सीसीटीव्ही फुटेज का प्रदर्शन पंचनामा
43	प्र0पी043	जप्तशुदा सीसीटीव्ही फुटेज का प्रदर्शन पंचनामा
44	प्र0पी044	अपहृत बालक के बरामदगी स्थल से जप्त आरोपी के जूतों का सीसीटीव्ही फुटेज से मिलान पंचनामा
45	प्र0पी045	खसरा नक्शा
46	प्र0पी046	खसरा पांचशाला
47	प्र0पी047	बी01
48	प्र0पी048	पन्ना नगर जरहाभाठा स्थित मकान के स्वामी का नाम पता मय राजस्व रिकार्ड प्रदान करने बाबत तहसीलदार को प्रेषित पत्र
49	प्र0पी049	अपहृत बालक का मुलाहिजा रिपोर्ट
50	प्र0पी050	नकल रोजनामचा
51	प्र0पी051	काल डिटेल्ल्स तथा धारा 65बी साक्ष्य अधिनियम का प्रमाण पत्र प्रदान करने बाबत पुलिस अधीक्षक का पत्र
52	प्र0पी052	काल डिटेल्ल्स तथा धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र पुलिस अधीक्षक का प्रदान करने बाबत पत्र

53	प्र0पी053	धारा 65बी साक्ष्य अधिनियम का प्रमाण पत्र
54	प्र0पी054	काल डिटेल्स
55	प्र0पी055	धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र
56	प्र0पी056	आरोपी राजकिशोर के पुलिस अभिरक्षा से भागने के संबंध में प्रथम सूचना रिपोर्ट
57	प्र0पी057	धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र
58	प्र0पी058	मंडल अभियंता बी०एस०एन०एल० द्वारा मो०नं० 9424370666 का काल डिटेल्स पुलिस अधीक्षक बिलासपुर को प्रेषित
59	प्र0पी059	पुलिस अधीक्षक द्वारा सर्किल नोडल आफिसर एम०पी०टेलीकाम को प्रेषित पत्र
60	प्र0पी060	धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र
61	प्र0पी061	संपत्ति जप्ती पत्र
61ए	प्र0पी061ए	आरोपी हरेकृष्ण का मेमोरेण्डम कथन
62	प्र0पी062	पंचनामा
62ए	प्र0पी062ए	जप्ती पत्र
63	प्र0पी063	आरोपी अनिल सिंह का मेमोरेण्डम कथन
64	प्र0पी064	संपत्ति जप्ती पत्र
65	प्र0पी065	आरोपिया नीता सराफ का मेमोरेण्डम कथन
66	प्र0पी066	संपत्ति जप्ती पत्र
67	प्र0पी067	आरोपी राजकिशोर सिंह का मेमोरेण्डम कथन
68	प्र0पी068	संपत्ति जप्ती पत्र

69	प्र0पी069	आरोपी सतीश शर्मा का मेमोरेण्डम कथन
70	प्र0पी070	संपत्ति जप्ती पत्र
71	प्र0पी071	संपत्ति जप्ती पत्र
72	प्र0पी072	कार वैगन आर का तलाशी पंचनामा
73	प्र0पी073	रोजनामचा सान्हा मूल कं0 424 मूल वापस
73सी	प्र0पी073सी	नकल रोजनामचा सान्हा कं0 424
74	प्र0पी074	थाना प्रभारी द्वारा प्रभारी साईबर सेल को जप्तशुदा तीन पेन ड्राईव्ह से संबंधित वाईस व अन्य जानकारी प्रदान करने संबंधी दस्तावेज
75	प्र0पी075	विश्लेषण रिपोर्ट
76	प्र0पी076	सनडिस्क कंपनी 32 जी०व्ही० पेन ड्राईव्ह तथा प्रकरण से संबंधित किसी भी प्रकार का डेटा प्राप्त नहीं होने का ज्ञापन
77	प्र0पी077	पेन ड्राईव्ह में संधारित एस०एम०एस० रिपोर्ट का ज्ञापन सहित रिपोर्ट प्रतिवेदन
78	प्र0पी078	पेन ड्राईव्ह में संधारित एस०एम०एस० रिपोर्ट का ज्ञापन सहित रिपोर्ट प्रतिवेदन
78ए	प्र0पी078ए	आरोपी से जप्त मोबाईल फोन से डिलीट किये गये काल रिकार्ड, एस०एम०एस०, व्हाटसप चेट डेटा का बकअप प्रदान करने बाबत
79	प्र0पी079	धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र
80	प्र०पी०80	जांच रिपोर्ट कव्हरिंग लेटर
81	प्र0पी081	जांच रिपोर्ट कव्हरिंग लेटर
82	प्र0पी082	धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र

83	प्र0पी083	इण्टरसेप्शन पर लिये गये मोबाईल नंबरों के वाइस रिकार्ड का ट्रांसक्रिप्शन रिपोर्ट प्रदान करने बाबत ज्ञापन
84	प्र0पी084	ट्रांसक्रिप्शन रिपोर्ट
85	प्र0पी085	धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र
86	प्र0पी086	अपराध में प्रयुक्त मोबाईल नंबर को सर्च कर रिपोर्ट प्रदान करने बाबत आवेदन
87	प्र0पी087	अपराध में प्रयुक्त मोबाईल का लोकेशन रिपोर्ट
88	प्र0पी088	धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र
89	प्र0पी089	काल डिटेल्स बाबत थाना प्रभारी सिटी कोतवाली का आवेदन
90	प्र०पी090	धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र
91	प्र0पी091	अपराध में प्रयुक्त मोबाईल का टॉवर डंप लेकर नंबरों का विश्लेषण कर जानकारी प्रदान करने बाबत आवेदन
92	प्र0पी092	अपराध में प्रयुक्त मोबाईल का काल डिटेल्स रिपोर्ट
93	प्र0पी093	टॉवर डंप रिपोर्ट
94	प्र0पी094	संदिग्ध मो0नं0 6265277747 एवं 6203194940 का सी०डी०आर० एवं केप रिपोर्ट प्रदान करने बाबत आवेदन
95	प्र0पी095	जियो कंपनी से प्राप्त काल डिटेल्स
96	प्र0पी096	धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र
97	प्र0पी097	मो0नं0 8770846976 का सी०डी०आर० एवं केप रिपोर्ट प्रदान करने बाबत पत्र

98	प्र0पी098	मो0नं0 8770846976 का लोकेशन लगाकर प्रिंट आउट तैयार कर नाम एवं पते की जानकारी थाना प्रभारी को देने संबंधी दस्तावेज
99	प्र0पी099	संदिग्ध मो0नं0 6265277747 से घटना दिनांक एवं पूर्व में लगातार बातचीत करने वाले मोबाईल नं0 9131241949, 9770065832, 9424370666 का काल डिटेल्स एवं केप रिपोर्ट प्रदान करने बाबत आवेदन
100	प्र0पी0100	मोबाईल नं 9131241949 से आरोपी राजकिशोर के मो0नं0 6265277747 एवं आरोपी नीता सराफ के मो0नं0 8770846976 पर बातचीत होने का काल डिटेल्स
101	प्र0पी0101	धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र
102	प्र0पी0102	मो0नं0 9770065832 का काल डिटेल्स
103	प्र0पी0103	मो0नं0 9424370666 का काल डिटेल्स
104	प्र0पी0104	धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र
105	प्र0पी0105	मो0नं0 8435527462 का काल डिटेल्स तथा नाम पते की जानकारी बाबत
106	प्र0पी0106	धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र
107	प्र0पी0107	मो0नं0 7470879717 का काल डिटेल्स
108	प्र0पी0108	मो0नं0 8827600310 का काल डिटेल्स
109	प्र0पी0109	मो0नं0 8877305004 का काल डिटेल्स
110	प्र0पी0110	मो0नं0 9709291605 का काल डिटेल्स

111	प्र0पी0111	आई॰एम॰ई॰आई 355631072783775, 352035090961434, 352035090961440 352035090961434 आई॰एम॰ई॰आई॰ काल डिटेल्स प्रिंट आउट	नंबर तथा का
112	प्र0पी0112	धारा 65 बी साक्ष्य अधिनियम का प्रमाण पत्र	
113	प्र0पी0113	नोटिस धारा 160 दं॰प्र॰सं॰	
114	प्र0पी0114	नोटिस धारा 160 दं॰प्र॰सं॰	
115	प्र0पी0115	नोटिस धारा 160 दं॰प्र॰सं॰	
116	प्र0पी0116	एम॰एल॰सी॰	
117	प्र0पी0117	संपत्ति जप्ती पत्र	
118	प्र0पी0118	गिरफ्तारी पत्र	
119	प्र0पी0119	गिरफ्तारी पत्र	
120	प्र0पी0120	गिरफ्तारी पत्र	
121	प्र0पी0121	गिरफ्तारी पत्र	
122	प्र0पी0122	गिरफ्तारी पत्र	
123	प्र0पी0123	रेडियोमैसेज	
124	प्र0पी0124	वितंतु संदेश	
125	प्र0पी0125	वितंतु संदेश	
126	प्र0पी0126	गिरफ्तारी की सूचना	
127	प्र0पी0127	रेडियोमैसेज	
128	प्र0पी0128	चेकलिस्ट	
129	प्र0पी0129	आरोपीगण की पहचान कार्यवाही बाबत तहसीलदार को प्रेषित पत्र	

130	प्र0पी0130	आरोपीगण की पहचान कार्यवाही अपहृत बालक से कराये जाने बाबत तहसीलदार को प्रेषित पत्र
131	प्र0पी0131	आरोपीगण की पहचान कार्यवाही नरेश देवांगन से से कराने बाबत तहसीलदार को प्रेषित पत्र
132	प्र0पी0132	आरोपीगण की पहचान कार्यवाही राहुल कुमार सूर्यवंशी से कराने बाबत तहसीलदार को प्रेषित पत्र
133	प्र0पी0133	नोटिस
134	प्र0पी0134	अपहृत बालक के बरामद स्थल के संबंध में स्वामित्व का दस्तावेज उपलब्ध कराने बाबत तहसीलदार को प्रेषित पत्र
135	प्र0पी0135	अपहृत बालक का कलमबद्ध बयान दर्ज करने बाबत पत्र
136	प्र0पी0136	आरोपी का वायस सेम्पल लेने की अनुमति बाबत पत्र
137	प्र0पी0137	आरोपी का साउंड रिकार्ड करने बाबत पत्र
138	प्र0पी0138	दैनिक समाचार पत्र का अपहरण से संबंधी समाचार का कतरन
139	प्र0पी0139	अपराध में प्रयुक्त मोबाईल के रिचार्ज से संबंधित दस्तावेज
140	प्र0पी0140	सी०डब्ल्यू०सी० को अपहृत बालक का कथन दर्ज करने बाबत पत्र
141	प्र0पी0141	साईबर सेल को आरोपियों द्वारा उपयोग किये गये मोबाईल नंबरों का विश्लेषण कर रिपोर्ट देने बाबत
142	प्र0पी0142	जन्म प्रमाण पत्र
143सी	प्र0पी0143सी	आरोपी राजकिशोर का थाना रतनपुर में दर्ज पूर्व के आपराधिक रिकार्ड के संबंध में जरायम की सत्यापित प्रति

144	प्र०पी०144	मो०नं० 7974299198, 9039287197, 9981005234, 8319007668, 9993338080, 8770466174, 9753000097, 7089560508 का सात दिवस का इण्टरसेप्शन कराने बाबत
145	प्र०पी०145	उक्त मोबाईल का आई०एम०ई०आई०नंबर का सात दिवस का इण्टरसेप्शन कराने बाबत
146	प्र०पी०146	मो०नं० 6265310334, 7879390213 का सात दिवस का इण्टरसेप्शन कराने बाबत
147	प्र०पी०147	मो०नं० 7470557088, 8435527462 का सात दिवस का इण्टरसेप्शन कराने बाबत
148	प्र०पी०148	मो०नं० 7389562148 का सात दिवस का इण्टरसेप्शन कराने बाबत
149	प्र०पी०149	मो०नं० 9770158655 का सात दिवस का इण्टरसेप्शन कराने बाबत
150	प्र०पी० 0150	मो०नं० 620321940, 6265277747 का सात दिवस का इण्टरसेप्शन कराने बाबत
151	प्र०पी० 0151	मो०नं० 9770065832, 9399520765, 8827600310 का सात दिवस का इण्टरसेप्शन कराने बाबत
152	प्र०पी० 0152	मो०नं० 9709291605 का सात दिवस का इण्टरसेप्शन कराने बाबत
153	प्र०पी० 0153	मो०नं० 6287932460, 6287845500 का सात दिवस का इण्टरसेप्शन कराने बाबत
154	प्र०पी० 0154	इण्टरसेप्शन पर लिये गये मो०नंबरों के वाईस रिकार्ड का ट्रांसक्रिप्शन कर प्रदान करने बाबत पुलिस अधीक्षक को आवेदन
155	प्र०पी० 0155	प्रार्थी से जप्त मोबाईल का काल लाग तथा आडियो रिकार्ड उपलब्ध कराने बाबत पुलिस अधीक्षक को आवेदन

156	प्र०पी० 0156	इण्टरसेप्शन पर लिये गये मो०नंबरों के वाईस रिकार्ड उपलब्ध कराने बाबत पुलिस अधीक्षक को आवेदन
157	प्र०पी० 0157	केन्द्रीय न्यायालयिक विज्ञान प्रयोगशाला चण्डीगढ़ की रिपोर्ट
158	प्र०पी० 0158	नोडल अधिकारी एयरटेल कंपनी को काल डिटेल एवं धारा 65 साक्ष्य अधिनियम का प्रमाण पत्र प्रदान करने बाबत प्रेषित पत्र
159	प्र०पी० 0159	एयरटेल इंदौर का जवाबी पत्र
160	प्र०पी० 0160	काल डिटेल्स
161	प्र०पी० 0161	काल डिटेल्स
162	प्र०पी० 0162	काल डिटेल्स
163	प्र०पी० 0163	काल डिटेल्स
164	प्र०पी० 0164	काल डिटेल्स
165	प्र०पी० 0165	काल डिटेल्स
166	प्र०पी० 0166	काल डिटेल्स
167	प्र०पी० 0167	धारा 65 बी का प्रमाण पत्र
168	प्र०पी० 0168	मोबाईल का काल डिटेल्स के संबंध में प्रतिवेदन
169	प्र०पी० 0169	मोबाईल के काल डिटेल्स के संबंध में धारा 65 बी का प्रमाण पत्र
170	प्र०पी० 0170	मोबाईल नंबर 8435527462 का एसडीआर जो 28 पन्नों में है
171	प्र०पी० 0171	मोबाईल नंबर 8435527462 का सीडीआर जो 28 पन्नों में है
172	प्र०पी० 0172	मोबाईल नंबर 8877305004 का सीडीआर जो 04 पेज में है
173	प्र०पी० 0173	मोबाईल नंबर 8877305004 का एसडीआर जो 01 पेज में है

174	आर्टिकल 1	पेन ड्राईव्ह
175	आर्टिकल 2	पेन ड्राईव्ह
176	आर्टिकल 3	पेन ड्राईव्ह
177	आर्टिकल 4	पेन ड्राईव्ह
178	आर्टिकल 5	पेन ड्राईव्ह
179	आर्टिकल 6	पेन ड्राईव्ह
180	आर्टिकल 7	की-पेड मोबाईल
181	आर्टिकल 8	टूटा ताला
182	आर्टिकल 9	एक नग लाल रंग के पॉलिथीन में तीन पैकेट गुड-डे बिस्किट, एक नग डार्क नीला रंग का जींस पैट जिसमें स्पार्क लिखा है, एक नग स्काई रंग का जींस पैट जिसमें टीडीयू लिखा है, एक नग डार्क नीला रंग का फुल शर्ट जिसमें अंग्रेजी में सिग्नेचर लिखा है कॉलर में लगा है, एक जोड़ी भूरा रंग का जूता व एक जोड़ी लाल रंग का जूता, एक जोड़ी कथे रंग का लेदर का चप्पल, एक नग कार का सन गार्ड, एक नग धारदार तलवार, एक नग लोहे का गुप्तीनुमा धारदार हथियार, एक नग हरे रंग का चप्पल, रिनॉल्ट कंपनी का बिल नंबर 3928 दिनांक 02.03.2019
183	आर्टिकल 10	आरोपी हरे कृष्ण राय से एक ओप्पो कंपनी का मोबाईल, एक नग फिका ग्रे रंग का टी-शर्ट जिसके बांह में काले रंग का 03 लिखा है, एक नग नीला रंग का जींस फुल पैट जिसमें एडवेन जींस लिखा है, एक नग ऑरेंज कलर का गमछा, एक जोड़ी भूरे रंग का चप्पल (सैण्डल)
184	आर्टिकल 11	आरोपी सतीश शर्मा से एक नग रेडमी कंपनी का मोबाईल, एक नग एचटीसी कंपनी का मोबाईल
185	आर्टिकल 12	आरोपी अनिल सिंह राजपूत से एक नग वेगनआर क्र. सीजी-10-ए.एन.-2818 सफेद रंग, एक नग सैमसंग गैलेक्सी ए-05, एक नग लोहे का तलवारनुमा

		धारदार हथियार तथा वेगनआर क्र. सीजी-10-ए.एन.-2818 की तलाशी पर बच्चे का एक हरे रंग का चप्पल, एक नग सैमसंग ड्यूस कंपनी कीपैड मोबाईल, वेगनआर कार का आरसी,
186	आर्टिकल 13	अपहृत बालक विराट सराफ का पोस्ट कार्ड साईज का रंगीन फोटोग्राफ
187	आर्टिकल 14	आरोपिया नीता सराफ से एक नग सैमसंग गैलेक्सी कंपनी का मोबाईल
188	आर्टिकल 15	फ्रेंड्स मोबाईल शॉप के संचालक पुष्पेन्द्र से एक नग क्लासमेट कॉपी,
189	आर्टिकल 16	विवेक सराफ से एक नग एमआई कंपनी का मोबाईल
190	आर्टिकल 17	आरोपी राजकिशोर सिंह से एक नग सैमसंग कंपनी का कीपैड मोबाईल, एक नग एयरटेल कंपनी का सिमकार्ड, एक नग जियो कंपनी का सिमकार्ड
191	आर्टिकल 18 एवं 19	रायपुर तकनीकी शाखा पुलिस मुख्यालय रायपुर से प्राप्त दो नग डाटा रिकवर का पेन ड्राईव
192	प्र0डी01	प्रार्थी विवेक सराफ का पुलिस कथन
193	प्र0डी02	साक्षी सुखसागर सोनी का पुलिस कथन
194	प्र0डी03	साक्षी सूरज कुमार का पुलिस कथन

16. After appreciation of oral as well as documentary evidence led by the parties, the learned trial Court has convicted and sentenced the appellants/accused persons, as mentioned in earlier part of this judgment. Hence these appeals.
17. Mr. Arvind Shrivastava, learned counsel appearing for the appellant-Anil (in CRA No. 1823 of 2022) would submit that, there is no direct evidence against the appellant Anil Singh. The circumstances, to

which the learned trial Court founded the conviction against the appellant Anil Singh are not proved as there are various missing link in the chain of circumstances. The evidences, which the learned trial Court relied are not legally admissible evidence. The inculpatory part of the memorandum statement of the co-accused persons cannot be taken into consideration for holding conviction and it is only admissible to the extent of discovery of fact, if any. The allegation against the present appellant is that, he was the driver of the said Duster car, who had taken the victim Virat from Railway Station to Jarhabhata, Bilaspur. There is no allegation that he at any point of time made ransom call to the father of the victim and demanded ransom or threatened him with dire consequences, therefore, the appellant Anil Singh cannot be convicted for the offence under Section 364-A of the IPC. He would further submit that to attract the offence of Section 364-A of the IPC the proof of kidnapping along with demand of money must be coupled with threat of death or hurt. In the present case, there requirements are missing. In the FIR, there is no mention of any demand of ransom or threat. The prosecution has failed to brought on record the threat or harm as required for the offence of Section 364-A of the IPC. He would next submit that the test identification of the appellant Anil Singh conducted by the Executive Magistrate Narayan Prasad Gabel (PW-26) is suffers from various irregularities. The witness to the test identification parade Naresh Dewangan (PW-6) has not supported the prosecution's case. The place where the test identification parade of the appellant Anil Singh is said to have been

conducted is at Lal Bahadur Shastri school, whereas the witness Mahesh Dubey (PW-44) stated in his evidence that the test identification parade of the appellant Anil Singh was conducted at Tahsil Office Bilaspur. Further there is no time mentioned in the test identification memo (exhibit P-14). He would also submit that even during recording of the evidence of the victim Virat (PW-9), he has not identified the appellant Anil Singh as the person involved in the offence. Thus, the dock identification is also not available against the present appellant.

18. He would further submit that the circumstance that the fingerprint of the victim Virat was found on the left back window glass of Wagon-R car and the car being seized from the appellant Anil Singh is also suspicious. It is the case of the prosecution that the victim Virat was taken from his house by Wagon-R car up to Railway Station, from there he was taken in a Duster car. In such circumstances, the fingerprint of the victim Virat should also be found in Duster car also, but it is not found so. The Wagon-R car was in possession of the appellant Anil Singh much prior to the date of incident and it was within his use, therefore, the fingerprint of the appellant Anil Singh found on the said Wagon-R car is quite natural. It is also to be noted that the fingerprint of any of the other co-accused persons have not been found in the said Wagon-R car. Even after seizure of the said Wagon-R car, it was kept in an open place accessible to all and in such condition the evidence of fingerprint have not much significance in the case. Further, no panchnama for taking the fingerprint from the

Wagon-R car was prepared by the police, as to when, where and in whose presence the sample of fingerprint were taken from the Wagon-R car.

19. It is also submitted that the call details record also does not suffice to hold that the appellant Anil Singh involved in the alleged offence. The appellant Anil Singh and co-accused Nita Saraf and Rajkishore were well acquainted with each others and having talking terms with respect to their business. Even otherwise the call details do not prove the contents of conversation between them to prove the existence of their conspiracy or unlawful agreement between them. The prosecution has failed to prove that what were the conversation between the accused persons who was holding the device at the relevant time or the call concerned kidnapping for ransom. He would also submit that seizure of one chappal from Wagon-R car and seizure of one chappal from the room where the victim Virat was found is also planted only to connect the appellant Anil Singh in the offence in question. If the victim Virat wore one pair of chappal, both the part of the pair should be recovered from the same place, however the recoveries of the chappals have been made from the different places. The appellant Anil Singh may have thrown out one piece of chappal of the victim, which was allegedly seized from the Wagon-R car within the said period of 7 days when the victim Virat was recovered. Further, from the CCTV footage an unnumbered Wagon-R car was reflected, which was used in the offence. There are substantial difference in visibility of the Wagon-R car in different camera of the CCTV at the relevant time, which makes

it inadmissible piece of evidence. Thus, it is quite apparent that the prosecution has failed to prove its case beyond reasonable doubt against the appellant Anil Singh, therefore, he is entitled for acquittal. He would rely upon the judgment of **Shaik Ahmed v. State of Telangana**, 2021 (9) SCC 59 and **Ishwar Prasad v. State of Chhattisgarh**, judgment dated 20.01.2025 by this Court in CRA No. 828 of 2021.

20. Mr. Sourabh Dangi, learned counsel appearing for the appellant Nita Saraf (in CRA No. 1555 of 2022) would submit that, the circumstances against the appellant Nita Saraf is only that her memorandum and the memorandum statement of other co-accused person and based on the memorandum seizure of her mobile phone and its call details record. There is no allegation against her that she was actively participated in kidnapping the victim Virat or was not found on the spot. It is only a suspicion of the father of the victim Virat namely Vivek Saraf (PW-1), who stated that he raised a suspicion that someone from his own house is informing the kidnapper and the appellant Nita Saraf used to visit the house of the victim Virat daily between the period 20.04.2019 and 26.04.2019. However this fact is an omission in his 161 CRPC statement. The evidence of Vibha Saraf (PW-2) and mother of the victim Virat also supported the defence of appellant Nita Saraf that she had no suspicion on the appellant Nita Saraf prior to her arrest. He would also submit that in the memorandum statement of the co-accused Anil Singh (exhibit P-63) and memorandum statement of Rajkishore Singh (exhibit P-67), the name of present appellant Nita

Saraf was disclosed and in the light of the provisions of Sections 25 and 26 of the Indian Evidence Act, 1872, such statement is inadmissible in evidence.

21. He would next submitted that the circumstance that the appellant Nita Saraf had the mobile conversation with the appellant Anil Singh through their mobile phones is not conclusive to hold that the appellant Nita Saraf is also involved in the conspiracy to kidnap the victim Virat or to demand ransom. There were telephonic conversation between them since so many years, which reflected from the CDR. The CDR does not complete the chain of circumstances, which are essential to implicate the appellant Nita Saraf for the offence of conspiracy with the other accused persons. He would also submit that the chain of circumstances has not been completed and only on suspicion, the appellant Nita Saraf held guilty for the alleged offence, which is not sustainable. In support of his submission, he would rely upon the judgment of **Darshan Singh v. State of Punjab**, 2024 SCC Online SC 17, **K.R. Purushothaman v. State of Kerala**, 2005 (2) SCC 631, **Indra Dalal v. State of Haryana**, 2015 (11) SCC 31, **Babu v. State of Kerala**, 2010 (9) SCC 189 and **Kiriti Pal v. State of West Bengal**, 2015 (11) SCC 178.
22. Mr. Rishi Rahul Soni, learned counsel appearing for the appellant Rajkishore (in CRA No. 1798 of 2022) would submit that, the appellant Rajkishore is innocent and has been falsely implicated in the offence. It was the case of the prosecution that the appellant Rajkishore had made a ransom call to the mobile phone of the father of the victim from

his mobile phone, but the mobile number, which was used for making a ransom call is belongs to one Naresh Dewangan (PW-6). It is also the case of prosecution that the mobile phone of Naresh Dewangan (PW-6) was deceitfully taken by the accused persons under pretext of need of mobile torch to attend the call of nature and SIM card of the said mobile phone were removed and the said SIM card were used for the ransom call, however Naresh Dewangan (PW-6) has not supported the prosecution's case to that effect. The prosecution could not confronted the police statement of Naresh Dewangan (PW-6) with the evidence of Anju Chelak (PW-52), who was the investigating officer of the case. The prosecution has made an attempt to show that the keypad mobile was sold to the present appellant Rajkishore by Rahul Kumar (PW-8), which was used for making ransom call by the SIM card deceitfully taken from Naresh Dewangan (PW-6). The evidence that the said mobile phone was pledged by Rambali Kaushik (PW-10) to Rahul Kumar (PW-8) and then it was sold to the appellant Rajkishore could not be proved by the prosecution by producing relevant documents of the same. There are substantial variants in the timing, tower location and its holder and it is sufficient to discard the said evidence. The CDR of the mobile phones have not been proved in accordance with law, because as per Section 65-B(2) of the Indian Evidence Act, the print out of the CDR must be taken from the electronic device which was used regularly to store or process information. In the present case, the copy of CDR was print out from the computer of Hemant Aditya (PW-51) after obtaining the same from

Telecom company through e-mail. The said computer print out of CDR is not of original evidence, but of secondary evidence and are not admissible in evidence in the light of the provisions of Section 65-B(2) of the Evidence Act.

23. He would also submit that the house from where the victim Virat was recovered is in the name of Shatruhan Singh, who was the father of the appellant Rajkishore. Tenants are residing there and it was not in exclusive possession of the appellant Rajkishore and the room, where the victim Virat was allegedly confined was rented part of the house. Further, from the evidence of Suraj Kumar (PW-11), it is clear that on the date when the victim Virat was recovered, the appellant Rajkishore was at Bihar. So far as the test identification parade is concerned, the evidence available on record clearly shows that the photographs of the accused persons were already published in the newspapers and therefore, the test identification parade conducted by the police after publication of photographs of the accused persons in a newspaper loses its efficacy and cannot be considered to be a chain of circumstance. The witness Naresh Dewangan (PW-6) has not supported the identification of the appellant Rajkishore in the test identification parade.
24. It is next submitted that the voice sample of the appellant Rajkishore is also doubtful in absence of any panchnama prepared for the same. The witness Naveen Kumar Jaiswal (PW-41) denied the taken of voice sample from the appellant Rajkishore. The witnesses to the seizure of voice sample Shashikant Dorai (PW-24) and Shailesh Kumar Verma

(PW-25) are also not supported the prosecution's case. The seizure of Duster car, mobile phone and two SIM cards from the appellant Rajkishore is also not helpful to the prosecution in absence of any clinching evidence that the said Duster car and mobile phone was used in commission of the offence. Further, the prosecution has failed to establish the requirement of Section 364-A of the IPC and would submit that to attract of offence of 364-A of the IPC, there should be a reasonable apprehension of such a consequence or causing death or hurt in order to compel the payment of ransom, which is missing in the present case, therefore, the prosecution has miserably failed to prove its case beyond reasonable doubt against the appellant Rajkishore and in absence of cogent, clinching and complete chain of circumstances, the appellant Rajkishore cannot be convicted and he is entitled for acquittal. He would also rely upon the judgment of **Krishna Chander v. State of Delhi**, 2016 (3) SCC 108, **William Stephen v. State of Tamil Nadu and another**, 2024 (5) SCC 258, **Rahil and another v. State**, 2025 SCC Online SC 1481, **Arjun Pandit Rao Khotkar v. Kailash Kushan Rao Gorantyal**, 2020 (7) SCC 1, **Krishna Pradhan v. State of West Bengal**, 2025 SCC Online Cal. 2083, **Pramod v. State of Chhattisgarh**, 2024 SCC Online Chh. 3080 and **Deepak Shukla v. State of Chhattisgarh**, 2025 SCC Online Chh. 13936.

25. Mr. Vinod Kumar Sharma, learned counsel appearing for the appellant Satish Sharma (in CRA No. 2018 of 2022), in addition to the submissions made by learned counsel for the other appellants would

submit that there are material omissions and contradictions in the evidence of prosecution witnesses, which cannot be made basis to convict the appellant for the offence in question. There may be a suspicion upon the appellant that he may also be involved in the offence in question, but his involvement is required to be proved by the prosecution beyond reasonable doubt. He would also challenge the genuineness and credibility of the test identification parade as well as the connectivity through the CDR with the other accused persons. He would also submit that there should be some clinching evidence to prove the conspiracy or meeting of mind of the accused persons before the alleged incident. There is no active participation alleged against the present appellant Satish Sharma in the offence in question and nothing incriminating article, which are allegedly used in commission of the offence has been seized from the applicant Satish Sharma. The evidence against him is only the mobile call details, which is not sufficient to hold that he too have involved in the offence along with other co-accused persons. He would also rely upon the judgment of **Kiriti Pal v. State of West Bengal**, 2015 (11) SCC 178.

26. Mr. Aakash Singh, learned counsel appearing for the appellant Harekrishna Rai (in CRA No. 218 of 2023) would also submit that the conviction of the appellant Harekrishna Rai is based on the evidence of the victim Virat (PW-9), who alleged that he was recovered from the possession of the present appellant, however during his deposition before the Court, he has not identified the appellant Harekrishna Rai as kidnapper who kept him in the room. It is also submitted by him that

from the evidence produced by the prosecution the threat or danger to life have not been reflected and thus the offence of Section 364-A would not be made out. The evidence produced by the prosecution is contradictory in its own and inconsistent in the material point of allegation and the same cannot be relied upon to base conviction of the appellant. He also claimed acquittal of the appellant Harekrishna Rai from the alleged offences.

27. Per contra, learned counsel for the State oppose the submissions made by learned counsel for the respective petitioners and submits that initially, the accused persons have conspired for kidnapping of the son of Satyanarayan Saraf, however when they had gone outside, the accused persons changed their plan to kidnap the victim Virat. On 19.04.2019, the accused persons Harekrishna, Rajkishore Singh, Satish Sharma and Anil Singh made Reiki to the spot, so that they can execute their plan successfully. On 20.04.2019, they again made a Reiki and when the victim Virat came out from his house and playing with his friends nearby his house, the accused Harekrishna got confirmed name and his family members and thereafter the accused Harekrishna, Satish Sharma and Rajkishore Singh gagged his mouth and kidnapped him by white coloured Wagon-R car. They proceeded towards Old Bus Stand, Shiv Talkies Chowk, Tarbahar chowk and had gone towards Railway Station. They shifted the victim Virat from Wagon-R car to a Duster car, which was being driven by Anil Singh and they took him to the house of Rajkishore Singh at Panna Nagar, Jarhabhata. When the father of the victim came to know about the

incident of kidnapping of his minor son, he immediately lodged the report to the police.

28. He would further submit that on 21.04.2019, the father of the victim received a ransom call to his mobile number 7389562148 from the mobile number 9039287197 and demanded Rs. 6 crores as ransom. On surveillance, the said mobile number was found to be belonged to Naresh Dewangan (PW-6). On being interrogation, it was found that his mobile SIM card was activated in another mobile phone, which was purchased by the accused persons on 18.04.2019 from the shop of Rahul Kumar (PW-8). The said mobile phone was belonged to one Rambali (PW-10), who pledged the said mobile set with Rahul Kumar (PW-8), who sold it to the accused persons. The witness Rahul Kumar (PW-8) identified the accused Rajkishore who purchased the mobile phone from his shop. After its purchase of the mobile set, the accused persons inserted the SIM cards, which were fraudulently taken from Naresh Dewangan (PW-6) and get it recharged for Rs. 65/- each from the Friends Mobile Shop, Talapara, Bilaspur on 18.04.2019. The said mobile phone and SIM cards were used in making ransom demand. The transcript of the ransom call and voice recording was also prepared and from the tower location of the suspected mobile phones and their CDRs clearly shows their closed connection with each others at the relevant point of time, which are meeting of their mind to hatched conspiracy and to commit the offence. He would also submit that the victim Virat was recovered on 26.04.2019 from the house of Rajkishore Singh and from the possession of Satish Sharma and

Harekrishna after broke opened the lock of the room. Their call details, tower location, voice recording and transcript and other electronic evidence clearly and directly connects them, which are the basis to prove their conspiracy. In furtherance of their conspiracy, they kidnapped the victim Virat and made a ransom call to his father. There is no justification from the accused persons as to how the victim Virat was found inside the room of the house of Rajkishore at Panna Nagar, Jarhabhata. The victim Virat has duly supported the prosecution's case and identified the accused persons. Though the accused Nita Saraf was not present on the spot, but from the evidence and the mobile call details and her conduct that she supplied the information of day-to-day affairs of the house of the victim to the other accused persons after kidnapping of the victim Virat, so that they may remain alert with the action taken by the father of the victim Virat and police investigation.

29. It is also submitted that in the test identification parade, the victim Virat has duly identified the persons who kidnapped him. The scientific evidence of the fingerprint found on the Wagon-R car further supported his kidnapping by the seized Wagon-R car and the CCTV footage also confirmed involvement of the accused persons and the said Wagon-R car in the offence. The accused persons had kidnapped the victim Virat for ransom and his father was threatened on account of ransom demand. Thus, there are sufficient and overwhelming evidence available on record against the accused persons with respect to the manner as to how they conspired together and acted

upon on their conspiracy and to execute their plan. Therefore, there is no merit in their appeals and the same are liable to be dismissed.

30. We have heard learned counsel for the respective parties and considered their rival submissions made herein above and also gone through the records of the trial court with utmost circumspection.
31. The principal points for consideration in the present appeals are whether the prosecution has succeeded in proving beyond reasonable doubt that the appellants, pursuant to a pre-planned criminal conspiracy and in furtherance of their common intention, kidnapped minor child Virat Saraf for ransom, illegally confined him and participated in execution of the offence; whether the identity and involvement of the accused persons stand duly established through the testimony of the victim and other prosecution witnesses, CCTV footage, test identification proceedings, recovery of the victim and incriminating articles, memorandum statements and consequential recoveries; whether the electronic evidence including call detail records, tower locations, IMEI linkage, intercepted conversations, voice recordings and other digital data, supported by certificates under Section 65-B of the Indian Evidence Act including fingerprint examination corroborates the prosecution case; whether the prosecution has established a complete and unbroken chain of circumstances excluding every hypothesis consistent with innocence; and whether the learned trial Court committed any illegality, perversity or infirmity in recording the conviction and sentence against the

appellants for the offences punishable under Sections 120-B, 363, 364-A, 365 and 368 of the Indian Penal Code.

32. While examining the correctness and legality of the judgment passed by the learned trial Court, we found that the learned trial Court has relied upon the following circumstances in para 160 of its judgment for convicting the accused persons, which are as under:

“1. घटना दिनांक 20.04.2019 के पूर्व आरोपीगण के द्वारा अपराध हेतु योजना बनाना।

2. घटना दिनांक 20.04.2019 के पूर्व घटनास्थल की आरोपी अनिल सिंह, राजकिशोर सिंह, सतीश शर्मा एवं हरेकृष्ण के द्वारा घटनास्थल की रेकी किया जाना।

3. दिनांक 20.04.2019 को अपहृत घटनास्थल में आरोपी राजकिशोर, सतीश शर्मा एवं हरेकृष्ण का, आरोपी अनिल सिंह की वेगन आर कार से घटनास्थल पर पहुंचना व अपहृत बालक के निकलने पर उससे पूछताछ कर उसे उक्त वेगन आर कार में व्यपहरण/अपहरण कर ले जाना।

4. अपराध में प्रयुक्त वेगन आर कार की जप्ती आरोपी अनिल सिंह से किया जाना एवं वेगन आर कार पर आरोपी अनिल सिंह एवं अपहृत बालक के फिंगर प्रिंट का पाया जाना।

5. दिनांक 20.04.2019 को अपहृत बालक के अपहरण/व्यपहरण पश्चात् रेल्वे स्टेशन रोड की ओर ले जाकर, वहां से आरोपी राजकिशोर के डस्टर वाहन से, राजकिशोर सिंह के पन्ना नगर जराहाभाठा स्थित मकान में अपहृत बालक को गुप्त रूप से निरुद्ध रखना।

6. आरोपी हरेकृष्ण के द्वारा अपहृत बालक की वाईस रिकार्डिंग आरोपी राजकिशोर सिंह को भेजना, जिसके पश्चात् आरोपी राजकिशोर सिंह द्वारा नरेश देवांगन के सीम व रामबली के मोबाईल के माध्यम से प्रार्थी को दिनांक 21.04.2019 एवं उसके पश्चात् फिरौती की मांग कर धमकी देना।
7. आरोपी राजकिशोर द्वारा प्रयुक्त मोबाईल व उसकी मोबाईल का लोकेशन घटना दिनांक के पूर्व व पश्चात् साथ-साथ होना।
8. आरोपी राजकिशोर से जप्त मोबाईल व प्रार्थी के मोबाईल में रिकार्ड, वाईस रिकार्डिंग, आरोपी राजकिशोर का होना।
9. आरोपीगण का मोबाईल सीडीआर में आपस में एक-दूसरे से लगातार घटना के पूर्व एवं पश्चात् घटनास्थल पर व अपहृत बालक जहां उसे रखा गया था के स्थल पर होने व आपस में लगातार एक-दूसरे से संपर्क बनाये रखना व घटना के पश्चात की जानकारी एक-दूसरे को देते रहना।
10. विवेचनाधिकारी द्वारा दिनांक 26.04.2019 को अपहृत बालक को पन्नानगर जरहाभाठा स्थित आरोपी राजकिशोर सिंह के मकान से, आरोपी हरेकृष्ण एवं सतीश शर्मा से बरामद करना।
11. विवेचनाधिकारी द्वारा आरोपीगण के मेमोरेण्डम कथन पर से अपराध में प्रयुक्त या उपयोग की गई वस्तुओं को जप्त करना व अपराध में प्रयुक्त जप्त मोबाईल मोबाईल सीम की साईबर रिपोर्ट व साईटिफिक रिपोर्ट।
12. अपहृत बालक एवं नरेश देवांगन तथा राहुल द्वारा, कार्यपालक मजिस्ट्रेट नारायण प्रसाद के समक्ष आरोपीगण को पहचान परेड की कार्यवाही में पहचानना।
13. अभियोजन साक्षी राहुल द्वारा आरोपी राजकिशोर सिंह को रामबली का मोबाईल विक्रय किये जाने का कथन।

14. अभियोजन साक्षी हेमंत आदित्य अ०सा० 51 व अभियोजन साक्षी अंजु चेलक के द्वारा आरोपीगण के मोबाईल नंबर के संबंध में विवेचना के समय एकत्रित मोबाईल के संबंध में सीडीआर रिपोर्ट व मोबाईल टॉवर डंप रिपोर्ट, विश्लेषण रिपोर्ट, तकनीकी जांच एवं ट्रान्सक्रिप्शन रिपोर्ट।"

33. The prosecution has alleged that there existed a financial issue between appellant Nita Saraf and appellant Anil Singh, arising out of monetary transactions, which is stated to have acted as a possible trigger for the commission of the offence. Though the prosecution has not been able to place on record strong or direct documentary evidence conclusively establishing the exact nature and extent of such financial dealings, the surrounding circumstances, including the conduct of the accused persons before and after the incident, do indicate the existence of financial strain and possible pecuniary interest. However, it is well settled in law that motive is not a sine qua non for conviction, particularly in cases where the prosecution is able to establish the essential ingredients of the offence through cogent and reliable evidence, including proof of kidnapping and ransom demand. The motive is inherent in the ransom demand itself. In the present case, the allegation of ransom demand, coupled with other incriminating circumstances, substantially diminishes the significance of strict proof of motive, and the absence of conclusive proof thereof is not fatal to the prosecution case.
34. As regards the question whether there exists sufficient material to infer a criminal conspiracy amongst the accused persons, it is well settled

that conspiracy is generally hatched in secrecy and, therefore, direct evidence of an express agreement is rarely available, and the same has to be inferred from the proved circumstances, conduct of the accused, and their inter-se communication. In the present case, the prosecution has relied upon the call detail records showing continuous and coordinated communication between the accused persons at relevant points of time, their collective involvement in procurement and use of SIM cards and mobile phones for facilitating ransom calls, their joint participation in surveillance and execution of the kidnapping, and the subsequent conduct of confining the victim and shifting him from one place to another. The cumulative effect of these circumstances, when considered together, clearly indicates a prior meeting of minds and concerted action towards a common unlawful object, namely kidnapping of the victim for ransom. Accordingly, the materials on record are sufficient to infer the existence of a criminal conspiracy amongst the accused persons beyond reasonable doubt.

35. In the case of **Ajay Aggarwal v. Union of India**, AIR 1993 SC 1637, the Hon'ble Supreme Court has held that, it is not necessary that each conspirator must know all the details of the scheme, nor be a participant at every stage. In para 8 and 24, it has been held that:

“8. The question is whether prior sanction of the Central Govt. is necessary for the offence of conspiracy under proviso to Section 188 of the Code to take cognizance of an offence punishable under Section 120-B etc. I.P.C. or to proceed with trial In Chapter VA, conspiracy was

brought on statute by the Amendment Act, 1913 (8 of 1913). Section 120-A of the I.P.C. defines 'conspiracy' to mean that when two or more persons agree to do, or cause to be done an illegal act, or an act which is not illegal by illegal means, such an agreement is designated as "criminal conspiracy. No agreement except an agreement to commit an offence shall amount to a criminal conspiracy, unless some act besides the agreement is done by one or more parties to such agreement in furtherance thereof. Section 120-B of the I.P.C. prescribes punishment for criminal conspiracy.

24. A conspiracy thus, is a continuing offence and continues to subsist and committed wherever one of the conspirators does an act or series of acts. So long as its performance continues, it is a continuing offence till it is executed or rescinded or frustrated by choice or necessity. A crime is complete as soon as the agreement is made, but it is not a thing of the moment. It does not end with the making of the agreement. It will continue so long as there are two or more parties to it intending to carry into effect the design. Its continuance is a threat to the society against which it was aimed at and would be dealt with as soon as that jurisdiction can properly claim the power to do so. The conspiracy designed or agreed abroad will have the same effect as in India, when part of the acts, pursuant to the agreement are agreed to be finalised or done, attempted or even frustrated and vice versa.”

36. PW-1 Vivek Saraf, father of the victim has stated in para 14 of his evidence that after kidnapping of his son, when the police inquired him about suspicion against any person, he disclosed the name of the appellant Nita Saraf and Anil Singh as the appellant Anil Singh regularly used to visit the house of appellant Nita Saraf. He also suspected that some family members may also have involved in the offence, as every steps which they have taken in search of the victim, it would be known to the accused persons. In para 15 he stated that the appellant Nita Saraf regularly come to his house from 20.04.2019 to 26.04.2019 from morning to evening and she had the knowledge of every affairs of the family and the same affairs are leaked. He further stated that the appellant Anil Singh frequently visited to the house of appellant Nita Saraf, which was informed by one Satyanarayan, who was also residing in the second floor of the same building and asked her, not to permit the outsider to her house. In that event, the appellant Nita Saraf asked him not to interfere with his personal life. In cross-examination, though he stated that the suspicion over the appellant Nita Saraf and Anil Singh was not disclosed in his police statement (exhibit D-1), however from perusal of the police statement of this witness (exhibit D-1), it transpires that his police statement was recorded on 21.04.2019 and till that time, he may not have suspicion with respect to the conduct of the appellant Nita Saraf. The suspicion may occurred when he visited regularly to the house of this witness from morning to evening and every information of the internal affairs of his house was came in the knowledge of the kidnappers. The victim

Virat was allegedly kidnapped on 20.04.2019 and his police statement (exhibit D-1) was recorded on 21.04.2019 i.e. very next day of the date of incident and in such a short span of time, he may not have any suspicion upon the appellant Nita Saraf and Anil Singh, which considered by him later on by her conduct. In his evidence, he also stated that, he gave the mobile number of the appellant Nita Saraf and Anil Singh to the police.

37. PW-7, Satyanarayan Saraf has stated in his evidence that the father of the victim Virat is his cousin brother. There was a frequent visit of the appellant Anil Singh to the house of appellant Nita Saraf, to which he raised objection. Whenever, Anil Singh visited the house of Nita Saraf, there was a party in her house and since the outsider was coming to their house, he raised objection. Nothing has been asked in his cross-examination to deny that the accused Anil Singh used to visit the house of accuse Nita Saraf.
38. So far as involvement of the appellants and the manner in which they executed their plan and their role played in kidnapping of the victim are different at the different point of time. The victim Virat was kidnapped on 20.04.2019 at about 7:30-8:00 p.m. when he was playing outside of his house.
39. PW-3, Ram Soni is the friend of the victim Virat, who was playing with him at the time of incident, he stated in his evidence that on 20.04.2019, at about 7:30 p.m., when he along with Virat, Kushal, Ayush, Himanshu and Ram were playing in front of his house, a white

coloured Wagon-R car came there. A person was already roaming in the lane and he asked Virat about his name and tried to pull him, but somehow, he was succeeded to remove himself from the clutches of said person. Thereafter someone called him from the Wagon-R car and as and when, he reached to the Wagon-R car, they took him. He informed the incident to his grandfather and he asked him to inform the same to the mother of the virat and then he informed it to the mother of Virat. He identified the appellant Harekrishna that he was the person who pulled him on the lane. He also identified the appellant Nita Saraf that he saw her in the house of Virat. In his cross-examination, nothing could be extracted from the defence that the accused Harekrishna was not roaming in the lane and he had not tried to pull the victim Virat. He firmly denied that he is the tutored witness and stating on the instance of parents of the Virat.

40. PW-4, Sukhsagar Soni is the neighbor of the victim and also came to know about kidnapping of Virat, when he heard a noise of a girl from the house of Pandey about the kidnapping, thereafter people gathered there.
41. PW-5, Reena Behra has stated in her evidence that on the date of incident, when she came out from her house, one white coloured Wagon-R car was there. A person who was also present there caught the child and they took the child in the car. Later on she came to know about the name of the victim. She too is the witness of victim, though she could not identified the person, who took the victim.

42. PW-2, Smt. Vibha Saraf is the mother of the victim. She stated in her evidence that on 20.04.2019, at about 7:30-8:00 p.m. the friend of her son Virat namely Ram informed her that, some persons have taken Virat in unnumbered white coloured Wagon-R car. She immediately informed it to her husband through mobile phone and when her husband came to house, she informed about the incident.

PW-1, Vivek Saraf, father of the victim stated in his evidence that on the date of incident at about 7:30-8:00 p.m., when he was at his shop, his wife informed him through mobile phone about the incident. He immediately rushed to his house. Till that time, someone has already informed the incident to the police and when he come to his house, he came to know that, his son was being kidnapped by three persons in white coloured Wagon-R car. He tried to search his son at his level and when he could not succeed, he lodged the report to the police, which is exhibit P-1. The police has obtained the CCTV footage from the house of Manoj Mansukhani, in which it is visible that Virat was playing there, a person was roaming there, at that time an unnumbered white coloured Wagon-R car came there and forcefully took Virat by the said vehicle. On 21.04.2019, at about 7:00-7:30 p.m., he received a ransom call from the mobile number 7389562148 to his mobile number 9039287197 and demanded Rs. 6 crores as ransom. When he shown his enability to give such a huge amount, they demanded Rs. 4 crores. The persons who demanded ransom have also informed that his son was being kidnapped by other pesons. He informed the ransom call to the police. The person who made ransom

call had threatened him that if he wants that his son would remain safe, he would have to manage the ransom amount or else his son would be killed. The police has also seized his mobile phone, in which the ransom call was recorded vide seizure memo (exhibit P-8). His son Virat was recovered on 26.04.2019 at about 7:00 a.m. In between that period, he received ransom call for 5-6 times from the kidnappers and at every time, they demanded ransom and threatened that if he will not given the ransom amount, his son would be killed. He further stated that he disclosed the police about 5-6 suspected persons. The kidnappers have also asked him not to connect with the police personnel and to arrange the amount and also informed that their one member is already watching his steps. He also raised suspicion over the appellant Nita Saraf and Anil Singh and provided their own number to the police. The appellant Nita Saraf used to visit his house regularly from 20.04.2019 to 26.04.2019 from morning to evening and she had knowledge of the entire activities of the family affairs and the same was leaked to outsiders. He also stated that there was a relation between Nita and Anil Saraf and Anil Singh frequently used to come to her house and when the objection was raised by one Satyanarayan, she asked him, not to interfere in her personal life. In his cross-examination he stated that, the involvement of other person in the offence, conversation between the kidnappers and him and ransom demand, suspicion over Nita Saraf and Anil Singh and giving their mobile number to the police, conduct of appellant Nita Saraf, if not there in his police statement (exhibit D-1), he could not tell the reason.

In his further cross-examination he stated that, he acquainted with the appellant Nita Saraf and Anil Singh. He explained that he has not stated in his examination in chief that he saw the photographs of the accused persons in the newspaper and therefore, he could identify them. He raised suspicion over Nita Saraf and Anil Singh.

44. PW-35, Sunil Yadav, Head Constable, posted at City Kotwali Police Station, has stated in his evidence that on 20.04.2019, the complainant Vivek Saraf lodged a complaint about kidnapping of his minor son by three unknown persons in white coloured Wagon-R car. He recorded the Rojnamcha No.53, dated 20.04.2019 and missing report No. 16/19, which is (exhibit P-15). Though in cross-examination he stated that the complainant has not disclosed about physic of the kidnappers and availability of CCTV camera on the place of incident, but considering the mental trauma of the complainant at that point of time, even if he has not disclosed the same to the police, that itself is not sufficient to discard his evidence.
45. PW-29, M.L. Ajgalle, who was the Sub-Inspector of Police, posted at City Kotwali Police Station, stated in his evidence that, on 20.04.2019, on the report of Vivek Saraf, he registered the FIR of Crime No. 145/2019 for the offence under Section 363 of IPC against unknown persons, which is exhibit P-1.
46. PW-51, Hemant Aditya, Assistant Sub-Inspector of Police posted at Cyber Cell, Bilaspur has stated in his evidence that, for the investigation of the Crime No. 145/2019, registered at police station

City Kotwali, Bilaspur to search the abductee, a team was constituted by the IG Police, Bilaspur on 21.04.2019 and he was also a member of the said team. During the investigation on 21.04.2019, he received a request letter from SHO, City Kotwali, Bilaspur for a search report of the IMEI of mobile No. 7389562148, through which ransom call was made to the mobile number of the complainant Vivek Saraf 9039287197, the said request letter is exhibit P-86. He obtained the call details of the said mobile No. 7389562148 from the service provider company Airtel and take out a print from e-mail, which is exhibit P-87. The said mobile number was found to be registered in the name of Naresh Dewangan and its location was found mostly at Tifra, Bilaspur. The said SIM card was used from 20.08.2018 till 09.04.2019 in IMEI No. 352035090961440 and before 20.08.2018 and after 26.08.2018, it was being used in IMEI No. 352035090961430. He also obtained information from the Airtel company that in the IMEI No. 352035090961430 was being used for mobile No. 7470557088 before 10.04.2019. When he analyzed the call details of mobile No. 7389562148, he found at the said mobile number is being used in IMEI No. 355631072783770 from 18.04.2019 at about 15:22:46 hrs, and its location was found at Bodri, Nayapara, Raipur road, Bilaspur. From 15:27:52 to 15:28:03, its location was found at village Chhatauna, Tahsil Takhatpur, District Bilaspur. On the same day, its location was found at Priyadarshani Nagar, Bilaspur from 20:49:21 to 20:49:32. Thereafter, on 21.04.2019 at 16:43:25 and 16:44:43, its location was found at village Sunderpur, Ambikapur. Further, at

19:25:52, its location was found at village Ramanujganj and there was a outgoing call for about 477 seconds in the mobile number of the complainant 9039287197 from village Ramanujganj.

47. The mobile No. 7389562148 from which the ransom call was made and from the IMEI search, when it was found that it was connected with other mobile No. 7470557088, it was also searched and it is found that the said mobile number was being used in IMEI No. 355631072783770 and before 15.04.2019 at 13:02:16 hrs, the mobile No. 8435527462 was being used in this IMEI number, which was registered in the name of Rambali resident of village Borsara. He also gave the call details and other information of the mobile No. 917389562148 to the police along with the certificate under Section 65-B of the Evidence Act, which is exhibit P-88. The police has also sent a memo for call details of the mobile Nos. 7470557088 and 8435527464. He gave the call details and certificate under Section 65-B of the Evidence Act of mobile No. 7470557088, which is exhibit P-90. He also gave the tower dump detail of the working mobile numbers at the place of incident.
48. When he analyzed the working mobile number there, he found that the ransom call was made in the mobile number of the complainant from the mobile number of the accused was from Ramanujganj, Surguja and he prepared the call detail report, which is exhibit P-92. The mobile No. 7389562148, which was being used for ransom call, its location was at village Chhatauna on 18.04.2019 at 15:27:52 till 15:28:03 hrs. Thereafter the location was changed at Priyadarshini

Nagar and then Sunderpur, and at the time when ransom call was made, its location was near Petrol pump, Ramanujganj. The mobile No. 916265277747 was also found to be connected on 18.04.2019 and 19.04.2019, which was found from the tower location of the place of incident.

49. He further stated that the said mobile No. 916265277747 was connected for 29 seconds with mobile No. 916203194940, which was registered in the name of Harekrishna and their location was found in the place of incident. On 20.04.2019, at 19:07:38 hrs, the mobile No. 9770065832, which is the mobile number of Satish Sharma, an outgoing call for 98 seconds was recorded and the mobile No. 916265277747 was found connected with the mobile number of 916203144940 at 20:46:16 and 21:03:59 hrs on 19.04.2019 at the same tower location at the place of incident. Further, at about 20:01:05 hrs on 20.04.2019, there was an outgoing call from mobile No. 916203194940. On 20.04.2019, at 19:19:41 hrs, the mobile No. 916265277747 had also connected with the mobile No. 919770065832 and at 19:00:27 hrs with mobile No. 916203194940. He further stated that the mobile No. 916203194920 had the outgoing call on 20.04.2019, at 19:18:39 hrs and 19:39:21 hrs. The mobile No. 916265277747 was also found in the same tower location and had the outgoing call on 20.04.2019, at 18:36:35 and 18:41:41 hrs.
50. The location of the mobile No. 917389562148 on 18.04.2019 at 15:27:52 hrs was found at Chhatauna and the mobile No. 916265277747 was also found to be in same location on 18.04.2019

at 15:04:24 hrs. The mobile No.916265277747 had an outgoing call to the mobile No. 916203194940 from Ramanujganj. From the tower location of the place of incident, it was found that the mobile No. 916265277747 was found present on 18.04.2019, 19.04.2019 and 20.04.2019 and the same mobile number was also found at Chakarbhata, Chhatauna and Ramanujganj and same common number was found suspected and the said tower dump report is exhibit P-93.

The Kotwali Police also sought CAF of the suspected mobile No. 6265277747 and 6203194940 and he supplied the CAF of both the mobile numbers after obtaining it from the service provider company JIO, which is exhibit P-95. He also issued a certificate under Section 65-B of the Indian Evidence Act, which is exhibit P-96.

From the information received from the service provider company JIO, it was found that the mobile No. 6265277747 is registered in the name of Rajkishore Singh and the mobile No. 6203194940 is registered in the name of Harekrishna.

He also received a requisition (exhibit P-97) from Kotwali Police for CDR and CAF of the mobile No. 9131241949, which was owned by Anil Singh and mobile No. 8770846976, which was owned by Nita Saraf. He obtained the CDR from the Reliance JIO Company and given it to the City Kotwali Police, which is exhibit P-98. As per the CDR analysis, he found that before and after the incident also, there was a frequent conversations between these two mobile numbers i.e.

9131241949 and 8770846976. The mobile No. 8770846976 is found to be registered in the name of Nivedita Saraf D/o Dilip Saraf. He also received another requisition (exhibit P-99) from City Kotwali Police for CDR and CAF of the mobile Nos. 9131241949, 9770065832 and 9424370666, which are consistently connected with each other on 25.04.2019. From the CDR, it was found that the mobile No. 9131241949 had call connection for a number of occasion with the mobile No. 6265277747 (Rajkishore) and mobile No. 8770846976 (Nita Saraf) and CDR is exhibit P-100. He also gave a certificate under Section 65-B of Indian Evidence Act, which is exhibit P-101. The said mobile No. 9131241949 is registered in the name of Anil Kumar Rajput. The call details of mobile No. 9770065832 is exhibit P-102 and the said mobile number is registered in the name of Satish Kumar Sharma. From his mobile phone, he had a conversation in mobile No. 6265277747 (Rajkishore) on 20.04.2019, in the evening. The tower location of both the mobile numbers at 19:07:38 hrs on 20.04.2019 are one and the same i.e. near the place of incident.

He further stated that the call details of mobile No. 9424370666 is exhibit P-103. From this mobile number there was a conversation between 20.04.2019 to 25.04.2019 with the mobile No. 6265277747 (Rajkishore) and 9399520765 (Nita Saraf). He also gave a certification under Section 65-B of Indian Evidence Act, which is exhibit P-104.

52. The CDR and CAF of mobile No. 8435527462 is exhibit P-105 and as per information received from service provider company Idea, it was found to be registered in the name of Rambali and the certificate under

Section 65-B of the Indian Evidence Act is exhibit P-106. The CDR of mobile No. 7470879717 is exhibit P-107 and the CDR of mobile No. 8827600310 is exhibit P-108. He also obtained the CDR and CAF of mobile numbers 8877305004 and 9709291605, which are exhibit P-109 and P-110. He also obtained the search report of the IMEI call details, which were used in commission of the offence and its print out is exhibit P-111 and certificate under Section 65-B of Indian Evidence Act is exhibit P-112. He further stated that during investigation the mobile No. 916265277747 and 916203194940 was found suspected and by the order of IG Police Bilaspur Range, both these numbers were kept in surveillance and its conversation was being heard. From analyzed of CDR and location, it was found that the location of mobile No. 6265277747 was at the place of incident on 20.04.2019 and were at Gopalganj, Meerganj, Bihar on 25 and 26.04.2019, which was regularly connected with the other mobile numbers. The location of mobile number 6203194940, which was registered in the name of Harekrishna was also found at the place of incident on 20.04.2019. Thereafter, on 20.04.2019 at 21:06:28 hrs till 25.04.2019 at 11:01:09 hrs, the said mobile number was found to be in same location at Ring Road-2, Bilaspur.

53. In cross-examination, though he admitted that he could not tell as to what conversation, the have made with the aforesaid mobile number, but the fact remains that all the aforesaid mobile numbers were connected with each other. He denied that he produced the false document to the police. He explained that the mobile No. 9424370666,

6265277747 and 9399520765 had a frequent and numerous call connection with each other, which was similar to the mobile No. 8770846976 and therefore he mistakenly deposed about the said mobile number in his examination-in-chief. He admitted that there was no call connection from the mobile No. 8770846976 to the mobile number of Rajkishore. He further admitted that only one mobile No. 8770846976 belongs to Nita Saraf.

54. From the evidence of Hemant Aditya (PW-51), it disclosed that the mobile No. 7389562148, which was being used for ransom call, is registered in the name of Naresh Dewangan (PW-6). Though Naresh Dewangan (PW-6) has turned hostile and not supported the prosecution's case, but from the evidence of Hemant Aditya (PW-51), it has been found that the said mobile number which was being used for ransom call is registered in the name of Naresh Dewangan and there was a call connection in the mobile phone of the complainant.
55. PW-20, Pushendra Madhu, who is the owner of Friends Mobile Shop, Talapara, Bilaspur, has stated in his evidence that the police had verified the recharge of the mobile number from the diary kept in his shop. He could not remember the said mobile number, but in the seizure memo (exhibit P-21) his signature is there. In cross-examination he admitted that, a number of customers are frequently visiting to his shop for mobile recharge and he did the same in routine course of his business. From perusal of the document (exhibit P-21), it is found that the relevant endorsement is made in his diary with

respect to recharge of Rs. 65/- in both the mobile Nos. 7470557088 and 7389562148 on 18.04.2019.

56. PW-19, Jitendra Dhritlahare is the witness to the seizure of diary from the shop of Pushpendra Madhu (PW-20) and he admitted that in the diary seized from Pushpendra Madhu, there was an endorsement of recharge of the said mobile Nos. 7470557088 and 7389562148 on 18.04.2019.
57. PW-52, Anju Chelak, Inspector of Police is the investigating officer. She stated in her evidence that, after receiving the case diary of Crime No. 145/19 of City Kotwali, Bilaspur from Sub-Inspector M.L. Ajagalle, she visited to the spot and prepared spot map (exhibit P-2). On 26.04.2019, he issued a notice to witness Ritesh Nikhare @ Medi and Sunny Masih @ Vishal for break open the lock of the suspected house situated at Panna Nagar, Jarhabhata. He also issued another notice to the witness Anup Tandon and Ganesh Miri. On 26.04.2019, the lock of suspected house was broke open in presence of the witnesses and a panchnama (exhibit P-62) was prepared. On 26.04.2019, at about 6:55 a.m. the victim Virat was recovered from the house of accused Rajkishore Singh situated at Panna Nagar, Jarhabhata and recovery panchnama (exhibit P-15) was prepared. The talashi panchnama of the said house was also prepared which is exhibit P-16. After recovery of the victim Virat, he was sent for his medical examination to CIMS Hospital, Bilaspur along with the memo (exhibit P-116). He recorded the memorandum statement of accused Harekrishna Rai on 26.04.2019, at 7:20 a.m. He disclosed in his memorandum statement

that, he recorded the voice of the victim Virat in his mobile phone, which he kept at the house of Rajkishore Singh, Panna Nagar. The memorandum statement of accused Harekrishna is exhibit P-61. On the same day at about 9:15 a.m. one mobile phone having two IMEI numbers 867614034898197 and 867614034898189, in which mobile No. 6203194940 is operating. Ont T-shirt, Jeans pant, Gamchha and one pair of sandals have also been seized from accused Harekrishna vide seizure memo (exhibit P-62).

58. On 26.04.2019, at 8:05 a.m. the memorandum statement (exhibit P-69) accused Satish Sharma was recorded and from his instance, one mobile phone having IMEI No. 866459035659607 and 866459035859615 and having operated the mobile No. 9770065832 from servant room of Kalika Tiles, Azad Nagar, Tifra Bilaspur vide seizure memo (exhibit P-70).
59. On 26.04.2019, at about 8:45 a.m. memorandum statement of accused Anil Singh (exhibit P-63) was recorded and on his instance one white coloured Wagon-R car bearing registration No. CG 10 AM 2818, two keys of a lock having embossing of PRAISE and THELORD, one mobile phone having IMEI number 359932065384332/1 and 359933065384330/1, in which the mobile No. 9131241949 is operating and newspaper clippings having news of the subject kidnapping of the victim Virat, one sword have been seized vide seizure memo (exhibit P-64).

60. She further stated that on 27.04.2019, at 15:15 p.m. she recorded the memorandum statement of the accused Nita Saraf, which is exhibit P-65 and on her instance, one mobile phone having IMEI number of 3580597081105726 and 3580508051105724, in which the mobile SIM No. 8770846976 was activated and its seizure memo is exhibit P-66.
61. On 10.05.2019, at 8:20 hrs she recorded the memorandum statement of accused Rajkishore Singh, which is exhibit P-67 and on his instance, one mobile phone having IMEI No. 35520110343377 and 3552021034337710, in which mobile No. 6287845500 was activated and another SIM card No. 7470879717 and 6265277747 were activated and the seizure memo is exhibit P-68.
62. During the investigation, on 23.04.2019, she has seized a mobile phone from Naresh Dewangan (PW-6) having IMEI No. 352035090961434 and 352035090961442 vide seizure memo (exhibit P-11). On 26.04.2019, at 6:50 a.m. she also seized one lock embossed with MESIA Prestige from the room where the victim Virat was kept vide seizure memo exhibit P-61. She also seized on 26.04.2019 at about 7:00 a.m. from the house of Rajkishore Singh, Panna Nagar, Jarhabhata, 03 Good Day Biscuit packets, one dark blue jeans pant, one sky blue jeans pant, one dark blue full shirt, one pair of brown-coloured shoes, one pair of red-coloured shoes, one pair of brown-coloured leather chappal, one black sun-guard of the car, one sword, one gupti like sharp-edged weapon, one green-coloured chappal of child, one bill of Renault company, two copies of Tax invoice of Duster car No. CG 04 KR 5232 vide seizure memo (exhibit

P-17). She also seized, on 21.04.2019, at 8:35 hrs., one pen drive from Manoj Mansukhani, who is the owner of Geeta Palace, which contains the incident of kidnapping and Reiki by the accused persons vide seizure memo (exhibit P-4). She also seized another pen driver on 21.04.2019, at 9:00 a.m. from Manish Kumar Pandey vide seizure memo (exhibit P-3), in which also the incident was captured.

63. During the investigation, on 21.04.2019, at about 9:05 a.m. she also seized the CCTV footage in a pen drive from the shop of Aarti Offset Printing, Karbala Road, which was of the period of 19.04.2019 and 20.04.2019 vide seizure memo (exhibit P-19).
64. On 26.04.2019, at 11:30 a.m., on the instance of the accused Anil Singh, she has seized one green-coloured chappal and one mobile phone having IMEI No. 35516005297211, post card size photograph of victim Virat and RC book of the said Wagon-R car from the Wagon-R car vide seizure memo (exhibit P-71). On 29.04.2019, she has seized one note book from Friends Mobile shop, Balmukund Chowk, in which the details of recharge of mobile No. 7470557088 and 7389562148 on 18.04.2019 for Rs. 65/- each is written vide seizure memo (exhibit P-21). The mobile phone of the complainant Vivek Saraf having IMEI No. 868922038169286 and 868922038169294 was seized vide seizure memo (exhibit P-8). The birth certificate of victim Virat was also seized on 09.05.2019 vide seizure memo (exhibit P-6).
65. On 11.05.2019, the registration card of Wagon-R car bearing registration No. CG 10 AM 2818 and its insurance certificate has been

seized vide seizure memo (exhibit P-117). On 13.05.2019, she also seized another pen drive from Akashwani, Sarkanda, Bilaspur with respect to voice record of the accused Rajkishore Singh vide seizure memo (exhibit P-26). She also made search of the Wagon-R car bearing No. CG 10 AM 2818 on 26.04.2019 at 11:10 a.m. and Talashi Panchnama (exhibit P-72) was prepared.

66. On 27.04.2019, she wrote a memo to the Executive Magistrate, Bilaspur for conducting the test identification parade of the accused persons from the witnesses and the said memos are exhibit P-27 and P-28. The memo for test identification parade dated 30.04.2019 is exhibit P-129 and memo dated 11.05.2019 is exhibit P-130, P-131 and P-132. The demonstration panchnama of CCTV footage from the pen drive seized from Manish Pandey was prepared which is exhibit P-24, from the owner of Geeta Palace, which is exhibit P-25 from the Aarti Offset (exhibit P-42 and P-43). Another panchnama with respect to comparison of the clothes of the accused seized from the place where the victim was kept and the clothes visible on the CCTV footage was also prepared which is exhibit P-44. The chappal seized from Wagon-R car was also identified by the complainant Vivek Saraf and panchnama (exhibit P-5) was prepared. For examination of lock and keys seized, notice to the mechanic Shanti Lal was given, which is exhibit P-133, she also wrote a memo to the Tahsildar, Bilaspur for spot map of the place of incident and also to provide the ownership document of the house, from where the victim Virat was recovered. The memo written to the Judicial Magistrate First Class, Bilaspur for

recording of 164 CRPC statement is exhibit P-135. The voice sample permission application is exhibit P-136 and memo sent to Akashwani, Bilaspur is exhibit P-137. The newspaper clippings seized from the spot are exhibit P-138, the mobile recharge register seized from Friends Mobile, Talapara Bilaspur is exhibit P-139. She also wrote a memo to Finger Print Expert Cell, Bilaspur to preserve the finger print of the accused and victim from Wagon-R car No. CG 10 AM 2818. Another memo was sent to CWC for recording statement of minor victim Virat, which is exhibit P-140. The memo issued to the Cyber Cell, Bilaspur for analysis of mobile phones, mobile numbers seized from the accused persons is exhibit P-141 and another memo for details of the information is exhibit P-94.

67. During the investigation, she recorded the statement of Vivek Saraf on 20.04.2019 and his supplementary statement on 21.04.2019, statement of Vibha Saraf on 20.04.2019 and supplementary statement on 28.04.2019, statement of Ram Soni on 20.04.2019. Ku. Namita Behra and Sukhsagar Soni on 22.04.2019, Naresh Dewangan, Rambali Kaushal and Rahul Kumar Suryavanshi on 23.04.2019, victim Virat on 26.04.2019, Suraj Kumar Lahre, Savitri Gadhewal and Ku. Pushpa Patel on 27.04.2019, Satyanarayan Saraf on 04.05.2019, Sunil Singh Rajput on 11.05.2019.
68. She also annexed the criminal antecedents of the accused Rajkishore, which is exhibit P-143. During the investigation, she wrote a letter to Superintendent of Police, Bilaspur for interception of the mobile numbers 7974299198, 9039287197, 9981005234, 8319007668,

9993338080, 8770466174, 9753000097 and 7089560508 for seven days, which is exhibit P-144. On 21.04.2019, itself another memo (exhibit P-145) written to the Superintendent of Police for interception of IMEI No. 355631072783770, 355632072783770, 352035090961440, 352035090961430, 911564151732860, 911527506509280 and 911315804203640. On the same day, another memo exhibit P-146, was also written for interception of mobile number 6265310334 and 7879390213. Another memo for interception of mobile No. 7470557088 and 8435527462 was sent, which is exhibit P-147. The memo for interception of mobile No. 7389562148 is exhibit P-148, mobile No. 9770158655 is exhibit P-149, mobile Nos. 6203194940 and 6265277747 is exhibit P-150, mobile Nos. 9770065832, 9399520765 and 8827600310 is exhibit P-151, mobile No. 9709291605 is exhibit P-152, mobile Nos. 6287932460 and 6287845500 is exhibit P-153. Another memo exhibit P-154 was also written to the Superintendent of Police for transcription of voice record of the mobile numbers, which are kept under interception and exhibit P-155 is the memo to provide call log and audio record of the mobile phone seized from the complainant. Exhibit P-156 is the memo issued to the Superintendent of Police to provide voice record of the mobile phones, which are kept under the interception. She also gave a memo to the incharge Cyber Cell, Bilaspur to provide tower dump of the mobile number activated on the spot, which is exhibit P-91. Another memo exhibit P-86 was given to the incharge Cyber Cell, Bilaspur for providing CDR and CAF of mobile No. 7389562148, exhibit P-99 for

CDR and CAF of the mobile Nos. 9131241949, 9770065832 and 9424370666. She obtained a report from Central FSL, Chandigarh which is exhibit P-157, which contains with the call log of the conversations from mobile No. 7389562148 to the mobile No. 9039287197 with respect to the alleged ransom demand, which is in envelop-A. The envelop-B contains with one DVR, in which conversation of ransom demand is recorded. In envelop-C one pen drive is there, which contains with the voice sample of accused Rajkishore Singh obtained from Akashwani, Bilaspur. She also proved the pen drive seized from the witnesses and other articles seized during the investigation, which are marked as Article A-4 to Article A-18.

69. In cross-examination, she stated that since it was a case of kidnapping of a child, therefore, there was no need to obtain search warrant. She further reiterated that the accused Rajkishore was arrested from Ramanujganj by the police team, he was being taken on 10.05.2019 from Ramanujganj and at about 8:20 a.m. she recorded his memorandum statement. She also affirmed the various seizures made by her during the investigation from the accused persons and the seizure of electronic evidence in the pen-drive. She also reiterated that after obtaining permission from the Magistrate, she had taken the accused Rajkishore to Akashwani for his voice sample. She also denied that the seized articles were not duly sealed. The accused Harekrishna Rai was arrested on 26.04.2019. She admitted in her evidence that before identification of chappal of the child, the

statement of complainant Vivek Saraf and Vibha Saraf have already been recorded. She denied the conducting of test identification parade of chappal. She also denied the suggestion that she has not sent the memos to the Cyber Cell for analysis of pen-drive and other electronic records. She also admitted that at the time of recording statement of Vivek Saraf, he has not raises any suspicion upon Nita Saraf and Anil Singh. She further stated that witness Suraj Kumar had given statement that two persons have confined a child, who have been arrested by the police. In her further cross-examination, she reaffirmed the investigation, which she conducted in the case. She also stated that there is evidence of their call details against the accused Nita Saraf and Anil Singh and they disclosed in their memorandum statement about their involvement. From the statement of Vibha Saraf and Satyanarayan Saraf, the involvement of appellant Nita Saraf appeared in the case. She further admitted that accused Satish Sharma is the employee of Rajkishore, who is working in his tiles factory. But for minor omissions or contradictions the evidence of this witness is corroborative with the other evidence available on record. The minor omission or contradiction are trivial in nature, which relates to procedural aspect of the investigation and does not affect the substantive part of investigation.

70. Reverting to the initiation part of the offence, Rahul Kumar (PW-8) from whose shop, a mobile phone of Rambali Kaushik was purchased by the accused Rajkishore has stated in his evidence that, the accused Rajkishore came to his shop and asked for an old mobile

phone to give his worker. He sold an old mobile phone to him, which he kept on pledged from Rambali Kaushik for Rs. 500/- and sold the same to the accused Rajkishore for Rs. 700/-. In his cross-examination, he reaffirmed the selling of old mobile phone to the accused Rajkishore, to whom he identified. He identified the accused because after purchasing the mobile, he indulge in kidnapping of a child.

71. PW-10, Rambali Kaushik, who was found to be the registered owner of the mobile No. 8435527462 has stated in his evidence that he was in need of money and therefore, he sold his mobile phone at Chhattisgarh Mobile Shop, Chakarbhata for Rs. 500/-.
72. PW-13, Arvind Kashyap is the owner of Aarti Offset Printing, Karbala Road. He stated in his evidence that he installed a CCTV camera in his shop, in which the kidnapping of Virat Saraf was recorded on 20.04.2019 and he gave the CCTV footage to the police in a pen-drive. The certificate issued by him is exhibit P-18. In cross-examination, he stated that the CCTV camera is installed in his shop since 2018. His shop is situated in a busy road. He is opening his shop at 11:00 a.m. and remain opened up to 10:00 p.m. he remained firm in saying that the police seized the CCTV footage in the pen-drive from his CCTV camera and he issued a certificate (exhibit P-18) also.
73. PW-16, Manoj Mansukhani is the owner of a cloth shop "Riya Collection" in which CCTV camera was installed, he stated that the police has seized the CCTV footage in a pen-drive, in which it is visible

that a boy is being kidnapped in white coloured Wagon-R car. On 20.04.2019, Virat Saraf was being kidnapped from the lane by Wagon-R car. In his cross-examination he stated that CCTV camera is installed in his shop since 8 yeas. He issued the certificate (exhibit P-20). He too remained firm that the police has seized CCTV footage from the camera installed in his shop and he issued the certificate (exhibit P-20).

74. PW-22, Neeraj Soni is the witness of demonstration of the data of the pen-drive and he stated in his evidence that the data available in the pen-drive disclosed that a while coloured Wagon-R car came inside the lane and went ahead, thereafter take U-turn and stopped near the house of Manish Pandey and took Virat in it. Panchnama (exhibit P-24 and P-25) is prepared in his presence. In cross-examination, though he admitted that when and where the said pen-drive was prepared, he did not know, but he remained firm with the data visible in the said pen-drive.
75. PW-23, Deepak Kaser is also a witness to the demonstration of the data of the pen-drive seized from Manish Pandey. The data of the said pen-drive demonstrated the kidnapping of a child in front of the house of Manish Pandey and the car is visible, which take U-turn and stopped near the house of Virat. Nothing could be extracted from his evidence also to make his evidence doubtful. He proved the panchnama (exhibit P-24 and P-25).

76. PW-24, Shashikant Dorai is the Engineering Assistant at Akashwani, Bilaspur. On the instance of the police, he recorded the voice of a person, who have been brought by the police. In cross-examination, he denied the suggestion that at the time of recording of voice, he was not present. After saved the voice recording, the same was given to police in a pen-drive.
77. PW-25, Shailesh Kumar Verma is the Senior Technician, Akashwani, Bilaspur, who also proved the recording of voice. He stated in his evidence that on the date, when they recorded the voice of a person, he along with Shashikant Dorai were present in the control room. They recorded the voice at their console room after checking the voice level. After completion of record, it was saved and gave it to the police in pen-drive. He could not tell as to who actually given the said pen-drive to the police, but the recording of the voice has been proved by this witness.
78. PW-41, Naveen Kumar Jaiswal is an Engineer posted at All India Radio Akashwani, Bilaspur. He stated in his evidence that he get the voice sample of the accused Rajkishore in a pen-drive with the help of audio recording computer and given it to the police. He also issued a certificate under Section 65-B of Evidence Act, which is exhibit P-57. In his cross-examination, he denied that he neither recorded the voice sample of Rajkishore Singh nor given it to the police in pen-drive.
79. PW-32, Ajay Singh is the constable posted at City Kotwali, Bilaspur. He is also a witness of demonstration of the contents of the pen-drive

and witness to the documents (exhibit P-24, P-25, P-42, P-43 and P-44). He also stated that in the pen-drive, it is clearly viewed that a white coloured Wagon-R car came in the lane and after taking U-turn, it returned back. Though he shown his ignorance about editing of the pen-drive, but the view seen by him is duly supported in his cross-examination.

80. PW-36, Sanjeev Nema is the Nodal Officer at Reliance Jio company. He gave the CDR of mobile No. 8770846976, 6265277747, 6203194940, 9131241949 and 9770065832 from the period between 01.01.2019 and 25.04.2019 to the police along with covering letter (exhibit P-52) and certificate under Section 65-B of Evidence Act (exhibit P-53), the CDR is exhibit P-54, which is in 492 pages. In cross-examination, though he admitted that the dates have not been mentioned in the call details (exhibit P-54) and the user of the said mobile phone is also not mentioned in the CDR, but the said CDR could not be denied with respect to its given mobile number.
81. PW-37, Manish Kumar Pandey, from another CCTV footage have been seized by the police from the CCTV camera installed in his house. He stated in his evidence that in the CCTV footage kidnapping of Virat Saraf from the car is visible. He gave the CCTV footage in a pen-drive to the police and issued a certificate (exhibit P-55). In cross-examination, he stated that since 2019, CCTV camera is installed in his house, he signed the document after having gone through it, he admitted that the place of incident is a busy road and the complainant

Vivek Saraf is his neighbour. He remained firm in giving CCTV footage to the police and the certificate (exhibit P-55).

82. PW-42, Vikas Patel is the Divisional Engineer at BSNL, Bilaspur. He gave the CDR of mobile No. 9424370666 to the police, which is exhibit P-59 and the certificate under Section 65-B of Evidence Act is exhibit P-60. In cross-examination, he admitted that the voice record has not been demanded from him and he could not tell as to the connecting number with the said mobile number. He denied any tempering or incorrect CDR, which he has given to the police.
83. PW-47, Prabhakar Tiwari is the incharge Cyber Cell, Bilaspur. He stated in his evidence that he received the memo for analysis of three pen-drive, which is exhibit P-74. The report stored in the pen-drive by Police Headquarter, Raipur having IMEI No. 867614034898197. The data file stored in the said pen-drive contains with 538 recovered images. He also described about the images found in the said pen-drive. The image No. 339 relates to the location of Gourav Path, image No. 442 relates to location of Shrikant Verma Marg, image No. 443 relates to the possession of Virat with Harekrishna, the image No. 445 and 446 relates to the location of Jarhabhata, where the Virat was confined. He also stated about audio folder of the data file, in which the transcript of the voice recorded on 21.04.2019 at 17:53:33 hrs and his analysis report is exhibit P-75. He further stated about another pen-drive in which no data was recovered and the memo is exhibit P-76. The third pen-drive was also analyzed, from which 3802 images were recovered and the image No. 831 was recorded on 24.10.2017

at 3:06 p.m., image No. 1004 was recorded on 26.07.2018 at 11:16 p.m. and image No. 1405 was recorded on 01.06.2017, at 12:32 a.m. having location at AS Fun, in which Anil Singh and Nita Saraf are there. He also described the contents of the said pen-drive and proved the report (exhibit P-77 and P-78). In the said report (exhibit P-78) he found 1728 recovered images and also described the details of given images. In cross-examination, he denied the suggestion that the pen-drive were not in sealed conditions. He shown his ignorance about any tempering at the time of preparation of the report by its examiner. The photographs only shows their acquittance.

84. PW-48, Omprakash Sharma is the Sub-Inspector posted at Cyber Forensic Lab, Police Headquarter, Raipur. He stated in his evidence that he received a requisition (exhibit P-78) from the Kotwali Police, Bilaspur for recovery of the deleted data from the mobile phone seized from the accused persons in the case. He examined the seized articles, which are the mobile phones having IMEI No. 867614034898197, 867614034898189, 866459035659607, 866459035659615, 359932065384332, 359933065384330, 35516005297211, 35516105297211, 358057081105726 and 3580508051105724 and retrieved its data. He also issued certificate (exhibit P-79) and he sent the analysis report along with covering letter (exhibit P-80). He further stated that he also received another letter for call log and audio record of the seized mobile phones and he sent the analysis report along with covering letter (exhibit P-81). The data was recovered from IMEI No. 868922038169286, 868922038169294 and

prepared a report relating to call log, chat, location, password, audio-video image, contact, e-mail and SMS. In the recovered data of mobile No. 9039287197. The extraction report from 21.04.2019 to 25.04.2019 is there in the PDF file and call log of conversation between mobile No. 7389562148 and 9039287197 on 21.04.2019 are there, in which ransom call was made to the complainant. The certificate under Section 65-B of Evidence Act is exhibit P-82. In his cross-examination, he too has remained firm about the analysis of the mobile phone and retrieving the data from the said mobile phones.

85. PW-49, Deepak Yadav is the constable posted at Cyber Cell, Bilaspur. He stated in his evidence that he received a memo (exhibit P-83) from the office of IG Police for transcription of voice record of the mobile numbers, which were kept in interception. On being analysis, he found the ransom call and prepared a transcript of the same, which has been sent by the police along with covering letter (exhibit P-84). In his cross-examination, nothing could be elicited by the defence to disbelieve his evidence and he duly proved the transcript prepared by him.
86. PW-50, Rohit Kumar Pathak is the Inspector of Police, posted at ATS PHQ, Raipur. He issued a certificate (exhibit P-85) with respect to the authenticity of voice call record and sent it to the Superintendent of Police, Bilaspur. He denied any manipulation in the report submitted by him. He further stated that he copied the data of voice call recording in the DVD from the system server without any manipulation.

87. PW-53, Krishna Sharma is the Nodal Officer at Bharti Airtel Limited and stated that he received a request letter (exhibit P-158) from Superintendent of Police, Bilaspur for call details of mobile No. 7389562148 from 01.05.2018 to 31.04.2019 and 18.04.2019 to 24.04.2019, mobile No. 7470557088 from 01.05.2018 to 26.04.2019, mobile No. 7470879717 from 01.01.2019 to 25.04.2019, mobile No. 8827600310 from 01.01.2019 to 25.04.2019, IMEI No. 355631072783775 from 01.05.2018 to 21.04.2019, IMEI No. 352035090961434 from 01.05.2018 to 21.04.2019 and IMEI No. 3520350961440. He submitted the requisite information to the police through their letter (exhibit P-159). The call details of mobile No. 7389562148 is exhibit P-160, mobile No. 7470557088 is exhibit P-161, mobile No. 7470879717 is exhibit P-162, mobile No. 8827600310 is exhibit P-163, IMEI No. 355631072783775 is exhibit P-164, IMEI No. 352035090961430 is exhibit P-165 and IMEI No. 352035090961440 is exhibit P-166 and the certificate under Section 65-B of the Evidence Act is exhibit P-167. Though in cross-examination he stated that, it is not possible for him about the nature of conversation, but he proved the call details, which he given to the police.
88. PW-54, Pankaj Ramaiyya is the Regional Officer at Vodafone Idea Limited. He proved the call details of mobile No. 8435527462 and 8877305004, which is exhibit P-170, P-171, P-172 and P-173 and the certificate under Section 65-B of Evidence Act is exhibit P-169. He further stated that the mobile No. 8435527462 is registered in the name of Rambali and the mobile No. 8877305004 is registered in the

name of Munna. Nothing substantive could be extracted from the evidence of this witness to disbelieve the call details of the aforesaid mobile numbers.

89. From the aforesaid oral, documentary and electronic evidence, a clear chain emerges demonstrating the manner in which the conspiracy was conceived, coordinated and executed by the accused persons. The evidence of PW-1 Vivek Saraf and PW-7 Satyanarayan Saraf establishes the close association between appellant Nita Saraf and appellant Anil Singh and their frequent interactions prior to the incident. The prosecution has further established through the evidence of PW-51 Hemant Aditya, PW-36 Sanjeev Nema, PW-42 Vikas Patel, PW-53 Krishna Sharma and PW-54 Pankaj Ramaiyya that the mobile numbers used by the accused persons remained in constant interconnection before, during and after the kidnapping incident. The call detail records, tower locations and IMEI analysis reveal coordinated movement of the accused persons from Bilaspur to Chhatauna and thereafter towards Ramanujganj, where ransom calls were made to the complainant. The evidence further discloses that different SIM cards and mobile handsets were deliberately used interchangeably for making ransom calls and maintaining communication amongst the conspirators. The recharge entries proved by PW-19 Jitendra Dhritlahare and PW-20 Pushendra Madhu further corroborate the prosecution case regarding preparation and use of the suspected mobile numbers immediately prior to the occurrence. These circumstances, when read conjointly, disclose a well-planned

conspiracy executed with prior preparation and coordinated participation of the accused persons.

90. The prosecution evidence further clearly delineates the distinct role played by each accused person in execution of the conspiracy. The evidence of PW-3 Ram Soni, who was present at the time of occurrence, coupled with the CCTV footage proved by PW-13 Arvind Kashyap, PW-16 Manoj Mansukhani, PW-22 Neeraj Soni, PW-23 Deepak Kaser, PW-32 Ajay Singh and PW-37 Manish Kumar Pandey, establishes that a white coloured Wagon-R car was used for kidnapping the victim Virat from near his residence. The evidence of PW-3 specifically identifies accused Harekrishna Rai as the person who was roaming in the lane and attempted to pull the victim before he was forcibly taken away in the vehicle. The recovery proceedings proved by PW-52 Anju Chelak demonstrate that the victim Virat was ultimately recovered from the house of accused Rajkishore Singh at Panna Nagar, Jarhabhata, thereby establishing his active participation in confining the victim. The seizure of the Wagon-R car, mobile phones, SIM cards, newspaper clippings relating to the kidnapping incident, lock and keys, photographs of the victim and other incriminating articles from the possession and memorandum statements of the accused persons further connect them with the commission of the offence. The evidence also reveals that accused Satish Sharma remained in continuous contact with the other accused persons and facilitated the execution of the offence, whereas accused Nita Saraf acted as an insider source having knowledge of the

movements and activities of the victim's family. Thus, the prosecution has been able to establish the interconnected roles performed by the accused persons in furtherance of their common object.

91. The evidence on record also discloses the thread of investigation through which the police ultimately reached the accused persons. Initially, the investigation commenced from the missing report and the ransom call received on the mobile phone of the complainant. The Cyber Cell, through analysis of the ransom mobile number, its IMEI linkage, tower locations and connected numbers, gradually identified the chain of mobile communications associated with the accused persons. The surveillance and interception of suspected mobile numbers, coupled with the analysis of call records and movement patterns, led the investigating agency towards Rajkishore Singh, Harekrishna Rai, Anil Singh and other accused persons. Simultaneously, the CCTV footage collected from different establishments situated near the place of occurrence provided visual corroboration regarding the movement of the Wagon-R vehicle and the kidnapping of the child. The subsequent recovery of the victim from the house of Rajkishore Singh, the seizure of mobile phones used in the offence, retrieval of deleted electronic data, transcription of intercepted conversations, recovery of voice recordings and scientific examination of electronic devices further strengthened the prosecution case. The evidence of the investigating officer PW-52 Anju Chelak, duly corroborated by the Cyber experts and nodal officers, demonstrates that the investigation proceeded systematically from the ransom call,

to electronic surveillance, to identification of the accused persons and finally to recovery of the victim and incriminating articles, thereby completing the chain of circumstances against the accused persons.

92. At this juncture, it is apposite to refer to the settled legal position laid down by the Hon'ble Supreme Court in **Anvar P.V. v. P.K. Basheer and others**, (2014) 10 SCC 473, wherein it was categorically held that electronic evidence is admissible only when accompanied by a certificate under Section 65B(4) of the Evidence Act. Para 16 of the said judgment reads as follows for ready reference :-

“16. It is further clarified that the person need only to state in the certificate that the same is to the best of his knowledge and belief. Most importantly, such a certificate must accompany the electronic record like computer printout, compact disc (CD), video compact disc (VCD), pen drive, etc., pertaining to which a statement is sought to be given in evidence, when the same is produced in evidence. All these safeguards are taken to ensure the source and authenticity, which are the two hallmarks pertaining to electronic record sought to be used as evidence. Electronic records being more susceptible to tampering, alteration, transposition, excision, etc. without such safeguards, the whole trial based on proof of electronic records can lead to travesty of justice.”

93. This position has been further clarified and authoritatively reaffirmed by the Constitution Bench in **Arjun Panditrao Khotkar v. Kailash**

Kushanrao Gorantyal and others, (2020) 7 SCC 1, wherein it was held that the requirement of a Section 65B certificate is mandatory, but such certificate can be produced at a later stage if not already filed, provided the authenticity of the electronic record is otherwise established. The Hon'ble Supreme Court has observed as follows :-

“81. What is laid down in Section 65-B as a precondition for the admission of an electronic record, resembles what is provided in the second part of Section 136. For example, if a fact is sought to be proved through the contents of an electronic record (or information contained in an electronic record), the Judge is first required to see if it is relevant, if the first part of Section 136 is taken to be applicable.

82. But Section 65-B makes the admissibility of the information contained in the electronic record subject to certain conditions, including certification. The certification is for the purpose of proving that the information which constitutes the computer output was produced by a computer which was used regularly to store or process information and that the information so derived f was regularly fed into the computer in the ordinary course of the said activities.”

94. Very recently, in **Pooranmal v. State of Rajasthan and another**, 2026 SCC OnLine SC 344, while dealing with a similar issue concerning the

admissibility and evidentiary value of evidence allegedly obtained in breach of procedural safeguards, the Hon'ble Supreme Court has reiterated the well-settled legal position that the relevance and admissibility of evidence under the Indian Evidence Act are primarily governed by its probative value and not merely by the manner or method of its collection while observing as under :-

"50. This position of law was cemented by this Court in the case of Anvar P. V. (supra) wherein it was held as follows:-

"14. Any documentary evidence by way of an electronic record under the Evidence Act, in view of Sections 59 and 65-A, can be proved only in accordance with the procedure prescribed under Section 65-B. Section 65-B deals with the admissibility of the electronic record. The purpose of these provisions is to sanctify secondary evidence in electronic form, generated by a computer. It may be noted-that-the section starts with a non obstante clause. Thus, notwithstanding anything contained in the Evidence Act, any information contained in an electronic record which is printed on a paper, stored, recorded or copied in optical or magnetic media produced by a computer shall be deemed to be a document only if the conditions mentioned under subsection (2) are satisfied, without further proof or production of the original. The very admissibility of such a document i.e. electronic record which is called as

computer output, depends on the satisfaction of the four conditions under Section 65-B(2). Following are the specified conditions under Section 65-B(2) of the Evidence Act:

(i) The electronic record containing the information should have been produced by the computer during the period over which the same was regularly used to store or process information for the purpose of any activity regularly carried on over that period by the person having lawful control over the use of that computer;

(ii) The information of the kind contained in electronic record-or of the kind from which the information is derived was regularly fed into the computer in the ordinary course of the said activity;

(iii) During the material part of the said period, the computer was operating properly and that even if it was not operating properly for some time, the break or breaks had not affected either the record or the accuracy of its contents; and

(iv) The information contained in the record should be a reproduction or derivation from the information fed into the computer in the ordinary course of the said activity.

15. Under Section 65-B(4) of the Evidence Act, if it is desired to give a statement in any proceedings pertaining to an electronic

record, it is permissible provided the following conditions are satisfied:

(a) There must be a certificate which identifies the electronic record containing the statement;

(b) The certificate must describe the manner in which the electronic record was produced;

(c) The certificate must furnish the particulars of the device involved in the production of that record;

(d) The certificate must deal with the applicable conditions mentioned under Section 65-B(2) of the Evidence Act; and

(e) The certificate must be signed by a person occupying a responsible official position in relation to the operation of the relevant device.

16. It is further clarified that the person need only to state in the certificate that the same is to the best of his knowledge and belief. Most importantly, such a certificate must accompany the electronic record like computer printout, compact disc (CD), video compact disc (VCD), pen drive, etc., pertaining to which a statement is sought to be given in evidence, when the same is produced in evidence. All these safeguards are taken to ensure the source and authenticity, which are the two hallmarks pertaining to electronic record sought to be

used as evidence. Electronic records being more susceptible to tampering, alteration, transposition, excision, etc. without such safeguards, the whole trial based on proof of electronic records can lead to travesty of justice.

17. Only if the electronic record is duly produced in terms of Section 65-B of the Evidence Act, would the question arise as to the genuineness thereof and in that situation, resort can be made to Section 45-A-opinion of Examiner of Electronic Evidence.

18. The Evidence Act does not contemplate or permit the proof of an electronic record by oral evidence if requirements under Section 65-B of the Evidence Act are not complied with, as the law now stands in India.”

95. In view of the above discussions, this Court unequivocally holds that, the CCTV footage, call detail records, certificate under Section 65-B of the Indian Evidence Act, fingerprint report, the electronic data collected in the pen-drive, voice record of intercepted mobile numbers, mobile location report, mobile tower dump information, CAF have duly been proved by the prosecution, which are admissible and reliable and of high probative value.
96. The next consideration would be with respect to the recovery of victim Virat from the house of Rajkishore at Panna Nagar, Jarhabhata. When the police received the clue, he conducted raid in the house of

Rajkishore at Panna Nagar, Jarhabhata, where the victim Virat was confined. PW-11, Suraj Kumar who was the tenant to the house of Rajkishore at Jarhabhara, he stated in his evidence that he was the tenant in the ground floor of the house of Rajkishore and in the upstairs landlord Rajkishore was residing. The employee of Rajkishore, who were working in his factory used to come to house of Rajkishore. On the date of incident, at about 5:00-6:00 a.m. police came there and asked about Raj Singh. He replied that he had gone to Bihar 3-4 days back as has been informed by him. The police took him to upstairs and tried to broke open the door, thereafter, he saw a child inside the house and he was crying. The accused Harekrishna was also there with the child. He tried to flee from the place, by the police caught him hold. In cross-examination he admitted that when Raj Singh had gone after informing him, he locked his house from outside. He further stated that his employee used to come to his house. He denied that the victim boy has not been recovered from the house of Raj Singh.

97. PW-12, Anuj Tandan is the resident of the vicinity from where the victim was recovered. He stated that the police conducted search of the house of Rajkishore at Panna Nagar an a child was recovered from his house. Along with the child, the accused Harekrishna was there with him and the police prepared the recovery panchnama (exhibit P-15 and P-16). The police has seized biscuits, chappal of the child, sword, shirt-pant and other articles vide seizure memo (exhibit P-17). In cross-examination he stated that his house is about 50 metes

away from the house, from where the victim was recovered. It was the house of Rajkishore Singh. When he entered into house along with the police persons, the child was in the room. He remained firm in recovery of the child from the house of Rajkishore Singh and accused Harekrishna was there with the child and the room was locked from outside.

98. PW-43, Sanny @ Vishal Masih is the witness who was with the police team, when they were searching the victim. At about 4:00-5:00 a.m. they had gone to the house of Rajkishore, which was locked. The police broke opened the lock and taken out the child from there. The seizure of broken lock is exhibit P-61. In cross-examination he stated that since he is also resident of Panna Nagar, therefore, he knew the accused Rajkishore. He also came to know about the accused Anil Singh from whom the vehicle was seized and he was arrested from Yadunandan Nagar.
99. PW-52, Anju Chelak has stated in her evidence that on 26.04.2019, at about 6:55 a.m. the victim Virat was recovered from the house of Rajkishore Singh at Panna Nagar, Jarhabhata and recovery panchnama (exhibit P-15 and P-16) was prepared. The said recovery of the victim has been corroborated by Anuj Tandan (PW-12).
100. The recovery of the victim Virat from the house of accused Rajkishore Singh at Panna Nagar, Jarhabhata constitutes a highly incriminating circumstance against the accused persons and lends substantial assurance to the prosecution case. The evidence of PW-11 Suraj

Kumar, who was a tenant residing on the ground floor of the said house, clearly establishes that accused Rajkishore Singh was residing in the upper portion of the house and that his employees frequently used to visit the premises. He categorically stated that when the police reached the house in the early morning hours and broke open the locked room, the victim child was found confined inside and accused Harekrishna Rai was present there along with the child and attempted to flee from the spot. His testimony further establishes that the room was locked from outside, thereby indicating conscious confinement of the victim. The evidence of PW-12 Anuj Tandan, an independent witness residing in the vicinity, fully corroborates the recovery proceedings and confirms that the victim was recovered from the house of Rajkishore Singh in presence of accused Harekrishna Rai and that various incriminating articles including biscuits, clothes, chappals and weapons were seized from the spot vide seizure memo (exhibit P-17). The evidence of PW-43 Sanny @ Vishal Masih further corroborates that the police had to break open the lock of the house before recovering the child. The investigating officer PW-52 Anju Chelak has also consistently deposed regarding the recovery proceedings and preparation of recovery panchnama (exhibit P-15 and P-16). The aforesaid evidence, being natural, cogent and mutually corroborative, conclusively establishes that the victim Virat was illegally confined in the house of accused Rajkishore Singh and was recovered therefrom during the course of investigation, thereby directly connecting the accused persons with the commission of the offence.

101. The most important part of the evidence in the case is the evidence of victim Virat Saraf (PW-9). After examining the IQ of the victim Virat, who is 9 years old child, the learned trial Court recorded his evidence. When he appeared before the Court, he identified the persons, who was with him in the room, driving the vehicle, his elder mother and driver of another vehicle. He stated that date of incident is 20th April. When he was playing with his friends Himanshu, Ram (elder), Ayush and Ram (younger) near his house in the evening, a white coloured vehicle came there, the accused present in the Court, who wore blue coloured t-shirt asked about the name of his father and mother. When he disclosed the name of his parents, he gagged his mouth and took inside the car. The car was white coloured and without number plate. His face was tied with gamchha, however it was semi-transparent and he saw that he written statement taken by another vehicle from Railway Station. He was kept in a room, which was locked and the accused, who wore blue coloured t-shirt was also stayed with him. The accused used to beat him on his chest and knees. When he was taken inside the car, he was crying, but the said blue t-shirt accused slapped him and asked to keep quite, otherwise, he would be brutally beaten. They asked about phone number of his father. After about 6 days, the blue coloured t-shirt accused received a phone call and then he fled away from exhaust fan hole. At the same time, he saw the police personnel from the window and the police took him to his mother. He informed all incident to the police and thereafter, the police took him to Lal Bahadur and Tehsil. He identified the accused persons in both the

places and his signature is there (exhibit P-14). In cross-examination, he stated that the accused persons removed their face cover inside the car. He denied that the accused persons were shown to him at police station. He himself identified the accused persons at Tehsil Office. He was being taken to Tahsil Office on 27th. He further stated in his cross-examination that, he was being taken towards Railway Station. Before his kidnapping a person, who was having orange colour gamchha was roaming in the place since 4 days back. He also identified the said person in the Tehsil Office. When he was confronted with the person appeared through video-conferencing, he identified the accused Satish Sharma that he was the same person. He also identified Rajkishore Singh at Lal Bahadur School and other accused persons have also been identified by him. He firmly denied that he is a tutored witness. He denied that he identified the accused persons on the basis of their photographs published in the daily newspaper.

102. The most material witness of the prosecution is the victim himself, namely Virat Saraf (PW-9), whose evidence carries great evidentiary value being the direct victim of the occurrence. After being satisfied regarding his understanding and intellectual capacity, the learned trial Court proceeded to record his testimony. The victim gave a vivid and natural account of the entire incident and categorically stated that on 20.04.2019, while he was playing near his house with his friends, a white coloured vehicle without number plate came there and one of the accused persons, who was wearing a blue coloured T-shirt, inquired about the names of his parents and thereafter forcibly

kidnapped him by gagging his mouth and taking him inside the vehicle. He further stated that though his face was tied with a gamchha, the same was semi-transparent and he could see the movements and the accused persons accompanying him. He specifically deposed that he was confined in a locked room where the accused wearing blue coloured T-shirt remained with him and assaulted and threatened him during confinement. The witness further narrated the manner in which, after about six days, the accused fled away and he was ultimately rescued by the police personnel. Most importantly, the victim categorically identified the accused persons before the Court as well as during the test identification proceedings conducted at Tehsil Office and Lal Bahadur School, and specifically identified accused Satish Sharma, Rajkishore Singh and the other accused persons involved in the incident. In his cross-examination also, he remained firm and consistent regarding the identity of the accused persons and denied the suggestion that the accused were shown to him earlier at the police station or that he identified them on the basis of newspaper photographs. The testimony of the victim is natural, trustworthy and inspires confidence, and there is no reason to disbelieve his identification of the accused persons, particularly when the same stands corroborated by the surrounding circumstances, CCTV footage, recovery of the victim and the electronic evidence brought on record by the prosecution.

103. PW-18, Shailendra Saraf is the witness to the seizure memo (exhibit P-3 and P-4), by which pen-drive has been seized from Manish Kumar

and Manoj Mansukhani. In cross-examination he stated that, the police has taken the CCTV footage about the incident from the CCTV camera installed at Aarti printing and Riya collection. He reaffirmed his presence at the time of seizure at the time of CCTV footage.

104. PW-21, B.R. Kumhar is the constable posted at Police Line Bilaspur. He stated in his evidence that he was a member of police team to search the accused persons. They taken the accused Rajkishore Singh in custody at Ramanujganj Bus Stand who was in a Duster car bearing No. CG 04 KR 5232. In cross-examination he denied that the accused Rajkishore was not taken into custody from Ramanujganj Bus Stand.
105. PW-23, Narayan Prasad Gabel who is the Deputy Collector, Bilaspur conducted the test identification parade. He stated in his evidence that on the basis of letter dated 27.04.2019 received from Sub-Divisional Officer, Bilaspur, he conducted a test identification parade of the accused persons. In compliance of the letter dated 27.04.2019, the accused Harekrishna, Anil Singh Rajput and Satish Sharma were put to test identification parade before Rahul Kumar Suryavanshi (PW-8) and the test identification parade memo is exhibit P-13. Rahul Kumar Suryavanshi duly identified the accused persons Harekrishna, Anil Singh and Satish Sharma. He conducted another TIP of these accused persons and the witness Naresh Dewangan (PW-6) has also duly identified these accused persons and the TIP memo is exhibit P-29. He also conducted the TIP of Harekrishna Rai, Anil Singh Rajput and Satish Sharma from the victim Virat and he identified these

accused persons from their faces and TIP memo (exhibit P-14) was prepared. He also received a memo on 11.05.2019 for conducting TIP of accused Rajkishore Singh from the victim Virat and he conducted the same on 12:45 p.m. and the victim Virat has duly identified by his face and TIP memo (exhibit P-30) has been prepared. He identified him that he was the driver of the vehicle. By the memo dated 11.05.2019, he also conducted TIP of the accused Rajkishore Singh from Naresh Dewangan (PW-6) at Tehsil Office, Bilaspur and he also identified the accused Rajkishore Singh by his face and TIP memo (exhibit P-31) was prepared. By the memo dated 11.05.2019, the accused Rajkishore Singh also put for TIP from Rahul Kumar Suryavanshi (PW-8), which was conducted at Tehsil Office, Bilaspur and he too has identified him and TIP memo (exhibit P-32) was prepared. In cross-examination, he received the memos for conducting TIP through the Sub-Divisional Magistrate. He stated that in the documents it has been mentioned that the accused persons were kept in hide their faces. The police personals to the accused persons Harekrishna Rai, Anil Singh Rajput, Satish Sharma to Lal Bahadur Shastri Higher Secondary School. Though the place of TIP has not been mentioned in the document (exhibit P-27), but it is his own decision for conducting the TIP at Lal Bahadur Shastri School. The persons who were present at nearby places were called to be participated in TIP. The exact location at Lal Bahadur Shastri School has not been mentioned in the TIP (exhibit P-13, P-14 and P-29), but it was conducted in a room of the school. He started TIP at 12:45 p.m.

He denied the presence of police personals during the TIP. Though he admitted that in the TIP memos it has not been mentioned about the physic of the persons who mixed with the accused persons and the sequence of their standing during TIP, but that itself is not sufficient to discard the evidence of this witness. He admitted that in the TIP (exhibit P-14) it has not been mentioned, as to when and where the victim Virat saw the accused persons. He also admitted that he did not know as to whether victim Virat was already acquainted with the accused Rajkishore Singh or not. In further cross-examination he stated that below the chin, the body of all the accused persons, whose TIP was conducted, covered by the bed-sheet. He also shown his ignorance that the photographs of the accused persons were already published in evening time daily newspaper. From the evidence of this witness, it clearly reveals that, he being the official witness, conducted the TIP in which the witnesses have duly identified the accused persons Rajkishore Singh, Harekrishna Rai, Anil Singh Rajput and Satish Sharma. Nothing could be elicited in his evidence, which makes his evidence doubtful and this Court after thoughtful consideration finds that the test identification parade is proved by the prosecution.

106. PW-27, Smt. Vidya Jauhar is the fingerprint expert posted at Regional Fingerprint Expert, Bilaspur. She stated in her evidence that on 26.04.2019 she received a memo from City Kotwali Police for search of a fingerprint from the seized car, which is exhibit P-33. On the same day, at 12:10 p.m. she examined the white coloured Wagon-R car bearing No. CG 10 AM 2818. On being examination, she found the

fingerprint in the mirror fixed at above the driver seat and obtained chance print (A) through black graphite, opposite the driver seat of back side in the window and door and internal part of the brown glass, she obtained two chance print (B) and (C), which were preserved. It was photographed by Dilip Tiwari. The said chance print were lifted in presence of the police staff. For specimen fingerprint and palm print of the victim Virat and accused persons, she instructed the police personals. She gave her report (exhibit P-34). On 08.05.2019, she received the fingerprint of the victim Virat and user of the car as well as the suspected accused along with the memo (exhibit P-35). The specimen fingerprint of Satish Sharma is marked as S-1, Harekrishna Rai as S-2, Anil Singh Rajput as S-3 and victim Virat as S-4. She also received the photographs of the fingerprint from police photographer with respect to the chance print. The chance print of (B) was found illegible. Chance print (A) was found matched with S-3, which was of left thumb fingerprint of the accused Anil Singh Rajput. The chance print (C) is matched with fingerprint of left middle finger of victim Virat (S-4). In her further examination, she proved her report (exhibit P-36, P-37 and P-38).

107. In cross-examination, she admitted that in the memo received by her the engine and chassis number of the car has not been mentioned. She voluntarily stated that the car was in police custody and parked at City Kotwali Police Station and she verified from its seizure memo. The fingerprint of the accused persons was taken by the constable Gajendra, in which signature of Station House Officer is also there.

The specimen fingerprint was received her in sealed envelop. Except these three fingerprint, no other fingerprint were found inside the car. She admitted that no panchnama was prepared with respect to chance print taken out from the car. She also admitted that in the sheet of S-1 to S-4, the signature of the constable, who taken the fingerprint is not there, but his name and number is there. She also admitted that in the sheet S-1 to S-4, the name and signature of the persons tested by and classified by have not been mentioned. She voluntarily stated that, in case of fingerprint examination of suspected accused, the signature of specialist of PHQ are to be obtained. She explained that the crime number of the case has been mentioned as 149/2019 inadvertently. She further stated that as per the police regulation, she gave her report under 8 points, which relates to the nature and relative position of the fingerprint. She denied that she gave false report to the police.

108. The evidence of PW-27 Smt. Vidya Jauhar, Fingerprint Expert, assumes significance in the present case. She categorically stated that upon examination of the seized Wagon-R car bearing registration No. CG 10 AM 2818, she detected and preserved three chance fingerprints from different portions of the vehicle. As per her expert opinion, chance print (A) was found matching with the left thumb impression of accused Anil Singh Rajput (S-3), whereas chance print (C) matched with the left middle finger impression of victim Virat (S-4). Her reports exhibit P-34, P-36, P-37 and P-38 substantiate the said opinion. The testimony of this witness remained consistent and nothing

substantial has been elicited in her cross-examination so as to discredit her expertise or the scientific examination conducted by her.

109. Though in cross-examination certain procedural lapses have been pointed out, namely non-mentioning of engine and chassis number in the memo, absence of separate panchnama regarding lifting of chance prints, and omission of signatures of certain officials on specimen sheets, however, such irregularities are merely procedural in nature and do not go to the root of the matter so as to render the fingerprint evidence unreliable. The witness clarified that the vehicle was verified from the seizure memo while it remained in police custody at City Kotwali Police Station and the specimen fingerprints were received in sealed condition. No material contradiction or circumstance has been brought on record to suggest any tampering, fabrication or manipulation of the fingerprints.
110. The matching of the chance fingerprint found inside the vehicle with the fingerprint of accused Anil Singh Rajput clearly establishes his presence in the said Wagon-R car. Simultaneously, the matching of another chance print with the fingerprint of victim Virat corroborates the prosecution case that the victim had travelled in the same vehicle. Thus, the scientific evidence adduced through PW-27 provides strong corroboration to the ocular and circumstantial evidence available on record and firmly connects the accused persons with the vehicle used in the commission of the offence.

111. PW-28, Vijay Kumar is the Assistant Sub-Inspector of Police, who has taken the articles seized in the Crime No. 145/2019 of City Kotwali, Bilaspur, for its examination to Central Forensic Science Laboratory, Director of Science Services, Ministry of Home Affairs of India, Chandigarh and obtained its acknowledgment. The draft which he received is exhibit P-39 and the same has been deposited with the Central Forensic Science Laboratory, Chandigarh. In cross-examination he stated that he had gone to Chandigarh by train. He deposited it on 26.06.2019 and obtained acknowledgment. The defence could not extract from his cross-examination that the articles which he had taken to CFSL, Chandigarh was tempered or manipulated.
112. PW-30, S.K. Tiwari, Assistant Sub-Inspector of Police has stated in his evidence that on 11.05.2019, on the instance of accused Rajkishore Singh, one gray colour Renault Duster car bearing No. CG 04 KR 5232 and its RC book were seized from Shiv Mandir Ghat, behind Bus Stand, Ramanujganj in presence of the witnesses through seizure memo (exhibit P-23). In cross-examination he stated that there was no residential area behind the Bus Stand, Ramanujganj. He admitted that the place where Duster car was seized, he has not prepared any panchnama. The seizure proceeding was conducted at about 9:00-9:30 p.m. He duly proved and explained the seizure of Duster car on the instance of the accused Rajkishore Singh. He remained firm in saying about the seizure of the Duster car from Ramanujganj on the instance of the accused Rajkishore Singh.

113. PW-31, Nikhil Kumar Jha, is the Revenue Inspector and the then Patwari, who prepared the spot map (exhibit P-40) and proved the same. He prepared the spot map on the instance of the witnesses on the spot.
114. PW-33, Smt. Achala Tamboli is the Patwari who gave the copy of Revenue map (exhibit P-45), Khasra panchshala (exhibit P-46) and B-1 Kishbandi (exhibit P-47) after receiving a memo from Nayab Tehsildar, Bilaspur with respect to the ownership of the house of Panna Nagar, Jarhabhata, from where the victim Virat was recovered.
115. PW-44, Mahesh Dubey has stated in his evidence that he acquainted with accused Nita Saraf, who is his neighbor. About four years back victim Virat was being kidnapped by the accused persons, who were present but Nita Saraf was not present. He proved that the accused Harekrishna Rai disclosed to the police in his presence that he had given money to accused Rajkishore Singh for providing job and he demanded his money back, the accused Rajkishore Singh asked him to involve in the activities which he was going to do, thereafter they kidnapped victim Virat from the front of his house, they took him towards Railway Station and after changing the vehicle, they kept him at Panna Nagar. Accused Harekrishna was with victim Virat and after recording voice of victim Virat, he used to send it to accused Anil Singh and Rajkishore Singh. The memorandum statement of Harekrishna is exhibit P-61. Based on his memorandum statement, the jeans, t-shirt, mobile phone and chappal have been seized from Panna Nagar vide seizure memo (exhibit P-62). He also witnessed the memorandum

statement of Anil Singh, which is exhibit P-63 and the connection between Anil Singh and Nita Saraf. He also proved the seizure of Wagon-R car and sword like weapon from accused Anil Singh vide seizure memo (exhibit P-64). He is also a witness of memorandum statement of accused Nita Saraf and she too has disclosed about conspiracy with the other accused persons for kidnapping of the victim Virat which is exhibit P-65 and seizure of mobile phone vide exhibit P-66. He is also a witness of memorandum statement of accused Rajkishore Singh (exhibit P-67) and seizure memo of his mobile (exhibit P-68) and memorandum statement accused Satish Sharma (exhibit P-69) and seizure memo of his mobile phone (exhibit P-70). He is also a witness of seizure memo of Wagon-R car and chappal of Virat (exhibit P-71) and panchnama (exhibit P-72).

116. In cross-examination he stated that the statement of the accused persons were recorded at Cyber Cell, Tarbahar Police Station. He could not tell the exact date and time of memorandum and seizure, but he denied that he was not present at the time of memorandum and seizure. But for minor omissions or contradictions, he duly proved the statements given by the accused persons, seizure based on their statements and identification memo (exhibit P-14) and his evidence is reliable in support of other corroborative evidence available in the case.
117. PW-45, Anil Gulhare is also a witness to the memorandum statement of the accused Rajkishore Singh (exhibit P-67) and seizure memo (exhibit P-68). He denied that he is a pocket witness of the police. He

duly proved the memorandum statement of the accused Rajkishore Singh and seizure based on it.

118. PW-46, Faizul Hoda Shah is the Sub-Inspector of Police and member of the police team, who was in search of the victim. He stated in his evidence that on 11.05.2019, on the instance of accused Rajkishore, he proceeded for Ramanujganj after recording his departure in Rojnamcha (exhibit P-73). He informed the local police station of Ramanujganj and thereafter seized the Duster car No. CG 04 LK 5232 from Shiv Mandir Ghat, Bus Stand, Ramanujganj and thereafter came back to Bilaspur. In cross-examination he stated that the original case diary was with Surendra Tiwari and he assisted him in investigation.
119. Having minutely examined the entire oral, documentary and electronic evidence available on record, this Court finds that the prosecution has been successful in establishing a complete and unbroken chain of circumstances conclusively pointing towards the guilt of the accused persons and ruling out every hypothesis consistent with their innocence. The evidence brought on record is not confined merely to isolated incriminating circumstances, but discloses a systematic, coordinated and pre-planned criminal conspiracy executed jointly by the accused persons for kidnapping minor child Virat Saraf for ransom. The prosecution has succeeded in proving not only the kidnapping and illegal confinement of the child, but also the active participation, interconnection and common intention of all the accused persons in execution of the offence.

120. At the very inception of the occurrence, the prosecution has proved through the evidence of PW-3 Ram Soni, PW-9 Virat Saraf, the CCTV footage proved by PW-13 Arvind Kashyap, PW-16 Manoj Mansukhani, PW-22 Neeraj Soni, PW-23 Deepak Kaser, PW-32 Ajay Singh and PW-37 Manish Kumar Pandey that on 20.04.2019 a white coloured Wagon-R car came near the house of the victim Virat and after taking a U-turn stopped near the lane where the child was playing. The victim Virat was forcibly kidnapped and taken inside the car. The testimony of victim Virat is wholly natural, spontaneous and trustworthy. Being the victim himself, his evidence carries a special evidentiary value and there exists no circumstance to disbelieve his version. He categorically narrated the manner in which the accused persons approached him, inquired about his parents, gagged his mouth and forcibly kidnapped him in the white Wagon-R car. His evidence further establishes that he was thereafter confined in a locked room where accused Harekrishna Rai remained with him and threatened and assaulted him. His testimony remained unshaken in cross-examination and he consistently identified the accused persons during the test identification parade as well as before the Court.
121. The prosecution has further succeeded in proving the test identification proceedings through the evidence of PW-26 Narayan Prasad Gabel, Deputy Collector, who conducted the test identification parade in accordance with law. The witness Virat as well as witnesses Rahul Kumar Suryavanshi and Naresh Dewangan duly identified accused Harekrishna Rai, Anil Singh Rajput, Satish Sharma and

Rajkishore Singh during the identification proceedings. Though minor procedural omissions have been pointed out by the defence, the same do not affect the substantive evidentiary value of the test identification proceedings. The evidence clearly demonstrates that necessary precautions were taken and the accused persons were kept with covered faces prior to TIP. No material has been brought on record to establish that the witnesses had an opportunity to see the accused persons before TIP so as to render the identification doubtful.

122. The recovery of the victim Virat from the house of accused Rajkishore Singh at Panna Nagar, Jarhabhata constitutes one of the strongest incriminating circumstances against the accused persons. PW-11 Suraj Kumar, tenant of the said house, clearly stated that the upper portion of the house belonged to Rajkishore Singh and when the police broke open the lock of the room, the victim child was found confined therein and accused Harekrishna Rai was present with the child and attempted to flee. His testimony stands fully corroborated by PW-12 Anuj Tandan, PW-43 Sanny @ Vishal Masih and the investigating officer PW-52 Anju Chelak. The evidence further establishes that the room was locked from outside, thereby unmistakably indicating conscious and illegal confinement of the child. Various incriminating articles including biscuits, clothes, weapons, lock, keys, mobile phones and articles belonging to the victim were seized from the said premises. The recovery proceedings were duly proved through seizure memos and panchnamas prepared during investigation.

123. The prosecution has further established through cogent electronic evidence that the kidnapping was committed pursuant to a well-designed conspiracy amongst the accused persons. The evidence of PW-51 Hemant Aditya, PW-36 Sanjeev Nema, PW-42 Vikas Patel, PW-53 Krishna Sharma and PW-54 Pankaj Ramaiyya conclusively proves the call detail records, CAFs, IMEI linkage and tower locations of the mobile numbers used by the accused persons. The evidence demonstrates that the suspected mobile numbers remained in constant touch with each other immediately before, during and after the occurrence. The tower locations place the accused persons near the place of occurrence and thereafter indicate coordinated movement towards Chhatauna, Ramanujganj and other locations connected with the offence. The mobile numbers used for ransom calls were found interconnected with the accused persons and were operating from locations linked with them. The prosecution has also proved that multiple SIM cards and mobile handsets were deliberately used interchangeably for avoiding detection and facilitating communication amongst the conspirators.
124. The prosecution has further proved through the evidence of PW-20 Pushpendra Madhu and PW-19 Jitendra Dhritlahare that the suspected mobile numbers used in the commission of the offence were recharged immediately prior to the kidnapping incident. The entries in the recharge register corroborate the prosecution story regarding preparation and activation of the mobile numbers used for ransom calls and communication amongst the accused persons.

125. The evidence relating to seizure and forensic examination of electronic devices further lends substantial assurance to the prosecution case. PW-47 Prabhakar Tiwari and PW-48 Omprakash Sharma proved the retrieval and analysis of deleted electronic data from the seized mobile phones and pen-drives. The recovered images, audio files, call logs, intercepted conversations and location details directly connect the accused persons with the kidnapping conspiracy and confinement of the victim. The prosecution has also proved through PW-49 Deepak Yadav and PW-50 Rohit Kumar Pathak the transcription and authenticity of intercepted voice conversations relating to ransom demand. The electronic evidence has been duly supported by certificates issued under Section 65-B of the Indian Evidence Act and therefore satisfies the legal requirements of admissibility.
126. The prosecution has further succeeded in proving the voice sample evidence through the testimony of PW-24 Shashikant Dorai, PW-25 Shailesh Kumar Verma and PW-41 Naveen Kumar Jaiswal of Akashwani, Bilaspur. Their evidence establishes that the voice sample of accused Rajkishore Singh was recorded in accordance with procedure and supplied to the investigating agency in sealed electronic form. The defence has failed to establish any manipulation or fabrication in the recording process.
127. The scientific evidence adduced by the prosecution also substantially corroborates the ocular and electronic evidence. PW-27 Smt. Vidya Jauhar, Fingerprint Expert, conclusively proved that chance print (A) recovered from the Wagon-R vehicle matched with the left thumb

impression of accused Anil Singh Rajput and another chance print matched with the fingerprint of victim Virat. The presence of the fingerprint of accused Anil Singh inside the vehicle used for kidnapping unmistakably establishes his direct involvement in commission of the offence. Simultaneously, the fingerprint of victim Virat inside the vehicle corroborates the prosecution case that the victim had travelled in the same vehicle after being kidnapped. Minor procedural irregularities pointed out in cross-examination are insufficient to discard otherwise reliable scientific evidence, particularly in absence of any suggestion of tampering or fabrication.

128. The memorandum statements of the accused persons and consequential recoveries further strengthen the prosecution case. The prosecution has proved through PW-44 Mahesh Dubey, PW-45 Anil Gulhare and PW-52 Anju Chelak the memorandum statements of accused Harekrishna Rai, Anil Singh, Nita Saraf, Satish Sharma and Rajkishore Singh and the recoveries made pursuant thereto. From the possession and disclosure statements of the accused persons, the investigating agency recovered the Wagon-R vehicle used in the offence, mobile phones, SIM cards, voice recordings, lock and keys, weapons, victim's articles, newspaper clippings relating to the kidnapping and other incriminating materials. These recoveries are admissible under Section 27 of the Indian Evidence Act to the extent they distinctly relate to facts discovered and provide additional corroboration regarding participation of the accused persons in the offence.

129. The Hon'ble Supreme Court in **Pulukuri Kottaya v. King Emperor**, AIR 1947 PC 67 (consistently followed in later judgments) and in **State of Rajasthan v. Bhup Singh**, (2022) 7 SCC 675, has held that discovery of a fact pursuant to the disclosure made by the accused is a strong incriminating circumstance. Similarly, in **Manoj Kumar v. State of Chhattisgarh**, (2023) 2 SCC 353, it has been reiterated that recovery at the instance of the accused, when coupled with other circumstances, forms a vital link in the chain of evidence.
130. The conduct of the accused persons before and after the occurrence also assumes significance. The evidence reveals coordinated movement of the accused persons, continuous telephonic contact amongst themselves, concealment of the victim in the house of accused Rajkishore Singh and attempts to evade police detection. The conduct of accused Harekrishna Rai in attempting to flee from the room immediately after police entry is also a relevant incriminating circumstance under Section 8 of the Indian Evidence Act.
131. This Court is conscious that certain minor omissions, contradictions and procedural irregularities have been pointed out during cross-examination of the prosecution witnesses. However, the settled principle of criminal jurisprudence is that trivial discrepancies, procedural lapses or minor inconsistencies which do not affect the core substratum of the prosecution case cannot be treated as fatal to the prosecution. Human memory is fallible and variations on insignificant particulars are natural. In the present case, the evidence of the material witnesses remains cogent, consistent and trustworthy

on all material particulars. The defence has failed to demonstrate any material contradiction going to the root of the prosecution case.

132. Further, in our perception it is almost impossible to come across the case where the investigation was conducted completely flawless or absolutely full proved. The function of a criminal courts should not be wasted in picking out of lapses. In the case of **State of West Bengal v. Mir Mohammad Omar**, AIR 2000 SC 2988, the Hon'ble Supreme Court has held that:

“41. Learned Judges of the Division Bench did not make any reference to any particular omission or lacuna in the investigation. Castigation of investigation unfortunately seems to be a regular practice when the trial courts acquit accused in criminal cases. In our perception it is almost impossible to come across a single case wherein the investigation was conducted completely flawless or absolutely foolproof. The function of the criminal courts should not be wasted in picking out the lapses in investigation and by expressing unsavory criticism against investigating officers. If offenders are acquitted only on account of flaws or defects in investigation, the cause of criminal justice becomes the victim. Effort should be made by courts to see that criminal justice is salvaged despite such defects in investigation. Courts should bear in mind the time constraints of the police officers in the present system, the ill-equipped machinery they have to cope with, and the traditional apathy of respectable persons to

come forward for giving evidence in criminal cases which are realities the police force have to confront with while conducting investigation in almost every case. Before an investigating officer is imputed with castigating remarks the courts should not overlook the fact that usually such an officer is not heard in respect of such remarks made against them. In our view the court need make such deprecatory remarks only when it is absolutely necessary in a particular case, and that too by keeping in mind the broad realities indicated above.”

133. In the case of **State of U.P. v. Jagdev**, AIR 2003 SC 660, the Hon’ble Supreme Court has held in para 8 that:

“8. Coming to the aspect of the investigation being allegedly faulty, we would like to say that we do not agree with the view taken by the High Court. We would rather like to say that assuming the investigation was faulty, for that reason alone the accused persons eye-witnesses at the time of occurrence is totally unacceptable. The impugned judgment of the High Court whereby all the accused persons have been acquitted is hereby set aside. These appeals are allowed and the judgment of the Sessions Court is hereby restored. The accused persons shall be taken into custody to serve the remaining sentence as imposed on each of them by the Sessions Court.”

134. Further, in the case of **V.K. Mishra and others v. State of Uttarakhand**, AIR 2015 SC 3043, the Hon’ble Supreme Court has held that:-

“32. Refuting the contention of the Appellants on the lapses in the investigation and contending that any lapse in the investigation does not affect the core of the prosecution case, the Respondents have placed reliance upon the judgment of this Court in State of Karnataka v. K. Yarappa Reddy (1999) 8 SCC 715, wherein this Court held as under:

...It can be a guiding principle that as investigation is not the solitary area for judicial scrutiny in a criminal trial, the conclusion of the court in the case cannot be allowed to depend solely on the probity of investigation. It is wellnigh settled that even if the investigation is illegal or even suspicious the rest of the evidence must be scrutinized independently of the impact of it. Otherwise the criminal trial will plummet to the level of the investigating officers ruling the roost. The court must have predominance and pre-eminence in criminal trials over the action taken by investigating officers. Criminal justice should not be made a casualty for the wrongs committed by the investigating officers in the case. In other words, if the court is convinced that the testimony of a witness to the occurrence is true the court is free to act on it albeit the investigating officer's suspicious role in the case....”

135. The evidence on record clearly establishes that accused Nita Saraf acted as an insider source having prior knowledge regarding the

movements and activities of the victim's family and remained in regular telephonic contact with the other accused persons before and after the incident. Accused Anil Singh Rajput was directly connected with the Wagon-R car used in the kidnapping and his fingerprint was found inside the car. Accused Harekrishna Rai actively participated in kidnapping and confinement of the victim and remained present with the child at the time of recovery. Accused Rajkishore Singh provided the premises for illegal confinement of the child and remained actively involved in the execution of the conspiracy and ransom arrangement. Accused Satish Sharma remained in continuous communication with the other conspirators and facilitated execution of the offence. Thus, the role of each accused person stands clearly established through independent as well as corroborative evidence. The offence in the present case is grave and serious in nature involving kidnapping of a minor child for ransom pursuant to a pre-planned criminal conspiracy. Such offences not only affect the victim and his family but also create fear and insecurity in the society at large.

136. In the matter of **Nagendra Sah Vs. State of Bihar**, 2021 (10) SCC 725 in paragraphs 17 and 18 replying upon the golden principles enumerated in case **Sharad Birdhichand Sarda Vs. State of Maharashtra**, 1984 (4) SCC 116, the Supreme Court has held as under:

“17. As the entire case is based on circumstantial evidence, we may make a useful reference to a leading decision of this Court on the subject. In

the case of Sharad Birdhichand Sarda (supra), in paragraph 153, this Court has laid down five golden principles (Panchsheel) which govern a case based only on circumstantial evidence. Paragraph 153 reads thus : -

“153. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

It may be noted here that this Court indicated that the circumstances concerned ‘must or should’ and not ‘may be’ established. There is not only a grammatical but a legal distinction between ‘may be proved’ and “must be or should be proved” as was held by this Court in Shivaji Sahabrao Bobade & Anr. v. State of Maharashtra, 1973 (2) SCC 793 where the following observations were made:

19.....Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between ‘may be’ and ‘must be’ is long and divides vague conjectures from sure conclusions.

(2) The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say,

they should not be explainable on any other hypothesis except that the accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency,

(4) they should exclude every possible hypothesis except the one to be proved, and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.” (emphasis added).

18. Paragraphs 158 to 160 of the said decision are also relevant which read thus :

“158. It may be necessary here to notice a very forceful argument submitted by the Additional Solicitor-General relying on a decision of this Court in *Deonandan Mishra v. State of Bihar*, AIR 1955 SC 801 to supplement his argument that if the defence case is false it would constitute an additional link so as to fortify the prosecution case. With due respect to the learned Additional Solicitor-General we are unable to agree with the interpretation given by him of the aforesaid case, the relevant portion of which may be extracted thus:

9.But in a case like this where the various links as started above have been satisfactorily made out and the circumstances point to the appellant as the probable assailant, with reasonable definiteness and in proximity to the deceased as regards time and situation, . . . such absence of explanation or false explanation would itself be an additional link which completes the chain."

159. It will be seen that this Court while taking into account the absence of explanation or a false explanation did hold that it will amount to be an additional link to complete the chain but these observations must be read in the light of what this Court said earlier, viz., before a false explanation can be used as additional link, the following essential conditions must be satisfied :

(1) various links in the chain of evidence led by the prosecution have been satisfactorily proved,

(2) the said circumstance points to the guilt of the accused with reasonable definiteness, and

(3) the circumstance is in proximity to the time and situation.

160. If these conditions are fulfilled only then a court can use a false explanation or a false defence as an additional link to lend

an assurance to the court and not otherwise. On the facts and circumstances of the present case, this does not appear to be such a case. This aspect of the matter was examined in *Shankarlal Gyarasi Lal Dixit v. State of Maharashtra*, 1981 (2) SCC 35, where this Court observed thus:

30.....Besides, falsity of defence cannot take the place of proof of facts which the prosecution has to establish in order to succeed. A false plea can at best be considered as an additional circumstance, if other circumstances point unfailingly to the guilt of the accused." (emphasis added)"

137. At this stage, it is necessary to examine whether the ingredients of Section 364-A of the Indian Penal Code stand satisfied. The evidence on record clearly establishes that the victim Virat, a minor child, was kidnapped and kept under illegal confinement by the accused persons and ransom calls were made to his family demanding money for his release. The testimony of the prosecution witnesses, intercepted conversations, electronic evidence and recovery proceedings conclusively prove that the victim was subjected to threat and detention in order to compel the family members to fulfil the ransom demand. The essential ingredients of Section 364-A IPC, namely kidnapping or abduction, detention of the victim and threat coupled with demand for ransom, therefore stand fully established against the accused persons.

138. It is necessary here to notice the provisions of Section 364-A of the IPC, which reads as under:

“364A. Kidnapping for ransom, etc.—Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction, and threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person in order to compel the Government or 5[any foreign State or international inter-governmental organisation or any other person] to do or abstain from doing any act or to pay a ransom, shall be punishable with death, or imprisonment for life, and shall also be liable to fine.”

139. In the case of **Shaik Ahmed v. State of Telangana**, 2021 (9) SCC 59, the Hon'ble Supreme Court has considered that in addition to first condition of establishing the kidnapping of the child, the second condition has to be fulfilled that provides “threatened to cause death or hurt to such person”. In para 9 to 33 and 41, 42, the Hon'ble Supreme Court has held that:

9.The Law Commission of India took up the revision of [Indian Penal Code](#) and submitted its report, i.e., 42nd Report (June, 1971). In Chapter 16, offences affecting the human body was dealt with. The chapter on kidnapping and abduction was dealt by the Commission in paragraphs 16.91 to 16.112. [Section 364](#) and [364A](#) was dealt by the Commission in paragraphs 16.99 to 16.100 which are as follows:-

“16.99. Section 364-Amendments proposed.- punishes the offence of kidnapping or abduction of a person in order to murder him, the maximum punishment being imprisonment for life or for ten years. In view of our general recommendation as to imprisonment for life, we propose that life imprisonment should be omitted and term imprisonment increased to 14 years. The illustrations to the section do not elucidate any particular ingredient of the offence and should be omitted.

16.100. Section 364-A-Kidnapping or abduction for ransom- We consider it desirable to have a specific section to punish severely kidnapping or abduction for ransom, as such cases are increasing. At present, such kidnapping or abduction is punishable under [section 365](#) since the kidnapped or abducted person will be secretly and wrongfully confined.

We also considered the question whether a provision for reduced punishment in case of release of the person kidnapped without harm should be inserted, but we have come to the conclusion that there is no need for it. We propose the following section:-

“364-A. Kidnapping or abduction for ransom .— Whoever kidnaps or abducts any person with intent to hold that person for ransom shall be punished with rigorous imprisonment for a term which may extend to 14 years, and shall also be liable to fine.”

10. Although the Law Commission has in paragraph 16.100 proposed [Section 364A](#), which only stated that

whoever kidnaps or abducts any person with intent to hold that person for ransom be punished for a term which may extend to 14 years. Parliament while inserting [Section 364A](#) by Act No.42 of 1993 enacted the provision in a broader manner also to include kidnapping and abduction to compel the Government to do or abstain from doing any act or to pay a ransom which was further amended and amplified by Act No.24 of 1995.

11. [Section 364A](#) as it exists after amendment is as follows:-

“364A. Kidnapping for ransom, etc.—Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction and threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person in order to compel the Government or any foreign State or international inter-governmental organisation or any other person to do or abstain from doing any act or to pay a ransom, shall be punishable with death, or imprisonment for life, and shall also be liable to fine.”

12. We may now look into [section 364A](#) to find out as to what ingredients the Section itself contemplate for the offence. When we paraphrase [Section 364A](#) following is deciphered:-

(i) “Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction”

(ii) “and threatens to cause death or hurt to such person, or by his conduct gives rise to a

reasonable apprehension that such person may be put to death or hurt,

(iii) or causes hurt or death to such person in order to compel the Government or any foreign State or international inter- governmental organisation or any other person to do or abstain from doing any act or to pay a ransom”

(iv) “shall be punishable with death, or imprisonment for life, and shall also be liable to fine.”

The first essential condition as incorporated in [Section 364A](#) is “whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction”. The second condition begins with conjunction “and”. The second condition has also two parts, i.e., (a) threatens to cause death or hurt to such person or (b) by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt. Either part of above condition, if fulfilled, shall fulfill the second condition for offence. The third condition begins with the word “or”, i.e., or causes hurt or death to such person in order to compel the Government or any foreign State or international inter-governmental organisation or any other person to do or abstain from doing any act or to pay a ransom. Third condition begins with the word “or causes hurt or death to such person in order to compel the Government or any foreign state to do or abstain from doing any act or to pay a ransom”. [Section 364A](#) contains a heading “kidnapping for ransom, etc.” The kidnapping by a person to demand ransom is fully covered by [Section 364A](#).

13. We have noticed that after the first condition the

second condition is joined by conjunction “and”, thus, whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction and threatens to cause death or hurt to such person.

14. The use of conjunction “and” has its purpose and object. [Section 364A](#) uses the word “or” nine times and the whole section contains only one conjunction “and”, which joins the first and second condition. Thus, for covering an offence under [Section 364A](#), apart from fulfillment of first condition, the second condition, i.e., “and threatens to cause death or hurt to such person” also needs to be proved in case the case is not covered by subsequent clauses joined by “or”.

15. The word “and” is used as conjunction. The use of word “or” is clearly distinctive. Both the words have been used for different purpose and object. Crawford on Interpretation of Law while dealing with the subject “disjunctive” and “conjunctive” words with regard to criminal statute made following statement:-

“.....The Court should be extremely reluctant in a criminal statute to substitute disjunctive words for conjunctive words, and vice versa, if such action adversely affects the accused.”

16. We may also notice certain judgments of this court where conjunction “and” has been used. In [Punjab Produce and Trading Co. Ltd. Vs. The CIT, West Bengal, Calcutta](#) (1971) 2 SCC 540, this Court had occasion to consider Section 23-A Explanation b(iii) of [Income Tax Act, 1922](#) which provision has been extracted in paragraph 5 of the judgment which is to the following effect:-

“Explanation. — For the purposes of this section a company shall be deemed to be a company in which the public are substantially interested—

(a) If it is a company owned by the Government or in which not less than forty per cent of the shares are held by the Government.

(b) If it is not a private company as defined in the [Indian Companies Act, 1913](#) (7 of 1913) and—

(i) its shares (not being shares entitled to a fixed rate of dividend, whether with or without a further right to participate in profits) carrying not less than fifty per cent of the voting power have been allotted unconditionally to, or acquired unconditionally by, and were throughout the previous year beneficially held by the public (not including a company to which the provisions of this section apply):

Provided that in the case of any such company as is referred to in sub-section (4), this sub-clause shall apply as if for the words ‘not less than fifty per cent’ the words ‘not less than forty per cent’, had been substituted;

(ii) the said shares were at any time during the previous year the subject of dealing in any recognised stock exchange in India or were freely transferable by the holder to other members of the public; and

(iii) the affairs of the company or the shares carrying more than fifty per cent of the total voting power were at no time during the previous year controlled or held by less than six persons (persons who are related to one another as husband, wife,

lineal ascendant or descendant or brother or sister, as the case may be, being treated as a single person and persons who are nominees of another person together with that other person being likewise treated as a single person:

Provided that in the case of any such company as is referred to in sub-section (4), this clause shall apply as if for the words 'more than fifty per cent', the words 'more than sixty per cent', had been substituted."

17. This Court held following in paragraph 8:-

"8.The clear import of the opening part of clause (b) with the word "and" appearing there read with the negative or disqualifying conditions in sub-clause (b)(iii) is that the assessee was bound to satisfy apart from the conditions contained in the other sub- clauses that its affairs were at no time during the previous year controlled by less than six persons and shares carrying more than 50 per cent of the total voting power were during the same period not held by less than six persons....."

18. In another judgment, [Hyderabad Asbestos Cement Products and Anr. Vs. Union of India](#), (2000) 1 SCC 426, this Court had occasion to consider Rule 56-[A of Central Excise Act, 1944](#). The Court dealt with interpretation of conjunctive and disjunctive "and", "or". Proviso to Rule 56-A also uses the conjunctive word "and". The Provision of the Rule as quoted in paragraph 4 is as below:-

"56-A. Special procedure for movement of duty-paid materials or component parts for use in the manufacture of finished excisable goods.

—(1) Notwithstanding anything contained in these rules, the Central Government may, by notification in the Official Gazette, specify the excisable goods in respect of which the procedure [laid down in](#) sub-rule (2) shall apply. (2) The Collector may, on application made in this behalf and subject to the conditions mentioned in sub-rule (3) and such other conditions as may, from time to time, be prescribed by the Central Government, permit a manufacturer of any excisable goods specified under sub-rule (1) to receive material or component parts or finished products (like asbestos cement), on which the duty of excise or the additional duty under Section 2-A of the Indian Tariff Act, 1934 (32 of 1934), (hereinafter referred to as the countervailing duty), has been paid, in his factory for the manufacture of these goods or for the more convenient distribution of finished product and allow a credit of the duty already paid on such material or component parts or finished product, as the case may be: .

Provided that no credit of duty shall be allowed in respect of any material or component parts used in the manufacture of finished excisable goods—

(i) if such finished excisable goods produced by the manufacturer are exempt from the whole of the duty of excise leviable thereon or are chargeable to nil rate of duty, and

(ii) unless—

(a) duty has been paid for such material or component parts under the same item or sub-item as the finished excisable goods; or

(b) remission or adjustment of duty paid for such material or component parts has been specifically sanctioned by the Central Government:

Provided further that if the duty paid on such material or component parts (of which credit has been allowed under this sub-rule) be varied subsequently due to any reason, resulting in payment of refund to, or recovery of more duty from, the manufacturer or importer, as the case may be, of such material or component parts, the credit allowed shall be varied accordingly by adjustment in the credit account maintained under sub-rule (3) or in the account- current maintained under sub-rule (3) or Rule 9 or Rule 178(1) or, if such adjustment be not possible for any reason, by cash recovery from or, as the case may be, refund to the manufacturer availing of the procedure contained in this rule.”

19. This court held that when the provisos 1 & 2 are separated by conjunctive word “and”, they have to be read conjointly. The requirement of both the proviso has to be satisfied to avail the benefit. Paragraph 8 is as follows:-

“8. The language of the rule is plain and simple. It does not admit of any doubt in interpretation. Provisos (i) and (ii) are separated by the use of the conjunction “and”. They have to be read conjointly. The requirement of both the provisos has to be satisfied to avail the benefit. Clauses (a) and (b) of proviso (ii) are separated by the use of an “or” and there the availability of one of the two alternatives would suffice. Inasmuch as cement and asbestos fibre used by the appellants in the manufacture of

their finished excisable goods are liable to duty under different tariff items, the benefit of pro forma credit extended by Rule 56-A cannot be availed of by the appellants and has been rightly denied by the authorities of the Department.”

20. Thus, applying the above principle of interpretation on condition Nos. 1 & 2 of Section 364A which is added with conjunction “and”, we are of the view that condition No.2 has also to be fulfilled before ingredients of Section 364A are found to be established. Section 364A also indicates that in case the condition “and threatens to cause death or hurt to such person” is not proved, there are other classes which begins with word “or”, those conditions, if proved, the offence will be established. The second condition, thus, as noted above is divided in two parts- (a) and threatens to cause death or hurt to such person or (b) by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt.

21. Now, we may look into few cases of this Court where different ingredients of Section 364A came for consideration. We may first notice the judgment of this Court in [Malleshi Vs. State of Karnataka](#), (2004) 8 SCC 95. The above was a case where kidnapping of a major boy was made by the accused for ransom and before this Court argument was raised that demand of ransom has not been established. In [the above case](#), the Court referred to Section 364A and in paragraph 12 following was observed:-

“12. To attract the provisions of Section 364-A what is required to be proved is: (1) that the accused kidnapped or abducted the person; (2) kept him under detention after such kidnapping and abduction; and (3) that the kidnapping or

abduction was for ransom. Strong reliance was placed on a decision of the Delhi High Court in [Netra Pal v. State \(NCT of Delhi\)](#) [2001 Cri LJ 1669 (Del)] to contend that since the ransom demand was not conveyed to the father of PW 2, the intention to demand was not fulfilled.”

22. This court in paragraphs 13 to 15 dealt with demand for ransom and held that demand originally was made to person abducted and the mere fact that after making the demand the same could not be conveyed to some other person as the accused was arrested in meantime does not take away the effect of conditions of Section 364A. In [the above case](#), this Court was merely concerned with ransom, hence, other conditions of Section 364A were not noticed.

23. The next judgment is Anil alias [Raju Namdev Patil Vs. Administration of Daman & Diu, Daman and Another](#), (2006) 13 SCC 36. In [the above case](#), this Court noticed the ingredients for commission of offence under Section 364 and 364A. Following was [laid down in](#) paragraph 55:-

“55.for obtaining a conviction for commission of an offence under Section 364-A thereof it is necessary to prove that not only such kidnapping or abetment has taken place but thereafter the accused threatened to cause death or hurt to such person or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt or causes hurt or death to such person in order to compel the Government or any foreign State or international intergovernmental organisation or any other

person to do or abstain from doing any act or to pay a ransom.”

24. At this stage, we may also notice the judgment of this Court in Suman Sood alias Kamaljeet Kaur Vs. State of Rajasthan (2007) 5 SCC 634. In the above case, Suman Sood and her husband Daya Singh Lahoria were accused in the case of abduction. They were tried for offence under Section 364A, 365, 343 read with Section 120-B and 346 read with Section 120-B. The trial court convicted the appellant for offence under Sections 365 read with 120-B, 343 read with 120-B and 346 read with 120-B. She was, however, acquitted for offence punishable under Section 364-A. Her challenge against conviction and sentence for offences punishable under Sections 365 read with 120-B, 343 read with 120-B and 346 read with 120-B [IPC](#) was negated by the High Court. But her acquittal for offences punishable under Sections 364-A read with 120-B was set aside by the High Court in an appeal and she was also convicted for the offence under Section 364A and was sentenced to life imprisonment. In the appeal filed by her challenging her conviction under Section 364A, this Court dealt with acquittal of Suman Sood under Section 364A by trial Court. In Paragraph 64 this court noticed as follows:-

“64. According to the trial court, the prosecution had failed to prove charges against Suman Sood for an offence punishable under Sections 364-A or 364-A read with 120-B [IPC](#) “beyond reasonable doubt” inasmuch as no reliable evidence had been placed on record from which it could be said to have been established that Suman Sood was also a part of “pressurise tactics” or had terrorised the victim or his family members to get Devendra Pal

Singh Bhullar released in lieu of Rajendra Mirdha. The trial court, therefore, held that she was entitled to benefit of doubt.”

25. The findings of trial court that no reliable evidence had been placed on record from which it could be said to have been established that Suman Sood was also a part of pressurise tactics or has terrorized the victim or his family. This court approved the acquittal of Suman Sood by trial court and set aside the order of the High Court convicting Suman Sood. In paragraph 71 following was held by this Court:-

“71. On the facts and in the circumstances in its entirety and considering the evidence as a whole, it cannot be said that by acquitting Suman Sood for offences punishable under Sections 364-A read with 120-B [IPC](#), the trial court had acted illegally or unlawfully. The High Court, therefore, ought not to have set aside the finding of acquittal of accused Suman Sood for an offence under Sections 364-A read with 120-B [IPC](#). To that extent, therefore, the order of conviction and sentence recorded by the High Court deserves to be set aside.”

26. Thus, the trial court’s findings that there was no evidence that Suman Sood was part of pressurize tactics or terrorized the victim or his family members, hence, due to non-fulfillment of the condition as enumerated in Section 364A, the trial court recorded the acquittal, which has been confirmed by this Court. The above case clearly establishes that unless all conditions as enumerated in Section 364A are fulfilled, no conviction can be recorded.

27. Now, we come to next judgment, i.e., [Vishwanath](#)

[Gupta Vs. State of Uttaranchal](#) (2007) 11 SCC 633. In [the above case](#), the victims were abducted from district of Lucknow, State of U.P. demands for ransom and threat was extended from another district, i.e., Nainital and the victim was done to death in another district, i.e., Unnao in the State of U.P. This Court had occasion to consider the ingredients of Section 364A and in paragraphs 8 and 9, the following was laid down:-

“8. According to Section 364-A, whoever kidnaps or abducts any person and keeps him in detention and threatens to cause death or hurt to such person and by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, and claims a ransom and if death is caused then [in that case](#) the accused can be punished with death or imprisonment for life and also liable to pay fine.

9. The important ingredient of Section 364-A is the abduction or kidnapping, as the case may be. Thereafter, a threat to the kidnapped/abducted that if the demand for ransom is not met then the victim is likely to be put to death and in the event death is caused, the offence of Section 364-A is complete. There are three stages in this section, one is the kidnapping or abduction, second is threat of death coupled with the demand of money and lastly when the demand is not met, then causing death. If the three ingredients are available, that will constitute the offence under Section 364-A of the Penal Code. Any of the three ingredients can take place at one place or at different places. In the present case the demand of the money with the threat perception had been made at (Haldwani)

Nainital. The deceased were kidnapped at Lucknow and they were put to death at Unnao. Therefore, the first offence was committed by the accused when they abducted Ravi Varshney and Anoop Samant at Lucknow. Therefore, Lucknow court could have territorial jurisdiction to try the case.”

28. This Court [in the above case](#), laid down that there are three stages in the Section, one is kidnapping or abduction, second is threat of death coupled with demand of money and third when the demand is not met, then causing death. The Court held that if the three ingredients are available that will constitute the offence under [Section 364](#) of the IPC. Dealing with Section 364A in context of above case, following was [laid down in](#) paragraph 17:-

“17.But here, in the case of Section 364-A something more is there, that is, that a person was abducted from Lucknow and demand has been raised at Haldwani, Nainital with threat. If the amount is not paid to the abductor then the victim is likely to be put to death. In order to constitute an offence under Section 364-A, all the ingredients have not taken place at Lucknow or Unnao. The two incidents took place in the State of Uttar Pradesh, that is, abduction and death of the victims but one of the ingredient took place, that is, threat was given at the house of the victims at Haldwani, Nainital demanding the ransom money otherwise the victim will be put to death. Therefore, one of the ingredients has taken place within the territorial jurisdiction of Haldwani, Nainital. Therefore, it is a case wherein the offence has

taken place at three places i.e. at Haldwani, Nainital, where the threat to the life of the victim was given and demand of money was raised, the victim was abducted from Lucknow and he was ultimately put to death at Unnao.”

29. Next case which needs to be noticed is a Three Judge Bench Judgment of this Court in Vikram Singh alias [Vicky and Anr. Vs. Union of India and Ors.](#), (2015) 9 SCC 502. In [the above case](#), this Court elaborately considered the scope and purport of Section 364A including the historical background. After noticing the earlier cases, this Court laid down that section 364A has three distinct components. In Paragraph 25, following was laid down with regard to distinct components of Section 364A:-

“25.[Section 364-A](#) IPC has three distinct components viz. (i) the person concerned kidnaps or abducts or keeps the victim in detention after kidnapping or abduction; (ii) threatens to cause death or hurt or causes apprehension of death or hurt or actually hurts or causes death; and (iii) the kidnapping, abduction or detention and the threats of death or hurt, apprehension for such death or hurt or actual death or hurt is caused to coerce the person concerned or someone else to do something or to forbear from doing something or to pay ransom.....”

30. We may also notice one more Three Judge Bench Judgment of this Court in [Arvind Singh Vs. State of Maharashtra](#), (2020) SCC Online SC 400. In [the above case](#), an eight year old son of Doctor Mukesh Ramanlal Chandak (PW1) was kidnapped by the accused A1 and A2. Accused A1 was an employee of Dr. Chandak. It was

held that A1 had grievance against Dr. Chandak. A2 who accompanied A1 when the boy was kidnapped and after the kidnapping of the boy it was found that boy was murdered and at the instance of A1, the dead body was recovered from a bridge constructed over a Rivulet. Trial court had sentenced both A1 and A2 to death for the offences punishable under Sections 364A read with 34 and 302 read with 34. The High Court had dismissed the appeal affirming the death sentence. On behalf of A2, one of the arguments raised before this Court was that although child was kidnapped for ransom but there was no intention to take the life of the child, therefore, offence under Section 364A is not made out. This Court noticed the ingredients of Section 364A, one of which was “threatening to cause death or hurt” in paragraphs 90, 91 and 92, the following was observed:-

“92. An argument was raised that the child was kidnapped for ransom but there was no intention to take life of the child, therefore, an offence under Section 364A is not made out. To appreciate the arguments, [Section 364A](#) of the IPC is reproduced as under:

“364-A. Kidnapping for ransom, etc.— Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction and threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person in order to compel the Government or any foreign State or international intergovernmental organisation or any other person to do or abstain from doing any act or to

pay a ransom, shall be punishable with death, or imprisonment for life, and shall also be liable to fine.”

93. [Section 364A](#) IPC has three ingredients relevant to the present appeals, one, the fact of kidnapping or abduction, second, threatening to cause death or hurt, and last, the conduct giving rise to reasonable apprehension that such person may be put to death or hurt.

94. The kidnapping of an 8-year-old child was unequivocally for ransom. The kidnapping of a victim of such a tender age for ransom has inherent threat to cause death as that alone will force the relatives of such victim to pay ransom. Since the act of kidnapping of a child for ransom has inherent threat to cause death, therefore, the accused have been rightly been convicted for an offence under Section 364A read with [Section 34](#) IPC. The threat will remain a mere threat, if the victim returns unhurt. In the present case, the victim has been done to death. The threat had become a reality. There is no reason to take different view that the view taken by learned Sessions Judge as well by the High Court.”

31. We need to refer to observations made by Three Judge Bench in paragraph 92 where this Court observed that kidnapping of an eight year old victim for ransom has inherent threat to cause death as it alone will force the relatives of victim to pay ransom. The [Court further held](#) that since the act of kidnapping of a child has inherent threat to cause death, therefore, the accused have been rightly convicted for an offence under Section 364A read with [Section 34](#) IPC. In the next sentence, the Court held

that the threat will remain a mere threat, if the victim returns unhurt, “the victim has been done to death the threat has become a reality”.

32. The above observation made by Three Judge Bench has to be read in context of the facts of the case which was for consideration before this Court. No ratio has been [laid down in](#) paragraph 92 that when an eight year old child (or a child of a tender age) is kidnapped/abducted for ransom there is inherent threat to cause death and the second condition as noted above, i.e., threatens to cause death or hurt to such person, is not to be proved. The observations cannot be read to mean that in a case of kidnapping or abduction of an eight year old child (or child of a tender age), presumption in law shall arise that kidnapping or abduction has been done to cause hurt or death. Each case has to be decided on its own facts. In the foregoing paragraphs, we have noticed that all the three distinct conditions enumerated in Section 364A have to be fulfilled before an accused is convicted of offence under Section 364A. Thus, the observations in paragraph 92 may not be read to obviate the establishment of second condition as noticed above for bringing home the offence under Section 364A.

33. After noticing the statutory provision of Section 364A and the law [laid down by](#) this Court in the above noted cases, we conclude that the essential ingredients to convict an accused under Section 364A which are required to be proved by prosecution are as follows:-

- (i) Kidnapping or abduction of any person or keeping a person in detention after such kidnapping or abduction; and

(ii) threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt or;

(iii) causes hurt or death to such person in order to compel the Government or any foreign State or any Governmental organization or any other person to do or abstain from doing any act or to pay a ransom.

Thus, after establishing first condition, one more condition has to be fulfilled since after first condition, word used is "and". Thus, in addition to first condition either condition (ii) or (iii) has to be proved, failing which conviction under Section 364A cannot be sustained."

41. Now, coming to the second part of the condition No.2, i.e., "or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt". Neither there is any such conduct of the accused discussed by the Courts below, which may give a reasonable apprehension that victim may be put to death or hurt nor there is anything in the evidence on the basis of which it can be held that second part of the condition is fulfilled. We, thus, are of the view that evidence on record did not prove fulfillment of the second condition of Section 364A. Second condition is also a condition precedent, which is requisite to be satisfied to attract [Section 364A](#) of the IPC.

42. The Second condition having not been proved to be established, we find substance in the submission of the learned Counsel for the appellant that conviction of the appellant is unsustainable under [Section 364A](#) IPC. We, thus, set aside the conviction of the appellant under

Section 364A. However, from the evidence on record regarding kidnapping, it is proved that accused had kidnapped the victim for ransom, demand of ransom was also proved. Even though offence under Section 364A has not been proved beyond reasonable doubt but the offence of kidnapping has been fully established to which effect the learned Sessions Judge has recorded a categorical finding in paragraphs 19 and 20. The offence of kidnapping having been proved, the appellant deserves to be convicted under Section 363. Section 363 provides for punishment which is imprisonment of either description for a term which may extend to seven years and shall also be liable to fine."

140. In the present case, it is established that the victim was kidnapped by the accused persons and kept him in confinement in a room. The second part of Section 364-A has also found proved from the evidence of PW-1 Vivek Saraf, who proved that, he received a ransom call on 21.04.2019, at 7:00-7:30 p.m. in his mobile No. 9039287197 from mobile No. 7389562148. He also proved that the person who made ransom call had threatened him that "बच्चे की सलामती चाहते हो तो पैसा का इन्तजाम कर लेना, नहीं तो बच्चे को काटकर फेंक देंगे". Thus, the second part of Section 364-A of the IPC has also been satisfied by the witness that, the complainant was threatened to cause death or hurt to the victim. Further, from the conduct of the accused persons gives rise also to the complainant that his son victim Virat may be put to death or hurt in order to pay a ransom. From the report of Central FSL, Chandigarh (exhibit P-157), the auditory and acoustic analysis of the recorded voice sample of speaker marked as Q/1 and S/1 using gold-wave and

multi-speech software revealed that the voice exhibits of speakers marked as Q/1 are similar to the voice exhibit of speaker marked as S/1 in respect of their acoustic cues and other linguistic and phonetic features and the voice sample of speakers marked as Q/1 and S/1 are the probable voice of the same person (Rajkishore). From the document (exhibit P-85), which is the transcript of the conversation between the accused Rajkishore and the complainant Vivek Saraf, which made with respect to ransom call, clearly demonstrated that the ransom call was made to the complainant which satisfied the ingredients of Section 364-A of the IPC.

141. From the entire chain of circumstances proved by the prosecution, namely (i) motive and prior conspiracy amongst the accused persons, (ii) kidnapping of the child in the Wagon-R vehicle, (iii) CCTV footage corroborating the movement of the vehicle, (iv) identification of the accused persons by the victim and other witnesses, (v) recovery of the victim from the house of accused Rajkishore Singh, (vi) recovery of incriminating articles from the accused persons, (vii) electronic evidence comprising CDRs, tower locations, IMEI linkage and intercepted conversations, (viii) scientific evidence including fingerprint examination and forensic analysis, and (ix) conduct of the accused persons before and after the occurrence, a complete and unbroken chain has been established which points only towards the guilt of the accused persons and excludes every hypothesis of innocence.
142. This Court therefore holds that the prosecution has successfully proved beyond reasonable doubt that the accused persons entered

into a criminal conspiracy for kidnapping minor child Virat Saraf for ransom, kidnapped him from near his house, illegally confined him at the house of accused Rajkishore Singh, made ransom calls to the complainant and actively participated in execution of the offence in furtherance of their common intention and common object. The prosecution has thus succeeded in proving the offences punishable under Sections 120-B, 363, 364-A, 365 and 368 of the Indian Penal Code against the accused persons beyond reasonable doubt.

143. In view of the foregoing discussions and upon appreciation of the oral, documentary, electronic and scientific evidence available on record, this Court is of the considered opinion that the learned trial Court has committed no illegality, perversity or infirmity in recording the finding of conviction against the appellants. The defence has failed to create any reasonable doubt in the prosecution case.
144. The prosecution has established the guilt of the appellants beyond all reasonable doubt and this Court finds no ground warranting interference with the judgment of conviction and order of sentence passed by the learned trial Court. Consequently, all the criminal appeals, being devoid of merit, deserve to be and are hereby **dismissed**.
145. All the appellants are reported to be in jail. They shall serve the entire sentence as awarded by the learned trial Court.
146. Registry is directed to send a copy of this judgment to the concerned Superintendent of Jail where the appellants are undergoing their jail

sentence to serve the same on the appellants informing them that they are at liberty to assail the present judgment passed by this Court by preferring an appeal before the Hon'ble Supreme Court with the assistance of High Court Legal Services Committee or the Supreme Court Legal Services Committee.

147. Let a copy of this judgment and the original records be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

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HEAD NOTE

Kidnapping for Ransom – Criminal Conspiracy – Minor Child – Conviction under Sections 364-A and 120-B IPC – Proof of Offence – The prosecution can be said to successfully established that the accused persons, in furtherance of a criminal conspiracy, kidnapped the minor child for ransom, When the offence stood proved through cogent and reliable oral evidence, identification memo, electronic evidence including Call Detail Records (CDR), and cyber analysis reports, which consistently connected the accused with the commission of the crime. The prior meeting of minds and coordinated acts of the accused persons in execution of the kidnapping and ransom demand, proving the charge of criminal conspiracy under Section 120-B IPC.