

the State is the agreement to make a full and true disclosure. Once pardon is granted to an accused he ceases to be an accused person and becomes a witness for the prosecution." "The said provision further mandates that the approver shall be examined in the subsequent trial also. An approver will be exempted from the trial in the main case for the offences in respect of which pardon was granted and will be exonerated from punishment in that case only if he complies with the conditions of pardon during the trial of his erstwhile co-accused. If he, however, resiles from the conditions under which pardon was tendered, then as provided under S. 308 CrI.P.C. he is liable to be tried in the main case, though not jointly with the erstwhile co-accused." I also find that PW1 has complied with the terms of conditional pardon tendered to him. His own deposition as well as the proved facts and circumstances in this case would afford sufficient guarantee that what he has stated as PW1 is truth nothing but the whole truth within his knowledge which he was bound to disclose in terms of Section 306(1) and the oath administered to him as PW1 in this court, thus affording double guarantee of truth to his deposition. It has got the glow of truth glittering behind the twin blasts.

174.. It is significant to note that it is on a Friday at the time fixed for Juma prayer in Mosques that was selected by

accused persons for the bombs to blast in both the bus stations with the clear knowledge that all believers will be at the Mosques and premises participating in the Juma as a precaution to see that the believers are not hurt and leaving the rest to the rules of chance.

175.. Available evidence would further show that it was A1 who placed bomb at the KSRTC Bus Stand and it was at the instance and instruction of A1 another bomb was placed at the Mofusil Bus Stand, both of which exploded at short interval at noon on 3.3.2006. They are not crackers as claimed by learned Senior Counsel for A1 and A4. The available evidence would further show that on getting the information as to the planting of bombs there was hue and cry at both the bus stands and search for bombs but both the bombs exploded before being dealt by police. The sound was huge. There was pit formed on the ground. There was heavy rising of smoke and dust. Two persons namely PW37 Policeman and PW13 porter got injured. Ext.P36 is the wound certificate of PW37 prepared by PW33 Doctor at 1.20 p.m on 3.3.2006 mentioning the injuries sustained and the alleged cause of the injuries being bomb explosion at the New Bus Stand at 1.10 p.m the same day. Ext.P37 is the wound certificate proved through PW33 as prepared on the same day mentioning the injury sustained by PW13 porter as a result of the explosion in the Mofusil Bus Stand at 1.05 p.m the same day. Window glass panes of Sagar Hotel cracked and fell down on the impact or forcible thrashing of shreds. People in the bus

stand were evacuated and buses removed, terror as intended by A1 was indeed struck precisely with the motive of promoting enmity between different groups on grounds of cast or community, disharmony or feelings of enmity, hatred or illwill as embodied in Section 153(A) and to excite disaffection towards Government established by law in India as envisaged in Section 124(A) IPC. The planting of bomb and its explosion would also constitute terrorist act as defined in Section 15 of the Unlawful Activities (Prevention) Act 1967 as it stood as on 3.3.2006 thus attracting the offence punishable under Section 16(i) of that Act. The entire act has been the result of a criminal conspiracy proved to have been among accused persons including A1 and A4 but not proved against A3 and A9 thus attracting the offence under Section 18 of UAP Act and Section 120(B) IPC. Since A1 and A4 have been found to be in unauthorised possession of bomb capable of mass destruction the offence under Section 23 of the same Act is also attracted. The proved acts also constitute the offence under Sections 3 to 5 of the Explosive Substances Act 1908. Consequently I find A1 and A4 guilty of all the offences alleged namely 120(B) IPC, 124(A), 153(A), 324 r/w Section 34 IPC, Sections 16(i), 18 and 23 of the Unlawful Activities (Prevention) Act 1967 and Sections 3 to 5 of the Explosive Substances Act and I convict them thereunder. I also acquit A3 and A9 of all the said offences; acquittal of A3 on the ground of want of evidence and A9 by conferring the benefit of doubt. I also record that PW¹

