

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Pronounced on:-19.02.2026
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Case:- CRAA No. 02/2018

State of J&K. Appellant(s)

Through:- Mr. Ravinder Gupta, AAG.
V/s

Baldev Raj Respondent(s)

Through:- Mr. Sachin Gupta, Advocate.

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

(Per:-Sanjay Parihar-J)

1. The present appeal challenges the judgment of acquittal rendered by the Court of Principal Sessions Judge, Samba, in FIR No. 01/2010 registered at Police Station, Ramgarh, for offences under Sections 376, 302 and 195-A RPC. The core contention raised by the appellant is that the trial Court failed to properly appreciate the evidence on record and ignored material witnesses, thereby returning findings which are alleged to be perverse and contrary to the weight of evidence.
2. At the outset, it is well settled that an appellate Court, while dealing with an appeal against acquittal, exercises limited jurisdiction. Though it possesses full power to reappraise evidence, interference is warranted only when the findings recorded by the trial Court are

manifestly illegal, perverse, or based on misreading of evidence. If two views are possible on the evidence on record, the view favouring the accused must ordinarily be adopted. This principle has been consistently reiterated in precedents such as “*Chandrappa v. State of Karnataka*, reported in 2007 (4) SCC 415” and “*Ghurey Lal v. State of Uttar Pradesh*, reported in 2008 10 SCC 450”, wherein it has been held that unless the conclusions of the trial Court are wholly unreasonable or perverse, an appellate Court should be slow in overturning an acquittal.

3. In the present case, the prosecution primarily rested its case on circumstantial evidence, particularly the “last seen” theory. The testimonies of PWs 2, 4, 12, 16 and 27 were relied upon to establish that the deceased was last seen in the company of the respondent on the intervening night of 13th/14th July 2009. However, a careful scrutiny of their depositions reveals material inconsistencies. PW-12 was declared hostile and, in fact, attributed suspicion towards PW-2. PW-16 deposed that the deceased was seen in the company of PW-12, not the accused. PW-27 stated that he saw the deceased proceeding in a particular direction and subsequently the accused moving in the same direction, but without any direct assertion of companionship. Most importantly, none of these witnesses disclosed such incriminating facts either during the initial investigation or immediately after recovery of the dead body. Their statements implicating the accused surfaced for the first time nearly three years after the occurrence, without any satisfactory explanation for the delay.

4. It is trite that in cases based purely on circumstantial evidence, the chain of circumstances must be complete and must exclude every hypothesis except that of the guilt of the accused. The principles governing such cases were authoritatively laid down in “*Sharad Birdhichand Sarda v. State of Maharashtra*, reported in 1984 4 SCC 116”, wherein the Supreme Court enunciated the five golden principles (panchsheel) for conviction on circumstantial evidence. Applying those principles to the facts at hand, it cannot be said that the prosecution succeeded in establishing an unbroken chain of incriminating circumstances.
5. With regard to the alleged conduct of the accused in pressing for early cremation and discouraging police involvement, the record reveals that during the proceedings under Section 174 Cr.P.C, no such allegation was made by the immediate family members of the deceased. Even the Investigating Officer (PW-57) admitted in cross-examination that earlier statements of key witnesses did not contain any accusation or suspicion against the respondent. The omission of such vital allegations at the earliest opportunity significantly undermines the credibility of the improved version presented later during trial.
6. The medical and forensic evidence further weakens the prosecution case. The post-mortem report indicated death due to cardio-respiratory arrest resulting from consumption of Aluminium Phosphide. Though ligature marks were noticed and the deceased was found to be pregnant (14–16 weeks), the DNA profiling did not yield any conclusive opinion connecting the foetus to the respondent. Thus,

neither the allegation of sexual assault nor the assertion that the accused administered poison or strangled the deceased stood proved beyond reasonable doubt.

7. The prosecution also failed to establish a cogent motive. In cases dependent entirely on circumstantial evidence, motive assumes significance, particularly where other links in the chain are weak. The absence of a clearly established motive further creates doubt regarding the prosecution narrative.
8. In view of the foregoing analysis, it cannot be said that the findings of the trial Court are perverse or based on misappreciation of evidence. On the contrary, the trial Court appears to have carefully examined each circumstance namely, the last seen theory, conduct of the accused, medical- forensic evidence, and motive and found the prosecution case wanting. The view taken by the trial Court is a plausible one based on the material on record. In such circumstances, appellate interference is neither warranted nor justified.
9. Accordingly, the appeal stands *dismissed* and the judgment of acquittal is *affirmed*.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

Jammu
19.02.2026
Ram Krishan

Whether the order is speaking? Yes
Whether the order is reportable? No