

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Acquittal Appeal No. 186 of 2015**

Sarita Yadav Wd/o Late Vinod Yadav Aged About 25 Years R/o Village Chandaura, Police Station - Chalgali, Tahsil - Balrampur, Distt. - Balrampur - Ramanujganj Chhattisgarh

----Appellant**Versus**

1. Suresh Yadav S/o Muneshwar Yadav Aged About 31 Years R/o Village Chandaura, Police Station - Chalgali, Tahsil - Balrampur, Distt. - Balrampur - Ramanujganj Chhattisgarh
2. Gopal Yadav S/o Ramkhilawan Aged About 29 Years R/o Village Chandaura, Police Station - Chalgali, Tahsil - Balrampur, Distt. - Balrampur - Ramanujganj Chhattisgarh
3. Pravesh Yadav S/o Muneshwar Yadav Aged About 28 Years R/o Village Chandaura, Police Station - Chalgali, Tahsil - Balrampur, Distt. - Balrampur - Ramanujganj Chhattisgarh
4. Muneshwar Yadav S/o Sagar Yadav Aged About 55 Years R/o Village Chandaura, Police Station - Chalgali, Tahsil - Balrampur, Distt. - Balrampur - Ramanujganj Chhattisgarh
5. State Of Chhattisgarh Through - Police Station - Chalgali, Distt. - Balrampur Ramanujganj Chhattisgarh

---- Respondents

For Appellant:- Shri Rishi Rahul Soni, Advocate.
 For Respondent No.s/State:- UKS Chandel, Panel Lawyer.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board**Per Navin Sinha, Chief Justice****8/10/2015**

1. The Appellant who is the wife of the deceased, assails acquittal of Respondents No.1 to 4, of the charge under Sections 302/34 and 201 IPC ordered on 29.11.2013 by the Additional Sessions Judge, Ramanujganj in Sessions Case No.172/2011.
2. Learned Counsel for the Appellant submits that even if it was a case of

circumstantial evidence, the circumstances as discussed by the Trial Judge in paragraph-27 were sufficient to hold Respondents No.1 to 4 guilty. The acquittal was unjustified.

3. We have heard Learned Counsel for the State.

4. There is no eye-witness to the killing of the deceased. The entire case of the prosecution is based on circumstantial evidence only. In a case of circumstantial evidence, it is necessary for the prosecution to establish that all links in the chain of circumstances are not only complete but linked with each other so as to lead to the only inescapable conclusion of the accused being the assailant, leaving out any possibility for innocence of the accused. If there are any missing links in the chain of circumstances, another hypothesis inconsistent with the guilt of the accused is possible, it shall not be safe to sustain conviction on that basis. If the circumstances raise a very strong suspicion against the accused, but not an inescapable conclusion, it shall again be highly unsafe to convict on basis of what may be gravely strong suspicion.

5. The Trial Judge has adequately discussed that the deceased had deposed against Respondent No.1 despite having been warned not to do so. On a complaint made by the father of the deceased, the encroachment made by Respondent No.1 on forest land had been removed. One week prior to the occurrence, the mother of Respondent No.1 had made utterances that the deceased and his son had been killed. Respondents No. 1 to 4 had been seen coming from the side of jungle, the morning of the occurrence when the deceased had gone to the jungle for grazing his cattle. Considering the same, in contradistinction to the absence of any forensic evidence with regard to the tangia recovered upon confession of the accused, the fact that the deceased was also carrying a tangia, non-recovery of the mobile of the deceased which

he was stated to be carrying, the Trial Judge has concluded that at best, there was material for suspicion against Respondents No.1 to 4 but that the same was not sufficient for conviction as beyond reasonable doubt.

6. We find no reason to differ with the reasoning and conclusions to warrant interference with the order of acquittal.

7. The appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE

Priya