

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.653 of 2015**

Arising Out of PS. Case No.-257 Year-2010 Thana- GHOSI District- Jehanabad

Chunnu Das, Son of Tulsi Das, R/o Village- Korma, Police Station- Ghosi,
District- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar Singh, Sr. Adv. Mr. Ranjeet Chaubey, Adv. Mr. Manish Kumar Singh, Adv. Mr. Dharmendra Kumar Singh, Adv.
For the Respondent/s	:	Mr. Shashi Bala Verma, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHAILENDRA SINGH)**

Date : 26-09-2025

Heard Mr. Rajesh Kumar Singh, learned senior counsel, assisted by Mr. Ranjeet Chaubey, learned Advocate, appearing on behalf of the appellant and Ms. Shashi Bala Verma, learned Additional Public Prosecutor, appearing on behalf of the State.

2. The present appeal has been filed by the sole appellant, Chunnu Das, challenging the judgment of conviction dated 09.06.2015 and the order of sentence dated 16.06.2015, passed by the learned Additional Sessions Judge-II, Jehanabad



in Sessions Trial No. 486 of 2011(SJ)/60 of 2014, arising out of Ghosi P.S. Case No. 257 of 2010 (G.R. No. 2696/2010). By the said judgment, the appellant has been found guilty of offences punishable under sections 364, 302 and 201 of the Indian Penal Code (in short 'IPC'). Accordingly, he has been convicted and sentenced to undergo rigorous imprisonment for life for the offences under sections 364 and 302 of IPC, each separately, and further sentenced to undergo rigorous imprisonment for three years for the offence under section 201 of IPC. All the sentences have been directed to run concurrently.

3. The appellant was charged with the offences under Sections 364, 304B, 302, and 201 all read with Section 34 of the IPC. The charges were read over and explained to him in Hindi, to which he pleaded not guilty and claimed to be tried. Upon conclusion of the trial, the trial court acquitted the appellant of the charge under Section 304B of IPC (dowry death) but held him guilty of the other offences as stated above.

Prosecution Story :

4. The informant, Yogendra Das, who is the father of the deceased, alleged that his daughter, namely Dhanita Kumari, aged 18 years, was married to Chunnu Das (appellant), who is a resident of Village Korma, P.S.- Ghosi, District



Jehanabad, and that the second marriage (Gauna) *Duragman* of his daughter had not taken place. On 05.12.2010, his son-in-law (appellant), along with his cousin Lailun Das, came to Hilsa market and made a call to his daughter's mobile No. 9162241955 using his mobile No. 8521346603. By making that call, he asked his daughter to come to Hilsa market and told her that he would get anklets for her. Using the same mobile number, his son-in-law (appellant) also talked with him and his wife. The informant further alleged that his daughter Dhanita Kumari went to Hilsa market but did not return by night. Then he became anxious and called his daughter's mobile number, but it was found switched off. Thereafter, the next day, he went to the village of his son-in-law but did not find any information about his daughter, and his son-in-law was also not found. In the meanwhile, the deceased was searched for at the places of his relatives. On 15.12.2010, his brother-in-law Govind Das informed him that on the southern side of Korma village, on the bank of the Falgu river, at Thakhta Khanda, the dead body of a woman had been found in a buried condition. It is clarified that the said appellant is a resident of Korma Village. After receiving the information, he went to the bank of the Falgu river with his family members and saw the dead body of a woman in a buried



condition. In the presence of the Block Development Officer (BDO), Dhobi, the police exhumed the dead body and found it to be headless. Both legs had been eaten by some animal. Near the dead body, a blue-coloured slipper of size four (left foot), a packet of Super Vasmol-33 hair oil, a broken mala (garland) made of yellow and red colours, two old broken silver anklets, a yellow ribbon used for tying hair, pink bangles (some of which were broken), and a blue small bag with the name "Vijay Kumar, Manish Kumar Verma Jeweller, Pitambarpur Hilsa" written on it were found. Upon opening the bag, two currency notes of ₹10 each, one small paper dated 23.09.2010, a small knife with the word 'Lord' written on the butt, and one toe ring (bichhiya) were found. As per the informant, he and his family members identified the said articles as belonging to his daughter and, on that basis, identified the dead body as that of his daughter, Dhanita Kumari. The informant further alleged that he got the information that his son-in-law (appellant) and Lailun Das first brought the deceased to Korma village and, with the help of Tulsi Das, Munna Das, Maheshwari Devi, Sushama Devi, and Soni Devi (appellant's relatives), killed his daughter by beheading her using a sharp-edged weapon and then buried the body beneath the earth, concealing the head somewhere else,



which could not be found even after exhaustive search. As per the informant, the deceased was of dark complexion, due to which the appellant and his family members did not like her and had been demanding Rs. 25,000/- (Rupees Twenty-Five Thousand) as dowry. The informant further alleged that the appellant and his family members killed his daughter by beheading her and thereafter concealed the head to destroy evidence and buried the corpse on the bank of the Falgu river.

5. On 15.12.2010 at 11:30 A.M., the fardbeyan of the informant (PW-10) was recorded at the place of recovery of the dead body and the same was recorded by Kameshwar Singh, who was the then Sub-Inspector-cum-SHO of Ghosi police station at that time. On that basis, Ghosi P.S. Case No. 257 of 2010 was registered for the offences under Sections 364, 304B, 201, and 34 of the IPC against the appellant and six others, which set the criminal law in motion.

6. After completion of the investigation, the Investigating Officer submitted chargesheet bearing No. 43/2011 dated 25.03.2011 against the appellant and co-accused Lailun Das under Sections 364, 304B, and 201/34 of the IPC. However, the learned Magistrate took cognizance of the offences under Sections 364, 304B, and 201/34 of IPC only



against Lailun Das vide order dated 28.03.2011. The Investigating Officer submitted final form bearing No. 165/2011 dated 30.06.2011 against the co-accused persons, namely, Tulsi Das, Munna Das, Maheshwari Devi, Sushama Devi, and Soni Devi, showing them as not sent up for trial in the absence of any evidence against them. However, the learned Magistrate rejected the final form and took cognizance vide order dated 27.08.2011 under Sections 364, 304B, and 201/34 of the IPC against all seven accused persons, including the appellant. Thereafter, the case of the appellant was split, and the same was committed to the Court of Sessions. Subsequently, the learned trial court commenced the trial of the appellant after framing charges against him.

7. Before the trial court, the prosecution produced and examined the following witnesses: –

	Name	Relevancy
PW-1	Sudhir Ravidas	Brother of the deceased
PW-2	Guna Devi, at some places written as Muna Devi or Bhuna Devi	Mother of the deceased
PW-3	Ram Pravesh Ravidas	A relative of the deceased
PW-4	Arun Bind	A witness of seizure list
PW-5	Govind Ravidas	Informant's brother-in-law
PW-6	Devanti Devi	Wife of cousin brother of the deceased
PW-7	Dr. Dinesh Kumar	Conducted postmortem examination of the deceased
PW-8	Narendra Kumar Tiwari	The then B.D.O. of Ghosi who conducted TIP of recovered articles and in his presence, the dead body



		was recovered
PW-9	Kameshwar Singh	1 st Investigating Officer of the case
PW-10	Yogendra Ravidas	Informant, father of the deceased Dhanita Kumari
PW-11	Umesh Kumar Singh	2 nd Investigating Officer of the case

8. In documentary evidence, the prosecution proved and exhibited the following documents, which are as under :-

Ext.-1	Postmortem report
Ext. -2	Signature of a witness Narendra Kumar Tiwari, BDO, Ghosi, on the carbon copy of the inquest report
Ext.-3	Fardbeyan
Ext.-4	Carbon copy of inquest report
Ext.-5	Carbon copy of seizure list
Ext.-6	Dead body chalan
Ext.-7	Map of the place of occurrence
Ext.-8	Formal FIR
Ext.-9	Print out of call details of mobile No. 8521346603 in 6 sheets

9. Besides the above-mentioned exhibits, the signatures of Arun Bind (PW-4) and Govind Ravidas (PW-5) on the photo copy of seizure list and inquest report were marked as following :-

Mark X	Signature of Arun Bind (PW-4) on the photo copy of seizure list, proved by PW-4 on 22.02.2013
Mark Y	Photo copy of seizure list, proved by Govind Ravidas (PW-5)
Mark X/1	Signature of Govind Ravidas on photo copy of inquest report, proved by PW-5 on 18.03.2013
Mark X/2	Signature of Arun Bind on photo copy of inquest report, proved by PW-4 on 18.03.2013
Mark X/3	Signature of Govind Ravidas (PW-5) on photo copy of fardbeyan, proved by PW-5 on 18.03.2013

10. After completion of the prosecution's evidence, the learned trial court recorded the statement of the appellant



under Section 313 of the Code of Criminal Procedure (in short 'Cr.P.C.'), giving him sufficient opportunity to explain all the incriminating circumstances appearing against him from the prosecution's evidence, which were denied by him, and he claimed himself to be innocent. Here, it is important to mention that in respect of the alleged mobile communication between the appellant and the victim, the incriminating circumstance appearing from the prosecution's evidence relating to call details and mobile numbers was put before the appellant; he accepted that he had called the victim but stated that he did not know what would be done by them. The appellant did not take any specific defence except claiming himself to be innocent while answering the incriminating circumstances, though he stated that the investigation was faulty.

11. In defence, the appellant did not produce or examine any person as his witness and also did not provide any documentary evidence.

12. After appreciating the prosecution's evidence, the learned trial court observed that the recovered dead body was in a condition to be identified, and the deceased's family members identified the dead body as that of the victim on the basis of body structure and complexion, along with the articles



recovered with the dead body. The trial court also took into account the fact that there were no details of the whereabouts of the victim for last five years. The learned trial court believed the prosecution story narrated in the *fardbeyan* of the informant and deemed Ext.-9, showing call details concerning the alleged communication between the deceased and the appellant during the relevant time, as a corroborative piece of evidence.

13. Learned senior counsel appearing for the appellant has argued that an inordinate delay of 10 days occurred on the part of the informant in lodging the FIR without providing any explanation. Though some prosecution witnesses stated that after the victim went missing, they approached the police station and filed a case in the court, no documentary evidence was produced by the prosecution in support of this claim. Therefore, the said delay remained unexplained, which is fatal to the prosecution. The police actually recovered a skeleton, which was not in the form of a dead body, and important prosecution witnesses such as the doctor who conducted the postmortem examination, the investigating officer, and the Block Development Officer, before whom the inquest report was prepared, admitted in their evidence that the so-called body was not in a condition to be identified as that of a



human being. Thus, the prosecution failed to prove the identification of the recovered body as that of the informant's missing daughter. Regarding identification of the dead body, PW-6 introduced a new fact that the dead body was identified by a burn mark seen on the hand of the body, but in this regard, the close relatives of the victim did not mention anything while giving details of the identification of the dead body. Learned counsel has further argued that the prosecution failed to prove the charge under Section 304B of the IPC against the appellant; hence, he was acquitted of the said offence. As far as the offences of murder and abduction for murder, punishable under Sections 302 and 364 of the IPC, are concerned, the prosecution also failed to prove the appellant's motive for killing the victim, even if the prosecution story is believed to be true. In the absence of such motive, the appellant cannot be held liable for the alleged offences. It has further been argued that Ext.-9, which contains the call details of the concerned mobile numbers, is not admissible in evidence under the provisions of the Indian Evidence Act, as no certificate was issued by a competent authority of the mobile service provider to authenticate the call detail records. Therefore, the same ought not to have been considered by the trial court. In this regard, a



serious error was committed by the trial court in placing reliance on Ext.-9. Moreover, Ext.-9 does not show the tower location of the appellant's mobile number during the relevant time, so the appellant's presence at or near Hilsa Market at the alleged time when he supposedly called the victim has not been established. Nevertheless, the learned trial court believed the prosecution's story without any proper basis. It has been lastly argued that all the circumstances pointed out by the prosecution are incomplete and inconclusive to lead to only one inference — that of the appellant's guilt in the alleged crime. Accordingly, the impugned judgment suffers from the above-mentioned infirmities, and therefore, the conviction of the appellant for the alleged offences is not sustainable and is liable to be set aside.

14. On the other hand, learned APP appearing for the State has vehemently argued that the recovered dead body was sufficiently identified by the victim's close relatives based on the articles found with the body, and these were sufficient to establish identity. The dead body was found near the village of the appellant, and this circumstance could not be explained by the appellant. The learned APP further argued that the appellant, in his statement recorded under Section 313 of the Cr.P.C., admitted to making a phone call to the deceased during the



relevant period using his mobile number. This communication was made on 05.12.2010. However, from 06.12.2010 until the recovery of the dead body on 15.12.2010, no further attempt was made by the appellant to communicate with the victim using his mobile number. This circumstance suggests that the appellant was aware of the victim's death. Secondly, the appellant and his family members were found absconding from their house when the informant arrived there while searching for the victim. This subsequent conduct of the appellant and his family members, just after the commission of the alleged occurrence, goes against the appellant and is sufficient to show his involvement in the alleged crime. The learned APP further argued that the victim went missing on 05.12.2010, and thereafter, neither the appellant nor his family members attempted to contact the informant or his family members to inquire about the victim's well-being. This conduct also goes against the appellant. All the incriminating circumstances appearing from the prosecution's evidence form a complete chain with no missing links. In respect of the motive behind the killing, all the prosecution witnesses consistently deposed that due to the victim's dark complexion, she was not liked by the appellant, and a demand of ₹25,000 was also made by the



appellant and his family members, which had not been fulfilled. As such, the learned trial court rightly convicted the appellant for the alleged offences, and there is no merit in this appeal, which is liable to be dismissed.

15. We have heard both sides and gone through the evidences available on the record of the trial court, and have taken into account the appellant's statement recorded under Section 313 of the Cr.P.C. We have also given our thoughtful consideration to the aforesaid submissions advanced by both sides.

16. In the instant matter, the prosecution case is based on circumstantial evidence. So, at first, we would like to mention the relevant circumstances emerging from the prosecution's evidences, which, according to the prosecution, show the commission of the alleged offences by the appellant. The relevant circumstances are as follows:-

(i) The deceased was not liked by the appellant on account of her dark complexion, and the appellant also demanded Rs. 25,000/- from the victim as dowry.

(ii) The appellant and the victim had mobile phones and used the same for communication.

(iii) On 05.12.2010, the appellant came to Hilsa



market with his cousin and made communication with the victim on her mobile number using his mobile number, the details of which are mentioned in the FIR. He thereby persuaded the victim to come to Hilsa market on the pretext of purchasing anklets for her. At the same time, the appellant also spoke through his mobile number with the informant and his wife.

(iv) On 05.12.2010, the victim went to Hilsa market after receiving a phone call from the appellant and thereafter went missing and never returned.

(v) The informant started searching for the victim since the morning of 06.12.2010, i.e., the day after the victim had gone to Hilsa market. During the course of the search, he and his family members first went to the village of the appellant.

(vi) The appellant and his family members were not found at their house when the informant went there while searching for the victim.

(vii) A headless human body was found in a buried condition on the bank of the Falgu river, and the appellant's village is situated on the southern side of the said river, as per the site map (Ext.-7).

(viii) Several articles, which are generally used by a rural married woman, were found with the dead body. Mainly



on that basis, the informant and his relatives claimed to have identified the dead body as that of the victim.

(ix) After 05.12.2010 and between 06.12.2010 and till recovery of the dead body on 15.12.2010, the appellant did not make any attempt either by using his mobile phone or otherwise to contact the victim or her parental family members, while he used to talk with the victim.

Discussion of evidences :-

17. Now, we would like to discuss the evidence of the prosecution's witnesses in a brief manner to determine whether the above-mentioned circumstances stand proved and whether the same are of such a nature so as to form a complete chain of the entire prosecution story, indicating the guilt of the appellant in the alleged crime, leaving no room to draw any other presumption or inference except that of the appellant's guilt.

18. Prosecution witness Sudhir Ravidas (PW-1), son of the informant and brother of the victim, deposed in his examination-in-chief that the appellant and one person, namely Lailun Das, called his sister Dhanita Kumari on her mobile phone and asked her to come to Hilsa Market, saying that they would get ornaments prepared for her and would give the same



to her. At that time, both also talked with him, his parents, his younger brother Niraj Kumar, and his sister Namita Kumari. He further deposed that mobile number 9162241955 was in the name of his sister, and the appellant's mobile number was 8521346603. He further deposed that his sister (deceased) went to Hilsa market, saying that she would return after 2 hours, but she did not return till late at night. Then they became anxious and tried to call the appellant on his mobile phone, but the same was found switched off. On the next morning, he, his parents, his siblings, and maternal grandfather went to Korma village, i.e., the *sasural* of the victim, but his sister was not there and even the appellant was not found. Thereafter, they enquired from their relatives and villagers about the victim but did not find her location. On 15.12.2010, Ghosi police station exhumed a dead body from the bank of the Falgu river on the southern side of Korma village, and this was informed by Ghosi police to his maternal uncle Govind Ravidas (PW-5), from whom they got the information about the said recovery of a dead body. He further stated that after getting the information from his uncle, he and his family members went to the bank of the Falgu river and saw a beheaded dead body, of which the legs had been eaten by some animals, and they identified the body as that of his



sister Dhanita Kumari. This witness, in paragraph no. 10 of his examination-in-chief, gave the details of the articles found with the dead body as detailed by the informant in his *fardbeyan*, and according to him, they were able to identify the dead body as being that of his sister mainly on the basis of said articles. He further stated in paragraph no. 12 of his examination-in-chief that his sister was of dark complexion, for which her in-laws used to taunt her, and a sum of Rs. 25,000/- had been demanded by her in-laws. He stated in paragraph no. 14 of his cross-examination that when his sister received the call on her mobile phone, he, his parents, his brother Niraj Kumar, and sister Namita Kumari were all present in the house, and when his sister started going to Hilsa market, none of his family members went with her. They did not give any information to the police station when his sister did not return till evening on that day. He further stated in paragraphs nos. 15 & 16 of his cross-examination that no prior information was given to the police station regarding the accused's treatment with his sister on account of her dark complexion and the accused's demand of Rs. 25,000/- from his sister. Even in this regard, no *panchayat* meeting took place, nor was any information given to the *Chowkidar*. They did not find the appellant and his family



members at their village (*sasural* of the victim) when they reached there upon receiving the information. He further stated in paragraphs nos. 17 & 18 of his cross-examination that he had given information to the police station before the dead body of his sister was recovered, though he remembered that his uncle had also given information regarding the disappearance of his sister, just 5 to 6 days after her going missing, to Ghosi police. He stated in repeated paragraph no. 24 of his cross-examination that upon seeing the dead body, he found a human skeleton with only some flesh on it, and it was without a head. At that time, his father, mother, uncle Govind Ravidas, co-villagers Rampravesh Ravidas and Sanjay Ravidas, and others were also present with him. He further stated in paragraph no. 29 of his cross-examination that the appellant was engaged in the profession of driving a tractor at Madras (now Chennai) and used to talk with his sister on the mobile phone from Madras.

19. Prosecution witness Guna Devi (PW-2), mother of the deceased/victim, deposed in her examination-in-chief that her daughter was of dark complexion, owing to which her in-laws used to taunt her and also used to demand a sum of Rs. 25,000/- from her. As the said demand could not be fulfilled, her son-in-law (appellant) phoned and asked her to send her



daughter to Hilsa market, saying that he would get an anklet and a gold chain prepared for her daughter. Thereafter, her daughter went to Hilsa market but did not return till evening, and then her son Sudhir Ravidas (PW-1) tried to contact the appellant on his mobile phone, but the same was found switched off. She further deposed in her examination-in-chief that she went to the appellant's house on the next day of the incident but found the house locked, and the appellant and his family members were found to be absconding; her daughter was not found. Thereafter, she learned about the recovery of a dead body buried on the bank of the Falgu river, and upon getting the information, she went there. After exhumation, it was found to be that of her daughter, and she identified the dead body. She recorded her statement before the police, giving the aforesaid details. In the cross-examination, she stated that no complaint had been lodged by her with the police regarding the appellant's demand of Rs. 25,000/-. When her son-in-law (appellant) phoned, she, her husband, and her daughter were present in the house. When her daughter did not return, no complaint was made to the *Chowkidar*, and no attempt was made at night to search for the victim. On the next day, she, her husband, son, and her father Ram Lagan Das all started searching for the victim and also



went to the appellant's village, Korma, from where they also searched among their relatives. After 2 to 4 days, she returned home, and thereafter, an oral information regarding her daughter's missing was given to Ghosi police station. She further stated in paragraphs nos. 16, 17, 18, and 19 of her cross-examination that her daughter went alone to Hilsa Market. Her son-in-law (appellant) had called her daughter on her mobile phone, due to which she became suspicious that her son-in-law had killed her daughter. Regarding recovery of the dead body, her brother Govind Ravidas informed her, and her brother got the information from the police. She, her daughter Namita Kumari, her brother, and other family members were among those who saw the dead body. She further deposed in paragraphs nos. 21, 22, and 23 of her cross-examination that none of her family members went with her daughter to Hilsa market, her daughter used to talk with her husband on her mobile phone, and her son-in-law (appellant) worked as a tractor driver in Madras.

20. Prosecution witness Ram Pravesh Ravidas (PW-3), is the uncle (in village relation) of the informant, who deposed in his examination-in-chief that he went to the place of occurrence and saw the beheaded body of the victim. The dead



body was found buried on the bank of the Falgu river and was recovered by the police. He, his wife Devanti Devi, Bhajju Ravidas, Chandradev Ravidas, Raj Kumar Ravidas, and others also went to the place of occurrence. He further stated in his examination-in-chief that the recovered dead body was identified as being that of Dhanita Kumari on the basis of a small purse used for keeping jewelry. One toe ring, mangalsutra, one pair of slippers of Lakhani company, and a broken pair of silver anklets (payal) were also found near the dead body. He further stated that the victim was of dark complexion, due to which the appellant wanted to kill her. He further stated that the information regarding the murder of the victim was received by him two days after the occurrence from the informant and his wife Munni Devi. Thereafter, immediately on that day, information was given in written form to Ghosi police station by the informant and his wife, and he was also with them. He stated in paragraphs nos. 13 and 14 of his cross-examination that the dead body was recovered ten days after the information of murder of the victim had been given. There were no marks on the recovered mangalsutra, anklets, or slippers. He further deposed that the dead body was identified after seeing the recovered articles, such as the purse, toe ring (bichhiya),



mangalsutra, slippers, and he also stated that the deceased was of dark complexion and a sum of Rs. 25,000/- was demanded from her, which could not be fulfilled, due to which she was killed.

21. Prosecution witness Arun Bind (PW-4) is a formal witness and he has proved the seizure list concerning the recovery of the articles with beheaded dead body and also proved the recovery of the dead body. He has identified his signature on the photocopy of the seizure list, which has been marked as 'X'. He stated in his cross-examination that the beheaded dead body was recovered in his presence and only the skeleton of that body was recovered, so it was not possible to determine whether the recovered skeleton was of a human being.

22. Prosecution witness Govind Ravidas (PW-5), maternal uncle of the victim, deposed in his examination-in-chief that on 05.12.2010, the appellant and his cousin brother, namely Lailun Ravidas, came to Hilsa Market and called his niece Dhanita Kumari on her mobile phone and asked her to come to Hilsa Market, saying that they would get ornaments such as anklets, mangalsutra, chain, etc., prepared and would give the same to her. Then his niece came to Hilsa Market to



meet her husband (appellant), and the appellant was contacted on the mobile phone, upon which he assured them that he would send the victim before evening to Bhatbhigha (victim's parental village), but till evening, the appellant did not send her. When his brother-in-law Yogendra Ravidas (informant) called the victim, her mobile phone was found switched off. After that, he got the information of the incident at night with regard to the appellant's conduct and victim's disappearance and the fact that she did not return home. After that, they all started searching for the victim. In that course, they also went to the victim's *sasural*, Korma, but they did not find any trace of the victim. He further stated in his examination-in-chief that after their attempts to search for the victim, the incident was informed to Ghosi police station. On 15.12.2010, the Officer-in-Charge (Bada babu) of Ghosi police station phoned him, giving details of the recovery of a female dead body on the bank of the Falgu River near Korma village, and they were asked to come to identify the body. Then they went to the place of recovery and saw the victim's blue colour slipper (size 4) of Lakhani company, her anklet, and a small garland having yellow and red pearls, pink coloured bangles, yellow coloured hairband, a toe ring, and a blue coloured small purse bearing the name Vijay Kumar–



Manish Kumar Verma Jewelers, Pitambarpur, and also a knife with the dead body. These articles were recovered, and a seizure list was prepared before him. The witness identified his signature on the photocopy of the seizure list, which was marked as 'X' for identification. He further stated that the inquest report of the dead body was prepared before him, and he identified his signature on the said inquest report, which was marked as 'X/1' for identification. He further stated in paragraph no. 11 of his cross-examination that the victim's body was headless, and only on the basis of the articles found with the body they could have identified it as that of his niece Dhanita Kumari. He also signed the *fardbeyan* of the informant and identified his signature on the said *fardbeyan*, which was marked as 'X/3'. Regarding the cause of the murder of the victim, he stated the same reason as the other witnesses stated. In his cross-examination, he stated that the factum of phone communication made by the appellant with the victim was informed to him by his brother-in-law Yogendra Ravidas on 05.12.2010. When the victim was not found, he went to Ghosi police station to inform about the incident, but his written application regarding the incident was not accepted by the police; rather, his mobile number was taken. When the police



did not accept his written application, he went to the DSP, Hilsa, and gave a written application to him, a copy of which he would produce before the court. He further stated that the complaint to the DSP, Hilsa, was made on 10.12.2010, but the same was not registered, and thereafter, an application was given to Hilsa Court on 10.12.2010. The witness was cross-examined at length regarding all relevant facts stated by him in his examination-in-chief as well as on other aspects, and we do not find any serious contradiction between the facts stated by him in his cross-examination and those in his examination-in-chief as well as those stated by other witnesses.

23. Prosecution witness Devanti Devi (PW-6), the cousin sister-in-law of the deceased, testified during her examination-in-chief that the victim, Dhanita Kumari, had passed away three years prior to her testimony. She explained that the victim had been asked by her husband (the appellant) to come to Hilsa market to buy an anklet and chain. The victim informed her mother, Munni Devi, about the appellant's phone call. However, because the victim's second marriage (Rukhshadi Gauna) had not yet been performed, her mother was initially reluctant to let her go. Despite this, PW-6 and other villagers convinced the victim's mother to allow her to go, citing that the



victim had stayed at her in-laws' place on two or three occasions in the past. PW-6 further stated that when the victim was preparing to leave for Hilsa market, she offered to accompany her, but the victim declined, saying that the appellant had specifically asked her to come alone. Later, when the victim did not return by evening, the victim's mother called the appellant on his mobile phone, who claimed that the victim was not with him. The next day, the victim's parents began searching for her and went to the appellant's village, Korma, where his parents informed them that the victim had not arrived there. PW-6 continued that the victim had gone to Hilsa market on the 5th, and on the 15th, Govind Ravidas (the victim's maternal uncle) called the victim's mother to inform her that a dead body had been found on the banks of the Falgu river. They were asked to come and identify the body. The witness's husband arranged for a vehicle, and victim's parents, along with Sanjay Ravidas and others, went to the riverbank at Korma, where they identified the headless body as that of Dhanita Kumari based on a burn mark on the hand. She also described the articles found with the body as detailed by other witnesses. In her cross-examination, PW-6 confirmed that she had been present at the location where the body was recovered, along with the victim's family. She also



reiterated her earlier statement made to the police, wherein she had mentioned that the appellant had called the victim and asked her to come to Hilsa market for the purpose of purchasing an anklet and chain.

24. Prosecution witness Dr. Dinesh Kumar (PW-7) conducted the postmortem examination of the recovered body. Upon external examination, he made the following observations:

(i) Rigor mortis was absent.

(ii) The postmortem was performed on a body that lacked both the head and neck.

(iii) Both legs had been amputated at the mid-thigh level.

(iv) Fine blisters were present on the skin.

During internal examination, he found that:

(i) Both chambers of the heart were empty.

(ii) The urinary bladder and stomach were also empty.

(iii) The lungs, liver, spleen, and kidneys appeared pale

He opined that death had occurred due to injuries inflicted by a sharp cutting instrument. Regarding the estimated time since death, he stated it was "more than 36 hours." He identified his signature on the postmortem report, which was marked as Exhibit-1. In cross-examination, he stated that visual identification of the body was difficult due to the absence of the head, neck, and both legs from the mid-thigh level.

25. Prosecution witness Narendra Kumar Tiwari (PW-



8), who was the Block Development Officer (in short 'BDO') of Ghosi Circle, Jehanabad, testified that on 15.12.2010 at approximately 8:30 A.M., he received a phone call from the Station House Officer of Ghosi Police Station regarding the recovery of a partially buried body on the bank of the Falgu River near Korma village. He immediately proceeded to the location, where he saw a crowd and police personnel. Upon arrival, he observed the legs of a body, partially eaten by animals. The body was exhumed in his presence and found to be headless. Near the body, a slipper and a small purse containing various items were recovered. Upon examining these items, the relatives of the deceased identified the body as that of Dhanita Kumari. The inquest report was then prepared in his presence, and a carbon copy was also made. He identified his signature on the carbon copy, which was marked as Exhibit-2. During cross-examination, he stated that the body itself was unidentifiable by appearance, but some individuals present identified it based on the recovered articles.

26. Prosecution witness Kameshwar Singh (PW-9), the first Investigating Officer, deposed that he recorded the fardbeyan of the informant on 15.12.2010 at around 11:30 A.M. on the bank of the Falgu River near Korma village. He



identified and confirmed his signature on the fardbeyan, which was marked as Exhibit-3. Following this, he himself took charge of the investigation. He stated that the body was found buried, with the legs exposed but without flesh, possibly eaten by animals. Near the body, he recovered a blue-colored money bag, bangles, a slipper, and a small purse bearing the name of "Vijay Kumar Manish Kumar, Jewellers, Pitambarpur, Hilsa." The purse contained two ₹10 currency notes, a paper dated 23.09.2010, five pink bangles, red and yellow hair bands, and two broken silver anklets. He informed the BDO of the recovery via mobile phone. Once the BDO arrived, the body was exhumed in the presence of witnesses and was found to be headless. An inquest report was prepared by him and signed by the BDO and two witnesses, namely Govind Ravidas and Arun Bind. He identified his signature on the carbon copy of the inquest report, marked as Exhibit-4. He also stated that several individuals, including the informant Yogendra Ravidas and others, identified the body as that of Dhanita Kumari based on the articles found. He prepared a seizure list in the presence of Govind Ravidas and Arun Bind, which was signed by them and marked as Exhibit-5. He visited the scene of the occurrence, which was on the southern bank of the Falgu River near Korma



village, and prepared a site plan marked as Exhibit-9. In cross-examination, he confirmed that although the body was headless, identification was made based on its structure and the articles found. He further clarified that no witness had seen the incident occur. He added that witness Rampravesh had stated that the body was identified through recovered articles, which was also confirmed by Muna Devi. He also deposed that the victim's brother (PW-1), son of the informant, had mentioned that the victim's in-laws were found to be absconding. Additionally, he admitted that no missing report regarding the victim was filed at Ghosi Police Station before 15.12.2010.

27. Prosecution witness Yogendra Ravidas (PW-10), the father of the deceased, supported the prosecution's case in his examination-in-chief and was extensively cross-examined. In paragraphs 7, 10, and 11 of his cross-examination, he stated that when his daughter Dhanita Kumari did not return from Hilsa market, no immediate report was lodged with Ghosi Police. The next day, when she was still not found despite visiting the appellant's village, they went to Ghosi Police Station, but no case was registered. He deposed that no complaint was made to senior police officers regarding this. He explained that the victim had gone alone to Hilsa market at the



appellant's request, as he had assured her that she would be sent to her parental home that day. This led PW-10 to not feel any suspicion. He added that a case was eventually filed at Hilsa Court 2–3 days prior to the recovery of the body. In paragraphs 17 and 19, he stated that the recovered body was identified as that of Dhanita Kumari based on its structure, color, and the items recovered. During the exhumation, villagers such as Ram Pravesh Ravidas (PW-3), Devanti Devi (PW-6), and other family members were also present. In paragraph 25, he testified that the victim's in-laws were not present at their residence (sasural), and inquiries made to neighbors yielded no helpful information about their whereabouts. In paragraph 26, he stated that he had accepted the demand of ₹25,000 from the appellant but was unable to pay the amount due to his poor financial condition.

28. Prosecution witness Umesh Kumar Singh (PW-11), the second Investigating Officer, testified that he obtained six pages of call detail records pertaining to the mobile numbers mentioned in the FIR. These records were procured from the office of the Superintendent of Police, Jehanabad. He proved the call detail report, which was marked as Exhibit-9.

Consideration and analysis :-



29. As per the principles laid down by the Hon'ble Apex Court in catena of judgments, the conviction can be based solely on circumstantial evidence if the circumstances so established are consistent only with the hypothesis of the guilt of the accused and also conclusive in nature leaving no room of any hypothesis of innocence of the accused in the alleged crime and the entire chain of circumstances, is complete. In this regard, we would like to refer to the judgment rendered by the Hon'ble Apex Court in the case of **SK. Yusuf vs. State of West Bengal**, reported in **(2011) 11 SCC 754** and the relevant paragraph No. 32 of this Judgment is being reproduced as under : -

“32. Undoubtedly, conviction can be based solely on circumstantial evidence. However, the court must bear in mind while deciding the case involving the commission of serious offence based on circumstantial evidence that the prosecution case must stand or fall on its own legs and cannot derive any strength from the weakness of the defence case. The circumstances from which the conclusion of guilt is to be drawn should be fully established. The facts so established should be consistent only with the hypothesis of the guilt of the accused and they should not be explainable on any other hypothesis except that the accused is guilty. The circumstances should be of a conclusive nature and tendency. 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 that the act must have been done by the accused.”

30. In the present matter, the case of the prosecution is based on circumstantial evidence, so, we would examine whether the crucial circumstances as they appear from the prosecution story discussed in paragraph No. 3, are sufficient to establish the guilt of the appellant in connection with the alleged crime and would further see whether all the alleged circumstances have been proved by cogent and sufficient evidence of the prosecution and whether the same are so complete as to removing any hypothesis of the appellant's innocence.

31. In a criminal case based on circumstantial evidence, motive assumes great significance as the motive is considered to be a crucial link for establishing the prosecution's allegation. All the prosecution's witnesses PW-1, PW-2, PW-3, PW-4, PW-5, PW-6 and PW-10 have deposed that the victim was of dark complexion, due to which, she was not liked by the appellant and his family members and the accused also used to demand Rs. 25,000/- from the victim. Against this allegation, the appellant did not succeed to elicit any fact/contradiction from the prosecution witnesses in their cross-examination, as



such, we find that the prosecution's allegation that the appellant did not like his wife (victim) on account of her dark complexion can be deemed to be the main motive of the appellant to get rid of his wife. The second important circumstance appearing from the prosecution story is that the appellant and his cousin brother Lailun Das came to Hilsa market on 05.12.2010 and from there the appellant made a mobile call on victim's phone and asked her to come to Hilsa market while saying that they would get anklet prepared for her and would give it to her, and at that time, the appellant also talked to victim's parents on mobile phone, thereafter, the victim went to Hilsa market but did not return back till late evening. This part of the story shows four relevant circumstances, first, the appellant's calling on mobile phone of the victim and persuading her to come to Hilsa market on the pretext of buying anklet for her, secondly, the conversation between the appellant and the victim on mobile phones during the relevant time, thirdly, the victim's going to Hilsa market within some hours of receiving the appellant's call and fourthly, disappearance of the victim from the Hilsa market. Regarding these circumstances, the prosecution's material witnesses PW-1, PW-2, PW-3, PW-4, and PW-10 remained firm to their stand and their evidence also remained consistent in their



examination-in-chief as well as cross-examination, although they were cross-examined at length by the defence. It has transpired from the evidence of prosecution's witnesses that the appellant used to talk with victim on her mobile phone, hence the victim and her parental family members had no reason to disbelieve the appellant, thus, a newly married wife going to the market at the instruction of her husband for taking jewellery, like the victim of the present matter, is a probable conduct.

32. The victim's parents, father (PW-10), mother (PW-2) and her brother (PW-1) deposed that upon getting call from the appellant on mobile phone of the victim, they allowed the victim to go to Hilsa market. Though in this regard Devanti Devi(PW-6) stated that initially the victim's mother was having some hesitation to send the victim to Hilsa market as at that time, Gauna (post ceremonial marriage) had not taken place but after her persuasion and convincing her as also upon giving two instances of victim having visited her sasural on earlier occasions, the victim's mother finally became ready to send her. This witness has further deposed that when the victim was preparing to go to Hilsa market, she proposed to go with her but the victim stated that the appellant had asked her to come alone. Though these facts do not find place in the evidence of the



victim's parents and brother but upon these facts, these witnesses were not cross-examined and it appears that PW-6 gave the details in depth regarding the discussion which took place in the victim's parents' house after receiving the appellant's phone call which is a natural conduct and also seems to be believable. The evidence of these witnesses is sufficient to establish the appellant's phone call, the victim's preparation to go to Hilsa market, her going to Hilsa market and thereafter, not returning back from the said market.

A relevant fact can be proved by direct evidence and also by an indirect evidence, though direct evidence has greater importance than the indirect evidence but an indirect evidence can also be relevant and useful in establishing a crucial fact especially when an offense has been committed in a premeditated or planned manner. As far as conversation between the appellant and the victim on their mobile phones on 05.12.2010 is concerned, in this regard the details of their mobile phone numbers was given in the FIR and the prosecution produced the call detail record (in short 'CDR') pertaining to communication by mobile phones between them on 05.12.2010 and the same was marked as Ext.-9 before the trial court.

33. The learned senior counsel appearing for the



appellant has vehemently argued that exhibit-9 is not admissible in evidence as it comes in the purview of secondary electronic evidence, which can not be taken into consideration in absence of required certificate which is mandatory under section 65(B) of the Indian Evidence Act. Though the said submission is important but the facts of the present matter are entirely different as firstly, the appellant did not raise any objection when Ext-9 was being marked as exhibit before the trial court, thus if an objection on his part was raised at that time then definitely the prosecution could have tried to remove the curable lacuna on its part by getting the required certificate from the concerned mobile provider company. Secondly, the purpose of requirement of a certificate under section 65(B) of the Indian Evidence Act in respect of a secondary electronic evidence, is only to make such secondary evidence authentic and reliable but when the material fact relating to such electronic evidence has been accepted by the concerned party then such evidence can not be thrown out merely due to absence of required certificate. In the present matter, the main circumstance relating to conversation by mobile phones between the appellant and the victim allegedly made during the relevant time on 05.12.2010 appearing from the prosecution's evidences, was put before the



appellant while recording his statement under section 313 of the Cr.P.C., in which he accepted that communication. So, in view of this admission as well as no objection being raised at the time of marking the CDR details on the part of the appellant before the trial court, exhibit-9 showing details of communication by using mobile phones can be taken into consideration and the same goes in favour of the prosecution to establish the alleged conversation between the appellant and the victim. Furthermore, the ocular evidence given by PW-1, PW-2, PW-3, PW-4, PW-6 and PW-10 is completely supportive and consistent to the said communication. As such, there is sufficient material to establish the communication.

34. All the material witnesses of the prosecution, as discussed in the preceding paragraphs, have deposed that the victim went alone to Hilsa market in the day time to meet her husband (appellant) when he asked her to come to Hilsa market while saying that he would give her anklet and thereafter, the victim did not return back. In this regard, all these witnesses were cross-examined at length by the appellant before the trial court but they remained firm to their stand and their credibility to the said circumstance could not be shaken by the appellant. The prosecution's evidence clearly suggests that the victim was



lastly in the company of the appellant before she went missing. Though, to establish the victim's last company with the appellant, there is no direct evidence but in view of the aforesaid discussed circumstances, the factum of victim being in the company of appellant on 05.12.2010 seems to be reliable and we are of the view that in the instant matter, there is sufficient material to presume the circumstance as to the victim being in the company of appellant on 05.12.2010 at Hilsa market, before she went missing, with the help of the provision contained in section 114 of the Indian Evidence Act as the victim's going to Hilsa market at the direction/persuasion of the appellant to meet him, was a normal and presumable conduct on her part and the same would have happened. Accordingly, the circumstance as to the victim being with the appellant on 05.12.2010 and thereafter, having gone missing, which is an important link in the alleged circumstances, can be deemed to have been established in the present matter.

Though in the instant matter, there is no direct evidence to show the factum of last seen of the victim with the appellant but as discussed above, as regards the victim's company with the appellant in her last days particularly before she went missing, there is sufficient indirect evidence, so, in such a situation, the



appellant should have offered his explanation before the trial court as to how and when he parted company from the victim as also he should have furnished explanation to prove his separation from the victim after the victim had met with him at Hilsa market but he failed to offer any explanation on this aspect and further failed to discharge the burden cast upon him by section 106 of the Indian Evidence Act. It is a settled principle of law that in a case mainly based on circumstantial evidence if the accused fails to offer a reasonable explanation for not discharging the burden placed on him, that itself provides an additional link in the chain of circumstances proved against him. In this regard, we would like to refer to the observation made by the Hon'ble Apex Court in the case of **State of Rajasthan vs. Kashi Ram**, reported in **(2006) 12 SCC 254**. and the relevant paragraph No. 23 of the said Judgment is being reproduced as under : -

“23. It is not necessary to multiply with authorities. The principle is well settled. The provisions of Section 106 of the Evidence Act itself are unambiguous and categorical in laying down that when any fact is especially within the knowledge of a person, the burden of proving that fact is upon him. Thus, if a person is last seen with the deceased, he must offer an explanation as to how and when he parted company. He must furnish an explanation which appears to the court to be probable and satisfactory. If he does so he must be held to have discharged his burden. If he



fails to offer an explanation on the basis of facts within his special knowledge, he fails to discharge the burden cast upon him by Section 106 of the Evidence Act. In a case resting on circumstantial evidence if the accused fails to offer a reasonable explanation in discharge of the burden placed on him, that itself provides an additional link in the chain of circumstances proved against him. Section 106 does not shift the burden of proof in a criminal trial, which is always upon the prosecution. It lays down the rule that when the accused does not throw any light upon facts which are specially within his knowledge and which could not support any theory or hypothesis compatible with his innocence, the court can consider his failure to adduce any explanation, as an additional link which completes the chain. The principle has been succinctly stated in Naina Mohd.”

Learned counsel for the appellant has argued that the appellant used to work in Madras (Chennai) during the relevant period and Exhibit-9 does not show the tower location of the appellant's phone being at Hilsa market on 05.12.2010. We do not find any force in the said contention as the factum of appellant's presence at Madras on 05.12.2010 was in his special knowledge so the said defence ought to have been proved by him in view of the provisions of section 106 of the Indian Evidence Act, which could have been proved if there was any substance in his defence but the appellant remained silent on this aspect.

35. The second circumstance relates to subsequent



conduct of the appellant and his family members after disappearance of the victim. As per the prosecution story narrated in the FIR and also in the light of the evidence given by the prosecution witnesses, the parents of the victim as well as her some other relatives went to appellant's village Korma on the next day of missing of the victim but neither the appellant nor his family members were found in their house. Though in this regard, there is some contradiction in the evidence of PW-6 but on this aspect, the said witness appears to be hearsay as she has deposed that when the victim did not return back, the victim's parents started searching for her and visited the relatives and also went to the appellant's village Korma. However, the other witnesses remained consistent to the fact with regard to the appellant and his family members being found absconding from their house when the victim's parents reached their house at Korma village and their evidence appears to be reliable and the contradiction appearing from the evidence of PW-6 does not seem to be material.

Although mere absconding of an accused after commission of the alleged crime can not establish his guilt or his guilty conscience but in certain cases the same can constitute a relevant piece of evidence, evidentiary value whereof depends



upon the surrounding circumstances. In this regard, we would like to refer to the observation made by the Hon'ble Apex Court in the case of **Sekaran vs. State of Tamil Nadu** reported in **(2024) 2 SCC 176** and relevant paragraph No. 30 is being reproduced as under :-

“30. Although not brought to our notice in course of arguments, it is revealed from the oral testimony of PW 11 that the appellant could be apprehended 3 (three) years after the incident from Puliur road junction in (1 km away from Ambalakalai) in Kerala after vigorous search. However, abscondence by a person against whom an FIR has been lodged and who is under expectation of being apprehended is not very unnatural. Mere absconding by the appellant after alleged commission of crime and remaining untraceable for such a long time itself cannot establish his guilt or his guilty conscience. Abscondence, in certain cases, could constitute a relevant piece of evidence, but its evidentiary value depends upon the surrounding circumstances. This sole circumstance, therefore, does not enure to the benefit of the prosecution.”

36. Now, we come to the identification of the dead body. In the present matter, as per prosecution, a headless human dead body was found in semi-buried condition on the bank of Falgu river near the appellant's village. The body was exhumed before the BDO (PW-8) and victim's parents and other relatives, including PW-6, who had also arrived at the place of recovery and witnessed the exhuming process.



37. In the case of recovery of torso (headless body), the identification of the body becomes very difficult and in such a situation, the DNA profiling between the DNA samples of the recovered body and from potential relatives can be the most scientific method to ascertain the identification however, in the case of a woman, who was married 2 or 3 years back, for establishing her identification, the articles particularly the ornaments and routine wearing apparel may be relevant when the same are put before the close relatives of such women. In the present matter, though the police did not proceed for DNA profiling, nonetheless several articles such as silver anklet, small garland made of pearls, bangles, toe ring and a ladies purse, etc. were recovered with the dead body. As the victim had been married 2 to 3 years back of the alleged occurrence and she had gone to meet her husband on his call, so, it was natural for her to adorn herself by wearing bangles, anklet, toe ring, etc. and by these articles, a married lady can be identified by her close relatives like parents and her brother. As such, the articles detailed in the seizure list (Ext-5) which has been proved by the investigating officer and PW-4 were completely helpful for PW-1, PW-2 and PW-10, who happen to be parents and brother of the deceased, to identify the dead body as being that of the



deceased Dhanita Kumari.

38. By referring to the evidence of PW-7, who conducted the postmortem examination, learned counsel appearing for the appellant has argued that the recovered body was only a skeleton and also headless, so, it will not be safe to assume it as being of a human and of the victim. Though PW-4, before whom the seizure memo and inquest report were prepared, deposed that only a skeleton was recovered from the recovery place but PW-7, who conducted postmortem examination, deposed that on dissection, he found the vital organs being present in the body, such as, heart, lungs, urinary bladder, spleen, liver, kidney, etc, and according to him, the time since death was 'more than 36 hours', so, in view of the finding given by PW-7, it can not be said that the recovered dead body was merely a skeleton. As PW-4 is a rustic villager, hence, by seeing some leg bones of the recovered body as also finding that some flesh of the body had been eaten by animals, he termed the body as mere skeleton and in this regard, the evidence of PW-7 is reliable as he is a medical expert. Furthermore, for establishing the identification of the recovered body, the seized articles detailed in the exhibit-5 were more significant for the prosecution witnesses PW-1, PW-2 and PW-10 to identify the



body and the same appears to be sufficient to establish the identification. Accordingly, the prosecution's plea that the recovered body was that of the victim, seems to be reliable and on this aspect, we deem the trial court's finding to be correct.

39. Now, we come to some other circumstances which are also relevant in the present matter. The victim's parental village is situated in Nalanda district while the appellant's village Korma is situated in Jehanabad district. As we have deemed that the human body recovered on the banks of Falgu river was that of the victim, so, in view of this fact, we find that the said recovery was made near the appellant's village and there was no reason for the victim to come alone at the said place while on the other hand, the appellant had sufficient opportunity to bring the victim from Hilsa market to his village Korma for executing his plan at a secluded place on the banks of Falgu river. The other circumstance is that the appellant used to talk with victim on her mobile phone and on 05.12.2010, he talked with victim several times as also the victim herself made calls on the appellant's phone and as per the prosecution case, the victim went to Hilsa market on 05.12.2010 and thereafter, went missing. If the appellant was not present at Hilsa market during the relevant



period of time or had never asked the victim to come at Hilsa market, then he should have made attempts to contact the victim by making phone calls on the victim's mobile phone after she had gone missing but after 05.12.2010, till the recovery of the dead body, he did not make any attempt in this regard as it reflected from the call details report (Ext-9), which was possible only when the appellant had knowledge of the victim's location or about her killing. Thus, the appellant's inaction in making further contact with victim in-between 06.12.2010 and 15.12.2010 on her mobile phone, goes against him and makes his subsequent conduct, after the commission of the alleged occurrence, to be highly suspicious and makes the prosecution's case strong.

40. The appellant's counsel has vehemently argued that between 05.12.2010 and 15.12.2010, no attempt was made by the victim's father and other relatives to lodge a complaint at the police station regarding missing of the victim and in this regard, reliance has been placed on the evidence of the investigating officer (PW-9), thus the said unexplained long delay in lodging the FIR creates a serious doubt about the prosecution's case. We find no force in the said contention as it has come in the evidence of the



prosecution's witnesses that the victim's parents, brother and other relatives remained busy in searching for the victim for some days after her disappearance and an attempt was also made to lodge a case at the police station concerned which is sufficient to explain the delay which took place in lodging the FIR by the informant. Further, it has come in the evidence of Govind Ravidas (PW-5) that an information had been given to the Ghosi police station after disappearance of the victim and all the material witnesses have deposed that after the recovery of the dead body, the police had first informed the said Govind Ravidas who brought the factum of recovery of the said dead body in the knowledge of the victim's parents. If the police had not received any information about the missing of the victim then why did the police need to inform the victim's relative (uncle) about the recovery of a headless body, suspecting it to be that of the victim and the said circumstance in itself shows that the police had got information about the missing of the victim prior to recovery of the dead body.

Conclusion : -

41. Considering the facts and circumstances of the present case and the evidence which has been brought on



record to prove the allegations levelled against the appellant beyond all reasonable doubt, we are of the considered view that though the instant matter is based on circumstantial evidence, however all the material circumstances, right from the motive of the appellant to commit the alleged crime and disappearance of victim till recovery of her dead body (torso), have been successfully established by the prosecution before the trial court and the entire chain of the relevant circumstances is complete without any missing crucial link. The above discussed circumstances clearly indicate the guilt of the appellant in the alleged crime of abduction of the victim, her disappearance and murder and dispel any hypothesis of innocence of the appellant in the alleged offences, hence, we find no merit in this appeal, consequently we do not find any reason to interfere with the conclusion and finding of the trial court, leading to conviction of the appellant for the offences punishable under sections 364, 302 and 201 of the IPC and the ensuing sentence, by the impugned judgment of conviction dated 09.06.2015 and order of sentence dated 16.06.2015. In result, the instant appeal stands dismissed.



42. Let the judgment’s copy be sent to the trial court along with the LCR forthwith for needful information and compliance.

(Shailendra Singh, J)

(Mohit Kumar Shah, J)

(Mohit Kumar Shah, J)

annu/-

AFR/NAFR	AFR
CAV DATE	01.07.2025
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