

# VERDICTUM.IN

1

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.78/2012

BALRAM & ANR.

Appellant(s)

VERSUS

THE STATE OF CHHATTISGARH

Respondent(s)

O R D E R

The appellant No.1 is the son of appellant No.2. As the appellant No.1 has already been released in pursuance to the remission policy, we are not inclined to consider his case on merits. Both the appellants have been charged and convicted for life.

One Chetan Ram Sahu is the father of the appellant No.1 and husband of appellant No.2. He had three wives. The appellant No.2 is the first wife and the deceased was the third wife of Chetan Sahu. The deceased was living with appellant No.2.

In view of the third marriage between Chetan Ram Sahu and the deceased, the appellant No.2, having a serious grievance, in pursuance of which, she was continuously harassing the

deceased. This continued despite a Panchayat held.

On 10.05.2003, the alleged occurrence happened. This was reported on the next day as the father of the deceased was worried that the deceased was not found anywhere. Upon the receipt of the complaint, the police party came to the place of occurrence and found the room locked from inside. The room was broken open and the deceased was found lying on the floor, with blood oozing from her nose. In pursuance to the arrest, a recovery of the clothes worn by appellant No.1 was made under Section 27 of the Indian Evidence Act, 1872. The recovered clothes were found with blood stains. The report of the chemical analysis indicated that the blood stains found on the clothes of appellant No.1 matched with that of the deceased. Accordingly, both the appellant No.1 and 2 were charged. Insofar as the appellant No.2 is concerned, she was charged in view of the motive under Section 34 of the IPC.

Both the Courts have concurrently convicted the appellants.

Learned counsel appearing for the appellant

No.2 submitted that there is absolutely no material to implicate her in the offence said to have been committed. Even assuming the motive is proved, the same alone will not be sufficient enough to implicate her. It may be true that she did not like the presence of the deceased but the said fact alone would not constitute the offence. Even the chemical analysis report would at best be an evidence to implicate appellant No.1. Thus, both the Courts have committed a serious error in rendering the conviction against the appellant No.2, merely based upon a suspicion.

Learned counsel appearing for the State submitted that as there is sufficient evidence to show that the relationship between the appellant No.2 and the deceased was not cordial, coupled with the fact that the death occurred in the place in which she was residing, therefore, an inference was rightly drawn against her.

To attract Section 106, of the Indian Evidence Act, 1872, the surrounding facts will have to be proved. The question for consideration is as to whether the appellant No.2 had a role in the murder or not. Merely because she was

## VERDICTUM.IN

quarelling with the deceased, one cannot say that she formed a common object with the appellant No.1. As against appellant No.1, there are adequate materials which have been taken note of by the trial Court.

We are not inclined to go into the conviction as against appellant No.1, being academic, as he has already been released after completion of the full term as per the corresponding policy governing.

Suffice it is to state that there is absolutely no material to implicate the second appellant. There is also no evidence to show that she instigated and facilitated the offence by asking appellant No.1 to do so. Thus, in the absence of any material to implicate the appellant No.2, the conviction rendered by both the Courts is liable to be set aside.

In such view of the matter, we are inclined to give the benefit of doubt to appellant No.2.

Accordingly, the appeal stands allowed insofar as appellant No.2 is concerned. The appeal is disposed of insofar as appellant No.1 is concerned.

Consequently, the conviction and sentence are set aside and the bail bonds stand discharged.

.....J.  
[M.M. SUNDRESH]

.....J.  
[PANKAJ MITHAL]

NEW DELHI;  
SEPTEMBER 11, 2024.

**VERDICTUM.IN**

6

ITEM NO.102

COURT NO.12

SECTION II-C

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Criminal Appeal No(s). 78/2012

BALRAM & ANR.

Appellant(s)

**VERSUS**

THE STATE OF CHHATTISGARH

Respondent(s)

Date : 11-09-2024 This appeal was called on for hearing today.

**CORAM :**

HON'BLE MR. JUSTICE M.M. SUNDRESH  
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Appellant(s) Ms. Manjeet Kirpal, AOR

For Respondent(s) Mr. Vinayak Sharma, Standing Counsel, Adv.  
Mr. Ravinder Kumar Yadav, AOR  
Ms. Kritika Yadav, Adv.

UPON hearing the counsel the Court made the following  
**O R D E R**

The appeal stands allowed insofar as appellant No.2 is concerned. The appeal is disposed of insofar as appellant No.1 is concerned. The conviction and sentence are set aside and the bail bonds stand discharged.

Pending application, if any, shall stand disposed of.

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS

(POONAM VAID)  
COURT MASTER (NSH)

[Signed order is placed on the file]