



**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.460 OF 2014**

**STATE OF MADHYA PRADESH**

**APPELLANT**

**VERSUS**

**JANVED SINGH**

**RESPONDENT**

**JUDGMENT**

**ALOK ARADHE, J.**

The law often steps into homes not to witness celebration, but to lift the veil from grief. The present appeal arises from such a home where warmth of a hearth turned into cold silence of death. The State challenges the acquittal of two men, the husband and father-in-law of young woman whose life ended in mysterious, yet telling circumstances.

**2.** This appeal by the State is directed against judgment and order dated 06.04.2010 in Criminal Appeal No. 66 of 2000, whereby High Court of Madhya Pradesh, Bench at Gwalior, has set aside the conviction and sentence of both the respondents, recorded by Sessions Judge for offences under Sections 302, 304B, 498A and 201 of the Indian Penal Code, 1860, and has acquitted them.

### **PROSECUTION CASE**

**3.** The deceased Smt. Pushpa was married to accused No.2, Mahesh. The marriage however was beset with discord. The deceased was subjected to harassment and cruelty at the hands of her husband (A-2) and father-in-law Janved Singh (A-1), on account of demand for dowry.

**4.** On 31<sup>st</sup> December, 1997, accused No.1 lodged a report at Police Station, Gormi stating that when he returned from the agricultural field, he found the deceased lying dead and she died due to electrocution while ironing the clothes. On the basis of said intimation, the Police registered Merg report (Ex.P-16) under Section 174 of the Code of Criminal Procedure, 1973. After the preliminary inquiry, the Police converted the Merg into a regular

Criminal Case and registered Crime No. 9/1998 for offences under Sections 302, 498-A, 193 and 201 read with Section 34 of the Indian Penal Code, 1860 (for short "IPC").

5. During the investigation, Police found discrepancies in the scene of occurrence and the condition of the body of the deceased. The post-mortem examination conducted by Dr. Devendra Khare, revealed that cause of death was asphyxia due to strangulation and burn marks on the body were post-mortem. On completion of the investigation, the Police filed chargesheet for offences under Sections 498-A, 304-B and in the alternative 302 read with Section 149 and Section 147 of the IPC against five accused persons namely, Janved Singh (father-in-law), Mahesh Singh (husband), Ramkali (mother-in-law), Sharda (sister-in-law), and Ahivaran Singh (brother-in-law) of the deceased.

### **TRIAL AND CONVICTION**

6. The prosecution during the course of the Trial examined as many as 20 witnesses and produced documentary evidence namely, Exhibits P-1 to P-19. The parents of the deceased Pushpa and her uncle namely, Sobran Singh (PW-2), Ilaychi Bai (PW-19) and Ramesh (PW-4) were examined. Ramesh (PW-4), the

maternal uncle of deceased, corroborated the statements of the parents of the deceased. The Investigating Officer (PW-18) described the details of the recovery of material evidence and sequence of investigation. The defence examined one witness Shri Ram Singh (DW-1), who in his statement stated that deceased Pushpa's death was purely accidental which was caused by electric shock while she was ironing the clothes and the accused have been falsely implicated.

**7.** The Sessions Court vide judgment dated 11<sup>th</sup> of January, 2000, on the basis of appreciation of evidence on record, held that theory of electrocution was wholly fabricated and deceased Pushpa's death was homicidal in nature. The court further held that Mahesh Singh, the husband, was guilty of offences under Sections 304-B and 498-A of the IPC. It was also held that Janved Singh, the father-in-law, actively participated in the murder, fabricated a false report and attempted to cause disappearance of evidence. Accordingly, he was convicted under Sections 302, 498-A and 201 of the IPC and they both were sentenced to undergo rigorous imprisonment for ten years and rigorous imprisonment for life, respectively. The remaining co-

accused namely, Ramkali (mother-in-law), Sharda (sister-in-law) and Ahivaran Singh (brother-in-law) were acquitted.

### **HIGH COURT'S VIEW**

**8.** On appeal by the accused persons, the High Court reversed the conviction and set aside the judgment of the Trial Court. The High Court *vide* judgment dated 06.04.2010 *inter alia* held that prosecution has failed to establish that death occurred within 7 years of the marriage and testimonies of PW-2 and PW-19 namely, the father and mother of the deceased, were recorded after a delay of 6 to 10 months and therefore their credibility was diminished. It was further held that Lagan Patrika (Ex. P-3) was seized nearly a year later which lacked the names of bride and groom and was inadmissible. It was further held that there was no evidence that Janved Singh was present at the time of scene of occurrence. Accordingly, the High Court allowed the appeal and acquitted both the accused in respect of all the charges levelled against them.

**9.** Being aggrieved by the aforesaid judgment of acquittal, this appeal has been filed by the State of Madhya Pradesh. A Bench of this Court by an order dated 05.08.2011 dismissed this appeal

in so far as Mahesh Singh namely, the husband of the deceased. The scope of the appeal is confined only to the acquittal of respondent No.1 namely, Janved Singh i.e. father-in-law of the deceased.

### **SUBMISSIONS**

**10.** Learned counsel for the State submitted that High Court fundamentally erred in reappreciating the evidence and in discarding credible testimony of the witnesses. It is contended that from the deposition of Sobran Singh (PW-2), Ilaychi Bai (PW-19) and Ramesh (PW-4) namely, parents and uncle of deceased Pushpa, it is evident that the facts of persistent harassment and cruelty inflicted upon Pushpa in connection with demand of dowry were well established. From the statements of aforesaid witness, it is also clear that deceased, shortly before her death, was ill treated and was beaten up. It is also urged that autopsy report clearly proved that Pushpa was first strangulated and thereafter subjected to electric current in order to disguise the death as accidental electrocution.

**11.** On the other hand, learned counsel for respondent submitted that there is no direct or circumstantial evidence

connecting the respondent from the alleged offences. It is submitted that the statements of the prosecution witnesses (PW-2, PW-19 and PW-4) have been recorded belatedly and they are related to each other and therefore, cannot be relied upon. It is also contended that prosecution has failed to establish the exact year or date of marriage, an essential ingredient to attract an offence under Section 304-B of the IPC. It is also contended that there is no material to show that Janved Singh was present at the time of death and no motive or any overt act has been attributed to him. It is therefore, submitted that the impugned judgment does not call for any interference in this appeal.

### **THE LEGAL POSITION**

**12.** It is trite law that a conviction for murder can solely rest on circumstantial evidence if the chain of circumstances is complete and consistent only with hypothesis of the guilt of the accused<sup>1</sup>.

**13.** Section 106 of the Evidence Act, 1872 lays down a general rule that in a criminal case the burden of proof is on the prosecution and Section 106 is not intended to relieve the prosecution of its duty to prove the case. On the contrary, it is

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<sup>1</sup> Sharad Birdhichand Sarda v. State of Maharashtra (1984) 4 SCC 116

designed to meet exceptional cases in which it would be impossible, or at any rate, disproportionately difficult for the prosecution to establish facts within the knowledge of the accused which he can prove without any difficulty or inconvenience. The word “especially” used in Section 106 of the Evidence Act means the facts which are pre-eminently or exceptionally within the knowledge of the accused<sup>2</sup>. The traditional rule relating to burden of proof of the prosecution cannot be allowed to be wrapped in a pedantic coverage, the offenders in serious offences would be the major beneficiaries and the society would be the casualty<sup>3</sup>.

**14.** It is well settled in law that when an accused offers a false explanation regarding the cause of death which takes place within the confines of his house, such falsity becomes an additional link in the chain of circumstances pointing to the guilt of the accused.<sup>4</sup>

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<sup>2</sup> Shambu Nath Mehra v. State of Ajmer (1956) 1 SCC 337

<sup>3</sup> State of West Bengal v. Mir Mohammad Omar & Others (2000) 8 SCC 382

<sup>4</sup> Trimukh Maroti Kirkan v. State of Maharashtra (2006) 10 SCC 681



**15.** It is equally well settled legal proposition that while dealing with an appeal against the acquittal the reasons which weighed with the Trial Court must be dealt with. The normal presumption of innocence gets reinforced with an order of acquittal. If two views are possible from the evidence on record, the appellate court must be extremely slow in interfering with an appeal against an order of acquittal.<sup>5</sup>

### **THE REAPPRAISAL**

**16.** In the backdrop of aforesaid well settled legal principles, we may advert to the facts of the case in hand. We are conscious of the fact that we are dealing with an appeal against an order of an acquittal. The post-mortem report and evidence of Dr. Devendra Khare (PW-1) leaves no manner of doubt that death of the deceased was homicidal. The aforesaid witness has deposed that there were ligature marks around the neck consistent with strangulation. There was an injury on the body and the burn injuries were post-mortem.

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<sup>5</sup> Sanjeev & Anr. v. State of Himachal Pradesh (2022) 6 SCC 294

**17.** The version given by the accused No.1 namely, father-in-law to the Police that deceased died of electrocution while ironing the clothes stands falsified by medical evidence. The deceased died in a room on the first floor. The incident had taken place 5.00 am in the morning. The accused No.1 was at home on the date of incident and had lodged false report that deceased died of electric shock. The explanation offered by the accused No.1 that he returned from the field to find the deceased dead is not supported by any witness. Neither any neighbour nor any person, employed by him in the field, has been examined by the accused No.1 to corroborate his claim.

**18.** From the statement of the parents of the deceased namely, Sobran Singh (PW-2), Ilaychi Bai (PW-19), and uncle Ramesh (PW-4), it is axiomatic that accused persons used to beat the deceased and made demands of dowry.

**19.** From the evidence adduced by the prosecution, it has established the complete chain of circumstances namely, (i) the unnatural death of the deceased which was not accidental but homicidal as established from the medical evidence, (ii) the death occurred inside the house occupied by accused No.1 which was

under his control, (iii) the FIR lodged by accused No.1 himself establishes his presence in the house at the relevant time, (iv) the version of the accused No.1 that he had gone to the field is wholly unsubstantiated by any witness or independent corroboration, (v) the deliberate lodging of a false report of electrocution and an attempt to mislead the investigation, (vi) the strained relations between son of accused No.1 and his daughter-in-law and persistent demands for dowry. Each link fits seamlessly with the next, forming a continuous chain which points unerringly to the guilt of accused No.1 and excludes all reasonable hypothesis of innocence. Once the aforesaid circumstances pointing out the guilt of the accused No.1 was proved, the burden was on the accused No.1 to explain the circumstances under which the deceased died in the house occupied by him. The accused No.1 has miserably failed to discharge the aforesaid burden.

**20.** The High Court has not considered the material evidence on record and has failed to take into account the reasons which weighed with the Trial Court for convicting the accused Janved Singh. The findings recorded by the High Court suffers from serious infirmity.

**CONCLUSION**

**21.** In view of foregoing discussion, the prosecution has proved beyond reasonable doubt that the accused No. 1-Janved Singh caused the death of deceased by strangulation and attempted to mislead the investigation by fabricating a false story of electrocution.

**ORDER**

**22.** For the aforementioned reasons, we set aside the impugned judgment and order of the High Court and restore the judgment of the Trial Court in so far as it pertains to conviction and sentence of Janved Singh. Janved Singh shall be taken into custody forthwith to serve out the remainder of the sentence.

**23.** Accordingly, the appeal is partly allowed.

.....**J.**  
**[SANJAY KUMAR]**

.....**J.**  
**[ALOK ARADHE]**

**NEW DELHI,  
OCTOBER 14, 2025.**