

SUPREME COURT OF INDIA

Budhram

Vs.

State of Chhattisgarh

CrI.A.No.1323 of 2008

(P.Sathasivam and Ranjan Gogoi, JJ.)

20.09.2012

JUDGMENT

Ranjan Gogoi, J.

1. The appellant who has been convicted under Section 302 IPC and sentenced to undergo the imprisonment for life by the learned trial court seeks to challenge the order of affirmation passed by the High Court of Chhattisgarh by means of the present appeal.

2. The relevant facts, in brief, may be noted at the outset:

“According to the prosecution, on 1.8.1998 the accused-appellant had attacked his wife Shantibai in his own house with the backside of an axe resulting in her death. In the next morning, PW 2 (Ramchandra) informed PW 5 (Bandhanram), who was the Sarpanch of the village, that the wife of the accused was not to be found. Thereafter, along with some other persons PW 2 and PW 5 had inquired from the accused-appellant the whereabouts of his wife. According to the prosecution, initially, the accused had disclosed that his wife had gone to her sister’s place but subsequently, on insistence, the accused disclosed that he had committed the murder of his wife by attacking her with an axe and that he had thrown the dead body in the Dhawraghat Nala. It is the further case of the prosecution that the accused took PW 2, PW 5 and the other persons to the place where he had thrown the dead body and that the same was recovered from the spot pointed out by the accused. Thereafter, PW 2 lodged the report of the incident in the Police Station at Kamleshwarpur at 9.00 PM on 2.8.1998, on receipt of which a case was registered and investigation was undertaken by PW 4 (Ranjit Ekka), Sub-Inspector of Police. In the course of investigation, the police visited the house of the accused and seized therefrom the broken bangles of the deceased, plain soil and bloodstained earth as well as some blood stained clothes of the deceased. Furthermore, on the basis of the statement made by the accused, the

police recovered an axe from the house of the accused and also a T-shirt belonging to the accused which was also bloodstained. The dead body was sent for post-mortem examination which confirmed injuries on the front side of the head caused by a blunt weapon. The recovered articles were also sent for chemical examination, the report of which confirmed the presence of human blood.”

3. On the basis of the aforesaid materials the accused was tried for the offence of murder and was found guilty by the learned trial court. The aforesaid conviction and sentence has been affirmed in appeal by the High Court. Aggrieved, the appellant has instituted the present appeal.

4. We heard Sh. Naresh Kumar, learned Amicus Curiae and Sh. Atul Jha, learned counsel for the State. We have carefully considered the contentions advanced by the learned counsel for the parties and the evidence and materials on record.

5. PW 1, Dr. Vedprakash Patel had conducted the post-mortem of the deceased, Shantibai, in the course of which he found two lacerated wounds on the right side of the head. There were some other injuries on the head of the deceased. According to PW 1, all the injuries were caused by a hard and blunt weapon and the same were sufficient to cause death in the ordinary course. PW 2 (Ramchander Yadav) had deposed that he was informed by one Baburam that the accused-appellant had killed his wife Shantibai, whereafter, PW 2 went to the house of the accused. On being asked about his wife the accused had informed PW 2 that he had killed her and thrown her dead body in the Dhawraghat Nala. According to PW 2, the accused had also informed him that he had killed his wife in his house. PW 2 had further deposed that he found blood scattered all over in a room of the house of the accused. Thereafter, according to PW 2, he had informed PW 5 (Bandhanram), who is the Sarpanch of the village, about the incident and along with PW 5 and some other persons they had gone to the Dhawraghat Nala from where they recovered the dead body of the deceased, Shantibai, as pointed out by the accused. PW 2 had further deposed that the accused had killed his first wife in July 1986 and that he had just come out of jail after serving the sentence in connection with the said offence. PW 3, who is the sister-in-law of the accused, did not support the prosecution case. However, a reading of the evidence of PW 3 discloses that the death of Shantibai had occurred a day after the husband of PW 3 had died and soon after the cremation of her husband had taken place. A reading of the evidence of the said witness also discloses that at the time of cremation of her husband the deceased was present in her house. PW 4 is the Investigating Officer of the case who had deposed with regard to the recovery of the broken bangles and blood stained clothes of the deceased from the house; the taking of samples of bloodstained earth and plain soil from the same place as well as the recovery of an axe from the house of the accused and a bloodstained T- shirt of the accused from the

Dhawraghat Nala. PW 4 had also deposed that the accused had admitted carrying the dead body of his wife from his house to the Dhawraghat Nala. PW 5 is the Sarpanch of the village whose deposition is on lines, similar to that of PW 2. Both PW 2 and PW 5, in their cross-examination, had denied the suggestions put on behalf of the defence that they had previous enmity with the accused.

6. The above recital of the core of the evidence tendered by the prosecution witnesses in the present case would go to show that there are no eye-witnesses to the occurrence and that the prosecution has sought to bring home the guilt of the accused on the basis of circumstantial evidence. PW 2 and PW 5 have proved and established the extra-judicial confessions made by the accused before them to the effect that he had killed his wife and had thrown the dead body in the Dhawraghat Nala. The aforesaid piece of evidence is corroborated by the recovery of the dead body from the Dhawraghat Nala which was witnessed amongst others by PW 2 and PW 5. From the evidence of PW 2 it clearly appears that the accused had admitted that he had killed his wife in his house whereas from the evidence of PW 4 it transpires that the accused had admitted carrying the dead body of his wife from the house to Dhawraghat Nala. PW 2 had deposed that on going to the room of the accused where the crime was committed he saw blood scattered all over in the room. The evidence of PW 2 in this regard stands corroborated by the evidence of PW 4 (the Investigating Officer) who had deposed that bloodstained earth and the bloodstained clothes belonging to the deceased were recovered from the place of occurrence. In addition to the above, the prosecution has established that, at the instance of the accused, an axe (Tangi) was recovered from the house of the accused and a bloodstained T-shirt of the accused was recovered from the Dhawraghat Nala. The evidence of PW 1 (the doctor who had performed the post-mortem of the deceased) as well as his opinion dated 13.8.1998 (Exhibit P-3) clearly establishes that the fatal injuries found on the body of the deceased were capable of being caused by the blunt side of the axe (Tangi) which was sent to him for his opinion. The presence of human blood in the specimens of earth, clothes etc. sent for forensic examination also stands established by the evidence adduced by the prosecution.

7. The law relating to proof of a criminal charge by means of circumstantial evidence would hardly require any reiteration, save and except that the incriminating circumstances against the accused, on being proved, must be capable of pointing to only one direction and to no other, namely, that it is the accused and nobody else who had committed the crime. If the proved circumstances are capable of admitting any other conclusion inconsistent with the guilt of the accused the accused must have the benefit of the same.

8. In the present case the circumstances that the prosecution had succeeded in proving beyond all reasonable doubt, in our considered view, are not only highly incriminating but,

read together, the said circumstances constitute a complete chain of events which unerringly point to the culpability of the accused. No other conclusion save and except it is the accused who had committed the crime can be reached on the proved and established circumstances of the case. We, therefore, do not find any reason to doubt the correctness of the view taken by the learned trial court as well as by the High Court.

9. Consequently, we dismiss the appeal and affirm the judgment of the High Court.