

[2026 LiveLaw \(SC\) 179](#)

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
**PRASHANT KUMAR MISHRA; J., VIPUL M. PANCHOLI; J.**  
CRIMINAL APPEAL NO.5357 OF 2025; FEBRUARY 20, 2026  
**NEELU @ NILESH KOSHTI versus THE STATE OF MADHYA PRADESH**

**Indian Penal Code, 1860; Sections 302 and 201 — Indian Evidence Act, 1872; Section 27 — Circumstantial Evidence — Conviction Upheld — The Supreme Court dismissed the appeal against concurrent findings of conviction in a case of abduction, ransom, and murder - held that the prosecution successfully established an unbroken chain of circumstances, including the recovery of the deceased's body and her vehicle at the specific disclosure of the appellant.**

**Circumstantial Evidence — Five Golden Principles — For a conviction based solely on circumstantial evidence, the conditions outlined in Sharad Birdhichand Sarda vs. State of Maharashtra (1984) 4 SCC 116 must be fulfilled - These include: (1) circumstances from which guilt is drawn must be fully established; (2) facts must be consistent only with the hypothesis of guilt; (3) circumstances must be of a conclusive nature; (4) they must exclude every possible hypothesis except guilt; and (5) the chain of evidence must be so complete as to leave no reasonable ground for the conclusion of innocence.**

**Indian Evidence Act, 1872; Section 27 — Discovery of Fact — Doctrine of Confirmation by Subsequent Events — Section 27 is a proviso to Sections 25 and 26 - The "fact discovered" embraces not merely the object recovered, but the place from which it is produced and the knowledge of the accused as to its existence - The actual discovery of the body from the exact location disclosed by the appellant (a well) serves as a guarantee of the truthfulness of the information supplied.**

**Identification of Decomposed Body — Medical Jurisprudence — Absence of DNA testing does not vitiate identification when credible and consistent testimonies of witnesses who knew the deceased personally are available - Relying on Modi's Textbook of Medical Jurisprudence and Toxicology, Supreme Court noted that putrefaction in water is slower than in air, especially when the body is protected by clothing - Identification based on clothing and recognizable facial features by familial and close witnesses is legally sustainable.**

**Motive in Circumstantial Evidence — While motive is significant in cases of circumstantial evidence, it is not an absolute necessity when the chain of circumstances is otherwise complete - Failure to prove motive is not fatal to the prosecution's case if the facts clearly point to the accused's guilt - A delay of three days in lodging a missing person report is neither excessive nor unusual, as family members often conduct their own search before approaching the police; such delay does not, by itself, vitiate the prosecution's case – Appeal dismissed. [Relied on: *Mulakh Raj and Others vs. Satish Kumar and Others* (1992) 3 SCC 43; Paras 13-17, 20-29]**

*For Petitioner(s) :Ms. E. R. Sumathy, AOR Mr. S. Anand, Adv. Mr. Harsh, Adv. Mr. Sunil Kumar Verma, AOR Mr. Sunil Kumar Verma, Adv. Mr. Saju Jakob, Adv. Mr. Dhananjay Mishra, Adv. Mr. Desam Sudhakara Reddy, Adv.*

*For Respondent(s) :Mr. Pashupathi Nath Razdan, AOR Ms. Maitreyee Jagat Joshi, Adv. Mr. Astik Gupta, Adv. Ms. Akanksha Tomar, Adv.*

## J U D G M E N T

### PRASHANT KUMAR MISHRA, J.

1) This Appeal calls in question the impugned judgment dated 01.12.2023 in Criminal Appeal No.389/2016 passed by the High Court of Madhya Pradesh at Indore, whereby, the High Court dismissed the appeal preferred by the appellant and upheld the judgment of the Additional Sessions Judge and Special Judge (Electricity Act 03), wherein the appellant was convicted for the offences under Sections 302 and 201 of the Indian Penal Code, 1860, and sentenced to undergo life imprisonment and a fine of Rs.1000/- for the offence under Section 302 of the IPC and seven years of rigorous imprisonment with a fine of Rs.1000/- for the offence under Section 201 of the IPC along with default stipulations.

### FACTUAL MATRIX

2) On 28.07.2009, Bhagwati Bai (P.W.4) lodged a missing report at Pardeshipura Police Station, Indore, stating that her daughter Archana @ Pinki was missing from 25.07.2009. During the course of investigation, it came to light that the mobile phone of Archana @ Pinki was being used by a person who allegedly had custody of her, and was seeking a ransom of Rs. 5 lakh from her husband Rajesh (P.W.12). The SIM card belonging to Archana @ Pinki was actively used in her phone till 01.08.2009.

3) It was found that, there was another SIM card which was being used in her phone, particularly belonging to one Shekhar Chouhan (P.W.6). Upon further investigation, it was unearthed that, Shekhar Chouhan purchased the mobile phone belonging to Archana @ Pinki from the appellant.

4) The prosecution alleges that, the appellant along with his friend Jai hatched a conspiracy to grab money from Archana @ Pinki's husband by abducting her. Even though, her husband-Rajesh agreed to pay the ransom, unfortunately, she was murdered and her body was stuffed in a sack, and was thrown into a well.

5) The prosecution's case further elicits that, on 10.08.2009 during the investigation, Inspector S.M. Jaidi (P.W.23) recorded a memorandum statement of the appellant under Section 27 of the Indian Evidence Act, 1872 (for short, 'the Evidence Act'), leading to the recovery of the body of the deceased-Archana @ Pinki. After completion of the investigation, a chargesheet was filed and the Trial Court framed charges under Sections 302/34 and 201 of the IPC against the appellant. The Trial Court after appreciating the entire evidence convicted the appellant for the offences under Sections 302 and 201 of the IPC. The appellant's appeal challenging his conviction was also futile, as the High Court affirmed the findings of the Trial Court and held as follows:

"20. Looking to the testimony of all these witnesses coupled with the medical evidence and other piece of circumstantial evidence available on record, we are of the considered opinion that trial court did not commit any error in holding that appellant has murdered the deceased Pinki for non-fulfillment of his demand of ransom by strangulating her and kept her body in an empty sack and destroyed the evidence of murder by throwing her dead body into the well."

6) Hence, the appellant is before us, challenging the concurrent findings of the High Court and the Trial Court.

### SUBMISSIONS

7) At the outset, the learned counsel for the appellant argued that there has been an inordinate delay in filing the missing report. The deceased was allegedly missing from 25.07.2009, but the report was filed only on 28.07.2009, without assigning any reason for

such delay. He further contended, that though the husband of the deceased, alleged that he received a ransom call for Rs.5 lakh, no evidence is placed to substantiate the same.

8) The learned counsel for the appellant submitted that, even though, the body of the deceased was recovered from the well in a decomposed state, the prosecution did not indicate as to who identified the body of the deceased.

9) Lastly, the learned counsel contended that the Investigation Officer (P.W.23) had not obtained any call details of the deceased's mobile phone and in absence of such vital evidence, the Courts below ought not to have relied on the prosecution's theory.

10) Conversely, the learned counsel for the respondent-State supports the concurrent judgments of the High Court as well as the Trial Court. He contended that the chain of circumstances in the present case is complete and indicates that the appellant can be the only person who killed the deceased.

11) Heard the learned counsel for both the parties and perused the material available on record.

### **ANALYSIS**

12) In the present case, the deceased Archana @ Pinki went missing on 25.07.2009 and her dead body was recovered on 10.08.2009 from a well at the disclosure of the appellant. The only pivotal question which falls for our consideration is whether the Trial Court and the High Court have rightly placed the culpability on the appellant and convicted him for the murder of the deceased Archana @ Pinki.

13) The entire case of the prosecution rests on circumstantial evidence, as there is neither any eyewitness nor any judicially admissible confession. It is a trite law that when the conviction is solely based on circumstantial evidence, there should be no breakage in the chain of circumstances, leading to the culpability of the accused, within all human probability. In **Sharad Birdhichand Sarda vs. State of Maharashtra**<sup>1</sup>, this Court outlined five essential principles which must be satisfied before an accused can be convicted on the basis of circumstantial evidence. The relevant portion of the aforesaid decision is reproduced herein below:

"153. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

It may be noted here that this Court indicated that the circumstances concerned "must or should" and not "may be" established. There is not only a grammatical but a legal distinction between "may be proved" and "must be or should be proved" as was held by this Court in Shivaji Sahabrao Bobade v. State of Maharashtra [(1973) 2 SCC 793 : 1973 SCC (Cri) 1033 : 1973 CrLJ 1783] where the observations were made: [SCC para 19, p. 807: SCC (Cri) p. 1047]

"Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions."

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency,

---

<sup>1</sup> (1984) 4 SCC 116

- (4) they should exclude every possible hypothesis except the one to be proved, and
- (5) 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 the act must have been done by the accused.”

**14)** The prosecution has relied on the following circumstances to prove the culpability of the appellant:

- A.** The deceased went missing on 25.07.2009 and the missing report lodged by the deceased's mother (P.W.4) dated 28.07.2009 is proved.
- B.** Rajesh (P.W.12), husband of the deceased, in his examination-in chief proved that he received a call seeking ransom of Rs.5 lakh from a person who had custody of his deceased wife. It was further proved that the ransom call was made from none other than the deceased's mobile number. Rajesh has also proved the factum of marriage between him and the deceased.
- C.** The mobile phone of the deceased was sold by the appellant to Shekhar Chouhan (P.W.6), who further sold it to (his brother-in-law-Krushna Sharma (P.W. 5) and both of these witnesses deposed in favour of the prosecution.
- D.** The dead body of the deceased was recovered from a well by the Police and Fire Brigade at the disclosure of the appellant.
- E.** The recovered body was identified by Dilip (P.W.2), brother-in-law of the deceased and Abdul Wakil (P.W.9), as that of Archana @ Pinki.
- F.** The Scooty, on which the deceased was travelling, was recovered, at the disclosure of the appellant. The owner of the parking lot Rajendra Gupta (P.W.8) has proved the seizure of registers containing entry of parking of Scooty of the deceased in the parking lot from where it was recovered.
- G.** The Motive - the deceased and appellant, on the pretext of abduction of the deceased, were trying to seek ransom of Rs. 5 lakh from the husband of the deceased, and to avoid sharing the proceeds of crime, the appellant killed the deceased.

### **MEDICAL EVIDENCE**

**15)** Before adverting to the examination of chain of circumstances connecting the appellant to the crime, it is pertinent to first examine the medical evidence on record. Dr. N.M. Unda (P.W.20), who conducted the post-mortem of the deceased, has opined the cause of death to be throttling of neck by ligature. The post-mortem report reveals that the dead body was brought in primary stage of rot and partial adipocere changes. Significantly, the post-mortem examination revealed multiple telling features: rope marks were present on the body indicating that the deceased had been tied up; a handkerchief was found tied over her mouth; another handkerchief was tied on her left arm covering an ante-mortem wound caused by a sharp-edged object; and ligature marks were present on the left side of the neck towards the front and back at the part of the ear, with a width of 0.3 cm and length of about 4 cm. The body was clothed in jeans and a T-shirt. The postmortem examination noted that parts of the body where handkerchiefs were tied and where clothing was worn were relatively more preserved. The presence of ligature marks on the neck, coupled with the fracture of the thyroid cartilage and ecchymosis at the ligature site, leaves no room for doubt that the death was homicidal in nature. The marks of the sack and rope on the body were post-mortem, while the injury on the left arm was ante-mortem.

### **CIRCUMSTANCE A: MISSING REPORT**

**16)** Let us now examine the circumstances leading to the appellant's culpability. The deceased went missing on 25.07.2009. Her mother Bhagawati Bai (P.W.4) lodged a missing report on 28.07.2009 at Pardeshipura Police Station, Indore, stating that her daughter had been missing since 25.07.2009. The factum of missing report is proved through the testimony of the Bhagawati Bai and Shaligram (P.W.16), the Head Constable, who deposed that, Bhagawati Bai came to the Police Station on 28.07.2009 and lodged a missing person report of her daughter, which was written by him in Missing Person Register No.55/2009. At this juncture, the learned counsel for the appellant contended that there has been an inordinate delay of three days in lodging the missing report. We however, find no merit in this contention. A delay in lodging a missing report, by itself, does not vitiate the prosecution's case. When a family member goes missing, the family naturally hopes for the person's return and often conduct their own search before approaching the Police. The delay of three days in the present case, is neither excessive nor unusual in such circumstances.

### **CIRCUMSTANCE B: RANSOM CALLS**

**17)** Rajesh (P.W.12), the husband of the deceased, in his examination-in-chief deposed that after his wife Archana @ Pinki went missing, he received phone calls seeking ransom of Rs. 5 lakh from a person who claimed to have custody of the deceased. Significantly, these ransom calls were made from the deceased's own mobile number. Rajesh (P.W.12) also proved the factum of his marriage with the deceased, thereby establishing his status as the husband and the person to whom the ransom demand was directed. Both, the High Court and the Trial Court, have relied upon the testimony of Rajesh (P.W.12) to establish that ransom calls were made from the deceased's mobile phone. The Trial Court, while examining this circumstance, has placed reliance on the statements of Rajesh Kumar Singh (P.W.21), who was posted as DGM Legal at Idea Cellular Ltd. and the Investigating Officer (P.W.23). The relevant paragraphs of the Trial Court's judgment read thus :

"23. Witness S.M. Jaidi the then SHO PS PW 23 also stated that during the course of investigation, he received call details from date 20.7.09 to 3.8.09 of mobile No. 9977907439 from Airtel company, supporting which witness Rajesh Kumar Singh PW 21 stated that Idea Cellular Ltd company Indore he was posted on 1.12.2011 on the post of DGM Legal. Udaiveer was posted on the post of Singh Senior Executive Nodal, whose handwriting and signature, since worked with him is well acquainted. Call details of mobile no.9977907439 dated 20.7.09 to 8.8.09 with covering letter Ex.P/24 were forwarded to C.S.P. Pardeshipura which Ex.P/25 in 10 pages. These call details were taken out from the computer in our office which was allotted to Udaiveersingh and hence name of Udaiveersingh is referred beneath the call details. Calls received on the said number and calls made by this mobile number from date 20.7.09 to 8.8.09, call details are present in which time and duration of call is referred, In Ex.P/25 "A" party calling party (who is calling) and "B" receiving party (who has received the call) is referred. In Ex.P/25 details of that handset in which used sim details have been submitted, its I.M.E.I. No. is 354827023161750. Call details of that sim by their company no. of which is 9977907439. On date 20.7.09 at 11.21.42 o clock on 9977907439, incoming call was received from 9225805293 and for 38.54 second talk took place. In the same way on 21.7.09 at 12.00.55 am on on 9977907439, incoming call was received from 9225805293 and for 38.42 second talk took place, Call details Ex.P/25 is of mobile No.9977907439 and regarding calls received on it on which from different mobiles and on this mobile calls, information is present, in which following number of mobile 9890815777, 9225615777 and 9225805293 is also there."

Thus, the above evidence establishes that after the deceased went missing, her mobile phone was in possession of somebody, who was using the same for making ransom calls to the deceased's husband.

### **CIRCUMSTANCE C: THE SALE OF THE DECEASED'S PHONE**

**18)** During the investigation, the Police traced the deceased's mobile phone back to one Krushna Sharma (P.W.5), who stated that the said mobile phone was sold to him by his brother-in-law Shekhar Chouhan (P.W.6) in the month of August 2009 for a consideration of Rs.2500/-. It further elicited that Shekhar Chouhan (P.W.6) purchased the said mobile phone from the appellant for a consideration of Rs.2500/- in the month August 2009, and after purchasing it, he sold it to his brother-in-law, Krushna Sharma (P.W.5). Both the testimonies of these witnesses have been consistent. Ergo, it is the appellant who sold the mobile phone belonging to the deceased to Shekhar Chouhan (P.W.6) and the same has been seized by the Police and both the witnesses have identified the said mobile phone. The question which arises now is as to how the appellant came in possession of the deceased's mobile phone, that too, at a time when the deceased was missing. This circumstance warrants for an adverse inference against the appellant. Although mere possession of the articles of deceased does not prove that the appellant has committed the offence, but the said circumstance of possession of the mobile phone has to be read in conjunction with the other circumstances to conclude the appellant's culpability.

### **CIRCUMSTANCE D: RECOVERY OF DEAD BODY AT THE INSTANCE OF THE APPELLANT**

**19)** The appellant was arrested on 10.08.2009, and on the same date, the Investigation Officer (P.W.23) recorded the appellant's memorandum statement under Section 27 of the Evidence Act, leading to the discovery of the dead body of deceased Archana @ Pinki from the well, near *Tasaali Dhaba*, near the Indore bypass Road, Indore. The Police along with Fire Brigade recovered the body from the well.

**20)** It is trite that Sections 25 and 26 of the Evidence Act stipulate that confession made to a Police Officer is not admissible. However, Section 27 is an exception to Sections 25 and 26 and serves as a *proviso* to both these sections. Section 27 of the Evidence Act reads as follows:

"27. How much of information received from accused may be proved.— Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police-officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved."

The scope and ambit of Section 27 have been examined by this Court in ***Delhi Administration vs. Bal Krishan and Others***<sup>2</sup>.

**21)** Elucidating on what constitutes "discovery of fact" under Section 27 of the Evidence Act, this Court in ***Udai Bhan vs. State of Uttar Pradesh***<sup>3</sup> observed as follows :

"11. Thus it appears that Section 27 does not nullify the ban imposed by Section 26 in regard to confessions made by persons in police custody but because there is the added guarantee of truthfulness from the fact discovered the statement whether confessional or not is allowed to be given in evidence **but only that portion which distinctly relates to the discovery of the fact. A discovery of a fact includes the object found, the place from which it is produced and the knowledge of the accused as to its existence. ....**"

(Emphasis supplied)

---

<sup>2</sup> (1972) 4 SCC 659

<sup>3</sup> 1962 SCC OnLine SC 229

**22)** The aforesaid legal position was comprehensively reiterated and elaborated upon by this Court in ***Bodhraj Alias Bodha and Others vs. State of Jammu and Kashmir***<sup>4</sup>, wherein the question of whether evidence relating to recovery is sufficient to fasten guilt on the accused was examined at length. This Court held that for evidence under Section 27 to be admissible, the information must emanate from an accused who is in police custody. The Court elucidated that the basic idea embedded in Section 27 is the doctrine of confirmation by subsequent events - when a fact is discovered on the strength of information obtained from a prisoner, such discovery serves as a guarantee of the truthfulness of the information supplied. The Court further observed that whether the information is confessional or non-inculpatory in nature, if it results in the discovery of a fact, it becomes reliable information. Significantly, it was held that the mere recovery of an object does not constitute the discovery of fact envisaged in the section. Relying on the Privy Council's decision in ***Pulukuri Kottayya and Others vs. King Emperor***<sup>5</sup>, the Court held that the "fact discovered" embraces not merely the object recovered, but the place from which the object was produced and the knowledge of the accused as to its existence, and that the information given must relate distinctly to that effect.

**23)** When the present case is examined in the light of the aforesaid principles, it is evident that the recovery of the dead body satisfies all the essential requirements of Section 27 of the Evidence Act. Pursuant to the memorandum statement recorded, while the appellant was in Police custody, the dead body of Archana @ Pinki was discovered from a well near *Tasaali Dhaba*, Indore Bypass Road. The body was found stuffed in a sack, as deposed by the *panch* witnesses who were present at the time of recovery. The recovery *panchnama* establishes that the recovery was made at the precise location disclosed by the appellant. As laid down in ***Udai Bhan*** (supra), the discovery of a fact includes the object found, the place from which it is produced, and the knowledge of the accused as to its existence. In the present case, the information given by the appellant while in Police custody distinctly relates to the fact discovered, namely, recovery of the dead body of the deceased concealed in a sack and thrown in a specific well. This constitutes a "distinct fact" as contemplated under Section 27 of the Evidence Act, as the recovery of the body from that precise location could only have been made on the basis of information furnished by someone who had personal knowledge of its disposal. The recovery embodies the "doctrine of confirmation by subsequent events" as explained in ***Bodhraj*** (supra)—the actual discovery of the body from the exact location disclosed by the appellant is a guarantee that the information supplied by him is true. The fact discovered embraces the place from where the object was recovered (the well near *Tasaali Dhaba*) and the knowledge of the appellant as to its existence at that location. This information is not within public domain or capable of discovery through routine investigation. These circumstances constitute a formidable link in the chain pointing towards the culpability of the appellant.

#### **CIRCUMSTANCE E: THE IDENTIFICATION OF THE DEAD BODY**

**24)** At this juncture, the learned counsel for the appellant contended that the prosecution has failed to establish proper identification of the deceased and that no DNA test was conducted to confirm the identity of the deceased. However, we find this contention to be devoid of any merit. The post-mortem report reveals that albeit the body of the deceased was in the state of partial decomposition, certain parts remained relatively preserved due to the binding of the ropes and the tying of handkerchiefs, which slowed

---

<sup>4</sup> (2002) 8 SCC 45

<sup>5</sup> AIR 1947 PC 67; 1946 SCC OnLine PC 47

the process of decay. Significantly, the body was clothed in Jeans and a T-shirt, and a handkerchief was tied over the mouth — these articles of clothing further protected the underlying body parts from advanced decomposition.

**25)** The post-mortem examination clearly establishes that the body had not deteriorated to a state where identification would be impossible. Dilip (P.W.2), the brother-in-law of the deceased, was present as a *panch* witness during the recovery of the body and he positively identified it as that of his elder sister-in-law Archana @ Pinki based on the clothing worn. He signed the *panchayatnama* prepared at the time of recovery. This identification is further corroborated by Abdul Wakil (P.W.9), who was also a *panch* witness present during the recovery and was the deceased's regular auto rickshaw driver. Abdul Wakil categorically deposed that though the body was in a decomposed state, the face of Pinki was recognizable. The convergence of the testimony of Dilip (P.W.2), who had close familial ties with the deceased, and Abdul Wakil (P.W.9), who was her neighbour, establishes beyond reasonable doubt that the body recovered was indeed that of Archana @ Pinki. The absence of DNA testing does not vitiate the identification when credible and consistent testimonies of witnesses who knew the deceased personally are available on record. It is pertinent to note that the rate of decomposition of body will change drastically in different environments. A beneficial reference in this regard can be made to ***A Textbook of Medical Jurisprudence and Toxicology by Jaising P. Modi (26<sup>th</sup> Edition)***, wherein it was observed thus while dealing with the concept of putrefaction of the body:

**“Putrefaction or Decomposition and Autolysis.— Putrefaction is a certain sign of death. It is a slow process and consists of softening and liquefaction brought about by the digestive action of enzymes, released after death from tissue cells....As a result of their action, the dead body invariably putrefies, unless special means are taken to prevent their access or the tissues are rendered unfit for their use. The skeletal remains and the teeth resist putrefaction the most.”**

(Emphasis supplied)

More particularly, when dealing with the concept of putrefaction of body in water, it was observed thus:

**“Putrefaction in water:—The rate of putrefaction of a body in water is more reliable than that of a body exposed to air. The reason behind this is that the temperature of the water is more uniform, and the body is protected from air, as long as it remains submerged in water. Ordinarily, a body takes twice as much time in water as in air to undergo the same degree of putrefaction. Putrefaction is retarded, when a body is lying in deep water and is well protected by clothing, while it is hastened in a body lying in water contaminated with sewage. Putrefaction is accelerated, when the body is removed from water, as the tissues have imbibed much fluid. In such a body, decomposition is so rapid that the changes occurring in twenty-four hours exposure to the air will be more marked than those ordinarily resulting from a fortnight's further submersion. Casper's dictum is useful for a rough assessment of the rate of putrefaction. It is eight times slower under soil and two times slower under water compared to the body in air (1:2:8).”**

(Emphasis supplied)

It is thus clear that the putrefaction of the body in water is slower, especially when it is protected by clothing. In the case at hand, Abdul Wakil (P.W.9) specifically stated that though the body smelt rotten, the face of the deceased was still recognizable. Hence, the statement of Abdul Wakil (P.W.9) finds scientific corroboration from the above.

### **CIRCUMSTANCE F: RECOVERY OF THE SCOOTY AT THE INSTANCE OF THE APPELLANT**

**26)** The Scooty on which the deceased was traveling when she went missing was recovered at the disclosure of the appellant. The appellant in his memorandum statement under Section 27 of the Evidence Act led the Police to a parking stand at Railway Station, Small Line, Indore, where the Scooty had been parked since 25.07.2009. Rajendra Gupta (P.W.8), the owner of the parking stand, deposed that on 25.07.2009 at about 5:00 PM in the evening, Scooty was parked at his stand by a boy who deposited Rs. 30/- as parking charges. The entry of the said Scooty was made in the parking register on 25.07.2009 and remained parked there till 10.08.2009. Rajendra Gupta (P.W.8) proved the seizure of both, the parking registers (Article A and Article B) containing the entries of the deceased's Scooty, and the seizure memo prepared when the Scooty was seized from the parking stand. The recovery of the Scooty at the appellant's disclosure, like the recovery of the dead body, establishes his exclusive knowledge about the whereabouts of the deceased's belongings after she went missing. This circumstance further strengthens the chain linking the appellant to the crime.

### **CIRCUMSTANCE G: MOTIVE**

**27)** The prosecution's case, as accepted by both, the Trial Court and the High Court, is that the appellant along with his associate Jai hatched a conspiracy to extort money from the deceased's husband Rajesh by abducting her and demanding a ransom of Rs. 5 lakh. The High Court in its judgment observed that the appellant murdered the deceased for nonfulfilment of his demand of ransom. The Trial Court found that greed arose in the minds of the appellant and his associate to grab the money without sharing it with Archana @ Pinki, leading them to plan her murder. However, it is well settled that in cases based on circumstantial evidence, motive is not an absolute necessity when the chain of circumstances is otherwise complete and points conclusively to the guilt of the accused. This Court in, ***Mulakh Raj and Others vs. Satish Kumar and Others***<sup>6</sup>, observed as thus:

“17..... Undoubtedly in cases of circumstantial evidences motive bears important significance. Motive always locks up in the mind of the accused and some time it is difficult to unlock. People do not act wholly without motive. The failure to discover the motive of an offence does not signify its non-existence. The failure to prove motive is not fatal as a matter of law. Proof of motive is never an indispensable for conviction. **When facts are clear it is immaterial that no motive has been proved. Therefore, absence of proof of motive does not break the link in the chain of circumstances connecting the accused with the crime, nor militates against the prosecution case. ....**”

(Emphasis supplied)

**28)** In the present case, while the motive of financial gain through extortion strengthens the prosecution's case, the conviction does not rest solely on motive but on the complete chain of circumstances established through credible evidence.

### **CONCLUSION**

**29)** Having meticulously examined each circumstance individually and collectively, we are satisfied that the prosecution has established a complete and unbroken chain of circumstances that points irresistibly to the guilt of the appellant. The circumstances proved on record satisfy all the five essential principles laid down in ***Sharad Birdhichand Sarda*** (supra). The deceased went missing on 25.07.2009; ransom calls were made from her mobile phone demanding Rs. 5 lakh; the appellant came into possession of the

<sup>6</sup> (1992) 3 SCC 43 : 1992 SCC (Cri) 482 : 1992 SCC OnLine SC 378 at page 53

deceased's mobile phone and sold it; the dead body was recovered from a well at the specific disclosure of the appellant under Section 27 of the Evidence Act; the body was identified as that of the deceased; the deceased's Scooty was recovered at the appellant's disclosure; and the medical evidence established that the death was homicidal in nature. These circumstances, when viewed cumulatively, form a complete chain. No other reasonable conclusion is possible except for the inference that the appellant committed the murder of Archana @ Pinki. The Trial Court and the High Court have rightly appreciated the evidence placed on record by the prosecution and have correctly determined the culpability of the appellant for the murder of the deceased. We find ourselves in complete agreement with the concurrent findings of both the Courts below.

**30)** Accordingly, the present Appeal is devoid of merit and is accordingly dismissed. However, taking note of the fact that the appellant has undergone more than 15 years of imprisonment, he is granted liberty to apply for remission, and the State shall consider the case of the appellant for remission in accordance with the applicable policy.

---

© All Rights Reserved @LiveLaw Media Pvt. Ltd.

\*Disclaimer: Always check with the original copy of judgment from the Court website. Access it [here](#)