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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
DIPANKAR DATTA; J., SATISH CHANDRA SHARMA; J.
CRIMINAL APPEAL NO(S). 3866 OF 2025; July 20, 2026
PIYUSH SHYAMDASANI *versus* **STATE OF UTTAR PRADESH**

Indian Penal Code, 1860 — Section 34 vs. Section 141 — Common Intention vs. Unlawful Assembly — Physical Presence Not Mandatory For Section 34 IPC - The Supreme Court clarified the distinction between active participation under Section 34 IPC and physical participation under Section 141 IPC – The Supreme Court held that to invoke the provisions of an unlawful assembly under Section 141 IPC, it is necessary that five or more persons physically participate in the actual commission of the offence - Section 34 IPC requires mere active participation in furtherance of a common intention which can occur behind the scenes and does not mandate physical presence at the actual spot of execution. *[Para 23-26]*

Criminal Jurisprudence — Circumstantial Evidence — Role and Absence of Motive - The role of motive in a criminal trial based entirely on circumstantial evidence is limited - The absence of a motive does not *ipso facto* break the chain of evidence or automatically lead to the acquittal of the accused if the remaining evidence on record is sufficient to prove guilt - A complete absence of motive is merely a factor that may be weighed in favour of the accused during the judicial sifting and balancing of favourable and unfavourable circumstances. *[Relied On Vaibhav v. State of Maharashtra, 2025 INSC 800; Paras 24, 25]*

Indian Evidence Act, 1872 — Section 106 & Section 27 — Appreciation of Technical Evidence — Call Detail Records (CDRs) & Adverse Inference - Where the prosecution successfully establishes a strong incriminating nexus through Call Detail Records (CDRs) and location data proving that the accused persons were in constant communication and present around the crime scene, the burden shifts to the accused to explain these facts - The failure or refusal of the accused to offer a plausible explanation for circumstances uniquely within their exclusive personal knowledge leads to a direct adverse inference against them. Furthermore, utilizing fake SIM cards registered under third-party names to evade surveillance constitutes an additional incriminating circumstance if left unrebutted. *[Paras 17- 20, 22-28]*

Criminal Procedure — Appeal Against Acquittal vs. Appeal Against Conviction — Qualitative Differences in Appellate Review - While the appellate court possesses identical statutory powers to review and reappreciate evidence in both categories of appeals, there are qualitative differences in their execution - Appeal Against Acquittal - A higher threshold is applied for reversal because an acquittal reinforces the presumption of innocence - Under the "two-views theory," if the view favoring acquittal is a plausible one, it must not be disturbed - The presumption of innocence is displaced the moment a conviction is recorded - The prosecution's case is further reinforced when concurrent findings of conviction are rendered by both the Trial Court and the High Court, though the appellate court's power to scrutinize every aspect remains absolute. *[Relied on Mallappa & Ors. v. State of Karnataka, 2024 INSC 104]*

WITH CRIMINAL APPEAL NO(S). OF 2026 [Arising out of SLP(Criminal) No. 12964 of 2025] CRIMINAL APPEAL NO(S). OF 2026 [Arising out of SLP(Criminal) No. 19093 of 2025] CRIMINAL APPEAL NO(S). OF 2026 [Arising out of SLP(Criminal) No. 2043 of 2026]

For Appellant(s): Mr. Prabhat Ranjan Raj, AOR Mr. Ankit Goel, AOR Mr. Mayank Tiwari, Adv. Mr. Arunabh Chowdhury, Sr. Adv. Mr. Sushil Shukla, Sr. Adv. Mr. Nikhil Sharma, Adv. Mr. Anil Kumar, Adv. Mr. Gunjesh Ranjan, Adv. Mr. Prakash Kumar Mangalam, Adv. Ms. Anshala Verma, Adv. Mr. Sharique Ahmed, Adv. Mr. Shantanu Sagar, AOR.

For Respondent(s): Mr. Ashutosh Ghade, AOR Mr. Navin Pahwa, Sr. Adv. Mr. Mahesh Agarwal, Adv. Mr. Ankur Saigal, Adv. Mr. Gautam Khazanchi, Adv. Ms. Sanjivani Pattjoshi, Adv. Ms. Shivani Agarwal, Adv. Mr. E. C. Agrawala, AOR Mr. Ankit Goel, AOR Mr. Ajay Singh, Adv. Mr. Mayank Tiwari, Adv. Mr. Manish Kumar, Adv. Mr. Ashutosh Ghade, AOR.

J U D G M E N T

SATISH CHANDRA SHARMA, J.

1. Leave granted in SLP(Crl.) No. 12964 of 2025, SLP(Crl.) No. 19093 of 2025 and SLP (Crl.) No. 2043 of 2026.

2. Marriage is often dubbed as one of the most significant decisions in the life of a person. The consequences of a marital discord could be drastic and at times, even fatal. The present case depicts an extreme scenario wherein two lives have met an irreversible fate as a consequence of their marital discord. It is a case of a husband[1], namely Piyush Shyamdasani, conspiring with some assailants (A3 to A6) to kill his wife, namely Jyoti Shyamdasani @Pooja Nagdev[2] and eventually succeeding in doing so. The case was registered as Crime No. 151/2014 P.S. Swaroop Nagar, Kanpur, Uttar Pradesh. After trial, the Trial Court convicted six accused persons for the commission of offences punishable under Sections 302, 364, 201, 203 and 404 read with 120-B of the Indian Penal Code, 1860[3]. The judgment of the Trial Court was assailed by the convicts before the High Court of Judicature at Allahabad by way of separate criminal appeals (lead appeal being Criminal Appeal No. 8254/2022). The appeals were disposed of together by the High Court vide common judgment[4] dated 29.11.2024. The judgment of the Trial Court was upheld by the High Court, with the exception of accused Manisha Makhija, originally convicted by the Trial Court under Sections 302/120-B and 201/120-B of IPC. She was acquitted by the High Court for want of sufficient evidence. The said judgment of the High Court is impugned before us herein.

3. Against the impugned judgment, four separate appeals have been filed. Three appeals have been filed by the appellants/convicts namely Piyush Shyamdasani/A1, Renu @Akhilesh Kanaujiya/A4 and Sonu Kashyap/A5, and fourth appeal has been preferred by the State of Uttar Pradesh taking exception to the acquittal of Manisha Makhija/A2. For convenience, the original ranks of the accused persons have been maintained in this judgment.

CASE OF THE PROSECUTION

4. As per the prosecution, A1 got married to the deceased on 28.11.2012. The marital relationship was strained and the deceased was at the receiving end of various instances of misbehavior and unpleasant encounters. Amongst other things, one of the issues was of a potential affair between A1 and A2, who was a neighbour of A1 and deceased. A1 used to remain out at night and used to have unusually long telephonic conversations with A2 and quite naturally, the deceased had a problem with the same and she had indicated it to her side of the family. Amidst all this, one fine day on 27.07.2014, A1 planned to take

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[1] Appellant – Piyush Shyamdasani

[2] Original name before marriage.

[3] Hereinafter referred as "IPC"

[4] 2024:AHC:187614-DB

the deceased for dinner at Veranda Restaurant in Kanpur. This outing was planned after the conspiracy to kill the deceased was set to be executed.

5. A1 and deceased reached the restaurant at around 10:30 pm and the couple came out of the restaurant at 11:30 pm. Thereafter, they left together in A1's Honda Accord car bearing number UP-78-BR-5009. There is a noteworthy diversion in the original version of A1 and the version ultimately alleged and proved by the prosecution. After the incident, the original complaint was lodged by A1 himself, who alleged that on their way to home, the car was hit by 7-8 unknown persons from the front, he was beaten and dragged by them out of the car, and deceased was abducted and driven away by them along with his car. However, investigation revealed that the stopping of the car soon after leaving the restaurant was a part of the conspiracy. The car was stopped by A3 to A6 and A1 stepped out of the car. Thereafter, A3 to A6 took away the car along with the wife of A1 (deceased) and later, she was found dead in the car.

6. After trial, the Trial Court found that there was sufficient oral and technical evidence to prove the guilt of A1 to A6 and accordingly, it convicted them of the offences mentioned above.

IMPUGNED JUDGMENT

7. The High Court upheld the judgment of conviction qua A1 and A3 to A6, by observing that the deceased was taken to Veranda restaurant by A1 on the fateful day and even when they were sitting in the restaurant, A1 was in constant touch with the other conspirators. The Court found the technical evidence of call detail records to be creditworthy and reliable, and relied upon the same to hold that there was a pre-existing conspiracy behind the entire sequence of events that unfolded on 27.07.2014. The Court also found the oral testimonies of PW-1 to PW-7 to be corroborative of the theory of strained marital relationship between A1 and the deceased. Furthermore, the Court duly examined the conduct of A1 and found it to be highly unnatural as he did not suffer any injury when his wife was purportedly abducted by A3 to A6. In fact, the Court found that A1 deliberately left the hospital where he was supposed to be medically examined. Moving on, the Court found the circumstantial evidence to be forming a consistent chain which unequivocally pointed towards the guilt of the accused persons, thereby leaving no other possibility.

8. Notably, the Court returned the finding of acquittal qua A2 on the ground that mere evidence of prolonged telephonic conversations between A1 and A2 neither conclusively established the allegation of affair or more importantly, the participation of A2 in the conspiracy to do away with the deceased. Further, the Court noted that A2 was exploring prospects of marriage with other persons and therefore, it could not be assumed that she was to benefit from the demise of the deceased in any manner.

THE CHALLENGE

9. Taking exception to the impugned judgment, A1, A4 and A5 have approached this Court and have broadly raised the following grounds:

i. The case is entirely based on circumstantial evidence and there is no proof of conspiracy between the appellants merely on the basis of call records;

ii. As per the prosecution case, more than five persons formed the conspiracy and despite so, the Trial Court wrongly applied Section 34 of IPC instead of Section 141/142 IPC on account of unlawful assembly;

iii. Incriminating circumstances against the accused persons were not put to them separately at the stage of Section 313 of the Code of Criminal Procedure, 1973[5];

iv. Mobile numbers relied upon by the prosecution were not in the name of the accused persons and the Court has erred in convicting the appellants on mere suspicion;

v. Mere mobile locations cannot be made the basis to conclude the existence of conspiracy and again, it could only lead to suspicion and not proof;

vi. The Court ignored the inherent contradictions and suppression in the testimonies of the relatives of the deceased;

vii. There is no evidence of any monetary transaction between A1 and the other accused persons, and the allegation of payment of Rs. 50,000/- was solely based on the inadmissible confessional statements of the accused persons and could not be proved by the prosecution;

viii. The allegation of purchase of knife from Reva Moti Mall also remained unproved and the reliance on CCTV footage of the mall was misplaced as A1 was nowhere seen in the footage;

ix. The injuries found on the body of the deceased have not been explained by the prosecution as some of the injuries were caused by hard and blunt object and other injuries were caused by sharp object;

x. The allegation that the assailants only used one knife to inflict all the injuries by taking turns with the same knife, despite having three other knives in the car, is unnatural and strange; xi. The opinion in the FSL report that the blood discovered in the car was of female origin is unscientific and unreliable;

xii. The recovery of mobile phones from the accused persons was not in accordance with Section 27 of Indian Evidence Act, 1872[6], and is liable to be held as illegal;

xiii. The prosecution could not prove any illicit relationship between A1 and A2 and the entire theory of conspiracy was weakened with the acquittal of A2; xiv. The delay of approximately one hour in reporting the incident on 27.07.2014 was natural and duly explained.

10. The appeals presented by the convicts have been opposed by the State as well as by the intervenor Sh. Shankar Lal Nagdev, father of the deceased, broadly on the following grounds:

i. There is ample evidence of conspiracy between the accused persons, which has been proved by the prosecution on the basis of call detail records;

ii. The respective roles of the accused persons have been duly made out by the prosecution and the incriminating discoveries made on the basis of disclosure statements of the accused persons are admissible under Section 27 of Evidence Act;

iii. The accused persons failed to explain various circumstances despite possessing personal knowledge of such circumstances, such as the absence of injuries on A1, failure to call on police helpline, continuous connection between A1 and other accused persons at the time or before the incident, panic call by the deceased to PW-7, usage of fake SIM cards by A1 and A2, switching off of the SIM cards immediately after the incident, etc.;

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[5] Hereinafter referred as “CrPC”

[6] Hereinafter referred as “Evidence Act”

iv. The chain of circumstances proved by the prosecution was consistent with the conclusion of guilt of the accused persons and it duly explained the commission of the offences from preparation to execution;

v. Strained marital relations between A1 and the deceased and prior complaints by the deceased regarding A1's extra marital affair;

vi. The presence of sole motive of killing the deceased and absence of any motive of dacoity or commission of sexual offence upon the deceased.

11. In the appeal preferred by the State against the acquittal of A2, the following broad grounds are urged:

i. The extra-marital affair between A1 and A2 was duly established on the basis of the volume of calls exchanged between them;

ii. A3 was ex-driver of A2 and his involvement in the offence suggests that they were operating in furtherance of a pre-planned conspiracy to eliminate the deceased;

iii. On the day of incident, A2 was in direct communication with A1 and it was part of a larger pattern between the accused persons who were in touch with each other prior to the incident;

iv. Since the case is based on circumstantial evidence, inferences ought to be drawn from the proved circumstances on record and the circumstances overwhelmingly indicate towards the guilt of A2.

12. Notably, A2 has opposed the appeal preferred by the State against her acquittal and has raised certain grounds based on the reasoning adopted by the High Court to record her acquittal. Thus, the grounds are not being reproduced to avoid repetition and to maintain brevity.

DISCUSSION & ANALYSIS

13. Having understood the case, we may now proceed to answer the seminal issue whether the High Court has committed any error in upholding the conviction of the appellants and by acquitting A2, on the basis of the evidence on record. At the outset, the present case necessitates a brief discussion on the principles governing a criminal appeal before this Court. We generally put this discussion in two categories – appeal against acquittal and appeal against conviction. Broadly speaking, there is no difference between the two insofar as the powers of the appellate court are concerned. An appellate court is fully empowered to review or reappreciate the evidence on record in both the cases. However, there are certain qualitative differences in the approach of the appellate court in dealing with these two categories of appeals. In appeal against acquittal, the court is often guided by the fact that an acquittal effectively reinforces the presumption of innocence in favour of the accused and therefore, a higher threshold is applied for the reversal of an acquittal. Further, the court is guided by the '*two views theory'* in such cases and if the view of acquittal is found to be one of the possible views, it is not disturbed in appeal. Reference may be drawn to the decision in ***Mallappa & Ors. v. State of Karnataka***[7] to bring home the point. However, in an appeal against conviction, there is no presumption of innocence before the appellate court. In fact, the presumption gets displaced the moment a conviction is recorded. More so, the case against the convict gets reinforced if consistent findings of conviction are rendered by the Trial Court as well as the High Court.

[7] 2024 INSC 104

Nevertheless, the power of the appellate court to look into every aspect of the case remains intact.

14. In the present case, the Trial Court as well as the High Court have returned consistent findings both on law and facts. The only exception being the findings qua A2. We will come to that later. Importantly, the entire case of the prosecution is based on circumstantial evidence and, therefore, the circumstances are required to be appreciated in some detail. As regards A1, A4 and A5, the allegation is that they conspired and shared common intention to kill the deceased on 27.07.2014 and succeeded in doing so. In order to achieve the objective of the conspiracy, A1 took the deceased out for dinner at Veranda restaurant and they both left from there at around 11:30 pm. The visit of A1 and deceased to the restaurant on the date and time mentioned above is an admitted fact. Their presence at the restaurant has also been confirmed by the CCTV footage and the testimony of waiter/PW8. Thus, admittedly, the deceased was last seen with A1. Let us now see the previous and subsequent conduct of A1 in the final hours of the deceased.

15. Before the fateful day, the deceased and A1 shared a disturbed marital relationship and the deceased suspected that A1 was having an extra marital affair with A2. The deceased recorded some of her unpleasant experiences with A1 in her personal diary, which was identified by PW-3 and PW-6 during trial. She also indicated the same to her side of the family, which is evident from the testimonies of PW-1 to PW-4, PW-6 and PW-7. All these witnesses are the family members of the deceased. The deceased specifically confided in PW-7 (her aunt) regarding her persistent problems and even on the date of incident, the deceased was troubled and had a telephonic conversation with PW-7 while she was present in the restaurant.

16. In this backdrop, A1 took the deceased out for dinner. From 11:44 AM to 10:42 PM on the date of incident, A1 and A2 exchanged 18 calls. At 10:42 PM, A2 switched off her number. This last call was made when A1 was already present with the deceased in the restaurant. He also moved out and called other accused persons while he was in the restaurant with the deceased. This fact was corroborated by the version of PW8 who deposed that A1 was continuously talking on his phone when he was in the restaurant. It was further corroborated by the testimony of PW-7, who deposed that the deceased called her in panic when she was alone in the restaurant and A1 was at a distance on call. The deceased told PW-7 that the behaviour of A1 was strange since that morning and he had told her that they would go out for dinner to celebrate and solve their problems. This version of PW-7 has been corroborated by PW-18 on the basis of call detail records between the deceased and PW-7. Notably, there is no rebuttal of this evidence.

17. The call detail records further amplify the incriminating previous conduct of A1 on the date of incident. The records reveal that A1 was in constant touch with A2, A3 and A5 before the incident. Further, A3, A4 and A5 were in constant touch with each other. The prosecution has relied upon a chart prepared on the basis of the call detail records of the accused persons and it indicates that all the accused persons were in contact with each other. Even without this chart, the call records are quite clear. To add to it, the location data of the mobile numbers used by the accused persons reveals that all the accused persons were present around the restaurant at the time of the incident. Furthermore, the location of A3 to A6 was also traceable at the same spot where the deceased was found in the Honda Accord car at around 12:05 AM after the incident. In such circumstances, the courts have drawn a reasonable inference that the accused persons were acting in a coordinated manner and had an overwhelming nexus with the offence.

18. At this point, it is important to underscore that on the basis of above evidence, the prosecution managed to bring home a strong incriminating connection between the accused persons and it was for the accused persons only to explain their connection. However, instead of offering any plausible explanation, the accused persons attempted to deny their connection. The failure of the accused persons to explain any circumstance, which could only be explained from the personal knowledge of the accused persons, leads to a direct adverse inference against them. The law is quite settled. This failure on the part of the accused persons has been noted by the courts and thus, both the courts have rightly appreciated the evidence on conspiracy.

19. The appellants herein seek to question the findings on the ground that the mobile numbers reflected in the call detail records did not belong to the accused persons. This, in fact, is another incriminating circumstance because the numbers did not belong to the accused persons, but they were found running in the mobile devices recovered from the possession or at the instance of the accused persons. Thus, they were using fake numbers to conceal their identities and to evade surveillance. Notably, A1 was admittedly using two numbers - one registered in his own name and one in the name of his employee (a worker in his factory). Both the numbers were mentioned by him in his original complaint after the incident. The number used by A4 was found running in the mobile phone recovered from him, and the number used by A5 was installed in his phone, which was left by him at his home when he fled away after the incident. When called by the investigators, the call was picked up by the mother of A5 and she disclosed that it was used by A5 only. Again, no rebuttal has been advanced to dispute these facts.

20. The call details reveal that the accused persons were in constant touch with each other using these numbers, irrespective of the persons in whose names the numbers were officially registered. The evidence on record has indicated sufficient nexus between the numbers reflected in the call detail records and the accused persons. If there was any discrepancy in this evidence, the accused persons could have led counter evidence to that effect. However, they failed to rebut this crucial technical evidence. The Court cannot set aside consistent evidentiary findings on bare assertions, without any cogent evidence to support the assertions.

21. The subsequent conduct of the accused persons, especially A1, was even more incriminating. It has been proved beyond doubt that after the incident, A1 lodged a false complaint of abduction by alleging that his car was hit from the front, he was dragged out of the car and was beaten up. Subsequent investigation revealed that neither the car suffered any damage nor did A1 suffer a single injury and in fact, apprehending that this fact would appear in his medical examination, he abruptly left the hospital when he was taken for medical examination. It is highly unnatural, and even abhorrent, to believe that a husband who is put in a situation like the present one, would come out untouched and without a sign of protest. Moreover, it is even more questionable that after the abduction of his wife in the middle of the night, the husband would wait for one hour to make his first approach to the police. Evidently, the delay in reporting was meant to ensure that A3 to A6 were able to achieve the object without any pre-mature police intervention. Every single circumstance concerning the previous and subsequent conduct of A1 is not only relevant but is also fully incriminating. The evidence regarding his subsequent conduct has been rightly appreciated by both the courts and this Court has no reason to question the analysis.

22. Further nexus between the accused persons and the alleged offences emanated from the recoveries made from the accused persons. Such recoveries included the recovery of blood-stained articles and key from the Honda Accord car at the instance of A4 and A5; clothes worn by the appellants on the date of incident; four knives including the knife used for the commission of the offence at the instance of A4 and A5; jewellery items belonging to the deceased at the instance of A4 and A5, and mobile phones used for conspiring with each other. All these recoveries were based on the exclusive disclosures of the accused persons and thus, the recoveries were admissible under Section 27 of Evidence Act. As regards the knife used in the commission of offence, two things need to be noted. *Firstly*, the prosecution has proved that the knife was used in the commission of the offence as the nature of injuries substantially corresponded with the knife in question. *Secondly*, it has also been proved that the knife was purchased by A1 and A3 from Rev Moti Mall. The CCTV footage of the mall as well as the invoices exhibited by the prosecution constitute clinching evidence in this regard. Apart from a bare submission that A1 was not identifiable in the footage recovered from the mall, no counter evidence has been produced by the appellants to question this evidence. The consistent view taken by the courts cannot be disturbed by this Court on bare submissions. Moreover, the invoices corroborated the footage.

23. Importantly, the appellants have attempted to raise a question on the basis of absence of motive. However, there is ample evidence on record to show the motive of the accused persons. The evidence on record clearly suggests that the deceased was not abducted for the commission of any sexual or property related offence. For, there was no such indication in the medical examination of the deceased and the jewellery articles of the deceased were also not appropriated by A3 to A6. Thus, the motive was only to kill the deceased. An act of this nature, without any prior enmity and without any intention to extract money or property, could only be explained from the lens of A1's marital discord with the deceased and his long, and rather unusual, association with A2. Moreover, it is not difficult to infer that A1 and A2 were to benefit from the removal of the obstacle that the deceased was. The prosecution has, therefore, satisfactorily explained the aspect of motive.

24. Having said so, it is important to note that the role of motive in a criminal trial is limited. A complete absence of motive may operate as a factor in favour of the accused in the peculiar facts of a case, however, such is not the case here. The position of law in this regard is succinctly captured by this Court in ***Vaibhav v. State of Maharashtra***[8]. The relevant extract thereof reads as:

*"**23.** We may now come to the next aspect of the case i.e. absence of motive and consequence thereof. It is trite law that in a case based on circumstantial evidence, motive is relevant. However, it is not conclusive of the matter. There is no rule of law that the absence of motive would ipso facto dismember the chain of evidence and would lead to automatic acquittal of the accused. It is so because the weight of other evidence needs to be seen and if the remaining evidence is sufficient to prove guilt, motive may not hold relevance. But a complete absence of motive is certainly a circumstance which may weigh in favour of the accused. During appreciation of evidence wherein favourable and unfavourable circumstances are sifted and weighed against each other, this circumstance ought to be incorporated as one leaning in favour of the accused."*

25. Thus, the motive suggested by the prosecution is quite consistent with the surrounding circumstances and prior association of the accused persons, especially of A1 and A2. In fact, it further fortifies the case of the prosecution and justifies the findings of the Trial Court and High Court.

[8] 2025 INSC 800

26. Notably, a legal submission has been advanced on behalf of the appellants that since, there are more than five accused persons in the case, Section 34 IPC was wrongly invoked by the court and instead, Section 141 IPC was attracted. The submission is liable to be rejected at the outset. For, the actual act of commission of murder was committed by the assembly comprising of A3 to A6 only i.e. four persons. In order to invoke the provision for unlawful assembly, it is necessary that five or more persons physically participate in the commission of the offence. Here, the active participation of A1 was behind the scenes and he was not a part of the assembly that actually committed the offences after abduction. Therefore, Section 34 has been rightly invoked as it requires mere active participation, even if behind the scenes, and not physical presence. Suffice to note that the submission is based on an erroneous understanding of law.

27. As regards A2, we are of the considered view that the finding of the High Court deserves to be upheld. The evidence against A2 is only of the calls exchanged between her and A1. Such evidence, owing to the unusually high number of calls, may be used to infer the existence of a relationship between A1 and A2, however, it cannot be made the basis to infer that A2 was a part of the criminal conspiracy to kill the deceased. Such an inference would be unjustified, more so in light of the fact that there is no evidence of any prior connection between A2 and A3 to A6. The call detail records do not place A2 at the same footing as the other accused persons, and there is a clear break in the chain of circumstances insofar as A2 is concerned. Therefore, we confirm the acquittal of A2/Manisha Makhija.

28. In light of the above discussion, we are of the view that there is no infirmity in the findings of the High Court. The chain of evidence is complete and it singularly points towards the guilt of the appellants. Accordingly, the conviction of the appellants, namely Piyush Shyamdasani/A1, Renu @Akhilesh Kanaujiya/A4 and Sonu Kashyap/A5, is upheld. The appellants are directed to serve their sentences in accordance with law. They are directed to surrender before the concerned Jail Superintendent within one week, if not in custody.

29. The captioned appeals stand disposed of in terms of this judgment. Interim application(s), if any, shall also stand disposed of.