IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 1715 OF 2017

SANGAPPA ...APPELLANT(S)

Versus

THE STATE OF KARNATAKA ...RESPONDENT(S)

O R D E R

1. The present appeal arises from the judgment and order dated 1st December 2016 passed by the High Court of Karnataka, Dharwad Bench, in Criminal Appeal No.2658 of 2012, whereby the acquittal of the appellant-accused recorded by the learned Sessions Judge, Bagalkot (in S.C. No.5 of 2011) was reversed. The High Court convicted the appellant of the offence punishable under Section 302 of the Indian Penal Code (IPC) and sentenced him to undergo life imprisonment and to pay a fine of Rs.10,000/-, with a default stipulation of three months' simple imprisonment.

2. Briefly stated, the prosecution case is that the deceased, wife of the appellant, had been married to him for about one year prior to the incident. Two months before the fateful day, she is said to have left her matrimonial home on account of alleged ill-treatment and assault by the appellant. She took shelter in her parental house in Sonna village (Bagalkot District). Despite requests from the appellant and his relatives to take her back, the complainant (PW-1), who is the father of the deceased, did not agree, allegedly because of the accused's behaviour and also the fact that the deceased was pregnant.

3. On the night of 5th October 2010, the appellant is said to have visited the complainant's house again, intending to take his wife back. The deceased and the appellant went to sleep in a separate room of the same house, while PW-1, his wife (PW-7), and other family members slept elsewhere on the premises.

4. According to PW-1's version in the FIR, at around 3:00 a.m. on 6th October 2010, he and his wife heard noises or a "sound" coming from the room where the deceased and the appellant were sleeping. Further, when PW-1 and PW-7 went

towards the room, they allegedly saw the appellant running out. On entering the room, they found the deceased lying in a pool of blood with a severe cut injury on the left side of her neck. A chopper (later marked as M.O.1) was reportedly found near the body. PW-1 lodged a complaint at about 9:00 a.m. that morning, leading to registration of Crime No.227 of 2010 at Bilagi Police Station for the offence punishable under Section 302 IPC.

5. The appellant faced trial before the learned Sessions Judge, Bagalkot. The prosecution examined twenty witnesses (PW-1 to PW-20) and exhibited various documents (Exs.P1 to P26[a]) and material objects (M.O.s 1 to 9). While the postmortem report (Ex. P18) confirmed that the deceased died a homicidal death, the Trial Court found that a crucial part of the prosecution case, namely, witnesses having seen the appellant running away from the room, was not substantiated by consistent testimony. Several witnesses turned hostile or did not corroborate the prosecution story in material particulars. Concluding that the chain of circumstantial evidence was incomplete, the Trial Court

acquitted the appellant vide its judgment dated 31st December 2011.

6. Aggrieved by the order of acquittal, the State preferred Criminal Appeal No.2658 of 2012 before the High Court of Karnataka, Dharwad Bench. The High Court reappraised the evidence and held that the statements of PW-1 (the father) and the deceased's brothers (PW-5 and PW-6), though partially hostile in parts, were sufficient to establish that the appellant was last seen with the deceased and that he ran away from the spot soon after the fatal attack. The High Court found that ignoring or discarding this evidence amounted to a perverse appreciation of the record by the Trial Court. Consequently, the High Court reversed the acquittal and convicted the appellant under Section 302 IPC, sentencing him to imprisonment for life, along with the aforementioned fine.

7. Aggrieved by the judgment of the High Court, the appellant has preferred the present appeal before this Court.

8. Having considered the material on record and the arguments advanced by both parties, the primary issue for our consideration is whether

the chain of circumstances, as relied upon by the prosecution, is complete and points conclusively to the guilt of the appellant and consequently, if the High Court was justified in reversing the acquittal recorded by the Trial Court.

9. We have carefully scrutinized the evidence on record and find that the prosecution version predominantly rests on the claim that the appellant was in the same room as the deceased at the time of the alleged offence and that he fled immediately after the fatal attack. In a case based wholly on circumstantial evidence, it is imperative for the prosecution to establish each link in the chain with cogent and reliable evidence, and such links must unerringly point towards the appellant's guilt. When any substantial link in that chain is either broken or left open to reasonable doubt, the accused is entitled to an acquittal.

10. The evidence of the deceased's close family members, who would ordinarily be treated as key witnesses in such circumstances, does not provide a consistent or complete account of the alleged crime. PW-1 (the father of the deceased) lodged the initial complaint and purportedly

stated therein that he saw the appellant run out of the room. However, while deposing in court, he candidly admitted his inability to read or confirm the contents of the written complaint and further stated that he did not, in fact, witness the appellant at the precise time of the incident. Although the complainant was present on the premises, his testimony offered no unequivocal assertion of seeing the accused assaulting the deceased or fleeing.

11. PW-5 and PW-6 (the deceased's brothers), who were also expected to testify that they saw the appellant leave the room in a suspicious manner, failed to do so. Both of them turned hostile on this critical point, denying that they witnessed the appellant rushing out. Their depositions, read as a whole, did not fortify the prosecution's central claim of the appellant being "last seen" in exclusive proximity with the deceased right before the fatal injury. In fact, there remained ambiguity regarding whether they were even present at the crucial moment.

12. The testimony of PW-7 (the deceased's mother) is similarly inconclusive. She confirmed that the appellant had stayed in their house on the

intervening night, but she did not depose to have actually seen him run away or cause the fatal wound. She eventually admitted that she did not know how the incident occurred. Such uncertainty undermines the supposed last-seen theory which is critical in a purely circumstantial case; indeed, establishing that the accused was the only possible perpetrator hinges on credible evidence of his exclusive presence and opportunity.

13. The prosecution also relied on the depositions of PW-9 to PW-12 (neighbours), who allegedly heard screams or commotion and saw the appellant fleeing into nearby bushes. However, each of these witnesses either turned hostile or failed to corroborate the narrative implicating the appellant. With the neighbours also not supporting the claim of having actually seen the appellant leaving the house at 3 AM, that vital link in the chain stands unproved.

14. Further, the record indicates that certain items, including the clothes supposedly worn by the appellant (MOs.6 and 7) and the “Tali Sara” (M.O.8) said to have been forcibly removed from the deceased, were not shown to be recovered in

a manner that conclusively tied them to the appellant. The relevant seizure panchas did not support the prosecution case at trial, and there was no independent witness affirming that these incriminating articles were indeed found in the appellant's exclusive possession. In a circumstantial case, the evidentiary value of such recoveries is often pivotal; yet here, the chain is weakened by contradictory or hostile testimony.

15. Moreover, it must be noted that there is no robust proof of motive that might lend greater credibility to the prosecution story. While there are references to marital discord, the complainant himself, at one stage, suggested there was "no dispute" between the accused and the deceased. Where motive is asserted but remains largely unsubstantiated, the prosecution's theory gains no additional strength in a case otherwise lacking direct evidence.

16. Considering all these factors in totality, it is our considered opinion that the prosecution has fallen short of demonstrating an unbroken chain of circumstances leading to the singular conclusion of the appellant's guilt. The essential

requirement that every circumstance must be clearly established and must exclude every hypothesis other than guilt is simply not met. This higher threshold of proof required in cases of circumstantial evidence has been consistently upheld by this Court in a catena of decisions. A succinct reiteration of this principle is found in **Indrajit Das v. State of Tripura**[1], wherein it has been observed as under:

> *"10. The present one is a case of circumstantial evidence as no one has seen the commission of crime. The law in the case of circumstantial evidence is well settled. The leading case being Sharad Birdhichand Sarda v. State of Maharashtra2. According to it, the circumstances should be of a definite tendency unerringly pointing towards the guilt of the accused; the circumstances taken cumulatively should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and they should be incapable of explanation on any hypothesis other than that of the guilt of the accused and inconsistent with his innocence. The said principle set out in the case of Sharad Birdhichand Sarda (supra) has been consistently followed by this Court. In a*

[1] 2023 SCC OnLine SC 201

recent case - Sailendra Rajdev Pasvan v. State of Gujarat3, this Court observed that in a case of circumstantial evidence, law postulates two-fold requirements. Firstly, that every link in the chain of circumstances necessary to establish the guilt of the accused must be established by the prosecution beyond reasonable doubt and secondly, all the circumstances must be consistent pointing out only towards the guilt of the accused. We need not burden this judgment by referring to other judgments as the above principles have been consistently followed and approved by this Court time and again."

17. In a criminal trial resting on circumstantial evidence, any reasonable doubt as to the completeness or consistency of the chain must result in an acquittal. The instant factual matrix clearly discloses uncertainties about the precise sequence of events and lacks indispensable proof regarding the appellant's direct commission of the offence. The potential for an alternative hypothesis, that someone else might have perpetrated the crime or that the actual manner of death was not as alleged, cannot be conclusively ruled out on the basis of the present record. Hence, the prosecution evidence does not fulfil the standard of proof beyond reasonable

doubt. The fatal gaps in the last-seen account, the absence of reliable corroboration for alleged recoveries, and the inconsistent testimonies collectively warrant the benefit of doubt in favour of the appellant. Such benefit arises not out of mere technicalities, but from the fundamental principle that an accused cannot be convicted when the circumstances are as consistent with innocence as with guilt, or, at least, do not rule out other plausible scenarios.

18. The High Court, in reversing the Trial Court's decision and convicting the appellant, heavily relied on the supposed consistency and corroboration in the testimonies of PW-1 (father), PW-5, and PW-6 (brothers), along with certain inferences drawn from the recovery of items. We find these conclusions difficult to sustain for the following reasons:

⇒ Firstly, the High Court observed that PW-5 and PW-6 "categorically stated" that they heard sounds at 3:00 a.m. and saw the appellant running away from the room. However, on a careful reading of their depositions, both witnesses expressly denied having witnessed the appellant opening the door or fleeing, and

they were declared hostile by the prosecution itself. Therefore, the reliance placed by the High Court on these two witnesses as if they had supported the prosecution story is, in our view, a palpable misreading. If anything, PW-5 and PW-6 refused to corroborate the claim that the appellant was seen leaving the room immediately after the deceased's death.

⇒ Secondly, PW-1 (the father) was an essential witness since he lodged the complaint. While the High Court treated him as having confirmed the appellant's presence in the room and his subsequent flight, PW-1's testimony in court was far more tentative. He categorically stated that he was illiterate and had limited knowledge of the complaint's contents (Ex.P1). He also denied seeing the accused run away at the crucial moment, an aspect that seriously weakens the prosecution's primary narrative. Yet the High Court read his evidence as if it clearly and consistently implicated the appellant. Such selective interpretation of PW-1's depositions distorts the overall import of his testimony.

⇒ Moreover, the High Court faulted the Trial Court for placing weight on the fact that PWs.9 to 12 (neighbors) and PWs.2 and 3 (panchas to seizure) had turned hostile. According to the High Court, the "material" witnesses were PW-1, PW-5, and PW-6. However, the High Court overlooked that all these other witnesses, whether neighbours or panchas, collectively failed to support crucial parts of the prosecution story (e.g., seizing allegedly incriminating articles from the appellant, or seeing him run away). In a purely circumstantial case, every gap in the chain becomes decisive. By simply discarding the contradictions and hostility of a significant number of witnesses, the High Court bypassed key elements of the evidentiary record.

⇒ A further pillar of the High Court's reasoning rested on the recovery of items like the "Tali Sara" (M.O.8) and certain bloodstained clothes from the appellant. The High Court criticized the Trial Court for not accepting the alleged recoveries. However, the panch witnesses to these recoveries did not corroborate the prosecution version, and no other independent

evidence convincingly established that these articles were indeed discovered from the appellant's exclusive possession. In a case largely hinging on circumstantial evidence, the authenticity of such recoveries becomes pivotal; the High Court's acceptance of them without strong corroboration runs contrary to the requirement of strict scrutiny in criminal cases.

19. The High Court labelled the Trial Court's appreciation as "perverse" but, on closer inspection, we see that the Trial Court took a "possible view" of the evidence, one that carefully noted the lack of consistent last-seen evidence, the unreliability of key witnesses, and the failure to prove recoveries conclusively. In cases of circumstantial evidence, where the prosecution must prove each link in the chain beyond a reasonable doubt, the appellate courts should exercise extreme caution before reversing an acquittal. It is a fundamental judicial principle that the presumption of innocence, coupled with the benefit of doubt, should not be lightly set aside, and any interference with an acquittal is warranted only where the trial court's findings are patently erroneous or manifestly unjust. In

Ballu v. State of M.P.[2], this Court summarize the position in this regard and observed as follows:

> "9. Apart from that, it is to be noted that the present case is a case of reversal of acquittal. The law with regard to interference by the Appellate Court is very well crystallized. Unless the finding of acquittal is found to be perverse or impossible, interference with the same would not be warranted. Though, there are a catena of judgments on the issue, we will only refer to two judgments which the High Court itself has reproduced in the impugned judgment, which are as reproduced below:
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> > "13. In case of *Sadhu Saran Singh* v. *State of U.P.* (2016) 4 SCC 357, the Supreme Court has held that: —
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> > "In an appeal against acquittal where the presumption of innocence in favour of the accused is reinforced, the appellate Court would interfere with the order of acquittal only when there is perversity of fact and law. However, we believe that the paramount consideration of the Court is to do substantial justice and avoid miscarriage of justice which can arise by acquitting the

[2] 2024 SCC OnLine SC 481

accused who is guilty of an offence. A miscarriage of justice that may occur by the acquittal of the guilty is no less than from the conviction of an innocent. Appellate Court, while enunciating the principles with regard to the scope of powers of the appellate Court in an appeal against acquittal, has no absolute restriction in law to review and relook the entire evidence on which the order of acquittal is founded."

14. Similar, in case of *Harljan Bhala Teja* v. *State of Gujarat* (2016) 12 SCC 665, the Supreme Court has held that: —

"No doubt, where, on appreciation of evidence on record, two views are possible, and the trial court has taken a view of acquittal, the appellate court should not interfere with the same. However, this does not mean that in all the cases where the trial court has recorded acquittal, the same should not be interfered with, even if the view is perverse. Where the view taken by the trial court is against the weight of evidence on record, or perverse, it is always open far the appellate court to express the right conclusion after re-appreciating the evidence If the charge is proved beyond

> reasonable doubt on record, and convict the accused.””

20. In our opinion, the approach of the Trial Court was well within the bounds of reasonableness, thus rendering the High Court's interference unwarranted. The High Court's judgment appears to have selectively focused on perceived admissions in the depositions of PW-1, PW-5, and PW-6, while disregarding their explicit denials or contradictions under cross-examination. The High Court also placed little or no emphasis on the totality of facts, namely, the inconsistent statements by the deceased's family members, the neighbour witnesses' lack of support, and the incomplete or uncorroborated recoveries. Such a selective reading of the evidence, especially in a case governed by the strict test of circumstantial proof, undermines the High Court's reasoning. The High Court's substitution of its own factual conclusions, absent compelling grounds, warrants interference by this Court.
21. In light of the above discussion and for the reasons stated, we find that the prosecution has failed to prove its case beyond reasonable doubt.

The chain of circumstances, as required in a case based on circumstantial evidence, is not complete and does not unerringly point towards the guilt of the appellant.

22. Accordingly, the appeal is allowed.

23. The judgment and order dated 1st December 2016 passed by the High Court of Karnataka, Dharwad Bench in Criminal Appeal No.2658 of 2012 is set aside. The conviction and sentence of the appellant is set aside.

24. The appellant, who is presently in custody, shall be released forthwith unless required in connection with any other case.

25. Pending application(s), if any, shall stand disposed of.

..... .J.
[VIKRAM NATH]

..... .J.
[SANJAY KAROL]

NEW DELHI;
FEBRUARY 27, 2025.