

UPAN010002682011**IN THE COURT OF THE SESSIONS JUDGE, AMBEDKAR NAGAR**

Present: Chandroday Kumar, H.J.S., JO Code: UP06553

Sessions Trial No. 10 of 2017

State of Uttar Pradesh vs. Puneeta

Case Crime Number (FIR) 91 of 2016

Under Section 302 of the Indian Penal Code, 1860

P.S. Bewana, District Ambedkar Nagar

Prosecution Counsel: Shri Govind Srivastava, DGC (Criminal)

Defence Counsel: Shri Mansharam Yadav, Advocate

**JUDGMENT****Introduction**

1. This judgment arises from Sessions Trial No. 10 of 2017, in the case of State of Uttar Pradesh vs. Smt Puneeta, tried for the charge of murder under Section 302 of the Indian Penal Code (IPC). The prosecution's case, in brief, is that on 18 September 2016, at around 5:00 PM, the accused, Smt. Puneeta allegedly murdered her mother-in-law, one Smt Awdharaji (aged about 70 years), by slashing her neck with a sickle in a field, due to a property dispute. It is alleged that the accused left the deceased's body in a sugarcane field and returned home. Later that evening, the deceased's body was indeed discovered in a sugarcane field. Initially, the victim's son (who is the husband of the accused), Subhashchandra, reported the death to the police as possibly caused by a wild animal attack, and an inquest and post-mortem were conducted on that premise. However, a few days later, on 22 September 2016, the victim's nephew, Umeshchandra Yadav (PW-1), lodged a written complaint (Exhibit Ka-1) suspecting Puneeta of murdering Awdharaji over a land dispute. The deceased owned about "10 biswa" of land and wanted to sell it to arrange a marriage for her youngest daughter, which the accused (her daughter-in-law) was vehemently opposed to. The complaint alleged that Puneeta had frequently quarrelled with the deceased over this issue and had even threatened her life, and that ultimately Puneeta killed the deceased for this motive.

2. Based on this complaint, First Information Report (FIR) No. 91/2016 was registered at Police Station Bewana, District Ambedkar Nagar, on 22.09.2016 at 16:20 hrs against Smt Puneeta under Section 302 IPC. The police investigation ensued. During the investigation, the police inspected the spot and prepared site maps of the scene of occurrence and of the weapon recovery. Blood-stained soil and ordinary soil from the place were seized, as well as a pair of slippers (chappals) and an eyeglass belonging to the

deceased, which were found at the scene. Crucially, a sickle (hansiya), alleged to be the murder weapon, was recovered on 23.09.2016 at the instance of the accused, purportedly in consequence of her disclosure during police custody. The recovered sickle was sent for forensic examination. As per the Forensic Science Laboratory (FSL) Report (Exhibit Ka-18), traces of blood were found on the sickle, but the blood had disintegrated, making it impossible to determine its origin or blood group. After completion of the investigation, the Investigating Officer submitted a charge-sheet (Exhibit Ka-17) against Smt Puneeta for the offence of murder under Section 302 IPC.

3. The case being triable exclusively by the Court of Sessions, it was committed to this Court by the order of the Magistrate dated 04.01.2017. This Court framed a charge on 04.01.2017 against the accused, Smt Puneeta, under Section 302 of the IPC, to which she pleaded not guilty and claimed trial. During the trial, the prosecution examined seven witnesses in support of its case. These included four fact witnesses: PW-1 Umeshchandra Yadav (complainant and nephew of the deceased), PW-2 Achhelal (a villager witness to recovery memos), PW-3 Subhashchandra (son of the deceased and husband of the accused), and PW-4 Baburam (villager and witness to the inquest). The prosecution also examined three formal/official witnesses: PW-5, Inspector Mahendra Kumar Yadav (Investigating Officer); PW-6, Dr Anil Kumar Singh (who conducted the post-mortem); and PW-7, Sub-Inspector Ravishankar Mishra (who prepared the inquest report). The material documentary evidence was exhibited, including the written complaint (Ex. Ka-1), seizure memos of blood-soaked earth, slippers and spectacles (Ex. Ka-2, Ka-3), site plan of place of occurrence (Ex. Ka-4), recovery memo of the sickle (Ex. Ka-5) and its site sketch (Ex. Ka-6), the carbon copy of GD entry for weapon recovery (Ex. Ka-7), the post-mortem report (Ex. Ka-8), the inquest report (Ex. Ka-9), and the FSL report (Ex. Ka-18) among others.

4. The statement of the accused was recorded under Section 313 of the Code of Criminal Procedure. In her examination, Smt Puneeta denied all incriminating evidence put to her. She claimed that the prosecution witnesses were lying falsely and that a wrong charge sheet had been filed against her. She further stated that she has been falsely implicated due to a land dispute and family enmity, suggesting that the case was concocted at the instance of relatives over property. The accused did not lead any evidence in her defence, oral or documentary.

5. I have heard the arguments advanced by the learned District Government Counsel (DGC) for the State and the learned defence counsel for the accused. The learned DGC argued that the prosecution has proved its case beyond a reasonable doubt through a chain of circumstances establishing that the accused Puneeta, out of greed for the land, intentionally caused the death of Smt Awdharaji by attacking her with a sickle on 18.09.2016. It was contended that the motive was strong and the recovery of the blood-stained sickle at the instance of the accused, coupled with her prior threats to the deceased, conclusively pointed to her guilt.

6. Per contra, the learned defence counsel vehemently argued that the prosecution's evidence is riddled with contradictions and deficiencies. It was pointed out that the FIR was lodged after an inordinate delay of 4 days, and that, too, after due deliberation, falsely implicating the accused by name. The defence highlighted that no independent eyewitnesses witnessed the incident, and that the entire case rests on circumstantial evidence and hearsay. It was argued that the seizure and recovery were dubious, as the independent witness to the recovery of the alleged murder weapon was not produced and, in fact, turned hostile. The sole independent witness on the recovery memo of the sickle (hansiya) did not support the prosecution (declared hostile). Moreover, the FSL report could not confirm that the blood on the sickle was that of a human or the deceased (the blood was disintegrated and its origin could not be ascertained). Learned counsel submitted that a sickle is a standard farming tool found in every household, and mere traces of unspecified blood on it prove nothing. It was further argued that the prosecution witnesses gave conflicting statements and that the alleged motive is not firmly established, as the principal family members did not support the prosecution's story. In view of these lacunae, the defence urged that the prosecution's case is highly doubtful and does not meet the standard of proof beyond a reasonable doubt. The accused, it was submitted, is entitled to the benefit of doubt and should be acquitted.

7. Having considered the submissions and the evidence on record, the Court now proceeds to frame the points for determination and to analyse the evidence and applicable law.

### **Points for Determination**

From the charge and the material on record, the following points arise for determination in this case:

1. Whether the death of Smt Awdharaji was the result of a homicidal act?  
– In other words, whether the prosecution proves that Awdharaji died due to injuries inflicted intentionally by another (as opposed to death by accident or animal attack).
2. If so, whether the accused Smt Puneeta unlawfully caused the death of Smt Awdharaji on 18.09.2016, and if yes, whether it amounts to murder as defined under Section 300 IPC, punishable under Section 302 IPC? – Essentially, whether the prosecution has proven beyond a reasonable doubt that the accused is the perpetrator of the homicidal death of Awdharaji, with the requisite intention/knowledge to amount to murder.

The above points encompass the key questions of fact and law that need to be resolved for adjudicating the charge against the accused.

### **Appreciation of Evidence**

8. **Homicidal Nature of Death:** Before delving into the issue of the identity of the perpetrator, it is appropriate to first address whether the death

of the victim was homicidal. On this point, the prosecution relies primarily on the medical evidence and inquest findings. PW-6 Dr Anil Kumar Singh, who conducted the autopsy on the deceased, deposed that he examined the body of Awdharaji on 19.09.2016 at about 12:10 PM. He found a deep incised wound on the neck of the deceased, among other findings of external injury, and opined that the cause of death was “excessive haemorrhage and shock” due to injury by a sharp cutting object. According to the Post-mortem Report (Ex. Ka-8), the injury was ante-mortem and inflicted by a sharp-edged weapon, and death occurred within a day of the post-mortem (consistent with the evening of 18.09.2016). Crucially, Dr Anil Kumar ruled out the possibility that the neck injury could have been caused by any accidental or natural means – he testified that the wound could not have been from a wild animal bite, nor from something like a kite string or barbed wire. This expert evidence conclusively establishes that the deceased’s throat was cut with a sharp weapon, resulting in her death, and not by any animal attack or mishap.

9. The inquest report (Ex. Ka-9) prepared by PW-7 SI Ravishankar Mishra further corroborates that at the time of the initial investigation itself, a deep cut on the neck was observed. PW-7 deposed that when he arrived on the night of 18.09.2016 to conduct the inquest, villagers and family had reported that the body was found in a field with a severe neck wound and initially speculated it might be an animal attack. He recorded this information in the inquest papers as the apparent cause as per the villagers’ version, but noted that to ascertain the actual cause of death, a post-mortem was necessary. After the autopsy confirmed a sharp-edged weapon caused the injury, the case was clearly one of homicidal death. In fact, by the time of trial, the defence did not seriously dispute that Awdharaji’s death was a result of a homicidal cutting injury. There is no contrary medical evidence or alternate theory of natural/accidental death. Thus, **Point no.1 is answered in the affirmative – it is proven that the deceased died due to a homicidal act (fatal injury by a sharp weapon) and not by any accident or animal attack.**

10. **Identity of the Perpetrator – Circumstantial Evidence:** The pivotal question is whether the prosecution has proven that it was the accused Puneeta who murdered Awdharaji. **There is no direct eyewitness to the killing. The prosecution's case rests entirely on circumstantial evidence and certain incriminating conduct of the accused.** It is well-settled in law that in a case based on circumstantial evidence, the circumstances must form a complete chain pointing only to the guilt of the accused, ruling out any reasonable hypothesis of innocence ([Sharad Birdhi Chand Sarda vs State Of Maharashtra on 17 July, 1984: 1984 AIR 1622](#)). Before examining whether such a chain has been established here, it is necessary to scrutinise each piece of evidence put forth.

11. **Motive and Prior Incidents:** The prosecution asserts a strong motive arising from a family property dispute. PW-1 Umeshchandra Yadav (the informant/nephew of the deceased) testified that the deceased Awdharaji had about 10 biswa of land and wanted to sell it to arrange the marriage of

her unmarried daughter Meera. The accused, Puneeta (the wife of Awdharaji's son), was allegedly opposed to this plan, as she presumably wanted to keep the land in the family. PW-1 stated that upon learning of the deceased's intent to sell the land, Puneeta quarrelled frequently with the deceased and forbade her from selling the land. He deposed that these quarrels were regular and that the accused even threatened the deceased. Notably, PW-1 recounted that on the very day of the incident (18.09.2016), a few hours before the murder, the deceased had told him over the phone that "Puneeta is fighting with me and threatening to kill me". This conversation is crucial as it shows an express threat to the deceased's life by the accused, close in time to the death. PW-1 also mentioned a prior incident about 6 months before the murder, when Puneeta and Awdharaji had a physical altercation that resulted in the deceased sustaining an injury. According to PW-1, he had advised his aunt (the deceased) to report that earlier incident to the police, but she declined, saying it was a family matter and she did not want to cause a public scandal. This background evidence, if believed, demonstrates prolonged domestic discord and gives credence to the prosecution's theory that Puneeta had a strong motive (greed for the land and dislike of the deceased's plan) and had even exhibited violent tendencies toward the deceased in the past.

**12. Defence's challenge on motive:** The defence, however, questions the credibility of the motive evidence, pointing out that PW-3 Subhashchandra (the son of the deceased and husband of the accused) did not support this narrative. PW-3 was indeed declared hostile by the prosecution. In his testimony, PW-3 denied any knowledge of who killed his mother or why. He stated that "to this day we do not know who killed my mother or for what reason." He also contradicted PW-1 on a key point: whereas PW-1 claimed that Awdharaji had been living separately from her son's family for about 5 years prior to the incident (implying strained relations with the accused), PW-3 asserted that his mother was living with him and his wife (Puneeta) at the time of the incident. According to PW-3, after his father's death (18-19 years ago), the land was jointly held in his and his mother's name, and "my mother did not live separately from me". He even stated that from the time of his father's death, he had been residing at their village home (Dostpur) with his mother. In his cross-examination by the defence, PW-3 claimed, "I have no information about the incident; I still do not know who killed my mother or why", and he denied that police ever recorded any statement from him about the incident. Essentially, the victim's own son did not implicate his wife and gave testimony suggesting normal family relations, thereby undercutting the prosecution's motive theory to an extent.

13. It is not unusual in family-related crimes for close relatives to turn hostile or become non-supportive due to emotional bonds or pressure. Here, PW-3 Subhashchandra's stance is perhaps influenced by the fact that implicating the accused would mean accusing his own wife of his mother's murder. His testimony is rife with contradictions (for instance, during

examination-in-chief, he initially stated only he and his mother lived together at the time, then corrected to add that his sister Meera also lived with them). The prosecution even cross-examined him on his claim that his mother never lived separately. Despite his hostility, certain admissions by PW-3 are noteworthy: he confirmed that, after his father's death, ownership of the land passed to him and his mother jointly. This lends some credence to the existence of a property stake that could be subject to dispute. However, since PW-3 did not affirm the quarrels or threats, the prosecution's evidence of motive rests largely on PW-1's account and the surrounding circumstances.

14. This Court is mindful that motive, while relevant, is only one circumstance. The presence of a motive makes the allegation plausible, but motive alone cannot establish guilt. Conversely, a lack of a proven motive is not fatal if other evidence is strong. In the present case, the evidence indicates a probable motive: a land dispute. PW-1's testimony about frequent quarrels and a death threat on the day of the incident is significant and was not effectively discredited in cross-examination. Moreover, PW-1 appears to be a natural witness on this aspect, being the deceased's nephew who visited her regularly (he said he would visit his aunt about twice a month). His knowledge of family matters and his aunt's grievances is believable. The defence has not shown any reason why PW-1 would falsely attribute a motive or false threats to the accused, except for the general argument of family enmity. On weighing the evidence, the Court finds that there is credible evidence of prior animosity between the accused and the deceased over the sale of land, providing a motive for the crime. However, motive is only a starting point; the prosecution must still establish that the accused actually committed the murderous act.

15. **Conduct of the Accused Post-Incident:** Another circumstance pointed out is the conduct of the accused immediately after the incident. According to PW-1, after the deceased's body was found, it was the accused Puneeta who telephonically informed PW-1's family about the death on the night of 18.09.2016. PW-1 stated that around 8 PM on 18.09.2016, Puneeta herself called his brother and said, "Your aunt has died. She had gone to the fields, and her body was lying in the sugarcane field." Upon receiving this news, PW-1 and his brothers travelled to the village, arriving at about 10 PM. This conduct of the accused informing relatives could cut both ways: on one hand, it might show her attempting to appear innocent and merely reporting a tragic discovery; on the other, if she was indeed the culprit, it could be an effort to mislead by attributing the death to an accident or animal attack (as the initial information given to police suggested a wild animal attack). It is undisputed that no alarm or FIR alleging murder was raised on the day of the incident. Instead, the information given to the police that night (reflected in the GD entry at 23:10 hrs on 18.09.2016) was that a wild animal had likely killed Awdharaji. This information was relayed to the police by the deceased's family (PW-7's testimony indicates he recorded what the family and villagers opined). The accused's husband, Subhashchandra (PW-3), is recorded as

having given such information at the police station, though in court, PW-3 denied personally going to the thana due to fear of his wife. In his cross-examination, PW-1 asserted, "I told her husband to go to the police station to report, but her husband was afraid of his wife and did not go. So I filed the FIR naming Puneeta". This statement suggests that Subhashchandra was hesitant to implicate or act against Puneeta, which in turn might imply he either suspected her involvement or was under her influence. It also provides an explanation for the delay in lodging a formal FIR against the accused – PW-1 effectively says that when the immediate family (the son) would not accuse the daughter-in-law, he (the nephew) took it upon himself to inform the police about his suspicions on 22.09.2016 after gathering information from the village.

16. The four-day delay in lodging the FIR naming the accused is a significant aspect raised by the defence. In normal circumstances, such a delay could arouse suspicion of embellishment or afterthought. However, the chronology of events, as established by evidence, offers some explanation. The death occurred on the evening of 18.09.2016 and was initially treated as an unusual death, possibly by animal attack. The post-mortem on 19.09.2016 revealed it to be homicide by sharp weapon, at which point the police would have recognised it as murder without a known assailant. It appears that between 19th and 22nd September, the matter was under inquiry, but the immediate family made no formal complaint. PW-1 Umeshchandra – who was an outsider to the village (he lives ~40-45 km away) – states that upon later "going to the village and learning the facts," he realised it was not an animal attack but a murder by Puneeta, as villagers and family members informed him of the prior fights and suspicion on the accused. He then submitted the written report on 22.09.2016. Given this sequence, the delay in FIR is arguably explained by the initial misdirection (the family's own claim of an animal attack) and the reluctance of the victim's son to accuse his wife. While the delay is not ideal, it is not unexplained. The Court will, however, keep in mind that a delayed FIR requires the prosecution's story to be carefully scrutinised to exclude any possibility of concoction.

17. **Recovery of Weapon (Sickle):** One of the most incriminating pieces of evidence against the accused, according to the prosecution, is the recovery of the blood-stained sickle on 23.09.2016, allegedly at the instance of the accused. PW-5 Inspector Mahendra Yadav (the IO) and the records show that the accused was taken into custody and, upon interrogation, she provided information leading to the discovery of a sickle hidden in the vicinity. The recovery memo (Ex. Ka-5) and site sketch (Ex. Ka-6) were prepared. In court, the recovered sickle was produced and exhibited as Material Exhibit-1; the witness (IO) identified it as the same weapon recovered by the accused's pointing out. The recovery is claimed to be admissible under Section 27 of the Evidence Act as a disclosure made by the accused leading to the discovery of a fact (the concealed weapon).

18. However, the evidentiary value of this recovery hinges on the reliability of the witnesses to the recovery. The defence has cast serious doubt on this process. It was argued that no truly independent witness was present during the seizure of the weapon. Indeed, the record reflects that the recovery witnesses were largely police personnel (one Head Constable Reena Upadhyay and SI Vishwajeet Yadav, as per the case diary notes). No local civilian witness from the village was examined to corroborate the recovery of the sickle. In an ideal investigation, independent witnesses (panchas) should witness the seizure of critical evidence. In this case, the prosecution did list an independent witness, PW-2 Achhelal (a villager), for some recoveries, but PW-2 did not support the prosecution. Specifically, PW-2 Achhelal turned hostile and testified that the police did not actually recover anything in his presence on the date in question. He stated that on 22.09.2016, the Station Officer did not seize the deceased's chappals, blood-soaked soil, plain soil, or spectacles in front of him – instead, he claims he was made to sign on blank paper and later saw his signature on the seizure memo (Ex. Ka-2). This directly impeaches the credibility of the seizure memos for the soil and slippers (which were taken on 22.09.2016). Although Achhelal's testimony did not specifically mention the sickle recovery of 23.09.2016, his disavowal of witnessing any seizure casts a cloud of suspicion on the overall integrity of the recovery process. If the police could not secure an impartial witness or if they took shortcuts in one instance, it raises concerns about other recoveries as well. Another witness to the sickle recovery, Meera Yadav, has not been examined in court, casting doubt on the recovery.

19. Furthermore, the forensic result of the sickle recovery dilutes its incriminating value. The FSL report (Ex. Ka-18) indicates that while blood stains were found on the sickle, the blood was so disintegrated that its origin (human/animal) and blood group could not be determined. In other words, the prosecution cannot scientifically link those blood traces to the victim. The defence rightly notes that a sickle is a standard farm implement, and minor traces of blood could be unrelated (for example, from cutting meat or an animal, or even rust mistaken for blood). Thus, absent a clear forensic link, the mere presence of undefined blood on a sickle is not conclusive proof that it was used in the murder.

20. The recovery of the weapon was a crucial circumstance because if it were convincingly proven that the accused led police to the very weapon used to kill the deceased, it strongly implies her knowledge and involvement in the crime. However, given (a) the lack of independent corroboration of the recovery, (b) the fact that the only witnesses to it are police officers, and (c) the inability to confirm the weapon's use on the victim scientifically, this circumstance loses much of its probative force. The Court cannot wholly discard the recovery – it is part of the record that a sickle was recovered and produced – but the weight accorded to it is reduced in light of the above deficiencies.



21. **Other Circumstances and Evidence:** Aside from motive and recovery, the prosecution does not have much else by way of circumstantial evidence. There is no direct “last seen” evidence placing the accused and deceased together immediately before the murder (e.g. no witness testified to seeing Puneeta follow the deceased to the field that evening). The timeline, as per the prosecution, is that the deceased went to her field around 5 PM and was alone when the accused allegedly attacked her. No one witnessed the attack. We only have PW-1’s statement that he heard from others that Puneeta did it, and that the deceased had voiced fear of Puneeta beforehand. The scene of crime evidence (blood-stained soil, the slippers, the spectacles) establishes the location where the body was found and that a violent act occurred there – it does not by itself link the accused to that scene. Notably, the deceased’s spectacles and slippers were found in the field and seized, corroborating that an attack had happened there, which caused her to fall and lose those items. But whose hand caused it remains the question.

22. The testimonies of the official witnesses (PW-5 Inspector Yadav and PW-7 SI Mishra) broadly describe the steps of the investigation. PW-7 (SI Mishra) confirmed the early-stage procedures: he conducted the inquest on 19.09.2016, sealed the body, and sent it for post-mortem. Interestingly, PW-7 in cross-exam admitted that he filled out the inquest report based on what people told him at the spot, which was that it looked like an animal attack, and that he did not know more about the case beyond the inquest. This shows that initially, even the investigating team had no suspect in mind and went by the family’s version. PW-5 (the IO who took over the main investigation) testified about recording witness statements, preparing site plans, and effecting the accused’s arrest and the subsequent recovery of the sickle. He proved the various documents (FIR, GD entries, charge-sheet, etc.). Nothing of significance arose from his cross-examination aside from the issues already noted (hostile witnesses and a lack of independent corroboration).

23. **Hostile Witnesses (PW-2 and PW-4):** It is essential to address the effect of PW-4 Baburam’s testimony as well. PW-4 Baburam was a witness to the inquest (one of the panchas). In his deposition, he too denied the manner in which the inquest was done. He stated that the police did not seal the dead body in front of him and that he was sitting nearby when the papers were prepared; he said he was asked to sign the inquest report, but the proceedings were not actually read out to the panch witnesses. He even denied that he had ever been formally appointed as a pancha by the officer or that the inquest findings had been explained to them. The prosecution cross-examined PW-4, during which he refuted suggestions that he was lying and maintained that the police had not conducted the inquest properly in his presence. While this does not directly exonerate the accused, it underscores that procedural irregularities occurred and that neutral local witnesses were not fully supportive of the police version.

24. When two key independent witnesses (PW-2 and PW-4) turn hostile, the Court must exercise caution. Their testimony suggests that the police

procedures (seizures, inquest) might not have been witnessed by independent persons as claimed. This doesn't directly speak to who killed the deceased, but it affects the credibility of the investigation. A flawed investigation does not automatically mean the accused is innocent, but it does raise the possibility of reasonable doubt regarding the establishment of certain links in the chain of proof.

25. **Accused's Explanation:** The accused's stand, as noted, is a complete denial and a claim of false implication due to a property dispute. Apart from a bare allegation of "being framed," she has not elaborated on why, for instance, PW-1 or others would specifically accuse her. The property in question belonged to the deceased and her son; PW-1 (nephew) would not directly benefit from the deceased's land, whether it was sold or not. In fact, PW-1 appeared supportive of his aunt (the deceased) and even of Subhash (he wrote in the FIR that "Subhash has no fault in this", indicating he harboured no ill-will towards his cousin). Thus, the theory of PW-1 orchestrating a false case solely out of land greed or enmity is not very convincing. Nevertheless, the burden of proof lies solely on the prosecution; the accused has a right to remain silent and is not required to prove an alternative narrative. It is a settled principle that the prosecution must stand on its own legs and cannot draw strength from the weakness (or absence) of any defence put forth by the accused. Even if the accused's explanation is unpersuasive or false, that by itself cannot fill gaps in the prosecution's case. A false defence may only be used as an additional link if the prosecution's other evidence is otherwise complete and satisfactory (**Sharad Birdhi Chand Sarda** supra). Here, the accused's denial does not aid her, but the Court must independently assess if the prosecution's chain of circumstantial evidence is strong enough.

26. **Synthesis of Circumstances:** Bringing the threads together, the prosecution's case rests on the following circumstances against the accused:

**(i) Motive and prior threats:** The accused had a strong motive to eliminate the deceased due to the land sale dispute, and she had allegedly issued death threats to the deceased shortly before the incident.

**(ii) Opportunity/Last seen:** The deceased went to the fields at 5 PM on 18.09.2016; the accused, who lived in the same vicinity, had the opportunity to follow her. (This circumstance is somewhat weak as no witness directly places the accused at the field, but opportunity can be inferred since it was daylight/evening and the accused was around in the village).

**(iii) Conduct after the incident:** The accused informed relatives of the death but initially portrayed it as an accidental/animal attack, and the deceased's son (the accused's husband) gave a misleading cause of death to the police. This could indicate an attempt to misdirect the investigation away from murder.

**(iv) Recovery of the weapon:** A sickle, ostensibly the murder weapon, was recovered on the accused's disclosure, implying her knowledge of where the weapon was hidden.

**(v) Absence of any other suspect or explanation:** No robbery or outsider attack was suggested; it was within a family setting. The accused had ongoing disputes, whereas no evidence points to any third-party enemy of the deceased.

The law regarding circumstantial evidence requires that each incriminating fact must be firmly established, and all the facts so established should form an unbroken chain leading only to the conclusion of guilt of the accused. It is also mandated that if any one circumstance or link in the chain is not proved, or if the proved facts are consistent with any reasonable hypothesis other than the guilt of the accused, the accused must be given the benefit of doubt.

### **Legal Provisions and Case Law**

27. Before reaching a final conclusion, it is necessary to recall the legal standards governing proof by circumstantial evidence and the criminal standard of proof. In a case resting on circumstantial evidence, the Hon'ble Supreme Court has laid down the well-known five-fold test (the "five golden principles" or Panchsheel) in *Sharad Birdhichand Sarda v. State of Maharashtra*, (1984) which reaffirmed the principles first expounded in [Hanumant vs The State Of Madhya Pradesh on 23 September, 1952: AIR1952SC343](#). These principles are:

The circumstances from which the conclusion of guilt is to be drawn should be fully established. Each fact must be proven clearly, and suspicion or conjecture cannot replace proof.

The facts so established must be consistent only with the hypothesis of the guilt of the accused. In other words, the proven circumstances should not be explainable on any other reasonable hypothesis except that the accused is guilty.

The circumstances should be of a conclusive nature and tendency. They should not be equivocal; each circumstance should point towards the accused's guilt.

The circumstances should exclude every possible hypothesis except the one to be proved. There should be no reasonable possibility of innocence given the totality of facts.

There must be a chain of evidence so complete that it leaves no reasonable ground for a conclusion consistent with the innocence of the accused. The circumstances taken together should conclusively show that, in all human probability, the act was done by the accused.

These five principles govern the evaluation of circumstantial evidence. The prosecution must satisfy all these tests to secure a conviction purely on

circumstantial evidence. If any link in the chain is missing, or if any alternative explanation remains plausible, the court must not convict the accused.

28. Additionally, it is a cardinal principle of criminal jurisprudence that the burden of proof lies on the prosecution to prove the charge beyond a reasonable doubt, and this burden never shifts. The accused is presumed innocent until proven guilty. The accused's failure to explain or even a false explanation cannot by itself prove the prosecution's case, unless the case is otherwise established by other evidence. The Hon'ble Supreme Court in *Sharad Sarda* (supra) cautioned that a false defence or plea cannot fill in gaps in the prosecution's case – it can only lend support if the chain of other circumstances is complete. In the present case, this means that even if the accused's claim of being framed is not credible, the Court cannot convict unless the prosecution's evidence independently meets the required standard.

29. The concept of "benefit of doubt" is closely linked to the standard of proof. If the evidence is such that two views are possible – one pointing towards guilt and the other towards innocence – the law mandates adopting the view favourable to the accused. The Hon'ble Supreme Court in multiple decisions (e.g. [Kali Ram v. State of H.P., AIR 1973 SC 2773](#), *Sharad Sarda* (supra), etc.) has observed that "another golden thread running through the criminal law is that if two reasonable conclusions can be drawn from the evidence, one of which is consistent with the innocence of the accused, and the other with his guilt, the court should lean towards the innocence". In [M.G. Agarwal v. State of Maharashtra: 1963 AIR 200](#) also, it was reiterated: "If the circumstances proved in the case are consistent either with the innocence of the accused or with his guilt, then the accused is entitled to the benefit of doubt.". This principle has special relevance in cases of circumstantial evidence. The Court must ensure that moral conviction or suspicion does not replace the strict burden of proof required by law.

30. Section 302 IPC defines the punishment for murder (which is life imprisonment or death, with fine, at the court's discretion). To sustain a conviction under Section 302, the prosecution must prove that the accused intentionally or knowingly caused the death of the victim (meeting one of the definitions of murder under Section 300 IPC). In the present context, that translates to proving beyond doubt that Puneeta intentionally attacked Awdharaji with the sickle, causing the fatal injury. There is no dispute that whoever inflicted the throat injury would undoubtedly have had the intent to cause death or such bodily injury likely to cause death; hence, if the accused's authorship of the injury is proved, the offence clearly amounts to murder under Section 302 IPC.

31. With these legal standards in mind, the Court now evaluates whether the circumstances enumerated by the prosecution fulfil the requirements for a safe conviction, or whether the accused is entitled to the benefit of doubt.

## Findings

32. **Point (1) – Homicidal Death:** As already discussed, it is conclusively established that Awdharaji's death was homicidal. The medical evidence leaves no room for doubt that it was a case of murder by a sharp-cutting weapon. The defence also did not seriously contest this aspect during the arguments. Point No.1 is therefore decided in favour of the prosecution, holding that a homicide caused the death of the victim.

33. **Point (2) – Whether the accused is the perpetrator of the murder:** After a thorough appraisal of the evidence and circumstances, this Court finds that the prosecution has not succeeded in proving beyond a reasonable doubt that Smt Puneeta is the person who murdered Awdharaji. The chain of circumstantial evidence, as presented, is not complete and unimpeachable as required by law for the following reasons:

**Insufficient corroboration of key links:** The prosecution's case hinges on PW-1's testimony about motive and alleged DD-like statements of the deceased (threats by the accused). While the Court found PW-1 generally credible regarding the existence of quarrels, it must be noted that these statements of the deceased to PW-1 (regarding threats) are essentially hearsay from the deceased, though first-hand. They could be admissible under Section 32(1) of the Evidence Act as declarations relating to the cause of death, but even so, such oral declarations need to be received with caution. Here, no other witness (like the deceased's daughter, Meera, who lived with her) was produced to corroborate the ongoing feud or threats. The only family member who testified – PW-3 (son) – actually contradicted the claim of separate living and did not corroborate any threats. Thus, the motive, though plausible, is not backed by multiple sources. It remains a one-sided assertion from PW-1, whom the defence alleges has his own agenda (though no apparent motive for PW-1 to implicate falsely was shown, the possibility of inter-family resentment cannot be entirely ruled out).

**No direct evidence of the accused's presence at the crime scene:** There is a gap in the chain of evidence concerning the actual act of murder. No witness or evidence places Puneeta in or around the field at the crucial time, except the inference drawn from motive and opportunity. The prosecution did not lead evidence of any last-seen circumstances (for instance, a neighbour seeing the accused follow the deceased, etc.). There is also no evidence of any tell-tale signs on the accused's person after the incident – such as bloodstains on her clothes, or injuries on her (if a struggle occurred) – which might have been expected and could have been robust evidence. No such forensic or eyewitness indication was provided.

**Weapon recovery not conclusively linked:** The recovery of the sickle at the accused's instance was touted as a strong link, but as analysed, it suffers from credibility issues. The lack of an independent witness and the neutralisation of PW-2's testimony mean the Court has to rely on police testimony alone for the recovery. While it is not a legal requirement that a recovery must have independent witnesses to be admissible, the absence of one when available

(and worse, the presented independent turning hostile) reduces the weight. Moreover, the forensic examination of the sickle did not conclusively link it to the crime. Thus, the recovery does not irresistibly point to guilt – it is a suspicious circumstance, but not beyond doubt. It is equally possible that the sickle was a routine household tool. In a village farming context, as the defence argued, “all farmers’ houses have sickles”, and minor traces of blood might come from quotidian activities (e.g., slaughtering a chicken, cutting crops, etc.). Therefore, the recovered sickle, absent clear proof that it bore the victim’s blood or tissue, does not conclusively inculcate the accused.

**Hostile independent witnesses and investigative lapses:** Two independent witnesses (PW-2 and PW-4) did not corroborate the prosecution and, in fact, cast doubt on police procedures. While this does not directly provide an alternative culprit, it erodes the reliability of parts of the prosecution's evidence. It opens up the possibility that certain pieces of evidence could have been mishandled or created after the fact (for example, PW-2’s claim of signing blank paper raises the spectre that documentation might have been prepared later without real-time witnessing). If such doubts taint the investigative process, a court must be cautious in accepting the outcomes of that process (such as recovery memos) at face value.

**Alternative hypothesis not wholly excluded:** Given the totality of facts, can it be said that no one else but the accused could have murdered the deceased? The Court notes that the deceased lived in a village environment and had other family members and relations. The FIR itself notes that the deceased had five daughters (apart from Meera) and other relatives. The involvement of any other person was not investigated. The motive for the land was attributed to Puneeta, but theoretically others might also have had interests (for instance, any purchaser or any dispute with neighbours) – although no evidence suggests this, the point is that the prosecution’s evidence must exclude all such possibilities. Here, the evidence points suspicion toward the accused, but it does not exclude every other possibility with certainty. The initial conduct, in which even the son thought it might be an animal attack and no one immediately pointed to the accused, suggests that the case against the accused was built later on circumstantial suspicion rather than direct knowledge. It is conceivable (though there is no direct evidence of this either) that someone else could have attacked the deceased in the field – for instance, a stranger or unrelated person – and in the absence of eyewitnesses, the family’s suspicions fell on the accused due to the prior fights. This is admittedly a remote possibility, but the level of proof required is beyond a reasonable doubt, not mere preponderance. The chain of evidence presented does not eliminate the reasonable possibility that someone other than Puneeta could have been the assailant, especially given the lack of direct sighting or forensic pinpointing.

34. In summary, the Court finds that while the needle of suspicion certainly points towards the accused (because of the motive and her conduct), suspicion cannot take the place of proof. The circumstances proved do not reach that high standard of certainty required for conviction. Some links in

the chain are either missing or weak: motive is partly established but not corroborated by the key family member; opportunity is there but not coupled with any direct evidence; the recovery, meant to be a clinching link, is not foolproof in its evidentiary value; and there is a significant doubt created by the way evidence was collected (hostile panch witnesses). Therefore, the chain of circumstantial evidence is incomplete and does not unerringly point to the accused's guilt to the exclusion of all others.

35. **Benefit of Doubt:** Given these observations, the accused is entitled to the benefit of doubt. As discussed in the legal section, if the evidence is capable of two interpretations – one of innocence and one of guilt – the courts must adopt the interpretation favouring the accused. Here, the evidence, at best, creates a strong suspicion against Smt Puneeta, but also leaves open plausible doubts. The possibility that the accused has been implicated due to suspicion arising from the property dispute, rather than concrete proof of her act, cannot be conclusively ruled out. In line with the golden thread of criminal justice – “it is better that ten guilty persons escape than one innocent suffer” – this Court cannot convict the accused based on the incomplete and circumstantial evidence presented.

36. Accordingly, **Point No.2 is decided in the negative.** The prosecution has failed to prove beyond a reasonable doubt that the accused Smt Puneeta is the one who caused the death of the deceased. The evidence on record is insufficient to establish her guilt to the moral certainty required in criminal law.

### **Final Order**

37. As a consequence of the above findings, the accused Smt Puneeta is found **NOT GUILTY** of the charge under Section 302 of the Indian Penal Code. She is hereby acquitted of the offence of murder.

38. Smt Puneeta is on bail. Her bail bonds are cancelled, and sureties are discharged.

39. Before parting, the Court acknowledges that a heinous crime – the murder of an elderly woman – remains technically unsolved by this outcome. However, the justice system mandates that every person's guilt must be proved beyond a reasonable doubt. In the present case, the evidence fell short of that stringent standard. If new evidence or facts come to light, the law may permit authorities to conduct further investigation. But on the evidence brought before this Court in this trial, the benefit of the doubt must be given to the accused.

40. A copy of this judgment is to be forwarded to the District Magistrate under Section 365 Cr.P.C. The File is to be consigned to the record room.

Judgment signed, dated and pronounced in open court on 10th November 2025.

(Chandroday Kumar)  
Sessions Judge, Ambedkar Nagar  
10.11.2025