

UPAN010028832017



Date of Institution	Date of Judgment	Age
13-11-2017	06-03-2026	8 Y, 3 M, 21 D
Date of Argument	Date of Judgment	Age
26-02-2026	06-03-2026	0 Y, 0 M, 8 D
Date of Judgment	Date of Uploading	Age
06-03-2026	06-03-2026	0 Y, 0 M, 0 D

IN THE COURT OF THE SESSIONS JUDGE, AMBEDKAR NAGAR
Presided by: Sri Chandroday Kumar, H.J.S.

State of Uttar Pradesh

..... Prosecution

Versus

1. **Sanjay alias Sajnu**, son of Ravindra alias Ninhkau
2. **Shivnath alias Mullu**, son of Rajbali
3. **Upendra alias Pinder**, son of Ambika alias Pakalu
4. **Kamlesh Singh alias Bittu**, son of Arun Kumar Singh alias Nute

All residents of Village Shekhpura Rajkumari, Police Station Jalalpur,
 District Ambedkar Nagar

..... Accused Persons

Case Crime Number: 130 of 2017
Police Station: Jalalpur **District:**
 Ambedkar Nagar **Provisions:**
[Section 302](#) read with [Section 34](#) of
 the Indian Penal Code, 1860

JUDGMENT

Introduction and Procedural History of the Case

1. The judicial machinery was set into motion following a tragic incident involving the death of one Jang Bahadur Yadav, a young man of approximately twenty years, whose life was cut short under circumstances that the prosecution attributes to a calculated homicidal act perpetrated by the four named accused persons. The Citations are hyperlinked.

case, originating from Case Crime No. 130/2017 at Police Station Jalalpur, transitioned through the foundational stages of the Indian criminal justice system, beginning with the registration of a First Information Report (FIR), followed by a police investigation, and culminating in the submission of a charge sheet under [Section 302](#) of the Indian Penal Code (IPC).

2. Given that the offence of murder is exclusively triable by the Court of Sessions, the learned Chief Judicial Magistrate, Ambedkar Nagar, having taken cognisance of the charge sheet on October 18, 2017, performed the committal of the case on November 2, 2017. The accused persons were provided with the necessary prosecution documents in compliance with Section 207 of the Code of Criminal Procedure (CrPC), ensuring their right to a fair trial and adequate defence preparation. Upon the records reaching this Court, formal charges were framed under [Section 302](#) read with [Section 34](#) of the IPC. The accused persons, when the charges were read over and explained to them in their native language, pleaded not guilty and demanded a full trial.

The Narrative of the Prosecution Case

3. The cornerstone of the prosecution's case is the computer-typed written report (Tehrir) submitted by the informant, Kumkum Yadav (PW1), who is the sister of the deceased. The narrative presented is that on the evening of July 21, 2017, at approximately 4:30 PM, the deceased, Jang Bahadur Yadav, was at home with the informant and their mother, Indravati Devi (PW5). At this juncture, the four accused persons—Sanjay alias Sajnu, Shivnath alias Mullu, Upendra alias Pinder, and Kamlesh Singh alias Bittu—arrived at the residence on two motorcycles. Following a brief interaction, the deceased agreed to accompany them, informing his family that they were heading to Jalalpur and would return shortly.
4. When the deceased failed to return by 11:00 PM, a sense of foreboding prompted his uncle, Dharmendra Kumar Yadav (PW2), and his mother to visit the homes of the accused persons. Their search yielded no results, as the accused were also reported to be away from their residences. The family spent an anxious night searching the vicinity. At approximately 4:00 AM on July 22, 2017, the father of the accused Sajnu, one Ravindra alias Ninhkau, approached the victim's family and informed them that the body of Jang Bahadur was lying at his tubewell.

5. Upon reaching the specified location, the family discovered the lifeless body of the deceased. Jeet Bahadur (PW3), a cousin-uncle, notified the police via the emergency number 100. The police arrived, conducted an inquest (Panchayatnama), and dispatched the body for post-mortem. Following the cremation, rumours began to circulate in the village regarding a potential motive. It was suggested that the deceased had been in communication with Sajnu's sister, Beena – a relationship that Sajnu allegedly viewed with deep hostility. This perceived dishonour was touted as the catalyst for the murder. The prosecution further relies on a "last seen" sighting by PW2, who claimed to have seen the deceased with the four accused at the Jalalpur market around 7:00 PM on the night of the incident.

Summary of Evidence Recorded during Trial

6. To substantiate the allegations, the prosecution called nine witnesses and produced 14 documentary exhibits.

Classification of Prosecution Witnesses

Witness No.	Name	Category	Key Testimony
PW1	Kumkum Yadav	Fact Witness (Informant)	Departure of the deceased with the accused; Motive based on hearsay.
PW2	Dharmendra Yadav	Fact Witness (Uncle)	Sighting in Jalalpur market at 7:00 PM; discovery of the body.
PW3	Jeet Bahadur	Fact Witness (Cousin)	Discovery of the body; calling the police.
PW4	Narendra Kumar	Fact Witness (Father)	Knowledge of the motive and background of the incident.

Witness No.	Name	Category	Key Testimony
PW5	Indravati Devi	Fact Witness (Mother)	Saw the deceased leave with the accused; declared hostile on motive.
PW6	Dr. Rajvant	Medical Witness	Post-mortem findings: cause of death (head injuries).
PW7	H.C. Hariprakash	Formal Witness	Registration of FIR and GD entries.
PW8	Insp. Shakuntala	Investigating Officer	Initial investigation, site inspection, and map preparation.
PW9	Insp. Ram Lakhan	Investigating Officer	Final investigation and filing of the charge sheet.

Documentary Exhibits

7. The prosecution placed heavy reliance on the following documents to form the evidentiary chain:

- **Ex. Ka-1:** Computer-typed Tehrir (Complaint) dated 23.07.2017.
- **Ex. Ka-2:** Panchayatnama (Inquest Report).
- **Ex. Ka-3:** Application for post-mortem by PW2 dated 22.07.2017.
- **Ex. Ka-4:** Post-Mortem Report identifying head injuries.
- **Ex. Ka-6:** Chik FIR.
- **Ex. Ka-7:** Naksha Nazari (Site Map).
- **Ex. Ka-14:** Charge Sheet.

8. The defence, on the other hand, examined one witness, Ram Bali (DW1), who testified that the relationship between the families

was cordial and that the village conversation at the time of death did not involve the naming of any accused.

9. I have heard the learned DGC (Criminal) and learned defence counsel in detail and meticulously perused the case record.

Points for Determination

10. To arrive at a just conclusion, the Court must address several critical legal and factual questions that are pivotal to determining guilt or innocence in a case based primarily on circumstantial evidence.

1. **Homicidal Act:** Whether the death of Jang Bahadur Yadav was homicidal in nature, resulting from injuries intentionally inflicted upon him?
2. **Chain of Circumstances:** Whether the prosecution has established an unbroken chain of circumstances that excludes every reasonable hypothesis of the innocence of the accused?
3. **Last Seen Together:** Whether the deceased was last seen in the company of the accused at such a time and place that the possibility of any third party intervening is effectively eliminated?
4. **Motive:** Whether the prosecution has proved a clear and compelling motive for the crime, particularly given the reliance on circumstantial evidence?
5. **FIR Delay and Omissions:** Whether the delay of approximately 34 hours in lodging the FIR and the discrepancy between early intimation and the final report indicate deliberation or embellishment?
6. **Common Intention:** Whether the acts of the four accused can be attributed to a shared common intention under [Section 34](#) of the IPC?

Appreciation of Evidence and Judicial Findings

11. The adjudication of a criminal trial is not a mere accounting of witnesses but a rigorous qualitative assessment of the reliability and consistency of the evidence presented. In cases where there is no direct eyewitness to the crime – as is the situation here – the Court must exercise extreme caution. The legal standard for a circumstantial evidence conviction is significantly higher than that for direct evidence, requiring the prosecution to prove its case to a level of "moral certainty" in which the hypothesis of guilt is the *only* reasonable inference.

I. Nature of the Death: Homicidal vs. Accidental

Citations are hyperlinked.

12. The medical evidence provided by PW6, Dr Rajvant, and the post-mortem report (Ex. Ka-4) form the basis for analysing the cause of death. The external examination revealed a hematoma of 5 cm x 4 cm on the right occipito-parietal region and another of 3 cm x 2 cm on the left temple. Internally, a skull fracture and subdural haemorrhage were recorded. The doctor opined that the death occurred due to a coma resulting from these head injuries.
13. While the defence hinted at the possibility of an accidental fall, the distribution of injuries on opposite sides of the head (right posterior and left lateral) suggests a more complex mechanism than a single fall on level ground. Furthermore, the absence of defensive wounds on the hands or struggle marks on the body is noted. However, for this analysis, the Court accepts that the death was unnatural and caused by blunt force trauma to the head, making it homicidal in nature. However, no external signs of head injuries are noted by the doctor, which creates some doubts about the postmortem report. Still, since the doctor has not been cross-examined in this regard, the court cannot speculate that it was a brain haemorrhage due to high blood pressure. Thus, Point No. 1 is decided in the affirmative.

II. The Jurisprudence of Circumstantial Evidence

14. The legal framework for this trial is governed by the "Panchsheel" of circumstantial evidence established by the Hon'ble Supreme Court in [Sharad Birdhichand Sarda vs. State of Maharashtra](#) on 17 July 1984, 1984 AIR 1622. The five golden principles are non-negotiable:
 1. The circumstances from which the conclusion of guilt is to be drawn should be fully established.
 2. The facts so established should be consistent *only* with the hypothesis of the guilt of the accused.
 3. The circumstances should be of a conclusive nature and tendency.
 4. They should exclude every possible hypothesis except the one to be proved.
 5. There must be a chain of evidence so complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused.

15. The Hon'ble Supreme Court has emphasised that "suspicion, however strong, cannot take the place of proof". In the current case, the prosecution attempts to build this chain through the "Last Seen Together" theory, an alleged motive, and the discovery of the body at the accused's family property.

III. Detailed Scrutiny of the "Last Seen Together" Circumstance

16. The prosecution's primary link is the testimony of PW1 and PW5 that the deceased left his house with the four accused at 4:30 PM on July 21, 2017. This is supplemented by the statement of PW2, who claimed to have seen them at the market around 7:00 PM. The body was discovered at 4:00 AM the next day, a time gap of approximately 9 to 12 hours from the last sighting.

17. The "last seen together" theory is inherently weak evidence. As per the Hon'ble Supreme Court in [State of U.P. vs. Satish on 8 February 2005](#), AIR 2005 SUPREME COURT 1000 and [Suresh Chandra Tiwari vs. State of Uttarakhand on 28 November 2024](#), 2024 INSC 907, the theory loses its potency if the time gap is long enough for third parties to have access to the deceased. A 12-hour gap in a rural village environment is extensive.

18. Several factors further weaken this link:

- **The Market Sighting:** PW2 describes seeing the group "eating gutkha" and "socialising" in a public market. This behaviour is inconsistent with a group of individuals harbouring an immediate intent to commit a brutal murder. Public visibility usually deters pre-planned crimes.
- **Stomach Contents and Timeline:** Dr Rajvant (PW6) found 50ml of semi-digested food in the stomach of the deceased. Medical jurisprudence indicates that food typically remains in the stomach for 4 to 6 hours after consumption. If the death occurred shortly before the 4:00 AM discovery, the deceased must have eaten around 10:00 PM or 11:00 PM. The prosecution has failed to establish where the deceased was or with whom he dined during these late hours. This suggests a gap in the timeline where the deceased was likely in the company of others or had parted ways with the accused.
- **The Accessibility of the Scene:** PW1 and PW3 admitted in their cross-examinations that the tubewell where the body was found is open on two sides and is adjacent to a public Kharanja road and populated area. It is an area where villagers and travellers have

frequent access. Consequently, the mere presence of the body at that location does not exclusively implicate the accused.

IV. Analysis of the Alleged Motive

19. In cases of circumstantial evidence, motive serves as a vital proxy for intent. The prosecution alleges that Sajnu killed Jang Bahadur because the latter was in a relationship with Sajnu's sister, Beena. However, the evidence presented in support of this motive is significantly flawed:

- **Hearsay Origins:** PW1 (the informant) and PW2 (the uncle) both admitted during cross-examination that they did not know about this relationship or any hostility *before* the death. They explicitly stated that the "motive" only became known to them through village gossip *after the cremation*. Conviction cannot be based on rumours or hindsight-based assertions.
- **Non-Examination of the Key Subject:** The most glaring omission in the investigation is the failure of PW8 and PW9 to record the statement of Beena herself. As the individual at the centre of the alleged dispute, her testimony was essential to establish the reality of the relationship and any prior threats. The IO's excuse – that she was "not found" – is legally inadequate in a murder investigation. Even the prosecution did not try to examine Beena in the Court during the trial.
- **Consistent Friendly Relations:** Witnesses PW1 and PW2 admitted that the deceased and the accused were "close friends" who often travelled together for work and leisure. There is no record of any prior police complaint, village panchayat intervention, or physical altercation between them.

20. As observed in [Manoj @ Munna vs. State of Chhattisgarh on 18 December, 2025](#), 2025 INSC 1466, at para 15, when motive remains a "bare assertion" unsupported by evidence (trying to sell the looted tractor), it cannot be used to complete the chain of circumstances, i.e. loot to arrange money. The total absence of a proven motive in a circumstantial case creates a wide gap that the prosecution has failed to bridge.

V. The Conduct of the Accused and Discovery

21. The prosecution attempts to draw an adverse inference from the fact that the body was found in the tubewell of Sajnu's father and that the accused "absconded" after the incident. However, the

Hon'ble Supreme Court has clarified that suspicious conduct or absconding cannot replace the requirement for a prima facie case. In the case of [Matru Alias Girish Chandra vs State Of Uttar Pradesh on 3 March, 1971](#), AIR 1971 SC 1050, the Hon'ble Supreme Court has held as under:

" The act of absconding is no doubt a relevant piece of evidence to be considered along with other evidence, but its value would always depend on the circumstances of each case. Normally, the courts are disinclined to attach much importance to the act of absconding, treating it as a very small item in the evidence for sustaining a conviction. It can scarcely be held as a determining link in completing the chain of circumstantial evidence which must admit of no other reasonable hypothesis than that of the guilt of the accused. In the present case, the appellant was with Ram Chandra till the FIR was lodged. If, thereafter, he felt that he was being wrongly suspected and he tried to keep out of the way, we do not think this circumstance can be considered to be necessarily evidence of a guilty mind attempting to evade justice. It is not inconsistent with his innocence."

- **Reporting by the Accused's Father:** It was Ravindra alias Ninhkau (Sajnu's father) who voluntarily informed the victim's family about the body. This conduct is highly atypical of a guilty mind. Had the accused been the perpetrators, it is logically more probable that their family would have attempted to conceal the body or dispose of it away from their own property.
- **Failure of Section 27 Recovery:** The arrest of the accused did not lead to the discovery of any weapon of offence or incriminating articles under Section 27 of the Evidence Act. No blood-stained clothes were recovered from them. In [MD. Bani Alam Mazid @ Dhan v. State of Assam on February 24, 2025](#); 2025 SCC OnLine SC 391, the Court held that without a conclusive link between the accused and the recovery of the body, the case remains speculative.

VI. Critical Analysis of the FIR: Delay and Deliberation

22. The timing of the FIR is a major point of contention. The timeline of events is as follows:

Event	Date and Time
Discovery of the Body	July 22, 2017, at 4:00 AM
Police Arrival and Inquest	July 22, 2017, early morning
Post-Mortem and Cremation	July 22, 2017, daytime
Registration of FIR	July 23, 2017, at 2:30 PM

23. There is a delay of approximately 34 hours between the discovery of the body and the formal registration of the FIR. While a short delay for cremation can be understood, a long delay in a named FIR is often viewed as providing an opportunity for "deliberation and guesswork" to implicate enemies or act on false rumours. (Please see [Thulia Kali vs The State Of Tamil Nadu on 25 February, 1972; 1973 AIR 501](#))

24. Crucially, the record contains a handwritten application (Ex. Ka-3) submitted by Dharmendra (PW2) on July 22 to the police for the post-mortem. This earlier document notably *omits* the names of the accused and the motive. The subsequent computer-typed FIR, which names all four individuals and introduces the "sister motive," appears to be a clear improvement and an afterthought on rumours. The Supreme Court has held that the suppression of the earliest written information is a fatal flaw in the prosecution's case.

VII. Applicability of [Section 34](#) IPC: Common Intention

25. The prosecution has indiscriminately named four individuals as accused without attributing specific roles to any of them. [Section 34](#) of the IPC requires a "prior meeting of minds" and "active participation" to further a shared intention.

26. The evidence merely shows that four people arrived on two motorcycles, and the deceased left with them. There is no evidence of who struck the fatal blows or how the others facilitated the act. The Supreme Court in [Jasdeep Singh Jassu vs. State of Punjab on 7 January, 2022, \(2022\) 2 SCC 545](#) and [Surendra Singh v. State of Uttarakhand on January 28, 2025, 2025 INSC 114](#), has ruled that mere presence or association is insufficient to attract vicarious liability for murder. Without proof of a pre-arranged plan, the

collective conviction of four individuals on such vague grounds would be a miscarriage of justice.

Summary of Judicial Reasoning

27. The evaluation of the evidence leads to the following inescapable conclusions:

1. **Broken Chain:** The prosecution has failed to establish an unbroken chain of circumstances. The gap of 12 hours between the last sighting and death is too large to eliminate third-party involvement.
2. **Unaccounted Meal:** The presence of semi-digested food in the stomach creates a reasonable doubt that the deceased ate his last meal with someone other than the accused, several hours after parting with the accused at the market.
3. **Hearsay Motive:** The alleged motive is based on village rumours and was not known to the family before the incident. The failure to examine Beena is an inexcusable investigative lapse.
4. **Suspicious FIR:** The 34-hour delay and the discrepancy between the initial post-mortem request and the formal FIR suggest the names were added as an afterthought.
5. **Exculpatory Conduct:** The conduct of Sajnu's father in informing the family of the body's location is inconsistent with the hypothesis of the accused being the killers.
6. **Investigative Failure:** No weapon or forensic evidence links the accused to the crime.

28. The law requires that if two views are possible on the same evidence – one pointing to guilt and the other to innocence – the Court *must* adopt the view favourable to the accused. This “Two Views Possible Doctrine” has been reaffirmed by the Hon’ble Supreme Court in many cases, including [Ghurey Lal vs State of U.P. on 30 July 2008](#), CRIMINAL APPEAL NO.155 OF 2006.

Findings and Final Orders

Reasoning for Acquittal

29. The judicial determination of guilt in a capital offence requires more than mere probability; it requires an overwhelming preponderance of evidence that leaves the mind free of reasonable doubt. In the matter at hand, while the death of Jang Bahadur Citations are hyperlinked.

Yadav is undeniably a tragedy, the investigative and evidentiary process has failed to anchor this tragedy to the four individuals standing trial.

The Fragility of the "Last Seen" Theory in Rural Settings

30. The prosecution's reliance on the "last seen" theory is the primary pillar of its case, yet it is a pillar built on sand. In the context of village life in Uttar Pradesh, social interactions are frequent, and youth moving together to local markets like Jalalpur is a daily occurrence. The testimony of PW2, Dharmendra, who saw the group at 7:00 PM, actually works against the prosecution's theory of a clandestine, pre-planned murder. If the accused were planning to kill the deceased, they would likely avoid being seen in a crowded public market just hours before the act.
31. Furthermore, the medical evidence regarding the state of digestion is a "silent witness" that the prosecution cannot ignore. The discovery of 50ml of semi-digested food implies that the deceased consumed a significant meal around 10:00 PM. Since the deceased left his home at 4:30 PM with the accused for a "short trip," he would have needed to eat somewhere if he were in the custody of the accused or being held against his will; the logistics of providing a meal and then committing a murder at a tubewell become improbable. This timeline suggests that the deceased may have returned to the village, eaten with others, and then encountered his end.

The Failure of the Investigating Agency to Secure Corroboration

32. A murder investigation, particularly one relying on motive, demands the examination of all central figures. The investigative officer's failure to record the statement of Beena – the girl whose honour was allegedly the cause of the murder – is a structural defect in the prosecution's architecture. Without her testimony, the motive remains a ghost, spoken of only in the shadows of village gossip and not in the light of legal evidence.
33. Additionally, the total lack of recovery of a weapon is striking. The deceased suffered fatal head injuries, yet no lathi, danda, or blunt instrument was found at the scene or at the residences of the accused. In a village setting, disposing of a murder weapon in a manner that the police cannot find is difficult, especially when the accused are arrested shortly after the discovery of the body. The absence of forensic links – such as blood spatters on the

motorcycles or the clothes of the accused – further hollows out the prosecution's claims.

The Integrity of the FIR and the Problem of Afterthought

34. The 34-hour delay in lodging the FIR is not merely a procedural lapse but a substantive injury to the case's credibility. The existence of an earlier application (Ex. Ka-3) that was silent on names is a "death blow" to the prosecution's subsequent named FIR. It is a well-established principle that the earliest version of an event is the most reliable. When that earliest version does not name the accused, a later, detailed, computer-typed version is naturally viewed with suspicion. It indicates a period of consultation where the family, perhaps fueled by village rivalries or suspicion, decided to name the deceased's friends who were last seen with him.

Conclusion of the Analysis

35. The prosecution's case is a collection of suspicions that have not matured into proof. The chain of circumstances is not only broken but also contains several missing links. The motive is hearsay, the "last seen" is too remote in time, the medical evidence creates a timeline conflict, and the police and informants' procedural conduct suggests deliberation. Under the canopy of Indian criminal jurisprudence, which guards the liberty of the individual against unproven accusations, the only viable outcome for this trial is an acquittal. The accused are entitled to the benefit of the doubt because the prosecution has failed to meet the threshold of "beyond a reasonable doubt."

36. In view of the detailed analysis provided above, this Court concludes that the prosecution has failed to prove the charges against the accused persons beyond a reasonable doubt. The evidence falls short of the rigorous standards required for a conviction based on circumstantial links. The "Panchsheel" principles remain unsatisfied.

37. Before parting with the judgment, it would be pertinent to reiterate that investigative lapses must be dealt with seriously by the administration, despite pressurising judges for convictions.

ORDER

1. The accused persons, **Sanjay alias Sajnu, Shivnath alias Mullu, Upendra alias Pinder, and Kamlesh Singh alias Bittu**, are hereby **acquitted** of the charges framed against them under [Section 302](#) read with [Section 34](#) of the Indian Penal Code.

Citations are hyperlinked.

2. The accused persons are currently on bail. Their bail bonds are hereby discharged, and their sureties are released from their liabilities.
3. The personal belongings and properties of the deceased, if any, shall be released to the legal heirs after the expiration of the appeal period.
4. In compliance with Section 437-A of the Code of Criminal Procedure, the accused persons are directed to furnish a personal bond and a surety of Rs. 20,000/- each, which shall remain valid for six months, to ensure their appearance before the Hon'ble High Court should an appeal be filed by the State.
5. A copy of this judgement shall be sent to the District Magistrate and Superintendent of Police, Ambedkar Nagar.

Judgment signed, dated and pronounced in the open Court.

(Chandraoday Kumar)

Sessions Judge Ambedkar Nagar

Date: March 06, 2026.
