

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO(s). 631 OF 2017**

STATE OF RAJASTHAN

...APPELLANT(S)

VERSUS

HANUMAN

..RESPONDENT(S)

O R D E R

1. The instant appeal has been preferred by the State of Rajasthan for assailing by the judgment dated 15th May, 2015 rendered by the Division Bench of the High Court of Rajasthan in Criminal Appeal No. 788 of 2009 whereby the High Court, accepted the appeal preferred by the respondent herein and acquitted him while setting aside the judgment dated 10th December, 2008 passed by the Additional Sessions Judge No. 1, Fast Track, Kota (hereinafter being referred to as the ‘trial Court’) in Sessions Case No. 63 of 2007.

2. The trial Court had convicted the respondent for the offence punishable under Section 302 of the Indian Penal Code, 1860 and sentenced him to undergo life imprisonment and pay a fine of Rs.100/-, in default of payment of fine, to further undergo 3 months simple imprisonment.

3. The respondent was charged for the murder of one Chotu Lal which took place on the intervening night of 1st March, 2007 and 2nd

March, 2007. The FIR No. 37 of 2007 was filed against unknown assailants. The respondent was arraigned in the case on the basis of suspicion and circumstantial evidence. The prosecution led circumstantial evidence in the form of motive alleging the respondent was having an evil eye on the wife of the deceased; recovery of the weapon of offence and the FSL report indicating that the blood group on the weapon matched with the blood group of the deceased (B +ve).

4. In the appeal preferred by the accused against his conviction, the High Court held that the prosecution could not prove the complete chain of circumstances required to bring home the guilt of the accused in the case which was based entirely on circumstantial evidence. Accordingly, the High Court proceeded to acquit the respondent accused of the charge.

5. We have heard the extensive arguments advanced by learned counsel representing the parties and have gone through the impugned judgment and the material placed on record.

6. We find that the incriminating circumstances relied upon by the prosecution, i.e., the motive and the recovery of the blood stained weapon, even taken in conjunction cannot constitute the complete chain of incriminating circumstances required to bring home the charges against the accused. The High Court seems to have

overlooked the FSL report which fact was stressed upon by learned counsel for the appellant. However, in our view, even if the FSL report is taken into account, then also, other than the fact that the weapon recovered at the instance of the accused tested positive for the same blood group as that of the deceased (B +ve), nothing much turns on the said report.

7. This Court in the case of ***Raja Naykar v. State of Chhattisgarh*** (2024) 3 SCC 481 held that mere recovery of a blood-stained weapon even bearing the same blood group of the victim would not be sufficient to prove the charge of murder.

8. So far as the theory of motive is concerned, the evidence in that regard seems to be very vague and vacillating.

9. Law is well settled by a catena of decisions of this Court that in an appeal against acquittal, interference can only be made if the only possible view based on the evidence points to the guilt of the accused and rules out his innocence. In the present case, we are duly satisfied that the prosecution failed to lead clinching evidence to bring home the charges. The only possible view is the one taken by the High Court, i.e., the innocence of the accused.

10. The impugned judgment does not suffer from any infirmity warranting interference. Thus, the appeal lacks merit and is dismissed

as such.

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

.....**J.**
(SANDEEP MEHTA)

.....**J.**
(PRASANNA B. VARALE)

NEW DELHI;
JUNE 19, 2025.

ITEM NO.119

COURT NO.12

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 631/2017

STATE OF RAJASTHAN

Appellant(s)

VERSUS

HANUMAN

Respondent(s)

Date : 19-06-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANDEEP MEHTA

HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Appellant(s) : Ms. Sansriti Pathak, A.A.G.
Ms. Nidhi Jaswal, AOR
Ms. Shagufa Khan, Adv.
Mr. Aman Prasad, Adv.

For Respondent(s) : Mr. Rohit Minocha, AOR

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

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

(INDU MARWAH)
AR-CUM-PS

(ANU BHALLA)
COURT MASTER (NSH)

(Signed order is placed on the file)