



2025:CGHC:52156-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1584 of 2022

Suresh Sarkar @ Chhotu S/o Prabhas Sarkar Aged About 26 Years
Resident Village M.V.11, Gourguda Panchayat, Police Station And
District Malkagiri (Odisha), At Present Resident Of Village Dornapal,
Subhash Nagar, Police Station Dornapal, District : Sukuma,
Chhattisgarh

... Appellant

versus

State Of Chhattisgarh Through Police Station Sukma, District : Sukuma,
Chhattisgarh

... Respondent

For Appellant	: Mr. Ishwar Jaiswal, Advocate
For Respondent	: Mr. Hariom Rai, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

Per Ramesh Sinha, CJ

27/10/2025

1. This criminal appeal is directed against the impugned judgment of conviction and order of sentence dated 16.09.2022 passed by the Special Judge under Section 14 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989, South Bastar, Dantewada (CG), by which the appellant herein has been

convicted for offence under Sections 302 and 201 of the IPC and sentenced to undergo imprisonment for life and fine of Rs.1000/-, in default of payment of fine, to further undergo RI for three months and RI for three years and fine of Rs.1000/-, in default of payment of fine, to further undergo RI for three months.

2. Case of the prosecution, in brief, is that deceased Ram Niwas Markam was serving as a constable in D.R.G. Burkapal. On 11.07.2019, during the evening roll call, Ram Niwas Markam was present at the Police Line, Sukma. After the roll call, at around 7:00 P.M., he left Sukma Police Station in his Bolero vehicle bearing registration No. CG 18 L 4544. On the morning of 12.07.2019, at around 8:00 A.M., constable Haddi Narsaiya called Shriniwas, brother of Ram Niwas and informed him that Ram Niwas had been murdered by someone and that his dead body was lying by the roadside in village Supnar, in front of Dhaniram Barse's banana plantation. When Shriniwas reached Supnar Road, he saw that Ram Niwas's Bolero was parked by the roadside and Ram Niwas's dead body was lying nearby. There were deep injuries on his neck and head, and the body was soaked in blood. Blood stains were also found under the back seat of the Bolero. Shriniwas lodged merg intimation (Ex.P-1) at Sukma Police Station at 9:05 A.M. on 12.07.2019. Based on his report, an FIR (Crime No. 86/2019) under Section 302 of the IPC was registered against unknown persons at 9:15 A.M. on 12.07.2019 vide Ex.P-2.

3. The police summoned local witnesses (panchas) and prepared a panchnama (inquest report) of the body in their presence. During the inquest, it was observed that Ram Niwas had a sharp weapon injury above his left ear, his hair was matted with blood, there was a wound below his right eyebrow, his face was covered in blood, and his neck had been cut on both the right and left sides with a sharp-edged weapon. There were also scratch marks on his left shoulder. In his right hand, Ram Niwas was clutching 20 strands of hair. Dead body of the deceased was sent for postmortem to the District Hospital, Sukma vide Ex.P-27, where Dr.Anjanyewlu (PW-12) conducted postmortem vide Ex.P-50 and found following injuries:-

Deep chap injury 2 ½" x ½" x ½" over neck below the mandible, lacerated wound around neck below the ear 2 x ½ x ½".

The doctor has opined that death was cardio respiratory failure due to heavy Haemorrhage in chap injury (Haemorrhagic shock).

4. At the location where the body was found, there were drag marks on the ground. Blood stains were present under the back seat of the Bolero. The police prepared a site map of the scene (Supnar Road). From the scene, the police seized and sealed, in the presence of witnesses, the following items:

- Bolero vehicle (CG 18 L 4544)
- Rearview mirror with a visible fingerprint
- Two Kinley water bottles with fingerprints (from the front passenger seat)

- A green floor mat with blood stains (from under the back seat)
- A blood-stained swab from the vehicle's rear footboard
- Blood-stained soil, plain soil, and 20 hair strands found clutched in the right hand of the deceased.

5. After the postmortem, the doctor's sealed packet containing Ram Niwas's bloodstained full shirt and half inner vest was also seized. The police recorded memorandum statements of accused Suresh Sarkar and Chanchal Mandal. In his statement, Suresh Sarkar revealed that deceased Ram Niwas had a love marriage with Minoti, daughter of Geeta Mandal, who was a distant relative of Suresh. However, marital disputes frequently occurred between Ram Niwas and Minoti. About a year prior to the incident, after one such dispute, Minoti had gone to her parents' home. When a quarrel took place between Ram Niwas and Minoti's father, Suresh intervened to resolve it, but Ram Niwas accused him of being Minoti's lover, leading to an argument. Eventually, they reconciled and resumed normal relations. Later, when relations between Ram Niwas and Minoti again deteriorated, Suresh developed feelings for Minoti and expressed his love to her, which made her angry. When Ram Niwas learned that Suresh loved Minoti, he threatened to kill him. Following this, Suresh Sarkar planned to murder Ram Niwas and involved Chanchal Mandal and one Suraj from Kolkata, offering them ₹1,00,000 as a reward.

He gave ₹28,000 in advance to Chanchal. They planned to kill Ram Niwas in Odisha.

6. On 11.07.2019 at about 12:30 P.M., Suresh called Ram Niwas from his mobile number 7647082085 to Ram Niwas's number 9406010269, inviting him to come to Odisha under the pretext of an outing. When Ram Niwas arrived in Odisha in his Bolero, he met Suresh and Suraj. Suresh also communicated with Suraj (mobile no. 0697241936) and Chanchal (mobile no. 7606053002) during that time. They purchased liquor and went to Suraj's rented house in Malkangiri, where they drank together. Later, Ram Niwas said he needed to go to Sukma for the evening roll call. Suresh and Suraj accompanied him in the Bolero to Sukma, where they got off near the liquor shop around 7:00 P.M. After roll call, Ram Niwas returned, picked them up, and all three went back toward Malkangiri, then to Korkunda. Chanchal Mandal came on his Passion Pro motorcycle carrying a bag that contained a motorcycle shock absorber pipe and a metal vegetable-cutting cleaver (bohti) — both given to him by Suresh about a week earlier. They went to the forest near Belipara, drank more liquor, and when Ram Niwas became heavily intoxicated, Suresh Sarkar struck the back of his neck with steel pipe, and Suraj attacked his neck and head with the cleaver. During the struggle, Ram Niwas grabbed Suresh's hair, injuring Suresh near his left eye. Due to severe neck injuries and heavy bleeding, Ram Niwas died shortly thereafter. Suraj took Ram Niwas's wallet and wristwatch. The

three accused placed the body in the Bolero; Suresh and Suraj drove to Sukma, instructing Chanchal to hide the cleaver. On the way, before reaching Sukma, Suresh threw Ram Niwas's mobile phone into Shabari River. They parked the Bolero by the roadside between Sukma and Malkangiri, dumped the body, and left for Malkangiri on Chanchal's motorcycle.

7. Before leaving his home in village Dornapal, when Ram Niwas received the phone call, he told his wife Minoti that Suresh Sarkar had invited him to Odisha in the Bolero for a party. Throughout the evening, Minoti called her husband several times. At 8:30 P.M., when she called his phone, it was switched off. She then called Suresh at 7647082085 and asked about Ram Niwas's whereabouts. Suresh replied that they had been together for a while but that Ram Niwas had gone elsewhere, after which he switched off his own phone. Despite several further calls, Suresh continued to deny being with Ram Niwas.
8. Based on the memorandum statement of appellant Suresh Sarkar, the police seized Passion Pro motorcycle, steel shock absorber pipe, blue jeans pant with bloodstains and Samsung mobile phone containing SIM nos. 7647082085 and 7828009637 from his rented house vide Ex.P-14. From accused Chanchal Mandal, the police seized blood-stained iron cleaver (bohti) recovered from the forest near Belipati, Malkangiri (Odisha) vide Ex.P-15. Appellant Suresh Sarkar was arrested on 14.07.2019 vide Ex.P-17.

9. From the same forest, the police also collected blood-stained soil and plain soil samples. The police conducted a search in the Shabari River for Ram Niwas's mobile phone and prepared a panchnama confirming it could not be found. A site map of Belipati forest was prepared. The fingerprints of both accused were taken. From Shriniwas, Ram Niwas's caste certificate was seized. The patwari prepared a site sketch map of the scene. The shock absorber pipe was sent for medical examination. Witness statements were recorded. The seized mobile phones were subjected to call detail record (CDR) analysis. Blood samples of both accused were collected for DNA testing. Fingerprints found on the Bolero's rear mirror and water bottles were compared with those of the accused. The following items were sent for forensic examination:

- Seized mat, blood swab, and blood-stained soil.
- The deceased's shirt.
- The shock absorber pipe.
- The cleaver seized from Chanchal Mandal.
- Soil samples from the Belipati scene.

The DNA comparison was conducted between the hair found in the deceased's fist and the blood samples of the accused. The call details of the mobile numbers of Ram Niwas, his wife Minoti, and appellant Suresh Sarkar were obtained.

- 10.** After completion of investigation, charge-sheet was filed before the Special Judge, Dantewada declaring accused Suraj as absconding. The accused abjured the guilt and entered into defence.
- 11.** In order to bring home the offence, the prosecution examined as many as 20 witnesses and exhibited 64 documents Exs.P-1 to P-64. Statements of the accused were recorded under Section 313 of the CrPC in which they denied guilt. The accused examined Haripad Goldar and Tapan Kumar Mandal as DW-1 and DW-2) in their defence.
- 12.** The trial Court upon appreciation of oral and documentary evidence available on record, by its judgment dated 16.09.2022, while acquitting accused Chanchal Mandal from the charges has convicted the present appellant for offence under Section 302 and 201 of the IPC and sentenced as mentioned in opening paragraph of this judgment, against which, this criminal appeal has been preferred by the appellant herein.
- 13.** Mr. Ishwar Jaiswal, learned counsel for the appellant submits that the trial Court has failed to appreciate that the prosecution has failed to prove its burden as the case is based on circumstantial evidence and the chain of circumstance evidence is incomplete and conviction is illegal. The trial Court has failed to appreciate that on the same set of allegation and the charge, accused Chanchal Mandal has been acquitted and as such, the same

benefit should have been granted to the appellant. He further submits that the trial Court ought to have considered that there are so many contradictions and omissions in the statements of the witnesses, because of which the trial Court ought not have relied upon it. He also submits that the trial Court has failed to appreciate that there is no direct evidence against the present appellant and other evidence which has relied by the prosecution is not admissible in evidence. Hence, the criminal appeal deserves to be allowed and the judgment impugned deserves to be set aside.

14.On the other hand, Mr. Hariom Rai, learned Panel Lawyer appearing for the respondent/State supports the impugned judgment and submits that that conviction of the appellant / accused is based on circumstantial evidence. The prosecution during investigation recorded the statements of the prosecution witnesses in which they have categorically deposed in their statements regarding conduct and commission of offence by the accused / appellant, which is concurrent evidence against the accused / appellant and thus, learned trial Court has rightly convicted and sentenced the appellant. He further submits that learned trial Court has come to the conclusion regarding involvement of the appellant in the crime in question under the concluding paras of the judgment in which learned trial Court has observed all incriminating circumstances against the accused / appellant, which connect him with the instant crime and chain of

circumstances are fully linked and completed with each other. Thus, the prosecution has proved its case beyond reasonable doubt and the judgment of the trial Court is just and proper and does not call for any interference by this Court and as such, criminal appeal deserves to be dismissed.

15. The first question for consideration would be, whether the trial Court was justified in holding that death of deceased Ram Niwas Markam was homicidal in nature ?
16. The trial Court relying upon the statement of Dr. Anjanyewlu (PW-12), who has conducted postmortem on the body of deceased Ram Niwas Markam vide Ex.P-50, has clearly come to the conclusion that death of deceased Ram Niwas Markam was homicidal in nature. The said finding recorded by the trial Court is a finding of fact based on evidence available on record, which is neither perverse nor contrary to record. Even otherwise, it has not been seriously disputed by learned counsel for the appellant. We hereby affirm the said finding.
17. The next question for consideration would be, whether the trial Court has rightly convicted the appellant.
18. It is the case of no direct evidence, rather conviction is based on circumstantial evidence.

19. We may also make a reference to a decision of the Supreme Court in **C. Chenga Reddy and Ors. v. State of A.P., (1996) 10 SCC 193**, wherein it has been observed thus:

“In a case based on circumstantial evidence, the settled law is that the circumstances from which the conclusion of guilt is drawn should be fully proved and such circumstances must be conclusive in nature. Moreover, all the circumstances should be complete and there should be no gap left in the chain of evidence. Further the proved circumstances must be consistent only with the hypothesis of the guilt of the accused and totally inconsistent with his innocence....”.

20. In **Padala Veera Reddy v. State of A.P. and Ors., AIR 1990 SC 79**, it was laid down by the Supreme Court that when a case rests upon circumstantial evidence, such evidence must satisfy the following tests:

“(1) the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established;

(2) those circumstances should be of a definite tendency unerringly pointing towards guilt of the accused;

(3) 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 none else; and

(4) the circumstantial evidence in order to sustain conviction must be complete and incapable of

explanation of any other hypothesis than that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence.”

21. In *State of U.P. v. Ashok Kumar Srivastava*, (1992 CrLJ 1104),

it was pointed out by the Supreme Court that great care must be taken in evaluating circumstantial evidence and if the evidence relied on is reasonably capable of two inferences, the one in favour of the accused must be accepted. It was also pointed out that the circumstances relied upon must be found to have been fully established and the cumulative effect of all the facts so established must be consistent only with the hypothesis of guilt.

22. Sir Alfred Wills in his admirable book “Wills’ Circumstantial

Evidence” (Chapter VI) lays down the following rules specially to be observed in the case of circumstantial evidence: (1) the facts alleged as the basis of any legal inference must be clearly proved and beyond reasonable doubt connected with the factum probandum; (2) the burden of proof is always on the party who asserts the existence of any fact, which infers legal accountability; (3) in all cases, whether of direct or circumstantial evidence the best evidence must be adduced which the nature of the case admits; (4) in order to justify the inference of guilt, the inculpatory facts must be incompatible with the innocence of the accused and incapable of explanation, upon any other reasonable hypothesis

than that of his guilt, (5) if there be any reasonable doubt of the guilt of the accused, he is entitled as of right to be acquitted”.

23. Five golden principles which constitute *Panchseel* of proof of case based on circumstantial evidence have been laid down by the Supreme Court in the matter of **Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116** which state as under :-

“(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established. The circumstances concerned “must” or “should” and not “may be” established;

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty;

(3) the circumstances should be of a conclusive nature and tendency;

(4) they should exclude every possible hypothesis except the one to be proved; and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.”

24. The Supreme Court in the matter of **Sailendra Rajdev Pasvan and Others vs. State of Gujarat Etc., AIR 2020 SC 180** 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.

25. The Supreme Court in the matter of **Suresh and Another v State of Haryana, (2018) 18 SCC 654** has observed that cases of circumstantial evidence, the courts are called upon to make inferences from the available evidence, which may lead to the accused's guilt. The court at paras 41 and 42 has observed thus :

“41. The aforesaid tests are aptly referred as Panchsheel of proof in Circumstantial Cases (refer to Prakash v. State of Rajasthan). The expectation is that the prosecution case should reflect careful portrayal of the factual circumstances and inferences thereof and their compatibility with a singular hypothesis wherein all the intermediate facts and the case itself are proved beyond reasonable doubt.

42. Circumstantial evidence are those facts, which the court may infer further. There is a stark contrast between direct evidence and circumstantial evidence. In cases of circumstantial evidence, the courts are called upon to make inferences from the available evidence, which may lead to the accused's guilt. In majority of cases, the inference of guilt is usually drawn by establishing the case from its initiation to the point of commission wherein each factual link is ultimately based on evidence of a fact or an inference thereof. Therefore, the courts have to identify the facts

in the first place so as to fit the case within the parameters of “chain link theory” and then see whether the case is made out beyond reasonable doubt. In India we have for a long time followed the “chain link theory” since Hanumant case, which of course needs to be followed herein also.”

26. In the present case, the prosecution has proved the following circumstantial evidence against the appellant:-

(i) On 12.07.2019, a Bolero vehicle bearing registration number C.G. 18 L 4544 was found parked on the roadside in Supnar, in front of Dhaniram Barsa's banana plantation, and near it, the dead body of deceased Ramnivas Markam was found on the roadside.

(ii) Injuries were found on the body of deceased Ramnivas Markam and blood was discovered inside the Bolero vehicle.

(iii) The fingerprint examination report clearly establishes that the fingerprints found on the bottle inside the Bolero vehicle matched those of appellant **Suresh Sarkar**.

(iv) According to the DNA report (Ex.P-58), the hair found clenched in the fist of the deceased, Ramnivas Markam, during the inquest proceedings, and the blood sample of the appellant, **Suresh Sarkar**, showed identical DNA profiles.

(v) Human blood was detected in the soil samples collected from the scene of the incident, on the mat and blood swabs from the Bolero vehicle, as well as on the full shirt and half inner vest of the deceased, Ramnivas Markam. Blood was also found on the pipe and jeans seized from the appellant, **Suresh Sarkar**.

(vi) Before the incident, there had been approximately 29 phone conversations between deceased Ramnivas Markam and appellant Suresh Sarkar and thereafter, Ramnivas Markam was found dead.

(vii) The medical officer found incised wounds extending from the left ear to the cheek and neck of the deceased, due to which he died. The death was determined to be homicidal in nature.

27. It can thus clearly be seen that it is necessary for the prosecution that the circumstances from which the conclusion of the guilt is to be drawn should be fully established. The Court holds that it is a primary principle that the accused 'must be' and not merely 'may be' proved guilty before a court can convict the accused. It has been held that there is not only a grammatical but a legal distinction between 'may be proved' and 'must be or should be proved'. It has been held that the facts so established should be consistent only with the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty. It has further been held that the circumstances should be such that they exclude every possible hypothesis except the one to be proved. It has been held that there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probabilities the act must have been done by the accused.

28. It is settled law that the suspicion, however strong it may be, cannot take the place of proof beyond reasonable doubt. An accused cannot be convicted on the ground of suspicion, no matter how strong it is. An accused is presumed to be innocent unless proved guilty beyond a reasonable doubt.

29. According to Dr. Anju Verma (PW-17), blood samples of appellant Suresh Sarkar @ Chotu (Ex.Q) and accused Chanchal Mandal (Ex.R) were received for DNA analysis in connection with Police Station Sukma Case No. 86/2019, as per the memo of the Superintendent of Police, Sukma (Ex.P-53). Additionally, 20 hairs found in the right hand of the deceased, received along with memo Ex.A-39, were sent for DNA profiling. For this purpose, the identification forms of both accused (Ex.P-54 and Ex.P-55) and their consent letters (Ex.P-56 and Ex.P-57) were also obtained. She, along with Senior Scientific Officer Ms. Apolina Ekka, examined the hairs (Ex. A) and the blood samples of both accused (Exs. Q and R). It was observed that the DNA profile of the hairs (Ex. A) matched the DNA profile of the blood sample of appellant Suresh Sarkar (Ex. Q). She submitted a report on this as Ex.P-58. Thus, it is clear from her statement that the DNA profile of the examined hairs (Ex. A) matched the DNA profile of the blood sample of appellant Suresh Sarkar.

30. According to fingerprint expert Dharmendra Kumar Bharti (PW-18), who is serving as an Inspector in the Fingerprint Branch

of CID, PHQ, Nava Raipur, the sealed items received in his office included:

- A rearview mirror from the front of the driver's seat of the Bolero vehicle,
- Two sealed water bottles,
- Fingerprint of appellant Suresh Sarkar in a sealed envelope,
- Fingerprint of accused Chanchal Mandal in a sealed envelope.

These were received along with the memo of the Superintendent of Police (Ex.P-38) in connection with Police Station Sukma Case No. 86/2019 under Sections 302, 201, and 120B IPC. He designated the fingerprint of Chanchal Mandal as S-1 (Ex.P-59) and that of Suresh Sarkar as S-2 (Ex.P-60). After using appropriate developing powder, fingerprints A and B were observed on the rearview mirror, but both were unclear and unsuitable for comparison due to lack of defined points. On one of the water bottles, fingerprint C was obtained (Ex.P-61). He compared fingerprint C from the water bottle with the standard fingerprint of appellant Suresh Sarkar (Ex.P-60) and designated it as S-2Rth (Ex.P-62). Both were loop-type patterns, and the comparison revealed 8 corresponding points, which confirmed that fingerprint C and the standard fingerprint S-2Rth are identical. According to fingerprint expert Dharmendra Kumar Bharti, the above 8 corresponding points are consistent in nature and relative position. He gave a definite opinion that the potential fingerprint C

and the standard fingerprint S-2Rth belong to the same finger of the same person, specifically the right hand of appellant Suresh Sarkar. He submitted a report regarding this as Ex.P-63 and provided a memo to the Superintendent of Police, Sukma regarding the receipt of the fingerprints as Ex.P-64.

31. According to Haripad Goldar (DW-1), on 12.07.2019, his niece, Minoti, called him and informed that her husband, Ramnivas, had been killed. Tapan Kumar Mandal (DW-2) also stated that on 12.07.2019, Haripad Goldar's niece, Minoti, called him and informed him that her husband, Ramnivas, had been killed. They stated that they, along with Lakhmi Goldar, Rakesh Sarkar, Chanchal Mandal and Tapan Mandal, went to village Dornapal. There, they learned that Ramnivas's body had been taken to Sukma for postmortem examination. According to them, the body of Ramnivas arrived in Dornapal around 3:00 P.M., and by the time the necessary procedures were done, it was late at night. Following Minoti's advice, they stayed overnight in Dornapal. The next day, on 13.07.2019, the police asked them to go to Sukma Police Station. Chanchal Mandal, Suresh Sarkar and Tapan Mandal went to the police station. They stated that a police officer there was wearing gloves and brought two bottles, asking Suresh Sarkar to hold them, which he did. The police officer also asked Chanchal Mandal to hold both bottles. Outside the station, the Bolero vehicle was parked, and the police officer made Suresh Sarkar and Chanchal Mandal place their hands on its mirrors. The officer reportedly

pulled Suresh Sarkar's hair three to four times. When asked why he was doing this, he allegedly threatened them. Haripad Goldar then called Minoti to inform her. Minoti came to the police station and asked for release of the accused, but the police said they would release them in court. That day, they returned to Dornapal around 3–4 P.M.. According to both witnesses, on 14.07.2019, they again went to Sukma Police Station and requested the release of the accused. The police told them that the accused would be released on 15.07.2019, but instead, they were sent to jail.

32. The defence argued that the statements of Ramnivas's wife Minoti and other witnesses do not support the prosecution's case. Memorandums and other witness statements also do not support the prosecution case. The accused were called to the police station four days after the incident, where the police allegedly pulled hair from Suresh Sarkar's head and made them place their fingerprints on bottles and the mirrors of the Bolero. The defence claims that false evidence was collected against the accused / appellant. Hair, bottles and mirrors were not seized from the actual crime scene. The accused's consent for mobile phone call details was not obtained. They were allegedly falsely implicated.

33. According to the seizure memo from the crime scene (Ex.P-22), Bolero vehicle, blood-stained soil, plain soil, and hairs found in the deceased's fist were seized by investigating officer Satyawadi Sahu. Witnesses Sanjay Dule (PW-5) and Kodi Shankar (PW-7) denied witnessing the seizure at the crime scene. Kodi Shankar

admitted that Bolero vehicle was parked by the roadside where the deceased's body was found and that there was blood beneath the seat. Shrinivas (PW-1) and Manglaram Durga (PW-2) stated that they saw Bolero vehicle at the crime scene. Minoti Markam stated that the Bolero vehicle was seized by the police. Sub-Inspector Satyawadi Sahu (PW-8) admitted, in response to the defence's suggestion, that the seizure in Ex.P-22 was made because there was a possibility of fingerprints on the Bolero vehicle, rearview mirror, and water bottles. Thus, the investigating officer carried out the seizure, and the defence itself accepted this fact. There is no evidence in the investigating officer's statement to doubt his testimony. Therefore, the mere fact that independent witnesses did not fully support the details does not make the entire investigation carried out by the investigating officer doubtful or unreliable.

34. In view of the above, all circumstances decisively point to the guilt of appellant Suresh Sarkar and completely rule out the possibility of the crime being committed by any other person. The appellant has not provided any substantial explanation that could prove his innocence. The prosecution has successfully proven beyond doubt that appellant Suresh Sarkar killed Ram Nivas Markam and brought the body to Supnar to dispose of evidence. As such, the prosecution has successfully proven beyond doubt that on the day of the incident, the present appellant killed Ram Nivas Markam, causing his death and to evade consequences, disposed of the body in Supnar to destroy evidence.

- 35.** In this case, circumstantial evidence has been fully proved by the prosecution and its link firmly connect each other and the circumstances are such that they clearly indicate that the incident was committed by the appellant alone.
- 36.** Applying the aforesaid well settled principles of law and taking into the facts in totality and considering the facts and circumstances of the case, in our considered view the prosecution was able to establish the guilt of the appellant beyond reasonable doubt. Learned trial Court has observed all incriminating circumstances against the appellant, which connect him with the instant crime and chain of circumstances are fully linked and completed with each other. Thus, the prosecution has proved its case beyond reasonable doubt and the judgment of the trial Court is just and proper and does not call for any interference by this Court. The impugned judgment of conviction and order of sentence is just and proper warranting no interference of this Court.
- 37.** In the result, the appeal being devoid of merit is liable to be and is hereby **dismissed**.
- 38.** It is stated at the Bar that the the appellant is in jail, he shall serve out the sentence as ordered by the learned trial Court.
- 39.** The trial court record along with a copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

40. Registry is directed to send a copy of this judgment to the concerned Superintendent of Jail where the appellant is undergoing his jail term, to serve the same on the appellant informing him that he is at liberty to assail the present judgment passed by this Court by preferring an appeal before the Hon'ble Supreme Court with the assistance of the High Court Legal Services Committee or the Supreme Court Legal Services Committee.

Sd/-

(Bibhu Datta Guru)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Bablu

HEAD-NOTE

Scientific evidence, such as DNA profiling and fingerprint analysis, can reliably establish the identity of an accused and link them to a crime. When corroborated with circumstantial evidence, it helps form a complete chain of circumstances, supporting conviction beyond reasonable doubt.