



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 639 of 1984

Jag Ram and another

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Kamlesh Kumar Tripathi, T. Ghosh,
T. Rathore
Counsel for Respondent(s) : A.G.A.

With

CRIMINAL APPEAL No. - 428 of 1984

Raghubir Singh and Another

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Kamlesh Kumar Tripathi
Counsel for Respondent(s) : A.G.A.

A.F.R.

In chambers

Reserved on 10.02.2026
Delivered on 12.03.2026

HON'BLE SIDDHARTH, J.
HON'BLE GARIMA PRASHAD, J.

(Delivered by Hon'ble Garmia Prashad, J.)

1. Heard Mr. Kamlesh Kumar Tripathi, learned counsel appearing on behalf of the surviving appellant No.2, namely, Nathi in

Criminal Appeal No.639 of 1984 and appearing as Amicus Curiae for appellant No.2, namely, Bharat in Criminal Appeal No.428 of 1984 and Ms. Manju Thakur, learned A.G.A.- I appearing for the State. Perused the record.

2. As both the appeals arise out of a common judgment and order dated 8.2.1984, they have been heard together and are being decided by this common judgment.

3. These criminal appeals have been preferred against the judgment and order dated 08.02.1984 passed by the learned Additional Sessions Judge-X, Agra in Sessions Trial No. 363 of 1983 (State vs. Raghuveer Singh and others), arising out of Case Crime No. 131 of 1983, under Sections 302 and 307 I.P.C., Police Station Achhnera, District Agra, whereby all the four accused persons, namely Raghuveer Singh, Natthi, Jagram and Bharat, were convicted under Sections 302/34 and 307/34 I.P.C. and sentenced to imprisonment for life under Section 302/34 I.P.C. and rigorous imprisonment for ten years under Section 307/34 I.P.C., with the direction that both the sentences would run concurrently.

4. During the pendency of the present appeal, appellants Raghuveer Singh and Jagram died. In view thereof, the appeal stands abated so far as they are concerned. The appeals now survive only in respect of appellants Natthi and Bharat.

5. The prosecution case, as disclosed in the written report lodged by the informant Tej Singh and as reflected from the First Information Report, is that on 25.05.1983 at about 6:00 p.m., Tej Singh, Than Singh, Shaitan Singh and Tikam Singh, residents of village Raibha, were proceeding towards the well situated near the temple of Vankhandi Mahadev for the purpose of bathing. On the way, an altercation took place between Than Singh and the son-in-law of

one Nabba alias Nappa, resident of village Madi Har. It is stated that during the said altercation some quarrel and scuffle took place between them. The persons accompanying them intervened and the quarrel was pacified. Thereafter they proceeded further towards the temple of Vankhandi Mahadev.

6. It is further alleged in the written report that at about 7:00 p.m., when Than Singh and Tikam Singh were exercising near a hut situated in the agricultural field (chak) of Ganga Singh, the accused persons namely Raghuveer Singh, Bharat, Natthi and Jagram came there. Raghuveer Singh was armed with a gun, Bharat with a countrymade pistol and Natthi and Jagram were carrying knives. Upon reaching there the accused persons began saying that Than Singh had beaten the son-in-law of Nabba and therefore he should be punished. Thereafter Natthi and Jagram started stabbing Than Singh with knives. When Than Singh raised alarm, Tikam Singh, Tej Singh, Shaitan Singh and others rushed to save him. It is further alleged that the accused persons then assaulted Tikam Singh also with knives.

7. As per the prosecution, Raghuveer Singh and Bharat fired from their respective firearms. On hearing the alarm and upon being challenged by the persons who had gathered at the spot, the accused persons fled away from the place of occurrence. It is further mentioned in the written report that Than Singh and Tikam Singh had sustained serious injuries. The informant and other persons made arrangements to take them to the police station. Tikam Singh was taken on a tractor while Than Singh was carried on a cot.

8. The written report further states that the report of the occurrence was scribed by Babu Lal at the dictation of the informant Tej Singh and was handed over at Police Station Achhnera on the same day at

about 9:30 p.m. On the basis of the said report the chik First Information Report was prepared and the case was registered under Sections 302 and 307 I.P.C. The injured Tikam Singh was thereafter sent for medical examination to S.N. Medical College Hospital, Agra where he was examined on the same night.

9. Subsequently, inquest proceedings were conducted on the dead body of Than Singh and the body was sent for postmortem examination. The post-mortem examination was conducted on 27.05.1983 at about 3:30 p.m. at the Agra mortuary. During investigation, the Investigating Officer prepared the site plan of the place of occurrence, recorded the statements of the witnesses and completed other formalities of investigation.

10. Upon completion of investigation, charge-sheet dated 24.06.1983 was submitted against the accused persons under Sections 302 and 307 I.P.C. Since the offences were exclusively triable by the Court of Session, the learned Magistrate committed the case to the Court of Session, Agra by order dated 01.09.1983. Charges under Sections 302/34 and 307/34 I.P.C. were framed against all the four accused, who denied the charges and claimed trial. In their statements recorded under Section 313 Cr.P.C., they denied the prosecution case and stated that they had been falsely implicated due to enmity. No defence evidence was led.

11. Before proceeding to examine the rival submissions, it would be appropriate to record in some detail the evidence adduced by the prosecution. In support of its case, the prosecution examined five witnesses.

12. PW-1 Tej Singh is the informant and a witness of fact. In his examination-in-chief he stated that on the date of occurrence, i.e., 25.05.1983, at about 6:00 p.m., he along with Than Singh, Shaitan

Singh and Tikam Singh had proceeded towards the well of Vankhandi Mahadev for the purpose of bathing. He stated that on the way an altercation took place between Than Singh and the son-in-law of one Nappa alias Nabba of village Madi Har. According to him, the quarrel was pacified by the persons present there and the parties thereafter moved ahead. He further stated that at about 7:00 p.m. Than Singh and Tikam Singh were exercising near a hut situated in the chak of Ganga Singh. At that time, according to him, the accused persons Raghuveer Singh armed with a gun, Bharat armed with a country-made pistol, and Natthi and Jagram armed with knives came to the place of occurrence. He stated that the accused persons began saying that Than Singh had beaten the son-in-law of Nappa and therefore he should be taught a lesson. According to the witness, Natthi and Jagram started stabbing Than Singh with knives. When Than Singh raised alarm, Tikam Singh and others tried to intervene whereupon Tikam Singh was also assaulted. The witness further stated that Raghuveer Singh and Bharat fired shots from their respective firearms from close range. Upon hearing the alarm, other persons such as Shaitan Singh, Sahav Singh, Ramo and Haribhan reached the place of occurrence. On being challenged by them the accused persons fled away from the spot.

13. The witness further stated that Than Singh had sustained serious injuries and Tikam Singh had also been injured. Arrangements were made to take them towards the police station. According to him, Tikam Singh was taken on a tractor while Than Singh was carried on a cot. He further stated that he got the written report of the occurrence scribed by Babu Lal and lodged the same at Police Station Achhnera at about 9:30 p.m. on the same night. He proved the written report as Ext. Ka-1.

14. In his cross-examination, PW-1 admitted that he did not go to the exact place where the assault was taking place and that he witnessed the occurrence from the side of the temple. He stated that he had not attempted to save either the deceased or the injured at the time of the assault and that he reached the place of occurrence only after the accused persons had fled. He admitted that the temple of Vankhandi Mahadev was situated at some distance from the place where the assault had taken place. He also admitted that there existed an akhara near the temple. He stated that the deceased and the injured were exercising near a hut situated in the chak of Ganga Singh. He further admitted that Raghuveer Singh had been involved in criminal activities including the murder of one Mahavir and that he had connections with Nappa in certain criminal matters. He denied the suggestion that the accused persons had been falsely implicated on account of previous enmity.

15. PW-2 Tikam Singh is the injured witness. In his examination-in-chief he stated that on 25.05.1983 he along with Than Singh and others had gone towards the well of Vankhandi Mahadev. He stated that an altercation had taken place between Than Singh and the son-in-law of Nappa. After the said incident, according to him, he and Than Singh were exercising near the hut situated in the chak of Ganga Singh. At about 7:00 p.m., according to the witness, the four accused persons came there. Raghuveer Singh was carrying a gun, Bharat a country-made pistol and Natthi and Jagram had knives in their hands. The witness stated that Natthi and Jagram began assaulting Than Singh with knives. According to him, when he raised alarm and attempted to save Than Singh, he too was assaulted. He further stated that when all four accused persons arrived he attempted to run away and at that time Raghuveer Singh fired at him but the shot did not hit him. He stated that on his

raising alarm Tej Singh and Shaitan Singh came from the side of the temple where they were bathing. He further deposed that he sustained injuries and thereafter he was taken to the police station and subsequently sent for medical examination at S.N. Hospital, Agra.

16. In his cross-examination, PW-2 admitted that he was related to both the informant Tej Singh and the deceased Than Singh. He also admitted that he belonged to another village. He stated that he had sustained three incised wounds. However, he did not clearly specify which accused had inflicted which injury upon him or upon the deceased. He stated that Natthi and Jagram both had knives but he could not explain which of them had inflicted the first blow or how many blows had been caused by each accused. He also admitted that the quarrel earlier in the evening had taken place between Than Singh and the son-in-law of Nappa. He denied the suggestion that he was not present at the place of occurrence or that he had falsely implicated the accused persons.

17. PW-3 Ram Sevak is a police constable who proved the formal documents relating to the registration of the case. He stated that on the basis of the written report given by Tej Singh the case was registered at Police Station Achhnera. He proved the chik F.I.R. as Ext. Ka-2 and the relevant G.D. entry as Ext. Ka-3. He also proved the injury memo relating to the medical examination of injured Tikam Singh as Ext. Ka-4. In his cross-examination nothing substantial could be elicited except that he had no personal knowledge regarding the occurrence and was only proving the documents prepared in the course of official duty.

18. PW-4 Dr. Sudhir Chandra is the medical officer who conducted the post-mortem examination of the deceased Than Singh. He stated

that he conducted the post-mortem examination on 27.05.1983 at about 3:30 p.m. at the mortuary in Agra. During the post-mortem examination he found six ante-mortem incised wounds on different parts of the body of the deceased. He described the nature, dimensions and location of those injuries. According to him, the injuries were caused by a sharp-edged weapon such as a knife. In his opinion, the cause of death was shock and haemorrhage resulting from the ante-mortem injuries sustained by the deceased. He proved the post-mortem report as Ext. Ka-5. In cross-examination he stated that the injuries found on the body of the deceased could have been caused on 25.05.1983 at about 7:00 p.m. and that they were sufficient in the ordinary course of nature to cause death.

19. PW-5 Constable Netrapal Singh was examined as a formal witness to prove the investigation papers prepared by the Investigating Officer. He stated that the Investigating Officer who had conducted the investigation in the case was not available in Agra at the time of recording of evidence. He further stated that he was acquainted with the handwriting and signatures of the said officer. On that basis he proved the charge-sheet as Ext. Ka-11, the challan of the dead body as Ext. Ka-10, the letter addressed to the Chief Medical Officer as Ext. Ka-9, the photo lash as Ext. Ka-8, the panchayatnama as Ext. Ka-7 and the site-plan of the place of occurrence prepared by the Investigating Officer. In his cross-examination he admitted that he had not participated in the investigation of the case and that he was only identifying the handwriting and signatures of the Investigating Officer on the documents.

20. The accused denied the prosecution allegations in their statements under Section 313 Cr.P.C. and claimed false implication.

21. The learned trial court believed the testimony of PW-1 and PW-2 and convicted all the four accused under Sections 302/34 and 307/34 I.P.C. Aggrieved thereby, the present appeals were filed.

22. Learned counsel for the surviving appellants in the appeals has assailed the impugned judgment on the ground that the prosecution evidence is unreliable and suffers from material contradictions and omissions. It has been submitted that the original dispute was between deceased Than Singh and the son-in-law of Nappa and that there was no material to show that Natthi and Bharat had any connection either with Nappa or with the said quarrel. It has been argued that Raghuveer Singh was allegedly connected with Nappa in criminal activities, but there is no evidence of any such connection in respect of Natthi and Bharat. It is further submitted that except Raghuveer Singh, none of the accused had criminal history, and the prosecution has failed to establish any motive on the part of the surviving appellants.

23. It has also been argued that PW-1 Tej Singh himself admitted that he did not go to the spot and saw the occurrence from the temple side. Therefore, his presence as an eyewitness to the actual assault is doubtful. It is further contended that PW-1 stated that Raghuveer Singh and Bharat fired from close range with intent to kill, but no empty cartridge was recovered from the place of occurrence and no firearm injury was found either on the deceased or on Tikam Singh. No firearm was recovered from Bharat. It is submitted that this materially weakens the prosecution story.

24. Learned counsel further submitted that the Investigating Officer was not examined and PW-5 only formally proved the handwriting and signatures of the Investigating Officer. As a result, the defence was deprived of the opportunity to cross-examine the Investigating

Officer on material points such as the place of occurrence, non-recovery of empty cartridge, non-recovery of weapon, and the contradictions in the statements of the witnesses.

25. It has also been argued that though Tikam Singh is said to have sustained three incised wounds, the treating doctor who examined him was not produced. Therefore, the nature of the injuries on his person, whether simple or grievous, remains uncertain. In that view of the matter, the conviction under Section 307 I.P.C. is unsustainable.

26. Learned counsel has also argued that PW-2 Tikam Singh, though an injured witness, is a relative of both the informant and the deceased and is thus an interested witness. It is further submitted that even according to the prosecution case, PW-2 had no connection with the original dispute and had no enmity with the accused; hence, the reason for attacking him has not been satisfactorily explained. It is also submitted that PW-2 did not clearly assign the role of inflicting particular injuries either to Natthi or to Jagram.

27. It is next contended that the prosecution version itself appears unnatural. The distance between the akhara and the hut is about sixty paces. If there was an akhara near the temple, the prosecution story that Than Singh and Tikam Singh were exercising near a hut away from the akhara at about 7:00 p.m. appears unnatural. It has also been argued that the transportation version is doubtful inasmuch as Tikam Singh is said to have been taken by tractor and Than Singh on a cot for a distance of three miles to the police station, though even a tractor without trolley would have had sufficient space. The timeline ending in lodging of the F.I.R. at 9:30 p.m. is stated to be somewhat doubtful.

28. On the other hand, learned A.G.A. has supported the judgment under appeal and submitted that the homicidal death of Than Singh is fully proved, that PW-2 is an injured witness and his testimony carries greater weight, and that mere non-recovery of empty cartridge or non-examination of the Investigating Officer is not fatal in every case. It is urged that the trial court rightly believed the prosecution evidence and convicted the accused.

29. Having heard learned counsel for the parties and perused the record, this Court finds that the homicidal death of Than Singh stands clearly proved from the testimony of PW-4 Dr. Sudhir Chandra and the post-mortem report. Six ante-mortem incised wounds were found on the person of the deceased and the cause of death was opined to be shock and haemorrhage resulting therefrom. To that extent, the prosecution case stands established.

30. The principal question, however, is whether the prosecution has succeeded in proving beyond reasonable doubt the participation of the surviving appellants Natthi and Bharat in the occurrence and whether the charges under Sections 302/34 and 307/34 I.P.C. against them stand proved.

31. The prosecution substantially rests on the testimony of PW-1 Tej Singh and PW-2 Tikam Singh. PW-2 is admittedly an injured witness and ordinarily his evidence would carry weight. At the same time, it is equally well settled that even testimony of an injured witness has to be scrutinised with care, particularly where the case suffers from material infirmities, contradictions and surrounding circumstances creating doubt as to the precise manner of occurrence and the role of each accused.

32. On careful examination of the evidence, this Court finds that the prosecution case, insofar as the surviving appellants are concerned,

is not free from doubt. PW-1 Tej Singh, who is the informant and one of the alleged eyewitnesses, admitted in his cross-examination that he did not go to the exact place where the assault was taking place and that he witnessed the occurrence from near the temple side. He also stated that he did not attempt to save either the deceased or the injured and reached the place of occurrence only after the accused had fled. Once PW-1 himself admits that he remained away from the place where the assault was actually taking place, his ability to observe the occurrence clearly and assign a precise role to each accused becomes doubtful. This doubt becomes all the more significant when he claims that Raghuvver Singh and Bharat fired from close range with intent to kill.

33. If the allegation of close-range firing were correct, some objective corroboration would ordinarily be expected. However, admittedly no empty cartridge was recovered from the place of occurrence. No firearm injury was found either on the deceased or on PW-2. No firearm was recovered from Bharat. In such circumstances, the version of PW-1 regarding firing does not inspire full confidence. Once the allegation of firing against Bharat becomes doubtful, his role in the incident also becomes doubtful.

34. There is also a material contradiction between PW-1 and PW-2 as to the occurrence. PW-1 stated that he saw the incident from the temple side and reached the place of occurrence only after the accused had fled. PW-2, however, stated that upon his raising alarm, Tej Singh and Shaitan Singh came from the temple where they were bathing. This contradiction is not merely formal. It goes to the root of the matter, namely whether PW-1 was actually present at the place of occurrence in a position to witness the assault or whether he came later. Such contradiction weakens the prosecution version.

35. The prosecution alleges that Bharat carried a country-made pistol and fired during the occurrence. Yet, no empty cartridge was recovered, no firearm injury was caused, and no weapon was recovered from Bharat. Likewise, Natthi is alleged to have been one of the knife-wielders, but no weapon was recovered from him. Though non-recovery of weapon is not always fatal, where the case is already resting on doubtful eyewitness testimony and the specific role of the accused is uncertain, such absence assumes significance.

36. PW-2 stated that Natthi and Jagram were armed with knives. However, he did not clearly state which of them inflicted which injury either on the deceased or on himself. He did not specify who stabbed first, how many blows were inflicted by whom, or which particular injury is attributable to Natthi. Since the role of both alleged knife assailants was similar in the prosecution story, clear attribution was necessary if conviction of the surviving appellant Natthi was to be sustained. In the absence of such clear attribution, it would be unsafe to hold with certainty that Natthi participated in the assault.

37. According to the prosecution case itself, the original dispute was between Than Singh and the son-in-law of Nappa. PW-2 Tikam Singh had no apparent connection with that dispute. He belonged to another village and there is no evidence of any previous enmity between him and the accused. Yet, according to his own statement, when all four accused arrived, he tried to run away and Raghuveer Singh fired at him. The prosecution has not satisfactorily explained why PW-2, who had no connection with the quarrel, became a target of murderous assault. This unexplained feature adds to the doubt.

38. The prosecution asserts that Tikam Singh sustained three incised wounds. However, the treating doctor who examined him was not produced. The injury memo was brought on record formally, but the nature, seat, depth and seriousness of the injuries were not proved through medical evidence. Consequently, this Court is left uncertain whether the injuries sustained by PW-2 were simple or grievous. This omission assumes significance while considering the charge under Section 307 I.P.C. No doubt, conviction under Section 307 I.P.C. does not always depend on the injury being grievous. Intention and manner of assault are material. But here the prosecution case itself is uncertain on several material particulars: the exact role of the surviving appellants, the alleged firing, the attribution of knife injuries, and even the reason why Tikam Singh was targeted when he had no connection with the original quarrel. In such circumstances, the uncertainty about the medical evidence concerning his injuries becomes one more factor entitling the appellants to benefit of doubt. In *Lakshmi Singh v. State of Bihar, (1976) 4 SCC 394*, the Supreme Court emphasised that when the prosecution withholds important evidence or leaves material aspects unexplained, the Court must scrutinise the prosecution version with greater care. Here, the doctor who examined injured witness Tikam Singh was not examined, with the result that the nature of his injuries remains uncertain.

39. The Investigating Officer was not produced. PW-5 Constable Netrapal Singh appeared only as a formal witness to prove the handwriting and signatures of the Investigating Officer on the investigation papers. The defence was thereby deprived of the opportunity to test the investigation by cross-examining the Investigating Officer on material points, such as the exact place of occurrence, whether any cartridge was found, whether any effort

was made to recover the alleged weapons, and how the site-plan was prepared. In **Behari Prasad v. State of Bihar, (1996) 2 SCC 317**, the Supreme Court held that non-examination of the Investigating Officer is not always fatal, but where prejudice is caused to the accused on account of inability to bring out contradictions or challenge material parts of investigation, the same assumes significance. In the present case, the non-examination of the Investigating Officer has clearly deprived the defence of an opportunity to challenge important features of the prosecution case. In a case already suffering from certain infirmities, this omission assumes importance.

40. The evidence on record shows that the quarrel which formed the immediate genesis of the incident was between Than Singh and the son-in-law of Nappa. There is material to suggest that Raghuveer Singh was connected with Nappa in criminal activities. PW-1 himself stated that Raghuveer Singh had been involved in criminal activities with Nappa. However, there is no convincing evidence to show that Natthi and Bharat had any connection either with Nappa or with his son-in-law. There is no evidence of any prior enmity of Natthi or Bharat with Than Singh or Tikam Singh. In the absence of motive, and when the evidence regarding their participation is otherwise doubtful, this circumstance assumes significance.

41. The defence has highlighted that the distance between the akhara and the hut was about sixty steps. If there was an akhara near the temple, the prosecution version that Than Singh and Tikam Singh were exercising near the hut away from the akhara at about 7:00 p.m. appears somewhat unnatural. This circumstance by itself may not be decisive, yet it is one more factor which prevents the Court from accepting the prosecution case at face value without hesitation.

42. PW-1 stated that Tikam Singh was taken on a tractor while Than Singh was taken on a cot, though the distance to the police station was about three miles. It has been argued that even without trolley the tractor had enough space and the separate mode of transport creates some improbability. This factor may not by itself demolish the prosecution case, but when read cumulatively with the other circumstances, it adds to the doubt.

43. The principles governing such cases are well settled. In *Kali Ram v. State of Himachal Pradesh, (1973) 2 SCC 808*, the Supreme Court held that the golden thread which runs through the web of criminal jurisprudence is that the prosecution must prove its case beyond reasonable doubt and if two views are possible, the one favourable to the accused must be adopted. The Court cautioned that suspicion, however strong, cannot take the place of proof. In *State of Rajasthan v. Teja Ram, (1999) 3 SCC 507*, it was held that the evidence of related witnesses is not to be discarded merely on the ground of relationship, but the same has to be scrutinised carefully. In the present case, PW-2 is related to the informant and the deceased, and though that by itself is not a ground to reject his testimony, the Court must test it carefully. Upon such scrutiny, the aforesaid infirmities become material.

44. Insofar as Natthi is concerned, the prosecution alleges that he was one of the two knife-wielders. However, no weapon was recovered from him. No blood-stained article connected to him was recovered. No specific injury was attributed to him by either PW-1 or PW-2 with certainty. The co-accused Jagram, whose appeal has already abated owing to death, was also assigned a similar role as one of the knife assailants. Yet PW-2 did not clarify who among the two inflicted which injury. In the absence of such clear attribution,

and in view of the other doubts noticed above, it would be unsafe to sustain the conviction of Natthi.

45. Insofar as Bharat is concerned, the allegation against him is that he was armed with a country-made pistol and fired from close range. But no firearm injury resulted, no empty cartridge was recovered, no weapon was recovered from him, and no independent circumstance corroborates the allegation of use of firearm. Once the firearm part of the prosecution story becomes doubtful, and appellant Bharat is otherwise not shown to have any connection with the original dispute, his implication also becomes doubtful.

46. The prosecution evidence suffers from material infirmities, namely doubtful presence of PW-1 at the place of assault, contradiction between PW-1 and PW-2, absence of recovery of weapon, absence of recovery of empty cartridge despite allegation of close-range firing, lack of clear attribution of injuries to Natthi, failure to explain why Tikam Singh was attacked though he had no connection with the original dispute, non-examination of the doctor who treated PW-2, non-examination of the Investigating Officer, and absence of any convincing motive against Natthi and Bharat. Taken cumulatively, these circumstances create a reasonable doubt.

47. In this context it is useful to refer to the principle emphasized by this Court in *Raees Ahmad @ Raesu v. State of U.P.* reported in *2026 SCC OnLine All 208*, wherein this Court observed that when the prosecution witnesses themselves fail to support the prosecution case and the remaining evidence suffers from serious infirmities, conviction cannot be sustained merely on the basis of doubtful material. The Court further held that when the principal evidence relied upon by the prosecution becomes unreliable, the entire prosecution case collapses. The Court in the said case further

emphasized that criminal courts must be extremely cautious in evaluating evidence where the main prosecution witnesses do not support the prosecution and the remaining circumstances do not form a complete chain of guilt. In such circumstances, the benefit of doubt must necessarily go to the accused.

48. Applying the aforesaid principles to the facts of the present case, this Court finds that the prosecution has failed to establish a clear and reliable chain of circumstances connecting appellants Natthi and Bharat with the alleged crime. The evidence suffers from inconsistencies, absence of corroborative material, and lack of proof regarding the specific role of the accused.

49. Criminal conviction cannot be sustained on the basis of possibility or suspicion. Where the evidence on record admits of two views, the view favourable to the accused must prevail. In the facts of the present case, the surviving appellants in both the appeals are entitled to the benefit of doubt.

50. So far as appellants, Raghuveer Singh and Jagram are concerned, their appeals stand abated on account of their death during pendency of the appeals. The appeals, insofar as they relate to appellants Natthi and Bharat, deserves to be allowed, and are hereby allowed.

51. The judgment and order dated 08.02.1984 passed by the learned Additional Sessions Judge-X, Agra in Sessions Trial No. 363 of 1983, convicting appellants Natthi and Bharat under Sections 302/34 and 307/34 I.P.C., are hereby set aside. Appellants Natthi and Bharat are acquitted of all charges by extending to them the benefit of doubt.

52. Both the surviving appellants, namely, Bharat and Natthi are in jail. In case they are not wanted in any other case, they shall be released forthwith.

53. Let the Trial court record along with a certified copy of this judgment be transmitted to the court concerned for necessary compliance.

(Garima Prashad,J.) (Siddharth,J.)

March 12, 2026
Sachin Mishra