2026 INSC 325

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1782 OF 2026
(ARISING OUT OF S.L.P. (CRIMINAL) NO.11080 OF 2022)

GAUTAM SATNAMI **... APPELLANT(S)**

VERSUS

STATE OF CHHATTISGARH **... RESPONDENT(S)**

J U D G M E N T

PRASHANT KUMAR MISHRA, J.

1. Leave granted.

2. The instant Appeal takes exception to the judgment dated 19.07.2017 passed by the High Court of Chhattisgarh at Bilaspur in Criminal Appeal No. 677 of 2012, whereby the judgment and order dated 28.07.2012 passed by the Sessions Judge, Rajnandgaon in Sessions Case No. 27 of 2011 was affirmed. The Trial Court had convicted the sole appellant, Gautam Satnami @ Gautam Deshlahre, who was accused No. 1, under Section 302 of the Indian Penal Code, 1860[1] and sentenced him to undergo life imprisonment with a fine of ₹5,000 and in case of default in payment of fine to undergo additional rigorous imprisonment for one year.

Signature Not Verified
Digitally signed by MINI
Date: 2026.04.07 16:37:06 IST
Reason:

[1] For short, "**IPC**".

FACTUAL MATRIX

3. The deceased, Dhumman @ Surjeet Bhattacharya, resided alone in his house in village Dhourabhata and was engaged in the business of selling lentils on his motorbike (Luna). His *fufa* - Ghasi Ram (PW-16), was residing next to his house. The deceased was married for 4-5 times, including to one Dharmin Bai (PW-2), who had returned to her maternal home a few years before the incident due to disputes with the deceased.

4. In the evening of 13.01.2011, the deceased was consuming liquor in his house with Girish Satnami (PW-12) and Tejprakash Satnami. At about 7:00 p.m., Dhanraj (PW-3) overheard noises from the deceased's house, and on stopping by, saw the appellant and Dwarika Jangde (accused No. 2 since acquitted) present over there. The appellant had a liquor bottle in his hand and was abusing the deceased, saying that because of him, the appellant had gone to jail, and that one day he would kill him. It is said that two years before the incident, the appellant and the deceased had fought with another villager, Tikam Sahu, and the deceased had secured bail for him while the appellant had to go to jail because he was absconding. This spawned an ongoing animosity in their friendship.

5. It is further the case of the prosecution that on the next day i.e., 14.01.2011, the accused went to the deceased's house at night and when the deceased opened the door, the accused, armed with axes, inflicted multiple incised injuries on him, resulting in instantaneous death on account of shock due to excessive haemorrhage. After committing the murder, the accused

persons fled from the spot. One Raja Ram Deshlahare (PW-4), riding pillion, along with Maniram Sahu allegedly saw the appellant with an axe near the deceased's house in the headlight of the motorcycle and he found the lights of the house were also turned on.

6. The deceased's body was discovered the next day. One Hiraman (PW-1) saw next morning that the door of the deceased's house ajar, blood on both the door and the floor, and the deceased's corpse partially covered with a bedsheet. He suspected the appellant for the murder as the appellant had a criminal antecedent and was having enmity with the deceased for some time. Hiraman (PW-1) went and informed Ghasi Ram, and they visited the spot. Other villagers were also informed, after which *merg* intimation was lodged by the brother-in-law of the deceased namely, Komal Das (PW-8), against unknown person(s). Thereafter, the *dehati nalishi* was registered on the same day around 2:00 p.m. wherein Komal Das stated that he saw half-open door of the deceased's house, blood stains and hair on the door, and clothes and other articles scattered near the *divan* bed, as well as the presence of injuries caused by a sharp-edged weapon on the person of the deceased. Police officials reached the spot, prepared the inquest *panchnama* of the dead body, and sent it for post-mortem.

7. After the spot-inspection, a seizure memo was prepared, bearing the signatures of Komal and Roopdas Sahu (PW-9), wherein the Police recorded that they collected the blood-stained hairs and soil, liquor bottles, land record in the name of Tularam Bhattacharya (father of the deceased), a notebook belonging to the deceased, and the driver's license of the appellant from the spot. A pair of

dusty blue full-pants with ₹7,800 cash in the pocket was also recovered from the *ganj* (container).

8. The post-mortem examination, conducted by Dr. Kiran Chandekar (PW-10), revealed six injuries on the eyes, face, head, chest, shoulder, and finger of the deceased, and noted skull fractures and extrusion of brain matter. The medical opinion was that death occurred due to shock caused by excessive hemorrhage and had taken place 18-24 hours before the autopsy (conducted at 4:30 p.m. on 15.01.2011), putting the time of death approximately between 4:30 p.m. and 10:30 p.m. on the previous day. Finally, First Information Report No. 18 of 2011 was registered under Section 302 IPC against unknown person(s) at 8:30 p.m.

9. Next day i.e., 16.1.2011, the Police took the accused persons into custody and questioned them. Allegedly, they gave confessional statements on the basis of which the Police arrested them on 17.1.2011. On 17.1.2011, the Police conducted seizures and recovered a blood-stained axe and clothes from each of their houses. After the investigation was completed, a charge-sheet was submitted and the case was committed for trial before the learned Sessions Judge, Rajnandgaon. The learned Sessions Judge in Sessions Case No. 27 of 2011 acquitted accused No. 2 (Dwarika Jangde) but convicted the present appellant/accused no.1 under Section 302 of the IPC. As stated above, the appellant had unsuccessfully preferred a criminal appeal before the High Court challenging his conviction and sentence and now approaches this Court by way of the instant Appeal.

SUBMISSIONS

10. Mr. A Sirajudeen, learned senior counsel for the appellant, contended that the prosecution has failed to present the true origin and genesis of the incident and that the material contradictions and omissions elicited during cross-examination, which were favourable to the appellant, were either ignored or improperly appreciated. Learned senior counsel further urged that most prosecution witnesses did not support the prosecution's case *vis-à-vis* its material particulars and specifically, that the seizure witnesses themselves denied signing the seizure memos at the spot and their signatures were only obtained later. It was also urged that while accused No. 2 was acquitted on the same circumstantial evidence, the appellant was convicted without any sustainable distinguishing circumstance. Particular emphasis was placed on the alleged recovery of the appellant's driving licence from the scene, which was not produced along with the charge-sheet and was only later introduced into the record of the Trial Court. Learned senior counsel thus argued that the prosecution did not prove the charge under Section 302 of the IPC beyond reasonable doubt and the conviction is totally unsustainable in law.

11. *Per contra*, Mr. Praneet Pranav, learned Deputy Advocate General for the State of Chhattisgarh, submitted that instant case is a proved case of murder. It was contended that both, the Trial Court and the High Court, correctly appreciated the evidence on record, and there is no perversity warranting interference under Article 136 of the Constitution. The prosecution's case, as accepted by both Courts, establishes prior enmity between the appellant and the deceased; a quarrel and threat issued by the appellant on the evening preceding

the incident; the presence of the appellant near the deceased's house on the night of the incident, carrying an axe, as deposed by Raja Ram; recovery of a blood-stained axe and clothes pursuant to disclosure under Section 27 of the Indian Evidence Act, 1872[2]; detection of human blood and human hair on the seized articles as per the FSL report; and recovery of the driving licence of the appellant from the spot. It was further submitted that the appellant failed to offer any plausible explanation under Section 313 of the Cr.PC regarding these incriminating circumstances, which together form a complete and unbroken chain pointing to the guilt of the appellant.

ANALYSIS

12. At the outset, it is necessary to acknowledge the well-settled distinction between criminal appeals as a matter of right under Article 134 of the Constitution, and the broader, discretionary jurisdiction exercised by this Court under Article 136. Under Article 134, this Court sits as a regular court of appeal, but under Article 136, ordinarily limits itself to correcting manifest illegality and/or grave miscarriage of justice. This is particularly apposite in a case like the present Appeal, where the Courts below have returned concurrent findings of guilt.

13. However, it is equally well-settled that any restrictions are not absolute. In fact, both provisions underline that this Court has the final, Constitutional responsibility to ensure that justice is done, and hence, the nature and scope of Court's powers under Article 136 are not curtailed where the interests of justice

[2] For short, "**Evidence Act**".

so require. We may profitably refer to this Court's observation in the recent case of ***Agniraj & Ors. vs. State through Deputy Superintendent of Police, CB-CID***[3], wherein precedents on Article 136 were described as "*self-imposed constraints on interference*"[4] that cannot restrain the Court from taking note of "*…striking features in the evidence which demolish the prosecution's case.*"[5]

14. Here, the Trial Court itself has noted that "*the case of prosecution is based on the circumstantial evidence and there is no direct evidence* in *the case.*" This necessarily calls for a careful re-examination of certain incriminating circumstances, particularly where they expose the chain of evidence to doubt. At this stage, we may briefly recount the five 'golden principles' laid down in ***Sharad Birdhi Chand Sarda vs. State of Maharashtra***[6], i.e.:

I. the circumstances from which the conclusion of guilt is to be drawn should be fully established;

II. 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;

III. the circumstances should be of a conclusive nature and tendency;

IV. they should exclude every possible hypothesis except the one to be proved; and

[3] 2025 INSC 774
[4] *Id* at ¶ 39.
[5] *Id* at ¶ 38.1.
[6] 1984 INSC 121 at ¶3.3.

V. 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.

15. We observe that the strongest circumstance considered by the Courts below against the appellant, specifically, is the so-called 'last-seen' evidence of Raja Ram. As discussed above, Raja Ram had deposed that he saw the appellant near the deceased's house on the night of the incident, carrying an axe. Raja Ram and other PWs admit that there were no street lights near the house of the deceased, and the spot was usually covered in darkness. The identification, therefore, could only have been made in the light of a motorcycle and possibly, the light of the house (as stated by Raja Ram). On the latter point, both, Dharmin Bai and Dhanraj, had stated in their cross-examination that there was no electricity supply in the deceased's house. In these circumstances, the conditions for reliable visual identification at night are certainly doubtful.

16. Moreover, even if Raja Ram's testimony is accepted at face value, it only states that the appellant was present near the deceased's house at about 10:00 p.m. carrying an axe. In this case, the medical evidence has not fixed the time of death with enough precision so as to conclusively correlate his presence there with the commission of the offence. Raja Ram himself does not assert that he saw the appellant enter the house, assault the deceased, or perform any overt act. The deposition, at best, places the appellant in the vicinity of the spot, not

with the deceased, and does not possess the 'clinching' or determinative value that can, by itself, sustain a conviction.

17. We also note that, in his cross-examination, Raja Ram had stated that he worked together with Maniram and Maniram's wife, Madhuri Bai, at Bhatiya's dairy, and that the appellant had also worked there earlier. During this period, hostility had developed and the appellant had left the dairy. Raja Ram further admitted that the animosity between the appellant and Krishna, the elder brother of Maniram, was to such an extent that Krishna left the village, and also that Madhuri had earlier lodged a case of eve-teasing against the appellant which was eventually compromised in Court, though he denied that he was supporting Maniram and Madhuri due to his "*family relationship*" with them. Raja Ram also accepted that he had deposed against the appellant in another case and was specifically questioned on the point of him and Maniram having given statements against the appellant in multiple proceedings.

18. A three-Judge Bench of this Court in ***State of Rajasthan vs. Smt. Kalki & Anr.***[7] had held:

> "5. …'Related' is not equivalent to 'interested'. A witness may be called 'interested' only when he or she derives some benefit from the result of a litigation; in the decree in a civil case, or in seeing an accused person punished. …"

In ***Md. Rojali Ali & Ors. vs. The State of Assam, Ministry of Home Affairs through the Secretary***[8], this Court had further clarified:

> "10. …This Court has elucidated the difference between 'interested' and 'related' witnesses in a plethora of cases,

[7] 1981 INSC 94.
[8] 2019 INSC 223

> stating that a witness may be called interested only when he or she derives some benefit from the result of a litigation, which in the context of a criminal case would mean that the witness has a direct or indirect interest in seeing the accused punished due to prior enmity or other reasons, and thus has a motive to falsely implicate the accused. …"

19. Therefore, a 'related' witness is not necessarily an 'interested' witness, and an 'interested' witness need not be a 'related' one. Based on the evidence on record, it is plausible that a witness such as Raja Ram had the requisite direct or indirect interest in seeing the appellant punished. His examination-in-chief and cross-examination disclose circumstances suggesting that he himself, or at least his 'group' or the persons closely associated with him, harboured longstanding hostility towards the appellant. Therefore, the finding of the Trial Court that it was "*not established that the witness had any animosity with the accused*", or of the High Court that there is "*no reason to disbelieve his statement*", is not sound. The possibility of Raja Ram being an interested witness cannot be ruled out, and his testimony, at least without independent corroboration, cannot sustain the conviction. Besides, we must point out that the witness's own conduct also discounts the reliability of his testimony. In his cross-examination, Raja Ram had admitted that he met the Police on the very day of the incident; despite this, his statement under Section 161 of the Cr.PC was recorded only on 14.02.2011 i.e., a month after the occurrence.

20. We now turn to the next major incriminating circumstance relied upon by the prosecution. Needless to say, under Section 25 of the Evidence Act, any 'confession' made to a police officer shall not be admissible at all. The accused in this case have supposedly given 'memorandums' or disclosure statements

under Section 27 of Evidence Act. We will examine if the recoveries supposedly made as a consequence of these statements withstand legal scrutiny.

21. Both accused put forth substantially similar narratives in the respective disclosure statements. In fact, the language in many places is reproduced *verbatim* in both statements, except the conclusions, where they state that the axe and clothes worn at the time of the incident are concealed in their respective rooms. The axes and clothes were consequently recovered from these spots.

22. Dr. Chandekar had recommended that the seized axes and clothes be sent for forensic examination to determine whether the bloodstains present on them were human, and whether the hair adhering to the axes belonged to the deceased. It was further opined that the injuries on the deceased had been inflicted by a hard, sharp-edged object. The FSL report confirmed that it was human blood that was present on the axes and clothes; however, (i) the blood group of either the deceased or of the blood present on the weapons or clothes was not determined; (ii) though it was observed the hair present on the axes was similar in morphological and microscopical characteristics to the hair recovered from the spot, no conclusive opinion was given if it belonged to the deceased; and (iii) there was no definitive link made between the recovered axes and the deceased's injuries. In fact, Khuman Sahu (PW-5) had stated in cross-examination that every farmer in the village kept an axe. In order to bring home the guilt of the accused, the seized weapons ought to have at least been shown to the doctor for an opinion as to whether they had caused the injuries in question.

23. Now, without even embarking on an independent re-evaluation, we note that the Trial Court had considered the entire recovery circumstance against accused No. 2 and acquitted him in the following terms:

> "24. On the intimation of the accused Dwarika (No.2), his clothes and axe had been seized by the prosecution and as per the Report Exhibit P-22 from the Forensic Science Lab, blood had been found on thein. There is no evidence on the document regarding the presence of the accused Dwarika on the scene during the incident. It has not been proved that the blood found on the axe and the clothes seized from the· accused Dwarika is human blood and there is not any other circumstances proved against the accused. It has been held in the case of Nehru versus C.G. State, 2005 (1) Manisa 90 (C.G.) that the only circumstance of blood found on the weapon and cloth is enough to connect it to murder. It has been held in the case of Hanumant Govind Nardandurkar Versus State A.I.R 1960 Supreme Court 29 that the link of the circumstances from which the conviction of the accused to be concluded has been proved completely. Even if a single link is missed, so the accused persons cannot be held guilty. It has not been proved that the blood found on the axe seized from the accused was human blood and the said blood was related to the deceased. Therefore on the basis of the only circumstance it cannot be said firmly that the accused Dwarika was involved in the murder of the deceased Dhumman."

24. We feel this reasoning adopted applies with equal force to the case of the present appellant. The major distinction between the case of the present appellant and that of accused No. 2 (Dwarika Jangde) is the 'last-seen' testimony of Raja Ram, which, as we have discussed above, does not inspire confidence. If that circumstance is excluded from consideration, the position of the present appellant is similar enough to that of accused No. 2 (Dwarika Jangde) that it would be unsafe to sustain the conviction of the former, at least preponderantly on the basis of this circumstance. In this regard, we refer to the observation made by this Court in ***Javed Shaukat Ali Qureshi vs. State of Gujarat***[9]:

> "15. When there is similar or identical evidence of eyewitnesses against two accused by ascribing them the same

[9] 2023 INSC 829.

> or similar role, the Court cannot convict one accused and acquit the other. In such a case, the cases of both the accused will be governed by the principle of parity. This principle means that the Criminal Court should decide like cases alike, and in such cases, the Court cannot make a distinction between the two accused, which will amount to discrimination."
>
> (emphasis supplied)

This was reaffirmed in ***Ram Singh vs. State of U.P.***[10]. Therefore, the acquittal of accused No. 2 (Dwarika Jangde) persuades us to resolve any doubt *vis-à-vis* the recoveries in favour of the present appellant.

25. Separately, we also note the contradictions in the testimonies of the witnesses to (i) both Section 27 memorandums and (ii) both seizure memos.

(i) Girish and Manna Lal (PW-6) were cited as witnesses to the Section 27 statements made by the accused. Girish stated that suspicion had initially fallen upon him and that the Police had taken him and the appellant into custody at the same time and had taken away and kept Girish's phone for two days. Interestingly, he also denied that accused No. 2 made any disclosure to the Police. Manna Lal outright turned hostile and denied that either accused had disclosed anything and stated that the Police had caught him and taken his signature on the documents.

(ii) Of the two witnesses to the seizure memos, Khuman essentially admitted in cross-examination that the seizure memo was not signed contemporaneously at the place of recovery, as he stated that he affixed his signature around 2:30-3:00 p.m. when he was *en route* to another village. He also stated that the Police told him, "*You people have made*

[10] 2024 INSC 128 at ¶32.

signature on the panchnama, so make your signatures on the seizure also."

The second witness, Jhumuk Lal (PW-11), was declared hostile, as he said he had incomplete and no information about the recoveries made from the present appellant and accused No. 2 (Dwarika Jangde), respectively.

It is evident that the witnesses have either turned hostile or not corroborated the case of prosecution on any material particulars in relation to the recoveries beyond just admitting their signatures. Given that both accused continuously remained in judicial custody throughout the trial, the said hostility and non-corroboration can also not be attributed to any influence or tampering on their part. The recovery circumstance, therefore, remains legally tenuous.

26. Moreover, the remaining distinguishing circumstances relied upon the appellant are also weak and inconclusive. In the interest of completeness, we will now advert to these circumstances.

27. Much has been made of the alleged recovery of the appellant's driving licence from the spot at around 2:00 p.m. on 15.01.2011. This recovery, together with various villagers' Section 161 Cr.PC statements, had directed initial suspicion toward the appellant. Of the two witnesses who signed the seizure memo, one of them i.e., Komal, has stated that he did not know which articles the Police recovered from the spot of the incident; only that when he was standing outside, they showed him the licence and said they were taking it. He admits he could not identify the owner of the license and was not told who it belonged to either.

28. We further observe that the Investigating Officer, Avadh Ram Sahu, (PW-15) admitted in cross-examination that the driving licence was not mentioned in or submitted along with the '*challan*' or charge-sheet and had to be subsequently called for and exhibited as Article "A". Later, in his statement under Section 313 of the Cr.PC, the appellant had denied that the licence had been recovered from the spot and stated that it had instead been taken from his pocket by the Police, but the Trial Court had said that the "*said explanation of the accused* [was] *not acceptable,"* and had considered it an incriminating circumstance against the appellant. However, we feel that the aforementioned factors, considered cumulatively, reinforce that this particular circumstance remains shrouded in doubt and cannot be relied upon.

29. Even with respect to the circumstance of the alleged altercation during the evening of 13.01.2011, Girish, who admits to being present in the deceased's house that day, did not implicate either of the accused in his Section 164 Cr.PC statement. Dhanraj, one of the two people whose police statements formed the basis of the prosecution's narrative of a prior threat, totally recanted that version in his deposition. The other witness, Ghasi Ram, similarly turned hostile and stated that he had closed his shop around 8:00-8:30 p.m. and did not hear anything before or after. It cannot, therefore, even be proved that the appellant quarrelled with and issued a threat to the deceased that evening.

30. That leaves only the circumstance of motive. Though not expressly considered by Trial Court, it is possible accused No. 2's (Dwarika Jangde) family relationship with the deceased weighed in his favour. In contrast, with respect

to the appellant, there is some material on the record that points to a specific dispute with the deceased. However, *first*, the evidence does not establish the immediacy or gravity of animosity; if anything, it seems the appellant and the deceased continued to be friends and visit one another, and may even have been consuming liquor together the evening before the deceased died. *Second*, motive is a supporting factor which strengthens an otherwise complete chain of evidence. It cannot replace such a chain where other circumstances are missing or weak.

31. Here, the prosecution's case fails at the threshold itself, as each circumstance from which guilt is to be inferred is not firmly and fully established. By way of example, it cannot even be said with certainty that the driving licence was recovered from the spot in the manner alleged, let alone that its presence there was consistent only with the hypothesis of guilt. The evidence on record may raise suspicion, but, suspicion, however strong, cannot take the place of proof. Our considered opinion is that the appellant, like accused No. 2 (Dwarika Jangde), deserves the benefit of doubt.

CONCLUSION

32. Accordingly, the Appeal is allowed. The judgment dated 19.07.2017 passed by the High Court of Chhattisgarh in Criminal Appeal No. 677 of 2012 affirming the judgment and order dated 28.07.2012 passed by the learned Sessions Judge, Rajnandgaon in Sessions Case No. 27 of 2011, is set aside insofar as it relates to the appellant, and he is acquitted of the charge under Section 302 IPC. Since

he was already on bail pursuant to the order of this Court dated 22.04.2025, his bail bonds shall stand discharged.

Pending applications are disposed of.

.....J.
(PRASHANT KUMAR MISHRA)

.....J.
(VIPUL M. PANCHOLI)

NEW DELHI;
APRIL 07, 2026.