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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRREF No. 2 of 2026

In Reference of State of Chhattisgarh Through Aarakshi Kendra Bhilai
Nagar District Durg Chhattisgarh

--- **Petitioner**

versus

Ravi Sharma S/o Rajaram Sharma Aged About 37 Years R/o Gram
Aaima, Thana And Post Kheejsarai, District Gaya Bihar And Present
Address Parijat Colony, Quarter No. 20/N, Talpuri Bhilai, District Durg
Chhattisgarh

--- **Respondent**

CRA No. 1699 of 2026

Ravi Sharma S/o Rajaram Sharma Aged About 37 Years R/o Village-
Aayima, Police Station And Post - -Khijarsaray, Distt -Gaya (Bihar), At
Present Parijat Colony, Quarter No. 20/ N, Talpuri, Bhilai, Distt -Durg
(C.G.)

---**Appellant**

Versus

State of Chhattisgarh Through District Magistrate, Durg, Distt -Durg
(C.G.)

--- **Respondent**

For Appellant in CRA 1699/2026 : Mr. Prafull N. Bharat,
and respondent in CRREF Senior Advocate assisted by
No. 2/2026 Mr. Keshav Dewangan, Advocate
and Mr. Rishi Rahul Soni, Advocate
For State : Mr. Ashish Shukla,
Additional Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

31.07.2026

1. The appellant in CRA No. 1699/2026 and respondent in CRREF No. 2/2026 namely **Ravi Sharma** has been awarded death sentence by the learned 3rd Additional Sessions Judge, Durg, District – Durg in Sessions Case No. 75/2021 vide judgment dated 23.04.2026 after having found him guilty for offence punishable under Sections 302 (three counts) of the Indian Penal Code (for short, ‘the IPC’) sentenced him to death by hanging under sub-section (3) of Section 393 of the Bhartiya Nagarik Suraksha Sanhita, 2023 along with fine of Rs.10,000/-, in default of payment of fine, additional R.I. for three years and further under Section 201 of IPC sentenced him to undergo RI for 7 years and fine of Rs.2,000/-, in default of payment of fine, additional RI for one year.
2. The learned 3rd Additional Sessions Judge, Durg, District – Durg (C.G.) in exercise of power conferred under Section 366 (1) of the CrPC (Section 407(1) of BNSS) after passing the sentence of death submitted the proceedings to this Court for its confirmation and this is how this death reference is before us for consideration along with the appeal preferred by the accused / appellant herein being CRA No.1699 of 2026.
3. The admitted facts and prosecution case are as follows :

A. The complainant, Rajesh Suryavanshi, lodged a report at Police Station Bhilai Nagar stating that on 21.01.2020, at about 5:30 a.m., an unknown person called the mobile phone of his sister, Manju Sharma (Mobile No. 9893264081), from the mobile phone of their mother, Kala Suryavanshi (Mobile No. 6263412823). The caller stated, *"Go to Talpuri and see that your daughter and son-in-law are on fire,"* and then disconnected the call without saying anything further. Immediately thereafter, Rajesh Suryavanshi and his family proceeded to Quarter No. 20-N, Parijat Block-B, Talpuri, where Manju Sharma was residing on rent with her husband, Ravi Sharma, and their infant child. Upon reaching the premises, they found the outer door locked and latched from outside. After opening the door, they found Manju Sharma lying dead on the bed in the bedroom. The room was filled with smoke. Her one-and-a-half-month-old daughter was also lying dead on the bed. A fire was burning beside the bed, and the body of an unknown male was lying over the flames. From his physical appearance, Rajesh suspected that the deceased was not Ravi Sharma. The unknown male had severe burn injuries on his legs and abdomen, and his face was wrapped with adhesive tape. It appeared that an attempt had been made to burn the dead bodies using wood, clothing, and a gas stove. Rajesh suspected that an unknown person had

murdered his sister Manju Sharma, her infant daughter, and the unidentified male. On the basis of this information, Police Station Bhilai Nagar registered Merg Intimation Nos. 6/2020, 7/2020, and 8/2020, marked as Exhibits P-2, P-3, and P-4, respectively.

B. During the investigation, upon receipt of the merg information, notices under Section 175 of the Code of Criminal Procedure were issued to the panch witnesses for conducting the inquest proceedings, vide Exhibits P-10, P-11, and P-12. In the presence of witnesses, inquest proceedings were conducted over the dead bodies of Smt. Manju Sharma, Baby Nisha Sharma, and the unidentified male, and inquest panchnamas were prepared as Exhibits P-13, P-14, and P-15, respectively. Thereafter, the apparent cause of death was recorded, and to ascertain the exact cause of death, requisition forms for post-mortem examination, Exhibits P-18 and P-19, were prepared and forwarded, upon which post-mortem reports Exhibits P-65 and P-66 were received. An identification panchnama, Exhibit P-20, was prepared in respect of the unidentified deceased, who was subsequently identified as N. Raju. After identification, a requisition for his post-mortem examination, Exhibit P-29, was submitted, and the post-mortem report Exhibit P-49 was received.

C. Since the inquest revealed that the deaths were homicidal in nature, Merg Enquiry No. 0/2020 was converted into a case under Section 302 of the Indian Penal Code, and a formal First Information Report, Crime No. 36/2020, was registered at Police Station Bhilai Nagar as Exhibit P-64.

D. During the spot inspection, the investigating officer seized one Indane gas cylinder, one gas stove, one frying pan, one utensil stand with grill, the wooden door bearing writings in chalk, two empty liquor bottles, a wide khaki-coloured adhesive tape, partially burnt clothes, and partially burnt wooden pieces, and prepared the seizure memo Exhibit P-22. Thereafter, the statements of witnesses Rajesh Suryavanshi, Kala Suryavanshi, and Isha Sharma were recorded under Section 164 CrPC before the Judicial Magistrate, marked as Exhibits P-7, P-8, and P-9, respectively.

E. During the course of investigation, the accused Ravi Sharma was taken into custody and interrogated. His memorandum statement under Section 27 of the Indian Evidence Act was recorded as Exhibit P-21. In his memorandum, the accused disclosed that he had concealed his wife's mobile phone, his own two mobile phones, and the tape roll used in the commission of the offence in the storage compartment of his Suzuki Access

125 scooter bearing Registration No. CG-07-LX-5189. He further disclosed that he had hidden the wrappers of sleeping tablets used in the incident beneath papers kept over the cooler inside the Talpuri house, and that he had retained the railway ticket used after the incident.

F. Pursuant to the memorandum, and at the instance of the accused, the police recovered a black Samsung mobile phone belonging to the deceased Manju Sharma bearing SIM No. 9893264081 (IMEI Nos. 353415072167136 and 353415072167132); a white LYF mobile phone containing SIM Nos. 7828086690 and 9937115641; a Nokia mobile phone; the key of the Suzuki Access scooter; and a general railway ticket dated 21.01.2020 from Durg to Tatanagar. These articles were seized under Exhibit P-23.

G. Subsequently, from the storage compartment of the Suzuki Access scooter, the remaining portion of the adhesive tape allegedly used for tying the mouths, hands, and legs of the deceased persons was recovered and seized under Exhibit P-24. Likewise, at the instance of the accused, two empty wrappers of sleeping tablets concealed beneath papers kept over the cooler in Quarter No. 20-N, Talpuri, were recovered and seized under Exhibit P-25.

H. During the investigation, after the post-mortem examinations of Baby Nisha Sharma and N. Raju, the sealed viscera samples were brought to the police station

by Constable Santosh Tiwari and seized under Exhibits P-30 and P-31, respectively.

I. A notice under Section 91 CrPC, Exhibit P-39, was issued to Sunil Kumar Kesari for production of CCTV footage. In compliance, he produced 10.5 GB of CCTV footage stored in a 16 GB Sandisk pen drive, covering the period from 20.01.2020 to 21.01.2020. The same was seized under Exhibit P-52. Similarly, Constable Vijendra Singh, who had photographed and videographed the scene of occurrence on 21.01.2020, was issued a notice (Exhibit P-37). He produced one DVD containing two videos, seven photographs, and photographs of the writing found on the door of the room. These materials were seized under Exhibit P-53.

J. Upon finding sufficient incriminating material against Ravi Sharma, he was formally arrested. The arrest memo Exhibit P-26 was prepared, and intimation regarding his arrest was communicated to his family members through Exhibit P-54. Thereafter, a letter dated 13.03.2020 (Exhibit P-50) was addressed to the Chief Medical and Health Officer/Civil Surgeon, District Hospital, Durg, seeking examination of the medicines recovered during investigation. The expert report was received as Exhibit P-51.

K. Reports regarding analysis of the Call Detail Records (CDRs) of the mobile numbers belonging to accused Ravi Sharma, deceased Manju Sharma, and Kala Suryavanshi were prepared as Exhibit P-55, while analysis of the CCTV footage was recorded in Exhibit P-56. Photographs of the deceased at the scene of occurrence, comprising six pages (Exhibits P-30 to P-35), were also placed on record. The seized articles were forwarded to the Forensic Science Laboratory (FSL), Raipur, through the Superintendent of Police, and the FSL reports were received as Exhibits P-57 to P-62. Further, the handwriting appearing on the wooden door at the scene of occurrence was compared with specimen handwriting of the accused by a handwriting expert, whose report was received as Exhibit P-63.

L. During the investigation, the Superintendent of Police addressed a memorandum (Exhibit P-41) to the Nodal Officer of Reliance Jio Infocomm Ltd. seeking the customer application forms and call detail records of Mobile No. 7828086690 for the period from 10.01.2020 to 21.01.2020, and Mobile No. 6263412823 for the period from 19.01.2020 to 21.01.2020. The relevant CAFs and CDRs were received as Exhibits P-42 to P-46. Similarly, another memorandum (Exhibit P-69) was sent to the Nodal Officer of Bharti Airtel Ltd. seeking the CDRs and CAFs relating to Mobile Nos. 9893264081 and 9937115641 for the period from

10.01.2020 to 21.01.2020. The requested records were supplied and marked as Exhibit P-70.

M. Upon completion of the investigation, sufficient evidence was found against the accused Ravi Sharma, and accordingly, Charge-sheet No. 70/2020 was filed before the Judicial Magistrate First Class, Durg, on 13.04.2020 for offences punishable under Sections 302, 201, and 120-B of the Indian Penal Code.

N. Since the offences were exclusively triable by the Court of Session, the case was committed to the Sessions Court on 25.01.2021. Thereafter, it was assigned to the Court of the Additional Sessions Judge/Special Judge, Durg, on 05.03.2021. The learned Additional Sessions Judge framed charges against the accused under Section 302 IPC (three counts) and Section 201 IPC. The charges were read over and explained to the accused, who pleaded not guilty and claimed to be tried.

O. Subsequently, the case was transferred to the Court of 3rd Additional Sessions Judge by order of the learned Sessions Judge. During trial, the prosecution examined as many as 23 witnesses and exhibited 70 documents.

P. When the accused was examined under Section 313 of the Code of Criminal Procedure, he denied all the incriminating circumstances put to him, claimed that he had

been falsely implicated, and chose to lead defence evidence. In support of his defence, the accused examined himself as a defence witness.

Q. The learned 3rd Additional Sessions Judge upon appreciation of oral and documentary evidence on record convicted the appellant under Section 302 (three counts) and 201 of IPC and sentenced as mentioned in the opening paragraph of this judgment and further made the present reference before this Court for confirmation of the same.

4. The learned trial Court in order to convict the appellant herein has found proved the following incriminating circumstances : -

(1) The accused, Ravi Sharma, had solemnized a love marriage with the deceased, Manju Sharma, in a temple approximately 14–15 months prior to the incident dated 21.01.2020. Out of the said wedlock, they were blessed with a daughter, Nisha Sharma, who was about one and a half months old at the time of the incident. None of the accused's family members had participated in or approved of the marriage. The accused is originally a resident of the State of Bihar.

(2) After the marriage, the accused initially resided with the deceased Manju Sharma in a rented house at HUDCO. Thereafter, they shifted to another rented house at Parijat Colony, Talpuri. It has come on record that, prior to the

incident, the accused had attempted to strangle the deceased by tying a scarf around her neck, indicating his earlier intention to cause her death.

(3) On the day preceding the incident, the accused allegedly brought an unknown person to his residence. The deceased Manju Sharma informed her mother, Kala Suryavanshi, that the said person might be the one who would kill her. This circumstance indicates the accused's prior intention and premeditated plan to commit the murders.

(4) On 21.01.2020, the date of the incident, the accused used the mobile phone of his wife, Manju Sharma (Mobile No. 9893264081), to call Kala Suryavanshi on Mobile No. 6263412823, which was registered in the name of her husband, Ganesh Suryavanshi. Calls were made at 5:46 a.m., 5:53 a.m., and 5:56 a.m., during which information regarding the incident was conveyed.

(5) The seizure of the deceased Manju Sharma's mobile phone (Mobile No. 9893264081) from the accused has been duly proved. Further, the evidence of Sanjeev Nema, Nodal Officer (PW-16), along with the call detail records marked as Exhibits P-42 to P-45, establishes that on 21.01.2020, calls were made from the deceased's mobile number 9893264081 to Kala Suryavanshi's mobile number 6263412823 at 5:46 a.m., 5:53 a.m., and 5:56 a.m., thereby

informing her about the incident. These circumstances indicate that the accused himself made the said calls.

(6) Immediately after the incident, on 22.01.2020, the mobile phone belonging to the deceased Manju Sharma (Mobile No. 9893264081) was recovered from the possession of the accused. The accused has failed to offer any explanation as to how the deceased's mobile phone came into his possession after the incident. This circumstance further supports the prosecution's case that the accused himself informed his mother-in-law, Kala Suryavanshi, about the incident by using the deceased's mobile phone.

(7) The accused has failed to offer any explanation under Section 109 of the Bharatiya Sakshya Adhiniyam, 2023, as to how any person other than himself could have committed the offence despite his knowledge of the incident. In such circumstances, there is every basis to presume that the accused committed the murders of the deceased, N. Raju, Mrs. Manju Sharma, and Ms. Nisha Sharma.

(8) The seizure of the railway ticket, Exhibit P-65, for travel from Durg to Tatanagar, dated 21.01.2020, from the possession of the accused has also been duly proved. The accused has failed to explain under Section 109 of the Bharatiya Sakshya Adhiniyam, 2023, how the said railway ticket came into his possession. This circumstance supports

the prosecution's case that, after committing the murders of N. Raju, Manju Sharma, and Nisha Sharma on 21.01.2020, the accused attempted to flee by train from Durg to Tatanagar.

(9) In his defence evidence, the accused stated that he had left for his native village in Bihar on 16.01.2020. However, this claim is contradicted by the railway ticket (Exhibit P-65) dated 21.01.2020, which was recovered from his possession on 22.01.2020. This contradiction demonstrates that the accused made a false statement in his defence and further strengthens the prosecution's case that he was responsible for the murders of N. Raju, Manju Sharma, and Nisha Sharma.

(10) The remaining portion of the adhesive tape allegedly used by the accused to bind the hands, legs, and mouths of the deceased and to suffocate N. Raju and Manju Sharma was recovered from his possession. As per the Forensic Science Laboratory Report (Exhibit P-62), the physical characteristics of the recovered tape matched those of the tape found tied around the mouths, hands, and legs of the deceased. This forensic evidence strongly supports the prosecution's allegation that the accused used the said tape in the commission of the murders.

(11) The recovery of the empty wrapper of sleeping tablets from the accused has also been duly proved. The evidence

of Dr. Shravan Kumar Doneriya (PW-19) establishes that the wrapper bore the inscription "Alprex 0.5," a medicine prescribed for insomnia, excessive consumption of which may cause unconsciousness. From this, there is a strong basis to presume that the accused used the said medicine to make the deceased unconscious before killing them and only after making them unconscious, they were killed by suffocating them by tying their faces, mouths and hands and feet.

(12) The handwriting appearing on the door at the scene of occurrence and the specimen handwriting of the accused were examined by a handwriting expert. As per Exhibit P-63, both writings were found to be similar. The accused has failed to offer any explanation regarding this incriminating circumstance under Section 109 of the Bharatiya Sakshya Adhiniyam, 2023. This circumstance further indicates that the accused was present at the scene of occurrence on the date of the incident and supports the prosecution's allegation that he committed the murders of all three deceased persons.

(13) Similarly, it is also clear that the accused had tried to kill an unknown person N. Raju and burn him with the intention of destroying the evidence of the charge of murder of the deceased so that it could be shown that the deceased

Manju Sharma, Ms. Nisha Sharma and the accused himself were murdered by some other person.

5. Feeling dissatisfied and aggrieved with the judgment of conviction recorded and sentences awarded, the appellant herein has preferred CRA No. 1699 of 2026 under Section 415(2) of the BNSS challenging his conviction for the aforesaid offence, particularly against the capital punishment awarded to him. However, the learned 3rd Additional Sessions Judge in accordance with the provisions contained in Section 366 (1) of the CrPC (Section 407(1) of BNSS), submitted the sentence of death to this Court for confirmation and this is how both the cases have been clubbed together, heard together and are being disposed of by this common judgment.
6. Mr. Prafull N. Bharat, learned Senior Advocate assisted by Mr. Keshav Dewangan and Mr. Rishi Rahul Soni, learned counsel, appearing for the accused/appellant, has argued :-
 - (i) That the learned Trial Court has committed a grave error of law and fact while convicting the appellant. The impugned judgment of conviction and order of sentence are contrary to the evidence available on record and the settled principles governing appreciation of circumstantial evidence. The learned Trial Court has failed to appreciate the evidence in its proper perspective and has drawn adverse inferences against the appellant merely on the basis of assumptions and presumptions.

(ii) That it is an admitted position that there are no eyewitnesses to the alleged incident. The entire prosecution case is based upon circumstantial evidence. However, the learned Trial Court, without there being a complete chain of circumstances pointing exclusively towards the guilt of the appellant, proceeded to convict him by relying upon presumptions under Section 109 of the Bharatiya Sakshya Adhiniyam, 2023.

(iii) That the learned Trial Court failed to appreciate the statement of the appellant recorded under Section 313 of the Code of Criminal Procedure, wherein the appellant specifically stated that on the date of the incident, he was not present at the place of occurrence and had gone out of station. The appellant further stated that after the incident, he was falsely implicated and arrested by the police without there being any cogent evidence against him. The said defence taken by the appellant has not been properly considered by the learned Trial Court.

(iv) That the learned Trial Court further failed to consider that despite the prosecution case that the alleged crime was committed inside the house of the appellant, no independent witness from the neighbourhood was examined by the prosecution. It is the prosecution's own case that several persons were residing in the nearby locality; however, none of them were examined to establish

the involvement of the appellant in the alleged offence. The non-examination of material independent witnesses creates a serious doubt regarding the prosecution case.

(v) That the learned Trial Court has wrongly relied upon the statements of the brother and daughter of deceased Manju Sharma and has convicted the appellant merely on the basis of suspicion and presumptions. A suspicion, however strong, cannot take the place of legal proof. The prosecution has failed to produce any direct evidence connecting the appellant with the commission of the alleged offence.

(vi) That in a case based upon circumstantial evidence, the prosecution is required to establish a complete chain of circumstances which unerringly points towards the guilt of the accused and excludes every possibility of innocence. The Hon'ble Supreme Court has consistently held that each circumstance relied upon by the prosecution must be fully established and all such circumstances must form a complete chain leading only to the conclusion of the guilt of the accused.

(vii) That the Hon'ble Supreme Court in **Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116**, held that the circumstances relied upon by the prosecution must be fully established and should be consistent only with the hypothesis of the guilt of the

accused and should exclude every possible hypothesis except guilt. In the present case, the prosecution has failed to establish such a complete chain of circumstances.

(viii) That the learned Trial Court has committed an error in relying upon the memorandum statement of the appellant and the alleged recoveries made pursuant thereto. It is settled law that only that portion of a disclosure statement which distinctly relates to the discovery of a fact is admissible in evidence, and the remaining portion containing confession or admission of guilt is inadmissible. The learned Trial Court, however, relied upon the inadmissible portion of the memorandum statement and thereby committed an error of law.

(ix) That the alleged recovery made pursuant to the memorandum statement does not establish the guilt of the appellant. The prosecution has failed to prove that the recovered articles were exclusively connected with the commission of the offence or that the same were used by the appellant. The learned Trial Court has wrongly treated the recovery evidence as conclusive proof against the appellant.

(x) That as per the alleged memorandum statement, the appellant stated that he committed the offence due to the alleged character of his wife. However, the entire prosecution evidence does not contain any statement from

any witness regarding any such alleged circumstance. No witness has stated that deceased Manju Sharma had any such alleged conduct or that there existed any motive on the part of the appellant. Therefore, the prosecution has completely failed to prove any motive for commission of the alleged offence.

(xi) That the seizure witnesses have not supported the prosecution case and have turned hostile during trial. The learned Trial Court failed to appreciate that the seizure proceedings and recoveries relied upon by the prosecution become doubtful when the independent witnesses do not support the same.

(xii) That the learned Trial Court has convicted the appellant under Section 302 of the Indian Penal Code without properly establishing the essential ingredients of Section 300 IPC. The prosecution was required to prove that the act of the appellant was accompanied by the intention or knowledge as contemplated under Section 300 IPC. However, the prosecution has failed to prove such intention or knowledge beyond reasonable doubt.

(xiii) That the entire prosecution evidence does not establish the motive, intention, or preparation of the appellant to commit the alleged crime. In the absence of proof of the essential ingredients of murder under Section

300 IPC, conviction under Section 302 IPC cannot be sustained.

(xiv) That the medical evidence also creates serious doubts regarding the prosecution case. Dr. B.N. Dewangan (PW-22), who conducted the post-mortem examination of deceased Manju Sharma, opined that the cause of death was asphyxia and that the death was homicidal in nature. However, he did not give any specific opinion regarding strangulation. This creates a contradiction between the medical evidence and the allegations made by the prosecution witnesses.

(xv) That similarly, with regard to deceased Nisha Sharma, PW-22 opined that death occurred due to asphyxia and was homicidal in nature; however, no opinion regarding strangulation was provided. Thus, the prosecution failed to establish the manner in which the alleged offence was committed.

(xvi) That Dr. Shravan Doneria (PW-19), who examined deceased N. Raju and proved the post-mortem report (Exhibit P-49), stated that the cause of death was asphyxia. However, the prosecution witnesses claimed that several injuries were present on the body of N. Raju. The inconsistency between ocular evidence and medical evidence creates a serious doubt regarding the prosecution story.

(xvii) That the Hon'ble Supreme Court has repeatedly held that where there exists a contradiction between medical evidence and ocular evidence, and such contradiction creates doubt regarding the prosecution case, the benefit of such doubt must go to the accused.

(xviii) That the learned Trial Court has committed a further error by imposing the extreme punishment of death penalty by holding that the case falls within the category of "rarest of rare" cases. The evidence available on record does not justify such a conclusion. The learned Trial Court has awarded capital punishment merely on the basis of assumptions and without proper consideration of the mitigating circumstances available in favour of the appellant.

(xix) That the Hon'ble Supreme Court in **Manoj @ Manu & Ors. v. State of Madhya Pradesh, (2022) 9 SCC 81**, has reiterated that before awarding the death penalty, the Court must conduct a proper evaluation of aggravating and mitigating circumstances and must satisfy itself that the alternative option of life imprisonment is unquestionably foreclosed.

(xx) That in the present case, the learned Trial Court failed to undertake such an exercise and mechanically awarded the death penalty without considering the

background, circumstances, and possibility of reformation of the appellant.

(xxi) That the prosecution has failed to establish the guilt of the appellant beyond reasonable doubt. The conviction is based only on conjectures, assumptions, and inadmissible evidence. The appellant is therefore entitled to the benefit of doubt.

(xxii) That the age of the appellant was about 37 years at the time of incident, there is every chance of his being reformed and rehabilitated and he has no criminal antecedents, therefore, his death sentence be commuted to life sentence.

7. Mr. Ashish Shukla, learned Additional Advocate General, appearing on behalf of the State has argued :-

(i) That the present appeal filed by the appellant is devoid of merit and deserves to be dismissed. The learned Trial Court, after appreciating the entire evidence available on record, has rightly convicted the appellant for the offences punishable under Sections 302 and 201 of the Indian Penal Code. The judgment of conviction and order of sentence passed by the learned Trial Court are based upon proper appreciation of oral, documentary, scientific, and circumstantial evidence available on record.

(ii) That it is an admitted position that there is no eyewitness to the incident; however, the prosecution case is based upon circumstantial evidence. It is settled law that a conviction can be sustained solely on the basis of circumstantial evidence if the circumstances relied upon by the prosecution are fully proved and form a complete chain pointing only towards the guilt of the accused.

(iii) That the Hon'ble Supreme Court in **Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116**, has laid down the principles governing cases based on circumstantial evidence and held that the circumstances relied upon by the prosecution must be fully established, must be consistent only with the hypothesis of guilt of the accused, and must exclude every possible hypothesis except the guilt of the accused. In the present case, the prosecution has successfully established a complete chain of circumstances against the appellant.

(iv) That the appellant was the husband of deceased Manju Sharma and was residing with her and their one-and-a-half-month-old daughter Nisha Sharma at the place of occurrence. The incident took place inside the matrimonial house of the appellant. The appellant was the person who had special knowledge regarding the circumstances leading to the death of the deceased

persons, but he failed to provide any plausible explanation regarding the incident.

(v) That the prosecution has successfully established that on the date of incident i.e. 21.01.2020, information regarding the occurrence was given from the mobile phone of deceased Manju Sharma bearing Mobile No. 9893264081 to her mother Kala Suryavanshi on Mobile No. 6263412823. The call detail records produced by the prosecution clearly establish that calls were made at 05:46 a.m., 05:53 a.m., and 05:56 a.m.

(vi) That the said mobile phone of deceased Manju Sharma was recovered from the possession of the appellant immediately after the incident. The appellant has failed to explain how the mobile phone belonging to his deceased wife came into his possession after her death. This circumstance clearly establishes the presence and involvement of the appellant in the commission of the offence.

(vii) That the conduct of the appellant after the incident is also highly incriminating. Instead of immediately informing the police or giving a satisfactory explanation regarding the death of his wife, daughter, and N. Raju, the appellant attempted to conceal the true facts and destroy evidence.

(viii) That the prosecution has further proved that a railway ticket dated 21.01.2020 from Durg to Tatanagar was recovered from the possession of the appellant. The appellant failed to explain the circumstances under which the said ticket came into his possession. The recovery of the railway ticket establishes that after committing the offence, the appellant attempted to flee from the place of occurrence.

(ix) That the defence taken by the appellant under Section 313 CrPC that he had already left for Bihar on 16.01.2020 is false and contrary to the documentary evidence available on record. The recovery of the railway ticket dated 21.01.2020 clearly falsifies the defence version and demonstrates that the appellant has taken a false plea to avoid criminal liability.

(x) That the prosecution has also proved the recovery of the adhesive tape from the possession of the appellant. The tape recovered at the instance of the appellant was found to be similar to the tape used for tying the mouths, hands, and legs of the deceased persons. The FSL report, Exhibit P-62, supports the prosecution case and establishes the connection between the recovered article and the commission of the offence.

(xi) That the recovery of sleeping pill wrappers from the possession of the appellant is another important

circumstance against him. The evidence of Dr. Shravan Kumar Doneriya (PW-19) establishes that the medicine mentioned on the wrapper was capable of causing unconsciousness when consumed in excess quantity. The recovery of such medicine supports the prosecution case that the deceased persons were rendered unconscious before being killed.

(xii) That the prosecution has also proved that handwriting found on the door of the place of occurrence matched the handwriting sample of the appellant. The handwriting expert's report, Exhibit P-63, clearly connects the appellant with the scene of occurrence. The appellant has failed to offer any explanation regarding the said incriminating circumstance.

(xiii) That the argument of the appellant that there is no motive for committing the offence is without substance. It is settled law that where the prosecution establishes a complete chain of circumstances, absence of motive by itself cannot be a ground for acquittal. Motive is relevant but not an indispensable requirement where the evidence otherwise conclusively establishes the guilt of the accused.

(xiv) That the defence contention regarding non-examination of independent witnesses is also misconceived. The prosecution is required to prove its case through reliable evidence and not through a particular

number of witnesses. The testimony of related witnesses cannot be discarded merely because they are relatives of the deceased, particularly when their evidence is found trustworthy and is supported by documentary and scientific evidence.

(xv) That the hostility of some seizure witnesses does not demolish the prosecution case. The evidentiary value of a hostile witness is not completely wiped out, and the Court can rely upon the portion of testimony which supports the prosecution case if it is corroborated by other evidence.

(xvi) That the medical evidence fully supports the prosecution case. The post-mortem reports of deceased Manju Sharma, Nisha Sharma, and N. Raju establish that the deaths were homicidal and occurred due to asphyxia. The contention of the appellant regarding absence of specific opinion of strangulation is of no consequence because the medical evidence clearly establishes homicidal death.

(xv) That the Hon'ble Supreme Court has repeatedly held that medical evidence is primarily corroborative in nature and cannot override reliable circumstantial evidence unless it completely rules out the prosecution version. In the present case, there is no inconsistency between the medical evidence and the prosecution story.

(xvi) That the prosecution has successfully proved the following chain of circumstances against the appellant:

- (a) The appellant was residing with the deceased persons at the place of occurrence;
- (b) The incident occurred inside the matrimonial home;
- (c) The deceased Manju Sharma's mobile phone was recovered from the appellant;
- (d) Calls regarding the incident were made from the deceased's mobile phone;
- (e) The appellant failed to explain his possession of incriminating articles;
- (f) The tape used in the crime was recovered from him;
- (g) Sleeping pill wrappers were recovered at his instance;
- (h) The appellant possessed a railway ticket indicating an attempt to flee;
- (i) The handwriting at the place of occurrence matched his handwriting.

(xvii) That all the aforesaid circumstances are consistent only with the guilt of the appellant and exclude every possibility of innocence. The learned Trial Court has rightly

applied the principles governing circumstantial evidence and has rightly convicted the appellant.

(xviii) That the contention of the appellant regarding the death sentence is also without merit. The present case involves the brutal and pre-planned murder of three persons, including a one-and-a-half-month-old infant. The manner of commission of the crime, the number of victims, the attempt to destroy evidence, and the betrayal of the trust within the matrimonial relationship clearly demonstrate the exceptional gravity of the offence.

(xix) That the learned Trial Court, after considering the aggravating circumstances and the manner in which the offence was committed, rightly concluded that the present case falls within the category of "rarest of rare" cases warranting the extreme penalty.

(xx) That the Hon'ble Supreme Court in **Manoj @ Manu & Ors. v. State of Madhya Pradesh, (2022) 9 SCC 81**, has emphasized the importance of considering aggravating and mitigating circumstances before awarding the death penalty. In the present case, the aggravating circumstances overwhelmingly outweigh the mitigating circumstances.

(xxi) That the appellant has committed a heinous crime by murdering his own wife, his infant daughter, and another person and thereafter attempting to destroy evidence. Such

conduct demonstrates extreme depravity and a complete disregard for human life.

(xxii) That the prosecution has proved the guilt of the appellant beyond reasonable doubt. The learned Trial Court has committed no error in recording conviction and awarding sentence. Therefore, the appeal filed by the appellant deserves to be dismissed and the judgment of conviction and order of sentence deserve to be affirmed.

8. We have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record of the trial Court thoroughly and extensively.
9. The first question for consideration would be whether the death of deceased persons, namely Smt. Manju Sharma, Kumari Nisha Sharma, and N. Raju, suffered homicidal death on 21.01.2020 ?
10. In this regard, the prosecution has examined Rajesh Suryavanshi (PW-1), who is the brother of deceased Manju Sharma. He has stated that on the date of the incident, at about 5:30 a.m., a call was received on the mobile phone of his mother, Kala Suryavanshi, from the accused Ravi Sharma. The accused informed his mother that she should go to Talpuri and see what had happened to her daughter and son-in-law. His mother immediately recognized the voice of accused Ravi Sharma and asked him what had happened. Thereafter, the accused disconnected the call. After about five to six minutes, another call

was received from the same mobile number, which was being used by deceased Manju Sharma and was saved in her name. At that time, his mother had gone to the bathroom, and therefore, his niece Isha received the call. When she asked, "What happened, father?", the accused asked her to hand over the phone to an elder person. When Rajesh Suryavanshi spoke to the accused, the accused again stated that they should go to Talpuri and see what had happened. Thereafter, the call was disconnected. Subsequently, his mother and younger brother Vijay Suryavanshi proceeded towards Talpuri. After reaching there, his brother Vijay informed him over the phone that a fire had occurred in Manju's house and that he was unable to enter inside, and asked him to come there. Thereafter, Rajesh Suryavanshi along with his father Ganesh Suryavanshi reached the rented house of the accused at Talpuri, where deceased Manju Sharma was residing with the accused. The said witness further stated that when he reached Talpuri, he saw that his mother and brother, along with other persons present there, were extinguishing the fire by pouring water over the burning body. Upon entering the house, he saw a dead body with both legs tied and hands tied behind the back with cello tape. The head of the deceased was placed near the gas stove, the abdominal portion was burnt, and it appeared that the body had been burnt using a plastic basket in which his sister used to keep clothes. Fire was also found near the legs in a container (tagari). The said body

was of an unknown male, who was later identified as N. Raju, resident of Risali, Ashish Nagar. The witness further stated that the body of his sister Manju Sharma was also lying on the bed in a dead condition, with both her hands tied behind her back with cello tape. From the appearance of the body, it appeared that she had been killed by strangulation. The dead body of the infant daughter of the accused and deceased Manju Sharma was also lying on the bed. When his father lifted and examined the child, it appeared that the child had also died due to strangulation.

11. Similar statements have been made by Kala Suryavanshi (PW-2), mother of deceased Manju Sharma, and Vijay Suryavanshi (PW-4), brother of deceased Manju Sharma.
12. Similarly, N. Lalita (PW-5), wife of deceased N. Raju, has stated that the incident occurred in January 2020. Her husband N. Raju was working as a labourer in the BSP Plant. Due to a previous accident, his health condition was not good and he used to consume alcohol. On 20.01.2020, her husband had gone to District Hospital, Durg, for treatment but did not return home. After three days, police officials came to her house in search of her husband and showed her a photograph. Upon seeing the photograph, she identified it as that of her husband. Thereafter, the police took her to District Hospital, Durg, where the body of her husband was kept. She identified the body as that of her husband, which was partially burnt. She further stated that she

came to know that her husband had been murdered and burnt at Talpuri, Bhilai, Block-B.

13. Thus, from the evidence of the brothers and mother of deceased Manju Sharma, it is evident that on the date of the incident, the hands of deceased Manju Sharma were tied with cello tape and her dead body was lying on the bed. The dead body of her infant daughter was also found lying on the bed, which indicated that the death was not natural but homicidal in nature. Similarly, the dead body of another person, namely N. Raju, was also found in a burnt condition.
14. Dr. B.N. Dewangan, Radiologist (PW-22), has stated that he was posted at District Hospital, Durg, and on 21.01.2020, Constable Santosh Tiwari No. 921 of Police Station Bhilai Nagar brought the dead body of deceased Manju Sharma, aged about 29 years, for post-mortem examination. The body was identified by her brother Vijay Suryavanshi and neighbour Sheikh Altaf Hussain. During examination, he found the following conditions:
 - Eyes were closed, pupils were dilated, and redness was present in the eyes.
 - Red-coloured froth was coming out from the nose.
 - Mouth was closed and tongue was inside.
 - Bluish discoloration was present in the nails.
 - The following injuries were found on the body:

1. A scratch injury measuring 2 x 1 cm on the forehead;
2. Swelling on the upper eyelid of the left eye;

Burn injuries on the anterior abdominal region, front and outer portion of the right thigh, front portion of the left thigh, posterior abdominal region on the right side, right thigh and waist area, and right upper abdomen, covering approximately 20–25% of the body.

15. The doctor further found that post-mortem lividity had developed and become fixed. Rigor mortis was present in both hands and legs. Putrefaction had not commenced. On internal examination, the brain was found congested. Both lungs were congested and froth came out on cutting. The left side of the heart was empty while the right side contained blood. Undigested food was present in the stomach. Liver, spleen, and kidneys were congested. The doctor opined that the injuries were ante-mortem in nature. The cause of death was asphyxia due to obstruction of the respiratory passage caused by smothering before death. The time since death was approximately 8–18 hours before the post-mortem examination, and the nature of death was homicidal. The post-mortem report was exhibited as Exhibit P-65.
16. The same witness further conducted the post-mortem examination of deceased Kumari Nisha Sharma, aged about one and a half months, and found similar symptoms, including closed eyes, dilated pupils, froth from the nose, bluish nails, and

congestion of internal organs. The doctor opined that the cause of death was asphyxia due to obstruction of the respiratory passage caused by smothering, and the nature of death was homicidal. The post-mortem report was exhibited as Exhibit P-66.

17. During cross-examination, the witness admitted that he had mentioned the cause of death as asphyxia. He further admitted that if a room catches fire and oxygen becomes insufficient, death may occur due to suffocation. He also admitted that no struggle marks were found on the body of deceased Manju Sharma and that no injury marks were present on the body of deceased Nisha Sharma. However, he denied the suggestion that he had opined the cause of death as per the instructions of the police or that deaths caused due to fire were wrongly described as homicidal.
18. From the cross-examination of this witness, it is apparent that although no external injury marks were found on the bodies of deceased Manju Sharma and Nisha Sharma, the evidence of Rajesh Suryavanshi, Kala Suryavanshi, and Vijay Suryavanshi establishes that the accused had informed them about the incident at Talpuri. This circumstance supports the medical opinion that the deceased persons died due to obstruction of respiration. Therefore, the opinion of the doctor that the deaths were homicidal in nature stands corroborated by the surrounding circumstances.
19. Similarly, Dr. Shravan Doneria (PW-19) has stated that on 23.01.2020 at about 10:35 a.m., Constable Santosh Tiwari of

Police Station Bhilai Nagar brought the dead body of N. Raju for post-mortem examination. The body was identified by Ganesh and V. Vishwanath. During examination, the doctor found that the body was burnt to more than 95%. Deep burns were present on the left side of the face, including the eye and ear, neck, both arms, chest, abdomen, legs, and feet. Some parts of the intestine had protruded outside due to burning. The body was stiff and in a pugilistic posture. Internal examination revealed congestion of the brain, both lungs, respiratory tract, and other internal organs. The doctor preserved samples of lungs, liver, kidney, and heart for examination. The doctor opined that the cause of death was asphyxia due to ante-mortem choking of the respiratory passage, and the nature of death was homicidal. The post-mortem report was exhibited as Exhibit P-49.

20. During cross-examination, the doctor admitted that suffocation may occur due to smoke in a closed room, drowning, or other causes. However, he denied the suggestion that he gave the opinion of homicidal death at the instance of the police.
21. Thus, from the evidence of Dr. Shravan Doneria (PW-19), it is established that deceased N. Raju died due to asphyxia and that his death was homicidal in nature. The condition of the body, including the burn injuries and the manner in which it was found, clearly indicates that his death was not accidental or natural.
22. Therefore, from the evidence of Rajesh Suryavanshi (PW-1), Kala Suryavanshi (PW-2), Vijay Suryavanshi (PW-4), Dr. Shravan

Doneria (PW-19), and Dr. B.N. Dewangan (PW-22), it is established beyond reasonable doubt that deceased Manju Sharma, Kumari Nisha Sharma, and N. Raju suffered homicidal deaths on the date of the incident.

23. Accordingly, it is proved that the death of deceased persons, namely Smt. Manju Sharma, Kumari Nisha Sharma, and N. Raju, suffered homicidal death on 21.01.2020.
24. The next question for consideration is whether the prosecution has proved beyond reasonable doubt that the appellant/accused committed the murder of deceased **Smt. Manju Sharma, Kumari Nisha Sharma, and N. Raju** on **21.01.2020** at Quarter No. 20-N, Parijat Colony, B Block, Talpuri, Bhilai, by administering sleeping pills, tying their hands, legs, and mouths with tape, and causing their death by asphyxia ? Further, whether the prosecution has proved that after committing the said murders, the appellant caused fire to the room and burnt the dead bodies with the intention of destroying evidence and screening himself from legal punishment ?
25. Since the entire case is based on circumstantial evidence, the law regarding circumstantial evidence is that the circumstances on which the inference of guilt is to be drawn must first be fully proved and the facts so proved must be relevant to the interference of guilt of the accused. The circumstances must be of a conclusive nature and they should be of such a nature as to exclude the proposition but leave only the proposition which is

proposed to be proved. In other words there should be a chain of evidence which is so complete as to not absolve the accused and it should be such as to show that within all human probability the accused did the act. i.e. :-

1. There must be a series of facts.
2. These facts must be of conclusive nature.
3. These facts must be well connected with each other.
4. Facts must be well proven.
5. Facts of indifferent nature must be removed from consideration so that no conclusion can be drawn from either side.
6. Facts which are not well proven will also have to be removed from consideration.
7. It should only be possible to conclude that the crime is true from these.
8. These facts do not prove that the accused is innocent.
9. However, the court must be morally convinced that the accused

No other person other than has committed the crime.

26. It has been consistently laid down by the Supreme Court that where a case rests squarely on circumstantial evidence, the inference of guilt can be justified only when all the incriminating facts and circumstances are found to be incompatible with the

innocence of the accused or the guilt of any other person. (See **Hukam Singh v. State of Rajasthan, AIR 1977 SC 1063**; **Eradu and Ors. v. State of Hyderabad, AIR 1956 SC 316**; **Earabhadrapa v. State of Karnataka, AIR 1983 SC 446**; **State of U.P. v. Sukhbasi and Ors., AIR 1985 SC 1224**; **Balwinder Singh v. State of Punjab, AIR 1987 SC 350**; **Ashok Kumar Chatterjee v. State of M.P., AIR 1989 SC 1890**. The circumstances from which an inference as to the guilt of the accused is drawn have to be proved beyond reasonable doubt and have to be shown to be closely connected with the principal fact sought to be inferred from those circumstances. In **Bhagat Ram v. State of Punjab, AIR 1954 SC 621**, it was laid down by the Supreme Court that where the case depends upon the conclusion drawn from circumstances the cumulative effect of the circumstances must be such as to negative the innocence of the accused and bring the offences home beyond any reasonable doubt.

27. We may also make a reference to a decision of the Hon'ble 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....”.

28. 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.

29. In **State of U.P. v. Ashok Kumar Srivastava, 1992 CrI.LJ 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.

30. 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".
31. 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.”

32. In the matter of **Trimukh Maroti Kirkan Vs. State of Maharashtra, (2006) 1 SCC 681**, the Supreme Court has held as under:-

“12. In the case in hand there is no eyewitness of the occurrence and the case of the prosecution rests on circumstantial evidence. The normal principle in a case based on circumstantial evidence is that the circumstances from which an inference of guilt is sought to be drawn must be cogently and firmly established; that those circumstances should be of a definite tendency unerringly pointing towards the guilt of the accused; that 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 they should be incapable of explanation on any hypothesis other than that of the guilt of the accused and inconsistent with his innocence.”

33. The principles of circumstantial evidence is reiterated in **Nizam and another vs. State of Rajasthan, (2016) 1 SCC 550**, wherein the Supreme Court has held that:-

“8. Case of the prosecution is entirely based on the circumstantial evidence. In a case based on circumstantial evidence, 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, forming a chain 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 totally inconsistent with his innocence.”

34. Keeping in view the principles relating to circumstantial evidence laid down in the above judicial precedents, the circumstantial evidence arising in the present case is now being evaluated.
35. It is noteworthy that the accused, Ravi Sharma, and the deceased, Manju, had a love marriage, and a daughter, the deceased Baby Nisha, was born out of their wedlock. At the time of the incident, the child was approximately one and a half months old. The accused, Ravi Sharma, was originally a resident of the State of Bihar. He had come to Chhattisgarh, where he worked as a carpenter, developed a romantic relationship with the

deceased Manju Sharma, and subsequently married her in a love marriage.

36. In this regard, the prosecution has relied upon the evidence of Rajesh Suryavanshi (PW-1), his mother Kala Suryavanshi (PW-2) and his brother Vijay Suryavanshi (PW-4) and also evidence of Isha Sharma (PW-3), , the daughter of deceased Manju Sharma from her previous marriage with Mahesh Sahu.
37. From perusal of the examination-in-chief and cross-examination of Rajesh Suryavanshi (PW-1), his mother Kala Suryavanshi (PW-2) and his brother Vijay Suryavanshi (PW-4), it is established that the deceased Manju had married Mahesh Sahu six to seven years earlier, and they had a daughter named Isha. It is further established that Manju lived with Mahesh Sahu for about four years, during which time her younger sister Seema married Mahesh Sahu. Manju remained unhappy over this development. Thereafter, around 2014–2015, Manju became acquainted with the accused Ravi. They fell in love and subsequently married. A daughter, Baby Nisha, who was approximately one and a half months old at the time of the incident, was born from this marriage.
38. From the testimony of Rajesh Suryavanshi (PW-1), it also appears that after the love marriage, the accused Ravi Sharma had already been planning to kill his sister. This inference is drawn from the fact that when his niece Isha Sharma (PW-3) had gone to stay with her mother in Talpuri, she witnessed the

accused quarrelling with her mother and attempting to hang her by tying a scarf around her neck.

39. The testimony of all the above witnesses remained unshaken during cross-examination to the effect that, at about 5:30 a.m. on the date of the incident, the accused Ravi Sharma called Kala Suryavanshi on her mobile phone using the mobile phone ordinarily used by his wife Manju. He told her to go to Talpuri and see what had happened to her daughter and son-in-law. Kala Suryavanshi immediately recognized the accused's voice. When he called again, Rajesh Suryavanshi (PW-1) spoke to him, and the accused again said that they should go to Talpuri and see what had happened. Railway station announcements could be heard in the background during the call. Thereafter, Kala Suryavanshi and her younger son Vijay went to Talpuri, from where Vijay telephoned Rajesh and called him to the spot. Upon arrival, they found Vijay, Kala Suryavanshi, and others extinguishing a burning body inside the house. They observed that the body's hands and legs were tied with cellophane tape. Its head and face were placed over the gas stove, and the abdomen had been burned. The deceased was later identified as N. Raju. Similarly, the body of Manju Sharma was found lying dead with both hands tied with cellophane tape. Her infant daughter was also lying dead on the bed, and both appeared to have died due to strangulation. The testimony of Rajesh Suryavanshi further establishes that a message written in chalk above the door stated

that the writer's brother had committed suicide because of Manju, and therefore he was killing Manju and her husband. The name "Sanjay" was written beneath the message. The witnesses also confirmed that the police arrived at the scene, recorded the Dehati Nalishi (preliminary report), and subsequently registered unnatural death reports at Bhilai Nagar Police Station concerning the deaths of Manju Sharma, Kumari Tanishka Sharma, and the unidentified male, marked as Exhibits P-2, P-3, and P-4, respectively.

40. From perusal of the testimony of Isha Sharma (PW-3) clearly establishes that Ravi Sharma was her stepfather. Her testimony also remained unshaken during cross-examination that, on the date of the incident, while she was sleeping at her grandmother's house, a call came on her grandmother's mobile phone at around 5:30–6:00 a.m. Since her grandmother was in the bathroom, she answered the call and immediately recognized the caller's voice as that of her stepfather, Ravi Sharma, who informed her that her daughter and son-in-law were burning at Talpuri. She then handed the phone over to her maternal uncle, Rajesh Suryavanshi. Although she admitted in cross-examination that her mother and the accused generally lived happily whenever she stayed with them, her statement that remained unchallenged was that about two to three months before the incident, when she had gone to stay with them in Talpuri, she saw Ravi Sharma beating her mother and tightening a scarf around her neck. This indicates

that the accused Ravi Sharma used to assault the deceased Manju Sharma.

41. Upon an overall appreciation of the oral, documentary, medical, scientific, and electronic evidence on record, this Court finds that the prosecution has succeeded in establishing a complete and unbroken chain of circumstances which points only towards the guilt of the appellant Ravi Sharma and is wholly inconsistent with any hypothesis of his innocence.
42. The medical evidence conclusively establishes that all three deceased—Smt. Manju Sharma, Kumari Nisha Sharma, and N. Raju—died a homicidal death due to asphyxia. The bodies of Manju Sharma and N. Raju were found with their mouths, hands, and, in certain cases, legs bound with adhesive tape, while Baby Nisha was found dead alongside her mother. The evidence further proves that the fire was set after the deaths had occurred and was not the cause of death.
43. The evidence of Rajesh Suryavanshi (PW-1), Kala Suryavanshi (PW-2), Vijay Suryavanshi (PW-4), and Isha Sharma (PW-3) consistently establishes that between 5:30 a.m. and 6:00 a.m. on 21.01.2020, calls were received from the mobile phone of deceased Manju Sharma informing the family that Manju and her husband were burning. Their testimony is fully corroborated by the Call Detail Records, which prove that calls were in fact made from mobile number 9893264081 to mobile number 6263412823 at 5:46 a.m., 5:53 a.m., and 5:56 a.m. The recovery of Manju's

mobile phone from the possession of the appellant immediately after the incident conclusively establishes that it was the appellant who made those calls after the commission of the offences.

44. The prosecution has further proved that the appellant absconded immediately after the incident and was apprehended at Rourkela on the following day. His conduct in leaving the place of occurrence without informing the authorities and his possession of a railway ticket dated 21.01.2020 for travel from Durg to Tatanagar constitute relevant incriminating circumstances consistent with his attempt to flee after committing the offences.
45. The memorandum statement made by the appellant under Section 27 of the Indian Evidence Act led to the recovery of highly incriminating articles, including the mobile phones, the remaining roll of adhesive tape, the wrapper of Alprax 0.5 tablets, and the railway ticket. The recovery of these articles pursuant to the appellant's disclosure lends substantial assurance to the prosecution case.
46. The Forensic Science Laboratory report establishes that the adhesive tape recovered from the appellant possessed identical physical characteristics to the tape used for binding the deceased. The recovery of the remaining tape roll from the appellant, coupled with the FSL opinion, constitutes a strong incriminating circumstance directly connecting him with the commission of the crime.

47. The recovery of the Alprax 0.5 medicine wrapper at the instance of the appellant, together with the medical opinion that excessive consumption of the drug can render a person unconscious, corroborates the prosecution case that the victims were first incapacitated before being restrained and killed.
48. The prosecution has also successfully proved that the false message written on the door of the house, purporting to implicate an unknown person named "Sanjay," was authored by the appellant himself. The handwriting expert's opinion, which remained unrebutted, establishes that the questioned writing matched the appellant's specimen handwriting. This circumstance clearly demonstrates a deliberate attempt by the appellant to fabricate a false defence and divert suspicion.
49. The evidence further establishes that after committing the murders, the appellant attempted to create an impression that he himself had died in the incident by placing the body of N. Raju inside the house, setting it on fire, and making telephone calls to the deceased's relatives stating that Manju and her husband were burning. This conduct unmistakably reveals a calculated attempt to destroy evidence and screen himself from criminal liability.
50. The appellant has failed to furnish any plausible explanation regarding the recovery of Manju's mobile phone from his possession, the calls made from that phone immediately after the murders, the recovery of the adhesive tape and Alprax wrapper at his instance, the handwriting on the door, or his abscondence

immediately after the occurrence. These facts were especially within his knowledge, and his failure to explain them provides an additional link in the chain of circumstantial evidence.

51. Although the alleged CCTV footage has rightly been discarded by the Trial Court for want of proper proof, the remaining evidence is independently sufficient to establish the prosecution case beyond reasonable doubt. The exclusion of the CCTV evidence does not weaken the otherwise complete chain of circumstances.
52. Accordingly, this Court holds that the prosecution has proved beyond reasonable doubt that on 21.01.2020, at Quarter No. 20-N, Parijat Colony, B-Block, Talpuri, Bhilai, the appellant Ravi Sharma intentionally administered sleeping tablets to the deceased, restrained them by tying their hands, legs, and mouths with adhesive tape, and thereafter caused the deaths of Smt. Manju Sharma, Kumari Nisha Sharma, and N. Raju by asphyxia.
53. Thus, upon a comprehensive re-appreciation of the entire oral, documentary, medical, scientific, and electronic evidence available on record, this Court is satisfied that the prosecution has proved beyond reasonable doubt that the appellant Ravi Sharma committed the murders of Smt. Manju Sharma, Baby Nisha Sharma, and N. Raju and thereafter attempted to destroy the evidence of the offence by setting fire to the body of N. Raju and creating false circumstances to portray himself as a victim. The chain of circumstantial evidence is complete, cogent, and consistent only with the guilt of the appellant, excluding every

reasonable hypothesis of innocence. The conviction of the appellant under Section 302 IPC (three counts) and Section 201 IPC, as recorded by the Trial Court, therefore warrants no interference.

54. The only question that remains for consideration is the appropriate sentence. While the offences committed by the appellant are undoubtedly grave, involving the brutal murder of his wife, his one-and-a-half-month-old infant daughter, and an innocent third person, sentencing jurisprudence requires the Court to determine whether the case falls within the category of the "rarest of rare" cases warranting the extreme penalty of death. The death penalty is to be imposed only when the alternative option of life imprisonment is unquestionably foreclosed and the possibility of reformation or rehabilitation is completely ruled out.
55. In ***Machi Singh vs. State of Punjab (1983) 3 SCC 470***, the Apex Court has held that :

"1. When the murder is committed in an extremely brutal, grotesque diabolical, revolting, or dastardly manner so as to arouse intense and extreme indignation of the community. For instance, (i) when the house of the victim is set aflame with the end in view to roast him alive in the house, (ii) when the victim is subjected to inhuman acts of torture or cruelty in order to bring about his or her death, (iii) when the body of the victim is cut into pieces or his body is dismembered in a fiendish manner.

2. When the murder is committed for a motive which evince total depravity and meanness. For instance when (a) a hired assassin commits murder for the sake of money or reward (b) a cold blooded murder is committed with a deliberate design in order to inherit property or to gain control over property of a ward or a person under the control of the murderer or vis-à-vis whom the murderer is in a dominating position or in a position of trust. (c) a murder is committed in the course for betrayal of the motherland.

3. When murder of a Scheduled Caste or minority community etc., is committed not for personal reasons but in circumstances which arouse social wrath. For instance when such a crime is committed in order to terrorize such persons and frighten them into fleeing from a place or in order to deprive them or, make them with a view to reverse past injustices and in order to restore the social balance.

4. In cases of 'bride burning' and what are known as 'dowry-deaths' or when murder is committed in order to remarry for the sake of extracting dowry once again or to marry another woman on account of infatuation.

5. When the crime is enormous in proportion. For instance when multiple murders say of all or almost all the members of a family or a large number of persons of a particular caste, community, or locality, are committed.

6. When the victim of murder is (a) an innocent child who could not have or has not provided even an excuse, much less a provocation, for murder, (b) a

helpless woman or a person rendered helpless by old age or infirmity, (c) a person vis-à-vis whom the murderer is in a position of domination or trust, (d) a public figure generally loved and respected by the community for the services rendered by him and the murder is committed for political or similarly reasons other than personal reasons."

56. In ***Ravji vs. State of Rajasthan : (1996) 2 SCC 175***, where the Apex Court held that it is only characteristics relating to crime, and not to criminal, which are relevant for sentencing. The Apex Court observed as follows :-

"The crimes had been committed with utmost cruelty and brutality without any provocation, in a calculated manner. It is the nature and gravity of the crime but not the criminal, which are germane for consideration of appropriate punishment in a criminal trial. The Court will be failing in its duty if appropriate punishment is not awarded for a crime which has been committed not only against the individual victim but also against the society to which the criminal and victim belong. The punishment to be awarded for a crime must not be irrelevant but it should conform to and be consistent with the atrocity and brutality with which the crime has been perpetrated, the enormity of the crime warranting public abhorrence and it should "respond to the society's cry to justice against the criminal'."

57. In ***Swamy Shraddananda (2) vs. State of Karnataka: (2008) 13 SCC 767***, the Apex Court observed:

"The inability of the criminal justice system to deal with all major crimes equally effectively and the want of uniformity in the sentencing process by the Court lead to a marked imbalance in the end results. On the one hand there appears a small band of cases in which the murder convict is sent to the gallows on confirmation of his death penalty by this Court and on the other hand there is a much wider area of cases in which the offender committing murder of a similar or a far more revolting kind is spared his life due to lack of consistency by the Court in giving punishments or worse the offender is allowed to slip away unpunished on account of the deficiencies in the criminal justice system."

58. In ***Raj Kumar v. State of Madhya Pradesh, (2014) 5 SCC 353***, a case concerning the rape and murder of a 14 years old girl, the Apex Court directed the appellant therein to serve a minimum of 35 years in jail without remission.
59. In ***Selvam v. State : (2014) 12 SCC 274***, the Apex Court imposed a sentence of 30 years in jail without remission in a case concerning the rape of a 9 year old girl.
60. In ***Tattu Lodhi v. State of MP, (2016) 9 SCC 675***, where the accused was found guilty of committing the murder of a minor girl aged 7 years, the Apex Court imposed the sentence of imprisonment for life with a direction not to release the accused from prison till he completes the period of 25 years of imprisonment.

61. In ***Sachin Kumar Singhraha v State of MP : (2019) 8 SCC 371***, where the accused was sentenced capital punishment for the offence of rape and murder of 5 year girl, the Apex Court converted the sentence into life imprisonment for 25 years without remission and has observed:

"Life imprisonment is the rule to which the death penalty is the exception. The death sentence must be imposed only when life imprisonment appears to be an altogether inappropriate punishment, having regard to the relevant facts and circumstances of the crime."

62. The Apex Court in the case of ***Mohd. Firoz vs. State of Madhya Pradesh (Criminal Appeal No. 612 of 2019, decided on 19.04.2022)*** has commuted the death sentence imposed on man for rape and murder of 4 year old girl to life imprisonment. Para-43 of the aforesaid order dated 19.04.2022 reads as under :-

*"43. Considering the above, we, while affirming the view taken by the courts below with regard to the conviction of the appellant for the offences charged against him, deem it proper to commute, and accordingly commute the sentence of death for the sentence of imprisonment for life, for the offence punishable under Section 302 IPC. Since, Section 376A IPC is also applicable to the facts of the case, considering the gravity and seriousness of the offence, the sentence of imprisonment for the remainder of appellant's natural life would have been an appropriate sentence, however, we are reminded of what Oscar Wilde has said - **"The only difference***

between the saint and the sinner is that every saint has a past and every sinner has a future”.

One of the basic principles of restorative justice as developed by this Court over the years, also is to give an opportunity to the offender to repair the damage caused, and to become a socially useful individual, when he is released from the jail. The maximum punishment prescribed may not always be the determinative factor for repairing the crippled psyche of the offender. Hence, while balancing the scales of retributive justice and restorative justice, we deem it appropriate to impose upon the appellant-accused, the sentence of imprisonment for a period of twenty years instead of imprisonment for the remainder of his natural life for the offence under section 376A, IPC. The conviction and sentence recorded by the courts below for the other offences under IPC and POCSO Act are affirmed. It is needless to say that all the punishments imposed shall run concurrently.”

63. Having considered the aggravating and mitigating circumstances in their entirety, this Court is of the view that although the crime is exceptionally heinous and displays considerable planning and brutality, the circumstances do not justify the irreversible punishment of death. At the same time, considering the nature of the offences, the multiple murders, the attempt to fabricate evidence, and the betrayal of the trust reposed by the deceased wife, the ordinary sentence of imprisonment for life subject to statutory remission would be grossly inadequate and would not meet the ends of justice.

64. In the peculiar facts and circumstances of the present case, this Court is satisfied that the interests of justice would be adequately served by substituting the sentence of death with imprisonment for life for the remainder of the appellant's natural life, without remission or premature release, subject only to any constitutional powers exercisable under Articles 72 and 161 of the Constitution of India. Such a sentence strikes an appropriate balance between the gravity of the crime and the principles governing capital sentencing.
65. Consequently, the conviction of the appellant Ravi Sharma under Section 302 IPC (three counts) and Section 201 IPC is affirmed. However, the sentence of death awarded under Section 302 IPC on all three counts is modified and substituted with imprisonment for life for the remainder of his natural life without remission, meaning that the appellant shall remain in prison for the rest of his natural life and shall not be entitled to statutory remission or premature release. The sentence imposed under Section 201 IPC, along with the fine and default stipulation, is maintained. All the substantive sentences shall run concurrently.
66. **The reference (CRREF No. 2/2026) made by the learned Trial Court for confirmation of the death sentence is, accordingly, answered in the negative and stands rejected.**
67. The **CRA No. 1699/2026 is partly allowed** only to the extent of modification of the sentence. **The conviction is affirmed, but the sentence of death is commuted to imprisonment for life**

for the remainder of the appellant's natural life without remission, subject to the constitutional powers of the President of India and the Governor of the State under Articles 72 and 161 of the Constitution of India.

68. The Registrar (Judicial) is directed to send a duly attested copy of this judgment to the concerned Court of Session as mandated under Section 371 of the CrPC for needful. He is also 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 High Court Legal Services Committee or the Supreme Court Legal Services Committee.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Head-Note

Capital punishment can only be awarded in very exceptional and rarest of the rare cases, which is lacking in present case, accordingly, death sentence awarded to the appellant is commuted to imprisonment for life by directing that the life sentence must extend to the imprisonment for remainder of the appellant's natural life without remission.