

Kanhaiya Lal Vs. State

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Court : Rajasthan

Decided On : Oct-12-2001

Reported in : I(2002)DMC69; 2001WLC(Raj)UC726

Judge : Shiv Kumar Sharma and; A.C. Goyal, JJ.

Acts : Indian Penal Code (IPC) - Sections 13 and 302

Appeal No. : D.B. Criminal Appeal No. 418 of 1995

Appellant : Kanhaiya Lal

Respondent : State

Advocate for Pet/Ap. : Rajendra Yadav, Public Prosecutor; A.K. Gupta, Adv.

Disposition : Appeal dismissed

Judgement :

Goyal, J.

1. The appellant, Kanhaiya Lal, has filed this appeal against the judgment dated 2.8.1995, passed by learned Special Judge (Abolition of Sati)-cum-Additional Sessions Judge, Jaipur City, Jaipur, in Sessions Case No. 9/1995, whereby he was convicted and sentenced under Section 302 IPC, to imprisonment for life & a fine of Rs. 1,000/- and in default, to undergo three months rigorous imprisonment.

2. The facts in brief are that on 10.5.1994, at about 5.10 p.m., a telephonic message was received at Police Station, Vidhyadhar Nagar, Jaipur, that two dead bodies were lying in house No. C.L. 64, Vidhyadhar nagar, Jaipur. The S.H.O. of that Station reached the place of occurrence. Thereafter at about 7.30 p.m. on the same day, a written report Ex.P. 14 was lodged by P.W. 16 Murlidhar, brother of deceased Vidhya alias Rita, with the averments that his elder sister Vidhya was married to Kanhaiyal accused about four years ago. One daughter Lata was born out of this wedlock after one year. His sister was being harassed by Kanhaiyal for last two years. The accused appellant even deserted his sister and served a notice for divorce. Thereafter a compromise took place in writing. It is further stated that his sister made a complaint regarding beating with her by accused one and half month's prior to this incident. Today at about 6-6.30 p.m. the informant was at his shop in Kishan Police Market. Udhav Das came and informed about the death of his sister and Kumari Lata, (Daughter of his sister). He came to the place of occurrence and found dead bodies of his sister and her daughter in the house. Hair of his sister were ruffled, blood was oozing from the mouth and nose. Injuries were also found on the person of Smt. Vidya Devi and Kumari Lata. Mouth of Kumari Lata was also tightened with cloth. The accused has killed them and is not present at the house.

3. Formal FIR Ex.P. 15 was registered under Section 302 IPC and after investigation challan under Section 302 IPC and after investigation challan under Section 302 IPC was filed in the Court of learned Judicial Magistrate No. 7 Jaipur city, Jaipur, who committed this case to the Court of learned Special Judge, Jaipur City, Jaipur.

4. Charge under Section 302 IPC was framed against the accused, who pleaded not guilty and claimed trial.

5. The prosecution examined 21 witnesses viz. Prahlad P.W. 1, Ghashi Ram P.W. 2, Salim P.W. 3, Prakash Chand P.W. 4, Ghanshyam Das P.W. 5, Laxmi Devi P.W. 6, Vishini Devi P.W. 7, Rajkumar P.W.8, Mahesh P.W. 9, Kamla Devi P.W. 10, Ishwari Devi P.W. 11, Tikam P.W. 12, Kailash Kumar P.W. 13, Kailash Chandra P.W. 14, Vashudev P.W. 15, Murlidhar P.W. 16, Mumtaz Khan P.W. 17,

Banwari Lal P.W. 18, Dr. S.K. Pathak P.W. 19, Narendra Singh P.W. 20 and Harpal Singh P.W. 21. The accused was examined under Section 313 cr.P.C. He denied the entire evidence of the prosecution and stated that he has been falsely implicated. Five witnesses viz Ramesh Chandra Shukla DW 1, Yogesh Kumawat DW 2, Bharat Kumar D.W. 3, Monohar Lal D.W. 4, and Bhamba Mal D.W. 5, were examined on behalf of the accused.

6. After hearing learned counsel for the parties, accused appellant was convicted and sentence as aforesaid.

7. We have heard learned counsel Mr. A.K. Gupta for the appellant and Mr. Rajendra Yadav learned Public Prosecutor on behalf of the State and have gone through the entire record.

8. First of all we take the medical evidence. The post mortem on the dead bodies was conducted by a Board of three doctors including Dr. S.K. Pathak PW. 19. Post Mortem report of Smt. Vidhya Devi is Ex. P. 23 and that of Kumari Lata is Ex. P. 24. There were as many as 28 injuries on the body of Smt. Vidhya Devi and 11 injuries on the body of Kumari Lata. Most of the injuries on the body of Smt. Vidhya Devi were abrasions, bruises and lacerated wounds on both legs, hands, eye-brow chest and neck. The cause of death of Smt. Vidhya Devi was asphyxia brought about as the result of pressure on the neck, similarly, 11 injuries on the body of Kumari Lata were abrasions, and bruises on legs, neck, chin, cheek and face. The soft tissues under injury No. 4 to 11 are showing haemotoma and extra variation of blood. Skin on both sides of neck shows parchment like changes. Upper part of clavicular region haemotoma seen. There is haemotoma over and surrounded the right cornea of hyoid bone and hyoid bone-Intact and trachea found congested. The cause of death was Asphyxia as a result of the pressure on the neck. Thus, on the basis of this medical evidence, it is well proved that Smt. Vidhya and Kumari Lata died due to strangulation and there is no reason at all to disbelieve this medical evidence.

9. Now, it has to be seen as to whether this accused committed murder of his wife and daughter. At the outset it may be stated that there is no direct evidence and the case rests on circumstantial evidence. In Sharad Birdi Chand Sarada v. State of

Maharashtra (1), the Hon'ble Supreme Court has, summarized the requirements which must be fulfilled for conviction under Section 302, in case of circumstantial evidence:-

(1) The circumstances from which the conclusion of guilt 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 provided, 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.'

10. The learned Special Judge having appreciated the evidence on record summed up thus :-

'that the accused Kanhaiyalal was having bitter relations with his wife Smt. Vidhya Devi and wanted to get rid of her; that deceased Kumari Lata was of three and half years of age and able to speak and understand the things well; the accused was last seen with the deceased and was present in his own house where this occurrence took place; that PW 9 Mahesh saw the deceased Smt. Vidhya Devi weeping; PW 10 Smt. Kamla heard the cries of Kumari Lata at the relevant time; that both the deceased Smt. Vidhya and Kumari Lata got respectively 28 and 11 injuries; both died due to strangulation and there was no jurisdiction for the explanation given by the accused.'

11. Learned counsel for the appellant urged that the prosecution has failed to establish its case as the prosecution case depends on the circumstantial evidence

only and the circumstances are not established so as to point only to the accused that he is guilty. According to him, the chain of evidence is not so complete and there are several doubts and discrepancies in the prosecution case. Mr. Gupta also urged that there may be mere suspicious circumstances and conviction can not be based on suspicions, however, strong they may be. In support of his arguments, he placed reliance on *Palvinder Kaur v. The State of Punjab* (2). Mr. Gupta argued that there is no evidence to prove that the accused was in the house at the time when the murder was committed, therefore, the evidence produced by the prosecution is of no avail. He has placed reliance upon *Om Prakash v. State of Rajasthan* (3), which was also a case of circumstantial evidence and it was found that the accused left the house early morning and occurrence took place at 9.15 a.m. and there was no witness to show that the accused was in the house at the time when the murder was committed and at the approximately time also. Mr. Gupta has also placed reliance on *Gauri Shanker v. State of Rajasthan* (4) and *Madan Lal v. State of Rajasthan* (5). In *Gauri Shanker's* case (supra) it was held that there was no direct evidence against the appellant, motive was not proved, oral evidence was vague and on the basis of circumstantial evidence, presence of the accused was not established in the house at the time of incident and the circumstantial evidence was not sufficient to link the accused with the crime. In *Mandan Lal's* case (supra), it has been held that the prosecution has not proved that it was impossible for any one to enter the residential quarters and the possibility of a stranger getting into the Quarters and committing murder cannot, therefore, be overruled.

12. Per contra, Mr. Yadav, learned Public Prosecutor made submissions supporting the impugned judgment. He argued that there is no reasonable ground to interfere with the findings of the learned trial Judge and the prosecution has proved the circumstances leading to the guilt of the accused. .

13. We have considered the rival contentions. The circumstances as unfolded during the trial are the following:-

(1) The accused was having bitter relations with his wife and wanted to get rid of her;

(2) Kumari Lata, deceased was three and half years of age. She was able to speak and understand the things and thus there was motive to kill both of them;

(3) The accused was last seen with the deceased at the time of this crime which took place in the house of their own.

(4) P.W. 9 Mahesh saw Smt. Vidhya weeping and her hair were ruffled and Kumari Lata was weeping and crying 'Mummy-Mummy' at about 1.45/2.00 p.m. on that day.

(5) There were 28 and 11 injuries respectively on the body of Smt. Vidhya and Kumari Lata and both of them died due to strangulation.

(6) After the incident, the accused Kanhaiyalal reached the place of occurrence at 8.35 p.m. and he did not express any shock and even did not desire to see his deceased wife and daughter.

(7) The house-hold articles of the accused were found in order.

14. Learned counsel has argued that there was no motive for the accused appellant to kill his wife and daughter, who was only three and half years of age at that time and when the case rests purely on circumstantial evidence, motive assumes much importance. In support of his arguments, Mr. Gupta placed reliance on State v. Gulzarilal Tandon (6), Surinder Pal Jain v. Delhi Administration (7), Tanviben Pankaj Kumar Divetia v. State of Gujarat (8).

15. On the other hand, Mr. Yadav, learned Public Prosecutor has contended that it is necessary to prove motive in every case and placed reliance on Nalhuni Yadav and Ors. v. State of Bihar and Anr. (9).

16. In State v. Guljarilal Tandon (supra) Hon'ble Supreme Court held that in cases where the case of the prosecution rests purely on circumstantial evidence, motive undoubtedly plays an important part in order to tilt the scale against the accused. It is also well settled that the accused can be convicted on circumstantial evidence only if the circumstances are wholly inconsistent with the innocence of the accused.

17. In *Surinder Pal Jain v. Delhi Administration* (supra), Hon'ble Supreme Court in Para No. 11 of the judgment has held that in a case based on circumstantial evidence, motive assumes pertinent significance as existence of the motive is an enlightening factor in a process of presumptive reasoning in such a case. The absence of motive, however, puts the court on its guard to scrutinize the circumstances more carefully to ensure that suspicion and conjecture do not take place of legal proof.

18. Similar view has been expressed by Hon'ble Supreme Court in *Tanviben Pankaj Kumar Divetia* (supra) wherein it has been held that motive for murder may not be revealed in many cases but if evidences of murder are very clinching and reliable, conviction can be based even if the motive is not established. In a case of circumstantial evidence, motive assumes greater importance than in the case where direct evidences for murder are available.

19. In *Nathuni Yadav and Others* (supra) Hon'ble Supreme Court has held that motive for doing a criminal act is generally a difficult area for prosecution. One cannot normally see into the mind of another. Motive is emotion which impells a man to do a particular act. Such impelling cause need not necessarily be proportionally grave to do grave crimes. Many a murders have been committed without any known or prominent motive.

20. Thus, it is evident from the above judgments of Hon'ble Supreme Court that it is not necessary to prove motive for each and every case but when the prosecution case rests entirely upon circumstantial evidence, motive assumes much significance. In the light of this legal position, the evidence on this point has been examined. Ex.P. 29, is the certified copy of the application filed by the accused appellant under Section 13 of the Hindu Marriage Act against his wife Smt. Vidhya in the court of Family Judge, Jaipur, on 20.12.1992, which the prayer of divorce on the ground of cruelty. On perusal of this document Ex.P. 29 it is revealed that accused appellant was married to Smt. Vidhya on 1.7.1990, and out of this wedlock, a daughter was born to them in July 1991 and this application of divorce was filed on 20.10.1992 as stated above. It has been further stated in this application Ex.P.29 that soon after the marriage, Smt. Vidhya started behaving in

a cruel manner. She was suffering from various kinds of ailments. Her hands were shrieked and thus she was unable to do domestic work and thus by suppressing these facts prior to marriage the accused appellant was deceived. It is further stated that Smt. Vidhya every time used to quarrel with accused appellant and demanding Rs. 500A p.m. as pocket expenses and threatening to commit suicide. Once she tried to commit suicide as stated in Para No. 9 of this document. It is also stated that the accused appellant had to spend Rs. 5,000/- in her treatment. It would be useful to reproduce para 12 of this divorce petition which reads as under :-

;g gS fd vizkFkhZ;k }kjk izkFkhZ ds lkFk fookgds ckn ls fujUrj wjrkiw.kZ O;ogkj ds dkj.k izkFkhZ ekufld osnuk o vk?kkrksa lsfujUrj fo{klr jgk gS o og fnekxh o 'kkjhfd chekfj;ksa ls xzflr gks x;k gS AvizkFkhZ ds lkFk jgus o nkEir; IEcU/kksa dk fuokZg djuk izkFkhZ ds Lok LF; o 'kjhjds fy, vR;Ur gh d'Vnk;d gks x;k gS A vizkFkhZ }kjk fd;s x;s qj O;ogkj dksizkFkhZ us dHkh ekQ ugha fd;k vkSj u gh dj ldrk gS A vr% izkFkhZ vizkFkhZ;k dsbl vk/kkj ij rykd izklr djus dk vf/kdkjh A**

21. On perusal of the Petition Ex.P.29 and particularly the contents of para 12, it is borne out that the accused appellant had developed bitter relations with his wife Smt. Vidhya and wanted to get rid of her. He was not willing to pardon her at all. Ex. P. 12 is the notice of this divorce petition in the name of Smt. Vidhya. Ex.P. 13 is the compromise deed dated 11.12.1992. It is stated in this compromise deed that due to efforts of the relatives of the parties the dispute has been compromised and thus the accused appellant would withdraw the divorce petition. One of the terms of compromise is that the accused appellant would behave properly with his wife Smt. Vidhya. It is also stated in FIR Ex.P. 14 that the accused was harassing Smt. Vidhya for about last two years. PW 16 Murlidhar is the brother of deceased Smt. Vidhya, who has stated that accused used to beat his sister Smt. Vidhya Devi. PW 11 Smt. Ishwari Devi is the mother of deceased Smt. Vidhya. She has also stated that accused kanhaiya Lal used to quarrel and beat his daughter. PW. 12 Teekam, brother of deceased Smt. Vidhya Devi has also stated similarly PW. 10 Smt. Kamla Devi, neighbour of the accused has also stated that some times accused and his wife used to quarrel. PW. 9 Mahesh was 8 years of age at the time of giving statement which was recorded in the court on 22.10.1994. He has

also stated that on the date of occurrence Smt. Vidhya was weeping and her hair were ruffled.

22. Mr. Gupta, learned counsel for the appellant has referred the statement of DW. 1 Ramesh Chandra Shukla, who was residing in the upper storey of the same house, he has stated that he never witnessed any quarrel between the husband and wife i.e. the accused appellant and deceased Smt. Vidhya Devi. In cross-examination he should his ignorance as to whether Smt. Vidhya was residing with accused Kan-haiya Lal from January 1992 to November 1992. Mr. Gupta has also referred the statements of PW 6, Laxmi Devi and PW 7, Vishni Devi. Both these witnesses have been declared hostile. PW. 6 Smt. Laxmi Devi has stated that accused Kanhaiya and his wife were having good relations. PW 7 Smt. Vishni Devi has stated that she never saw any quarrel between the accused husband and his wife.

23. Having considered these arguments and evidence, we are of the opinion that the accused appellant was having bitter relations with his wife and wanted to get rid of her at any cost and in view of the documentary and oral evidence, the motive is well proved and there is no reason to disbelieve the prosecution evidence on this point.

24. It was next contended by Mr. Gupta that there could have been no motive to kill Kumari Lata but this argument also is not acceptable because Kumari Lata was about three and half years of age at the time of her murder. PW 10 Smt. Kamla Devi has stated that on that day Kumari Lata was crying 'Mummy-Mummy' at about 1.45/2 p.m. D.W. 3 Bharat Kumar, brother of the accused appellant has also admitted in cross-examination that Kumari Lata used to speak and her understanding was good. It is important to mention here that at the instance of the accused, P.W. 9 Mahesh brought Lata from House No. 7 near about the time of occurrence and Lata entered her house with the accused and this Kumari Lata was present in her house at the time of said incident. Thus motive is well proved.

25. The next circumstance is that of last seen. Here the time of death of both the deceased is important aspect. According to the medical evidence, post mortem on the body of Smt. Vidhya was conducted on 11.5.1994 at 1.30 p.m. and her death

occurred before 24 to 36 hours, meaning thereby that she died between 1.30 a.m. to 1.30 p.m. on 10.5.1994. The dead body of Kumari Lata was examined on 11.5.94, at 2.30 p.m. and thus in the opinion of Dr. Pathak, P.W. 19, Kumari Lata died between 2.30 a.m. to 2.30 p.m. on 10.5.1994. Mr. Gupta learned counsel has argued that according to the medical evidence the food material present in the abdomen of Smt. Vidhya was consumed about three to four hours prior to her death and thus the time of death comes to about 4.00 p.m. and as per prosecution evidence the accused appellant left his house prior to 4.00 p.m. and, therefore, the presence of the accused at the time of the death of the deceased at his house is not provide. But this argument is devoid of force because there is no such evidence available on the record that Smt. Vidhya took her meals at about 12 noon, therefore, no such conclusion can be drawn that she died at about 4.00 p.m. Rather, it is well proved on the basis of medical evidence that Smt. Vidhya and Kumari Lata died at about 1.30 p.m. to 2.30 p.m. Regarding the presence of the accused in his own house, which is the place of occurrence, P.W. 9 Mahesh has categorically stated that at about 12 noon, he brought Kumari Lata from quarter No. 7, at the instance of the accused Kanhaiya Lal. Thereafter Kumari Lata entered her house with her father and he saw the mother of Lata weeping and her hair were ruffled. He has further stated that at about 3.00 p.m. Kanhaiya Lal left for his shop. It is next stated that thereafter his father came to the house and his mother asked him to go to the house of Kumari Lata to see the picture, he came to the house of Kumari Lata and saw that some one was lying on the bed and then he came back to his house and narrated the fact to his mother.

This witness has been cross-examined but nothing adverse has come-out. On perusal of the statement of P.W.9 Mahesh, it is proved that Kumari Lata and her mother Smt. Vidhya were alive at about 12 noon on 10.5.1994. P.W. 10 Smt. Kamla Devi has also stated that at about 1.45/2.00 p.m. Kumari Lata was weeping and crying 'Mummy-Mummy'. There appears no reason to disbelieve the statements of P.W. 9 Mahesh and P.W. 10 Smt. Kamla. Though P.W. 7 Smt. Vishni Devi has been declared hostile, she has given this categorical statement that at about 2.30 p.m. accused Kanhaiyalal was standing at the gate of his house. This the presence of accused appellant at his house at about 2.30 p.m. has also been corroborated by P.W. 7 Smt. Vishni Devi. P.W. 4 Prakash Chand has stated

that he went to the house of accused at about 12 noon to 1.00 p.m. on the date of incident. In cross-examination, he stated that he reached there at about 12 noon and came back at about 1.00 p.m. and at that time wife of Kanhaiya Lal was inside the kitchen and her daughter was sleeping. Thus this witness has also corroborated this fact that accused appellant was present at his house from 12 noon to 1.00 p.m. Even D.W. 4, Manohar Lal has stated in his statement that he visited the house of his brother Kanhaiya Lal at about 12.45 p.m. on 10.5.1994 and at that time, Kanhaiya Lal, his wife Smt. Vidhya and daughter Lata were there. He has next stated that he left the house of appellant after ten to fifteen minutes and thereafter accused Kanhaiya Lal came to his shop at about 3.30 p.m. The accused appellant himself has stated in his statement under Section 313 Cr.P.C. that at his instance, Mahesh brought his daughter Lata, at about 12 noon and thereafter he took his meals with his daughter Lata. It is further stated that his brother Manohar Lal came to his house after some time and having enquired about gas-cylinder, left his house. After some time Prakash P.W. 4, alongwith his son Lalit, came to his house. The appellant used to purchase toys from him and paid Rs. 4,500/- to Prakash at that time. The appellant took out this money from his almirah and Prakash had seen the ornaments and cash in this almirah. Prakash and his son left after five to ten minutes. It appears that the accused appellant wants to say that some body else, (probably Prakash or his son Lalit) might have done this. Learned counsel Mr. Gupta also contended that it is not proved beyond doubt that the accused appellant was present at the time of murder of Smt. Vidhya and Kumari Lata and some body else might have done this. But looking to the entire evidence, this contention can not be accepted at all. It is important to mention here that no such question was put to P.W. 4 Prakash Chanda in cross-examination. Thus, it is proved beyond doubt that at the time of death of both the persons, accused appellant was present in his house. Further, on perusal of evidence of P.W. 1 Prahlad and P.W. 2 Ghasi Ram, both helpers in the Electricity Department, Vidhyadhar Nagar, Jaipur, it is proved that they came in that colony on a complaint about light at about 4.30 p.m. They have stated that they enquired from the house No. C.L. 64 about the light but none came out and at that time one child went inside that house and came back telling that aunty is unconscious, and thereafter the fact of death of Smt. Vidhya and Kumari Lata

came to the knowledge of the residents of that locality. In view of this evidence also the contention of learned counsel Mr. Gupta can not be accepted at all that some-one-else might have come between 2.30 to 4.00 p.m. to the house of the accused appellant because Smt. Vidhya and Kumari Lata had already died prior to leaving the house by the appellant. As per site- plan Ex.P. 11, the house and house-hold articles of the accused were found in order. D.W. 2 Yogesh Kumawat stated that the accused appellant used to purchase goods from him and on 10.5.1994, accused Kanhaiya Lal came to his house at about 2.45 p.m. and purchased goods worth Rs. 256/-. D.W. 3 Bharat Kumar, elder brother of the accused appellant has stated that he received the information about the death of Smt. Vidhya and Lata at about 4.15 p.m. at his house and he went to the shop of appellant at about 6 p.m. Prior to that he informed his younger brother about this incident. D.W. 5 Bambha Mal has stated that he saw the accused Kanhaiyalal at his shop at about 3.30 p.m. on 10.5.1994 but on the basis of the evidence given by defence witnesses, no such conclusion can be drawn at all that accused appellant was not present at his house at the time of the occurrence. Therefore, in view of the entire discussion, it is proved beyond doubt that accused appellant was last seen with the deceased persons and he was present at the time of occurrence in his house. As stated earlier, PW 9 Mahesh stated that he saw Smt. Vidhya, weeping and her hair were ruffled. P.W. 10 Smt. Kamla has stated that Kumari Lata was weeping and crying 'Mummy-Mummy' at the relevant time and at the cost of repetition, it is stated that approximately at that time Smt. Vidhya and Kumari Lata were done to death. Thus this circumstance also connects the accused appellant with this crime. One more circumstance which connects the accused appellant with this crime is the conduct of the accused. P.W. 20 Narendra Singh, the then S.H.O. conducted the investigation. He stated that a telephonic message was received at Police Station at about 5.10 p.m., and then he reached the spot and found two dead bodies. On gone to inform the accused and also to the brother of deceased Smt. Vidhya. He has next. stated that thereafter he reached the Police Station and P.W. 16 Murlidhar had lodged the written report Ex.P. 14. He has further stated that he again reached the place of occurrence and inspected the site and prepared site-plan Ex.P. 11. He also seized the blood stained articles and prepared necessary memos. He has next stated that at about

8.35 p.m. the accused reached there but did not express any shock and even did not express any desire to see his wife and daughter. In cross-examination, he denied the suggestion that accused Kanhaiya Lal and his five brothers were present at the spot when he reached there. The contention of learned counsel Mr. Gupta that it was a very small house and even the S.H.O. did not ask the accused to see his wife and daughter, therefore, this evidence is not believable that the accused did not desire to see his wife and daughter and did not express any shock is not acceptable. P.W. 20 Narendra Singh S.H.O. has stated in his cross-examination that he did not prepare Panchnama at that time because the accused told him that 'they have committed suicide, therefore, a medical board should be constituted.'

On perusal of the entire evidence of P.W. 20 Narendra Singh, this circumstance is also well-proved the accused appellant did not express any shock or desire to see the deceased, rather he stated that his wife and daughter have committed suicide and he wanted a medical board to be constituted. It is important to say here that the statement of P.W. 20 Narendra Singh regarding suicide finds corroboration from the statement of D.W. 4 Manohar Lal, who is brother of the accused appellant. D.W. 4 Manohar Lal has stated in his examination-in-chief that his elder brother Bharat Kumar DW. 3, came to his shop and told him that 'Vidhya and Lata have committed suicide'. Thus the accused appellant and his brothers were of the opinion that Smt. Vidhya and Kumari Lata have committed suicide and this very fact goes a long way to connect the accused appellant with this crime, otherwise there was no basis or reason for the accused appellant and his brothers to have this opinion that Smt. Vidhya and Kumari Lata have committed suicide. Kumari Lata was of the age of three and half years at that time and there was no question for her to commit suicide.

26. Thus, the prosecution has proved that each one of the circumstances aforementioned points to the guilt of the accused and the cumulative effect of all the circumstances too undoubtedly indicates guilt of the accused excluding any other hypothesis. We have no good reason or valid ground to interfere with the impugned judgment.

27. In view of what is stated above, we do not find any merit in this appeal and hence the same is dismissed.

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