2026 INSC 1239

**NON-REPORTABLE**

**IN THE SUPREME COURT OF INDIA**
**(CRIMINAL APPELLATE JURISDICTION)**

**CRIMINAL APPEAL NO. 5402 OF 2026**
***(Arising out of SLP(Crl.) No. 13798 of 2025)***

**BHEEMANAGOUDA @ BHEEMAJJA** ... **APPELLANT**

**VERSUS**

**STATE BY HARAPANAHALLI POLICE** ... **RESPONDENT**

**J U D G M E N T**

**VIPUL M. PANCHOLI, J.**

**1.** Leave granted.

**2.** The present appeal challenges the final judgment and order dated 09.07.2024 passed by the High Court of Karnataka at Bengaluru in Criminal Appeal No. 1355 of 2017. By the said impugned judgment, the Division Bench of the High Court dismissed the criminal appeal preferred by the appellant and confirmed the judgment of conviction dated 27.04.2017 and order on sentence dated 28.04.2017 rendered by the II Additional District & Sessions Judge and Special Judge,

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Reason:

Davanagere in Sessions Case No. 101 of 2014. The Sessions Judge had convicted the appellant for an offence punishable under Section 302 of the Indian Penal Code, 1860 (hereinafter "IPC") and sentenced him to undergo imprisonment for life with a fine of ₹25,000/- and in default, to undergo simple imprisonment for 1 year. By the same judgment, the Sessions Judge had acquitted the appellant of the charge framed under Section 201 IPC.

***FACTUAL MATRIX***

**3.** The brief facts material to the disposal of the present appeal are as under:

**3.1.** At about 9:00 a.m. on 05.09.2013, the complainant, Ramappa (PW-1), who ran a limestone kiln along with others in the tank-bed area of Hirekere near Harihara Circle, Harapanahalli Town, received a phone call that a dead body of an unidentified woman was lying inside an iron drum kept near a lime furnace belonging to one Huligemma. PW-1 visited the place, saw the dead body stuffed inside the drum and lodged an oral complaint at Harapanahalli Police Station.

**3.2.** Based on the said complaint, Crime No. 178 of 2013 was registered by Vasanth V. Asode, Police Sub-Inspector (PSI - PW-19) against unknown persons for offences punishable under Sections 302 and 201 IPC and the FIR was transmitted to the jurisdictional Magistrate. Mahantesh Sajjan, Circle Police Inspector (CPI - PW-24) took up the investigation and drew the spot panchanama and inquest mahazar on 05.09.2013. A plastic belt-like strap was seized from a nearby Babul tree and as the identity of the deceased was unknown, pamphlets containing photographs of the dead body were published and circulated to the public.

**3.3.** On 07.09.2013, the family members of the deceased, including her son Ramesh (PW-8), nephew Lingaraj (PW-5), niece Kavitha (PW-10) and cousin Ramappa (PW-11), identified the deceased as one Sharadamma, wife of Hanumanthappa (PW-7) of Yarabalu village. It emerged that the deceased had attended the cradle ceremony of the daughter of PW-11 at Mitlakatte village on 01.09.2013. On 03.09.2013, PW-8 and the deceased's mother returned to Yarabalu, while the

deceased stayed behind. On 04.09.2013, at around 11:30 AM, the deceased left Mitlakatte to return home, wearing gold and silver ornaments, however, she did not reach her matrimonial or parental village and when her body was discovered, the ornaments were found missing.

**3.4.** According to the prosecution, the appellant, Bheemanagouda @ Bheemajja, was in an illicit relationship with the deceased, who had been estranged from her husband for over a decade. The prosecution alleged that the appellant harboured suspicion that the deceased was also involved in an illicit relationship with another person. On the night of 04.09.2013, at about 12:00 midnight, the appellant took the deceased to the limestone furnace in Sy. No. 539/B1/BP1 near Hirekere, Harapanahalli, murdered her by strangulation with a plastic strap, robbed her ornaments and dumped her dead body inside an iron drum to screen the offence.

**3.5.** On 12.09.2013, the appellant was arrested. It is the case of the prosecution that pursuant to his disclosure

statement, the appellant led the police and panch witnesses to the spot and thereafter to his house at Yarabalu village, from where he produced a plastic bag kept in a trunk containing gold and silver ornaments. The said ornaments were seized under seizure mahazar in the presence of one Ashok, Mehaboob Basha (PW-12) and Venkatesh (PW-23) and were subsequently identified by the relatives of the deceased.

**3.6.** Upon completion of the investigation, a charge-sheet was laid against the appellant for offences punishable under Sections 302 and 201 IPC. The case was committed to the Court of Sessions and registered as Sessions Case No. 101 of 2014. Charges were framed under Sections 302 and 201 IPC, to which the appellant pleaded not guilty and claimed trial.

***FINDINGS OF THE TRIAL COURT AND THE HIGH COURT***

**4.** The prosecution examined 24 witnesses (PW-1 to PW-24), 18 exhibits (Ex. P-1 to Ex. P-18) and produced 10 material objects (MO-1 to MO-10). The defence did not lead any oral or documentary evidence. The appellant denied all incriminating

circumstances in his statement recorded under Section 313 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.") and pleaded false implication.

**5.** *Vide* its judgment dated 27.04.2017, the Sessions Judge recorded the following vital findings:

**5.1.** Homicidal Death: That the deceased suffered a homicidal death on account of asphyxia due to constriction of the neck by ligature strangulation, as established by the medical evidence of Dr. Raju G.M. (PW-16) and RFSL reports.

**5.2.** Rejection of "Last Seen" Theory: The Sessions Judge rejected the testimonies of Nagappa (PW-13) and Palakshappa (PW-14) regarding the "last seen together" theory. The Trial Court recorded that there was an unexplained and inordinate delay of more than one-and-a-half months in recording their statements under Section 161 Cr.P.C. (recorded on 01.11.2013, despite the incident having occurred on 04.09.2013 and the arrest being made on 12.09.2013). The Sessions Judge

expressly held: "*So, the evidence is not believable to rely on the last seen theory.*"

**5.3.** Conviction based solely on recovery under Section 27 of the Indian Evidence Act, 1872 (hereinafter "Evidence Act"): Having discarded the "last seen" evidence, the Trial Court sustained the conviction under Section 302 IPC on the premise of the recovery of the ornaments from the house of the appellant under Section 27 Evidence Act.

**5.4.** Acquittal under Section 201 IPC: The Trial Court acquitted the appellant under Section 201 IPC, holding that merely dumping the body into a drum kept in an open yard without any effort to burn, bury or immerse it in water did not satisfy the requirement of an intentional act to cause disappearance of evidence.

**6.** Aggrieved thereby, the appellant preferred Criminal Appeal No. 1355 of 2017 before the High Court of Karnataka. The High Court, *vide* the impugned judgment dated 09.07.2024, dismissed the appeal. While affirming the conviction, the High Court reviewed the testimonies of Nagappa (PW-13) and

Palakshappa (PW-14) and held that the "last seen together" circumstance stood proven. The High Court further held that the recovery of ornaments under Section 27 Evidence Act remained unexplained by the appellant and completed the chain of circumstantial evidence.

***SUBMISSIONS ON BEHALF OF THE PARTIES***

**7.** Mr. A. Sirajudeen, learned Senior Advocate appearing on behalf of the appellant, made the following submissions:

**7.1.** The entire case rests on circumstantial evidence. As per the case of ***Sharad Birdhichand Sarda v. State of Maharashtra***,[1] the prosecution must establish a complete and unbroken chain of circumstances pointing to the guilt of the accused and inconsistent with any hypothesis of innocence.

**7.2.** The motive alleged by the prosecution that the appellant killed the deceased because he suspected her of having an illicit relationship with another man, is unfounded and unproved. None of the prosecution

[1] (1984) 4 SCC 116.

witnesses testified that the appellant possessed any such suspicion. PW-5 (nephew) and PW-7 (husband) admitted in cross-examination that they had no personal knowledge of any illicit relationship. Thus, the courts below accepted motive on conjectures.

**7.3.** It is submitted that the narrative of the prosecution regarding the discovery of the deceased's body inside a limestone drum is improbable and uncorroborated. According to the complainant (PW-1), the drum in question was kept covered to protect the lime from rain and he only arrived at the kiln after someone informed him over the phone that a dead body was lying inside. However, the investigating agency neither traced nor examined this informant who allegedly approached an unattended kiln, removed the covering from the drum at 9:00 AM and alerted PW-1 rather than the authorities. Further, neither the photographs of the deceased's body, nor the inquest report, nor the post-mortem report, reveal the stain or trace of limestone on the person or clothing of the deceased.

**7.4.** The High Court committed an error of record in relying on the "last seen" testimonies of Nagappa (PW-13) and Palakshappa (PW-14) without adverting to the finding of the Trial Court that their evidence was unreliable due to an unexplained delay of 58 days in recording their statements under Section 161 Cr.P.C.. It is submitted that the version of the prosecution that the deceased accompanied the appellant to a relative's ceremonial gathering and departed along with him is uncorroborated by PW-5 (nephew), who was present at the ceremony and acknowledged in cross-examination that he had no personal knowledge of any illicit relationship, nor did he testify to seeing them depart together.

**7.5.** It is submitted that the circumstance concerning the seizure of ornaments under Section 27 Evidence Act cannot legally form the sole basis for sustaining a conviction for murder under Section 302 IPC. As laid down by a three-judge bench of this Court in ***Sanwat***

***Khan v. State of Rajasthan***,[2] and subsequently followed in ***Raj Kumar @ Raju v. State (NCT of Delhi)***,[3] the unexplained possession of articles belonging to the deceased merely enables a presumption under Illustration (a) to Section 114 Evidence Act regarding theft or receipt of stolen property and such possession cannot be stretched to infer guilt for murder unless the prosecution conclusively proves that the robbery and murder were integral parts of the same transaction. In the present case, the recovery under seizure mahazar does not inspire confidence as PW-23 (appraiser) deposed in cross-examination that he routinely acts as a stock police witness, that his signature on spot mahazar was struck out as he signed only once that day and that he accompanied the team without a weighing apparatus. Additionally, no independent public witness attested to the disclosure statement of the appellant, the co-panch Ashok was kept away from the witness box, the alleged "last seen" witnesses (PW-

[2] (1952) 2 SCC 641.

[3] (2017) 11 SCC 160.

5, PW-13, PW-14) failed to identify any ornaments on the deceased and PW-13 admitted that the police had already brought the ornaments to the village on the day following the incident, thus disproving discovery after 1 week of the incident from the residence of the appellant. Learned counsel submitted that in the alternative, in view of the prosecution's case that there exists a relationship between the deceased and the appellant, it is entirely natural that her belongings might be kept at his house.

**7.6.** Lastly, learned counsel for the appellant submitted that the appellant has already suffered incarceration for over 13 years and the charge of murder against the appellant was not proved beyond reasonable doubt. Therefore, the impugned judgment of conviction of the appellant is to be set aside.

**8.** *Per contra*, Mr. Avishkar Singhvi, learned Additional Advocate General appearing for the State of Karnataka, supported the concurrent findings of conviction and made the following submissions:

**8.1.** It is submitted that in the present case, the death of the deceased was a homicidal strangulation and the motive was proved before the courts below. The illicit relationship between the appellant and the deceased was deposed by the family members of the deceased (PW-5, PW-7, PW-8, PW-10, PW-11), who confirmed that a village Panchayat had also taken place.

**8.2.** Nagappa (PW-13) and Palakshappa (PW-14) had natural occasions to see the appellant and deceased together on 04.09.2013. The following morning, PW-14 saw the appellant alone near the bus stand. Furthermore, the appellant failed to provide any plausible explanation regarding the timing and manner of his departure from the company of the deceased, thereby attracting the statutory burden under Section 106 Evidence Act. The absence of an earlier Section 161 Cr.P.C. statement in the case diary does not *per se* destroy the testimony of PW-14.

**8.3.** The immediate recovery of the body of the deceased along with medical and forensic findings conclusively proves a homicidal death, corroborating the

circumstantial case of the prosecution that the crime transpired shortly following the moment when the deceased was last seen in the company of the appellant. Reliance is placed upon the decisions of this Court in the cases of the ***State of U.P. v. Satish***,[4] and ***Kanhaiya Lal v. State of Rajasthan***,[5] to submit that the principle of "last seen together" constitutes a facet of circumstantial evidence which requires both proximity in time and independent corroborative proof to substantiate a finding of conviction. On the morning of 05.09.2013, pursuant to details communicated to Ramappa (PW-1) and supported by Shivamma (PW-2), the body of Sharadamma (the deceased) was found stuffed in an iron drum situated near a lime kiln and a plastic strap was recovered from a neighboring tree at the place of occurrence. The post-mortem examination conducted by Dr. Raju (PW-16) demonstrated two distinct ligature marks encircling the neck, widespread internal hemorrhage, muscular contusions and trauma

[4] (2005) 3 SCC 114.

[5] (2014) 4 SCC 715.

to the thyroid cartilage, leading to the medical opinion that asphyxiation due to constriction of neck by ligature strangulation caused the death. Thus, the medical testimony negates any theory of accidental or self-inflicted death, corroborating both the timeline of the prosecution and the homicidal nature of the incident.

**8.4.** The depositions of family members of the deceased, namely PW-8 (son), PW-10 (niece) and PW-11 (cousin) establish that the deceased was wearing gold and silver ornaments when last seen alive and upon the discovery of her dead body, the said articles of jewellery were found to be missing. The recovery of personal ornaments of the deceased from the possession of the appellant within a week of the incident in question under Section 27 Evidence Act is a clinching evidence of the crime. Furthermore, the appellant offered no explanation under Section 313 Cr.P.C. for the possession of the ornaments worn by the deceased when she was last seen alive. It is submitted that when stolen property is recovered shortly after the crime, an inference under Illustration (a) to Section 114 Evidence

Act arises that the person holding it is the perpetrator and if the evidence shows that the theft and homicide formed a single continuous transaction, such recovery justifies an inference of culpability for both offenses as held in the decisions of this Court in the case of ***Shri Bhagwan v. State of Rajasthan***,[6] and ***State (NCT of Delhi) v. Navjot Sandhu***.[7]

**8.5.** It is submitted that the prosecution established an unbroken chain of circumstantial evidence pointing to the guilt of the appellant, thereby satisfying the principles governing cases of circumstantial evidence laid down in ***Sharad Birdhichand Sarda v. State of Maharashtra***, (supra) and ***Abdul Nassar v. State of Kerala***.[8]

***ANALYSIS & FINDINGS***

**9.** The factual matrix of the present case discloses that it is a case of circumstantial evidence and it is a well-settled

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[6] (2001) SCC (Cri) 1095.

[7] 2005 SCC (Cri) 1715.

[8] 2025 SCC OnLine SC 111.

principle of law that in a case founded solely on circumstantial evidence, the prosecution is required to satisfy the five golden principles laid down in the landmark case of ***Sharad Birdhichand Sarda v. State of Maharashtra*** (supra). We have heard learned counsel appearing on behalf of the parties and perused the material available on record. Keeping the established principles in mind, we proceed to examine each link in the chain of circumstantial evidence relied upon by the prosecution.

**10.** The first circumstance relied upon by the prosecution is the motive of the appellant behind the incident in question. Motive, though not a *sine qua non* in cases resting on direct evidence, assumes vital importance where the entire case rests on circumstantial evidence and it is an important link in the chain of circumstances, as reiterated in the case of ***Indrajit Das v. State of Tripura***[9]. The case of the prosecution is that the motive of the appellant behind the incident in question was that the appellant and the deceased were in an illicit relationship and the appellant harboured

[9] (2023) 18 SCC 506.

suspicion regarding her character, suspecting her intimacy with another person.

**10.1.** In this regard, the Trial Court held that based on the evidence of the witnesses examined before the court, the prosecution proved its case against the appellant beyond all reasonable doubt, establishing that the appellant committed the murder of the deceased due to her illicit relationship with another person, as submitted by the Public Prosecutor. The High Court affirmed the said finding, observing that PW-5 (nephew), PW-8 (son) and PW-11 (cousin), relatives of the deceased, deposed that they were aware of the illicit relationship between the appellant and the deceased. Consequently, the prosecution established that the deceased and the appellant shared an illicit relationship at the relevant time.

**10.2.** On perusal, it is clear that both the Trial Court and the High Court committed an error by treating the general knowledge of an illicit relationship as proof of the motive to commit murder. On a careful scrutiny of the depositions of the family members of the deceased,

namely PW-5 (nephew), PW-7 (husband), PW-8 (son) and PW-11 (cousin), it emerges that the deceased was living separately from her husband and there were allegations of an illicit relationship with the appellant. However, PW-5 admitted during cross-examination that he did not personally witness any illicit relationship between the deceased and the appellant and further admitted that he had informed the police that he merely suspected the appellant in connection with the deceased's death. Similarly, PW-7 admitted that he had no personal knowledge of the affair. Significantly, none of the prosecution witnesses testified that the appellant harboured suspicion that the deceased was involved with another man or that any quarrel had ever taken place between them on that account. Thus, we are of the opinion that the motive alleged by the prosecution is a matter of conjecture and surmise, which cannot be accepted as an established circumstance against the appellant.

**11.** The second circumstance pressed by the prosecution is the "last seen together" theory, founded on the testimonies of

Nagappa (PW-13) and Palakshappa (PW-14). This Court in ***Kanhaiya Lal v. State of Rajasthan*** (supra), held that the circumstance of last seen together does not by itself lead to an inference of guilt unless there is proximate and independent corroborative material establishing a link between the accused and the crime.

**11.1.** A perusal of the record discloses that the incident occurred on the night of 04.09.2013 and the dead body was discovered on the morning of 05.09.2013. The appellant was arrested on 12.09.2013. Significantly, the statements of PW-13 and PW-14 under Section 161 Cr.P.C. were recorded by the investigating officer on 01.11.2013, which is after nearly 2 months.

**11.2.** The Trial Court rightly took note of this unexplained delay and expressly rejected their testimonies, holding that "*the evidence is not believable to rely on the last seen theory*". However, the High Court relied upon their testimonies without addressing the 58-day delay or providing any reasoning for reversing the said finding of the Trial Court. Thus, we are of the view that where the delay in recording the statements remains

completely unexplained, the “last seen” evidence is not conclusively established and was rightly rejected by the Trial Court.

**12.** The prosecution further sought to establish the dumping of the dead body inside an iron drum near the limestone kiln by the appellant. It is observed that while the homicidal nature of the death caused by ligature strangulation is established by medical evidence, the narrative of the prosecution regarding the concealment of the body has inconsistencies.

**12.1.** The complainant (PW-1) stated in his complaint that on the day before the incident as there was no business, the remaining lime was placed into a drum belonging to one Huligemma and was covered with plastic to shield it from the rain. The following morning, around 9:00 AM on 05.09.2013, the complainant received a phone call alerting him that a woman’s body was inside their lime drum and upon hearing the news, he immediately arrived at the lime burning site where he discovered the body of a woman with her limbs folded inside the drum, after which he alerted all the workers present at the site.

**12.2.** At this stage, it is relevant to observe that the investigating agency neither traced nor examined this informant. Furthermore, neither the inquest report nor the post-mortem report prepared by Dr. Raju G.M. (PW-16) reveals any trace or stain of limestone on the clothing or the person of the deceased. Thus, we are of the opinion that this circumstance as well creates doubt as to the veracity of the prosecution version regarding the discovery of the body.

**12.3.** In addition, the Trial Court acquitted the appellant of the charge under Section 201 IPC, observing that none of the prosecution witnesses examined before the court, including the investigating officer, stated that the appellant had placed the dead body of the deceased in a barrel with the intention of causing the disappearance of evidence. Significantly, the State did not file an appeal to the acquittal of the appellant under Section 201 IPC and consequently, the acquittal under Section 201 IPC has attained finality.

**13.** This brings us to the circumstance heavily relied upon by the courts below, namely, the recovery of ornaments under

Section 27 Evidence Act. The High Court held that the identification of the ornaments by PW-8 (son), PW-10 (niece) and PW-11 (cousin), all relatives of the deceased, gives credibility to the prosecution case that the ornaments belonged to the deceased, were missing from her person and were recovered at the instance of the appellant from his house, thereby connecting the appellant to the crime. The High Court further observed that, apart from a bare denial, the appellant offered no explanation for being in possession of the said ornaments. However, in the present case, we are of the view that the recovery itself is doubtful in the following circumstances:

**13.1.** On perusal of the record, the seizure mahazar (Ex. P-7) was signed by 3 panch witnesses, one Ashok, Mehaboob Basha (PW-12) and PW-23 (the goldsmith/appraiser). Ashok was not examined by the prosecution and PW-23 in his deposition failed to mention the attendance of Ashok during the proceedings. Both PW-12 and PW-23 did not testify to the disclosure statement made by the appellant in police custody that led to the discovery during the

recovery procedure. Thus, in the absence of cogent evidence from any independent witness supporting the statement of disclosure made by the appellant, the essential prerequisites under Section 27 Evidence Act remain unsatisfied in the facts of the present case. Additionally, PW-12 admitted in his cross-examination that the contents of the seizure mahazar were dictated entirely by PW-24 (CPI), that he did not personally know what was written therein and that he did not know the door number or ownership of the house from which the trunk was retrieved. While PW-12 claimed that all 3 persons signed both spot mahazar and seizure mahazar (Ex. P-6 and Ex. P-7), PW-23 admitted in his cross-examination that his signature on Ex. P-6 (spot mahazar) was struck out without explanation and that the police had obtained his signature on only one document that day. At this stage, it is relevant to note that if his signature was already affixed on the spot mahazar (Ex. P-6), the prosecution has failed to explain how his signature also appears on seizure mahazar (Ex. P-7). Furthermore, PW-23 admitted that he is a regular

police witness who has examined gold and silver articles and given statements in multiple cases for the Harapanahalli Police Station over many years, that he did not even carry a weighing machine with him at the time of the seizure and that the seized articles were ordinary ornaments commonly available in the market.

**13.2.** Additionally, to establish a link through recovery, the prosecution was required to prove not merely ownership, but that the deceased was actually wearing the said ornaments when she was last seen alive. However, on perusal of the record, it is evident that no statement under Section 161 Cr.P.C. of the relatives of the deceased was recorded identifying the seized jewels as those worn by the deceased when she was last seen alive. PW-13 and PW-14, the “last seen” witnesses, did not mention any jewellery worn by the deceased. Further, although PW-8 (the son) identified the deceased’s jewellery, he had left the deceased a day earlier and could not testify to what she wore at the time of leaving. While PW-10 (niece) and PW-11 (cousin) deposed to having observed certain ornaments on the

deceased upon her departure, neither witness deposed to witnessing her leave with the appellant. It is also to be noted that according to the I.O. (PW-24), the statements of PW-10 and PW-11 were not recorded until after the arrest of the appellant and PW-10 herself admitted in cross-examination that the police never examined her. Therefore, the prosecution completely failed to establish that the deceased was actually wearing the recovered ornaments when she was last seen alive with the appellant. In addition, learned counsel for the appellant rightly submitted that the foundational premise of the prosecution's case is that there existed an ongoing and intimate relationship between the deceased and the appellant and thus it is natural and plausible that some of her belongings, including ornaments, might have been kept or left at his house in the ordinary course of their association.

**13.3.** Furthermore, the timeline of the recovery is contradicted by the deposition of PW-13. The case of the prosecution is that the ornaments were recovered 8 days after the incident upon arrest of the appellant.

However, PW-13 admitted in cross-examination that on the following day of the incident, the police visited the village for investigation, asking him to accompany them and informed him that the deceased's earrings and gold effects had already been found at the residence of the appellant.

**13.4.** It is also pertinent to note that the sole motive advanced by the prosecution and accepted by the courts below was that the appellant committed murder of the deceased on account of an illicit relationship between them coupled with suspicion regarding her character. Thus, where the motive of the offence is rooted in personal animosity arising out of such a relationship, the prosecution did not establish any motive or intent for the appellant to commit theft of her jewellery. Significantly, no charge was framed against the appellant under Section 379, 392 or 404 IPC for theft or robbery, as the prosecution tried him exclusively for offences punishable under Sections 302 and 201 IPC.

**13.5.** It is well settled by a three-judge bench of this Court in ***Sanwat Khan v. State of Rajasthan*** (supra) and

reaffirmed in ***Raj Kumar @ Raju v. State (NCT of Delhi)*** (supra), that the unexplained possession of stolen articles belonging to the deceased merely enables a presumption under Illustration (a) to Section 114 Evidence Act regarding theft or receipt of stolen property. Therefore, in the present case, in the absence of cogent evidence showing that the robbery/theft and murder formed part of the same transaction, we are of the view that such recovery, by itself, cannot be stretched to infer guilt of the appellant for murder under Section 302 IPC.

**14.** At this stage, it is pertinent to reiterate the observation made in the decision of this Court in ***Shivaji Sahabrao Bobade v. State of Maharashtra***,[10] that "*Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions.*"

[10] (1973) 2 SCC 793.

**15.** On a holistic consideration of the evidence on record, the chain of circumstantial evidence cannot be said to be complete and unbroken. The prosecution has failed to establish the circumstances pointing conclusively to the guilt of the appellant beyond reasonable doubt. The findings of guilt recorded by the Trial Court and confirmed by the High Court are based on conjectures and surmises. Therefore, the appellant is entitled to the benefit of doubt and the conviction under Section 302 IPC cannot be sustained in law.

**16.** For the aforesaid reasons, the appeal is allowed. Accordingly, the conviction of the appellant under Section 302 IPC as well as the sentence of imprisonment for life and fine imposed by the Trial Court in Sessions Case No. 101 of 2014 and affirmed by the High Court of Karnataka in the final judgment and order dated 09.07.2024 in Criminal Appeal No. 1355 of 2017, are hereby quashed and set aside, however, the acquittal of the appellant under Section 201 IPC by the Trial Court is maintained. Consequently, the appellant is acquitted for the offence punishable under Section 302 IPC.

**17.** Since the appellant is presently in custody undergoing the sentence of life imprisonment, he shall be released forthwith, unless his presence is required for any other case.

**18.** Pending interlocutory application(s), if any, shall stand disposed of accordingly.

**.....J.**
**[PRASHANT KUMAR MISHRA]**

**.....J.**
**[VIPUL M. PANCHOLI]**

**NEW DELHI**
**NOVEMBER 18, 2026**