



**IN THE COURT OF THE SESSIONS JUDGE
EAST JAINTIA HILLS DISTRICT: KHLIEHRIAT**

Sessions Case No. 53/2021

G.R Case No. 92/2006

U/s 302 IPC

State

-Vs-

Shri Bud Langtang

Accused person

Present	:	Smti B. Khriam, Sessions Judge, East Jaintia Hills District, Khliehriat
For the Prosecution	:	Shri S. Pdang, Ld. Public Prosecutor
For the Accused	:	Smti A. M. Nongtdu, Ld. State Defence Counsel
Evidence recorded on	:	15.12.2021, 08.02.2022, 11.02.2022, 04.07.2022, 19.10.2022, 12.04.2024, 02.12.2024, 21.04.2025, 16.10.2025, (Prosecution witnesses) Nil (Defence witnesses)
Date of framing charge	:	10.11.2021
Statement of accused persons u/s 313 Cr.P.C	:	15.02.2024 & 16.12.2025
Date of filing written final arguments	:	11.05.2026 & 15.07.2026
Date of Judgment & Order	:	14.08.2026

J U D G M E N T

1. The prosecution story of the case is that on 27.09.2006 at around 8:00 PM Shri Bud Langtang, s/o (L) Kor Sati, r/o Narwan village had murdered Shri Swim Langtang, s/o Shri Priam Shadap at Narwan village. Hence, the case.
2. The First Information Report (FIR) filed by Smti Shall Langtang, mother of the deceased, was received by the Officer-in-Charge, Khliehriat PS and a case was registered vide Khliehriat PS C/No 92(9)2006 u/s 302 IPC and SI S. Shylla took up the investigation of the case. After the completion of the investigation, a charge sheet was filed by the investigating officer against the accused Shri Bud Langtang u/s 302 IPC vide C.S No. 41/2008 dated 28.04.2008.
3. The case was initially taken up by the Ld. Court of the ADC when the FIR was filed, upon arrest and production of the accused person Shri Bud Langtang, releasing him on bail till the case was charge-sheeted. Thereafter, the case was transferred to the Court of CJM, Khliehriat and the same was received on 02.12.2020 and the matter was taken up by the CJM himself. After securing the attendance of the accused person and supply of copies, the case was then committed to this Court vide order dated 18.10.2021 and the same was received on 10.11.2021 whereby the case was registered as Sessions case.
4. Formal charge was framed against the accused person Shri Bud Langtang on 10.11.2021 under section 302 I.P.C as there are grounds to presume that the accused person has committed the alleged offence and the same was read over and explained to him, in the language he understands, where accused pleaded not guilty and stood to face trial before the court.

5. Prosecution examined altogether 8 (eight) witnesses and exhibited 5 (five) documents to prove the case. After closure of the prosecution evidence, the accused person was examined under section 313 Cr.P.C and in his statements he denied to the allegations made against him by the prosecution. Accused person did not adduce any defence witness. Thereafter, the case was posted for final argument and both the Prosecution and Defence submitted their respective written final arguments. The case was then posted for judgment and order.
6. To enable this Court to come to a definite finding, the evidence of all the prosecution witnesses will have to be appreciated. The prosecution witnesses are as follows:

PW No.	Name of the Witness	Purpose of Examination
PW-1	Shri Brik Langtang	Eye witness
PW-2	Smti Shom Langtang	Eye witness
PW-3	Shri Biang Langtang	Seizure witness to prove Exhibits P1, 2, & 3
PW-4	Smti Milda Shadap	Wife of the accused person
PW-5	Smti Shall Langtang	Mother of the deceased to prove Exhibits P3 & P4
PW-6	SI Suklang Shylla	Investigating Officer (IO) to prove the case against the accused through his investigation
PW-7	Shri Bran Shadap	Witness to prove Exhibits P1, 2, & 3
PW-8	Dr. D. Shylla	Medical Officer to prove the post mortem report of the deceased

List of Defence witnesses: Nil

7. The lists of documents exhibited by the prosecution are as under:

Exhibit No.	Description of the exhibit	Proved by/ Attested by	Date of admission
Exhibit-P1	Inquest Report	PW-3, PW-6 & PW-7	08.02.2022
Exhibit-P2	Seizure list MR 34/08 (Khasi/Pnar dao)	PW-3, PW-6 & PW-7	08.02.2022, 11.02.2022 & 04.07.2022
Exhibit-P3	Handling over of dead body	PW-3, PW-5 & PW-7	08.02.2022, 04.07.2022
Exhibit-P4	First Information Report (FIR)	PW-5	02.02.2022
Exhibit-P5	Post Mortem examination report	PW-8	12.04.2024

Material Exhibits:

Exhibits No.	Description of the exhibits	Proved/ Attested by	Date of admission
Material Exhibits 1	Khasi dao about 2 ft. with bamboo handle	PW-3, PW-6 & PW-7	02.12.2024, & 16.10.2025

8. To enable this Court to come to a definite finding, the evidence of all the prosecution witnesses will have to be appreciated. PW-1 Shri Brik Langtang is the eye witness to the incident, PW-2 Smti Shom Langtang is also the eye witness to the incident, PW-3 Shri Biang Langtang is the younger brother of the deceased victim and also the seizure and inquest witness, PW-4 Smti Milda Shadap is the wife of the accused, PW-5 Smti Shall Langtang is the mother of the deceased victim and complainant, PW-6 S.I Suklang Shylla is the Investigating Officer, PW-7 Shri Bran Shadap is the headman of Narwan village and seizure witness and PW-8 Dr. D Shylla (Medical Officer) conducted the post mortem examination.

POINT FOR DETERMINATION

9. Having perused the evidence on record, this court has framed the following point for determination:

“Whether on 27.09.2006 at around 8:00 PM the accused Shri Bud Langtang had murdered the deceased person Shri Swim Langtang with a dao at Narwan village, thereby committed an offence punishable u/s 302 IPC?”

10. **Argument by the prosecution:** Ld. Public Prosecutor briefly discussed the prosecution story, discussed the provisions of law, reproduced the evidences of the PWs and made several submission which is not reproduced here, but will be referred to as and when the evidences of the PWs are discussed and analysed. Finally, he submitted that from the evidence of all PWs as discussed and the exhibited documents duly proved by the prosecution shows that the prosecution have proved the case beyond reasonable doubt against the accused person and as such a prima facie case is found well established against the accused person Shri Bud Langtang and the accused person is to be convicted according to law. A prayer is made before this court to convict the accused person Shri Bud Langtang under Section 302 IPC as the charge against him has been proved by the prosecution and maximum punishment should be imposed as per law.
11. **Argument by Defence:** In the written final argument, Ld. State Defence Counsel representing the accused person gave a brief description of the prosecution story and submitted several submissions which will be referred to when the evidences of the PWs are discussed and analysed. It

contended that from the depositions of the PWs and materials on record, the Prosecution had totally failed to prove that the accused person had at all committed the alleged offence. Not only that the prosecution had failed to prove beyond reasonable doubt, however, there is also totally nothing convincing to even link the accused person with the alleged offence. There is no statement or anything in writing that was recorded or exhibited or shown before the Court that the accused person had surrendered before the Police. The statement of the I/O that the accused person had surrendered before the Police by stating that he had murdered the victim without any supporting material or evidence, are nothing but overzealousness on the part of the Police to obtain conviction. The non-production of the weapon used in the alleged offence is very fatal to the case of the prosecution. The Defence finally submitted that viewed from all angles, the Prosecution has miserably failed to prove the case as to who is the offender(s) in the instant case or against the accused person Shri Bud Langtang in any manner whatsoever, and there is totally no case against the accused person. It therefore prayed before this Court that the accused person Shri Bud Langtang may be acquitted from the instant case and that he may be set at liberty free from all the liabilities of the case.

In support of her arguments, the Ld. State Defence Counsel has relied on the following citations to support her submissions:

- (i) In the case of *Kipa Sero v. State of Arunachal Pradesh* reported in (2005) 4 GLT 86, the Hon'ble Gauhati High Court has held in the said judgment that non-production of weapon of offence by the prosecution is fatal to the case of the Prosecution and acquitted the accused person.

- (ii) In the case of Mantu Telenga & Anr. v. State of Tripura reported in (2006) 3 GLT 453, at paragraphs 12, 13 and 14 of this Judgment, the Hon'ble Gauhati High Court held that in absence of any corroborative evidence of the extra-judicial confession and non-recording of the recovery statement the sentence against Sarat Kanda is not maintainable where the same is set aside and he is set at liberty.
- (iii) In the case of Om Prakash Gattani v. State of Assam reported in (2008) 4 GLT 807, at paragraphs 21, 22 and 25 the Hon'ble Gauhati High Court held that the alleged information of the accused being not recorded, the acquittal by the Sessions Judge is upheld.
- (iv) In the case of Ramdhan Mili & Anr. v. State of Assam reported in (2009) 1 GLT 723, at paragraphs 16, 18, 19 and 20 the Hon'ble Gauhati High Court held that where no statement of accused leading to the recovery had either been recorded or proved, the conviction and sentence is set aside.
- (v) In the case of Govindaraju alias Govinda v. State by Sriramapuram Police Station and Another, reported in (2012) 4 SCC 722, at paragraphs 51 and 52, the Hon'ble Supreme Court held that the recovery memos should bear the signatures of the accused and the bloodstain on the weapon should be proved that it is a human blood.
- (vi) In the case of Shahid Khan v. State of Rajasthan reported in (2016) 4 SCC 96, the Hon'ble Supreme Court held at paragraphs 11 to 21 of this decision that non-corroboration and case against accused persons not proved beyond reasonable doubt, the conviction is

reversed.

- (vii) In the case of Kanakarajan alias kanaka v. State of Kerala reported in (2017) 13 SCC 597, the Hon'ble Supreme Court held at paragraphs 14 to 24 that the Prosecution case filled with infirmities and lacunae, the benefit of doubt is in favour of the accused and reversed the conviction.
- (viii) In the case of Bhag Singh and Others v. State of Punjab reported in (2018) 14 SCC 221, the Hon'ble Supreme Court held at paragraphs 5 to 10 that the guilt of the accused persons not established beyond reasonable doubt, the conviction is reversed.
- (ix) In the case of Shanker v. State of Madhya Pradesh reported in (2018) 15 SCC 725 at paragraphs 8 to 20, the Hon'ble Supreme Court held that when several contradictions are present in evidence, most Prosecution witnesses turned hostile, no independent witness supported the Prosecution case, the conviction is reversed.

LEGAL PROVISIONS

- 12. To bring out the essence of the offence alleged against the accused person, let me first examine the basic ingredients of Section 300 IPC to demonstrate as to whether conviction of the accused person u/s 302 IPC is sustainable or not.
- 13. Section 300 of the Indian Penal Code (for short IPC) reads:
 - “300. Murder.—Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or—***
 - 2ndly.—If it is done with the intention of causing such bodily injury***

as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—

3rdly.—If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—

4thly.—If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Exception 1.—When culpable homicide is not murder.—Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident.

The above exception is subject to the following provisos:—

First.—That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

Secondly.—That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.

Thirdly.—That the provocation is not given by anything done in the lawful exercise of the right of private defence.

Explanation.—Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact.

Exception 2.—Culpable homicide is not murder if the offender, in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

Exception 3.—Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

Exception 4.—Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender having taken undue advantage or acted in a cruel or unusual manner.

Explanation.—It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5.—Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.”

14. Section 300 IPC provides that culpable homicide, as defined under Section 299 IPC, amounts to murder when the act causing death is committed with the intention of causing death, the intention of causing such bodily injury as the offender knows is likely to cause the death of the particular victim due to their specific vulnerability, the intention of causing bodily injury

that is sufficient in the ordinary course of nature to cause death, or the knowledge that the act is so imminently dangerous that it will, in all probability, cause death or such bodily injury as is likely to cause death, and is committed without any lawful justification. Thus, every murder is culpable homicide, but only culpable homicide exhibiting one of these four aggravated mental states constitutes murder. Where the requirements of Section 300 are satisfied, the offence is punishable as murder under Section 302 IPC unless one of the five statutory exceptions applies, in which case the offence is reduced to culpable homicide not amounting to murder punishable under Section 304 IPC. Exception 1 applies where the offender, deprived of self-control by grave and sudden provocation, causes the death of the person giving the provocation or another person by mistake or accident, provided the provocation was neither voluntarily sought nor given through a lawful act of a public servant or lawful exercise of private defence, and whether the provocation is sufficiently grave and sudden is determined on the facts of each case. Exception 2 applies where a person, acting in good faith in the exercise of the right of private defence of person or property, exceeds the limits of that right without premeditation and without intending to inflict more harm than necessary. Exception 3 protects a public servant, or a person assisting them, who in good faith exceeds lawful authority while acting for the advancement of public justice, believing the act to be lawful and necessary for the discharge of duty, and acting without ill-will towards the deceased. Exception 4 applies where death is caused without premeditation during a sudden fight arising from a sudden quarrel in the heat of passion, provided the offender neither takes undue advantage nor acts in a cruel or unusual

manner, irrespective of who initiated the provocation or the first assault. Exception 5 applies where the deceased, being above eighteen years of age, voluntarily consents to suffer death or to incur the risk of death, thereby reducing the offence from murder to culpable homicide not amounting to murder.

APPRECIATION OF EVIDENCES, DISCUSSION, REASONS AND DECISIONS

15. A witness's duty to give truthful evidence is fundamental to the criminal justice system, as courts rely on witnesses as their "eyes and ears" to reconstruct events, determine guilt or innocence, and ensure a fair trial. False, exaggerated, or suppressed testimony may result in the conviction of the innocent or the acquittal of the guilty, thereby undermining public confidence in the administration of justice. In *Dinubhai Boghabhai Solanki v. State of Gujarat*, the Honb'le Supreme Court emphasised that a fair criminal trial depends upon truthful witnesses while balancing the rights of the accused with the interests of justice. However, in *Bharwada Bhoginbhai Hirjibhai v. State of Gujarat*, the Court recognised that minor inconsistencies arising from ordinary human limitations, such as imperfect memory, differing perceptions, or the stress of testimony, do not necessarily impair a witness's credibility, and evidence must therefore be assessed realistically rather than with an expectation of flawless precision.
16. Let me now scrutinize the veracity of allegations levelled against the accused person, evidence of witnesses and the materials placed on record on the touchstone of criminal jurisprudence to enable this court to determine the innocence or guilt of the accused person in the instant case.
17. PW-1 in his examination in-chief deposed that he is aware of this case since

he is the eye witness, that on 27.09.2006 at around 8:30 PM he saw Shri Bud Langtang and (L) Swim Langtang had a fight and Shri Bud Langtang stabbed (L) Swim Langtang with a dao in which (L) Swim Langtang succumb to his injury on the spot. After the incident, Shri Bud Langtang fled away from the place. At the time of the incident besides him, PW-4 who is the wife of the accused person and PW-2 were also present and witnessed the scene. He identified the accused person in the Court dock on the day he came to depose.

During cross examination, PW-1 stated that he was tutored before coming to court. He saw Shri Bud langtang and Shri Swim Langtang were fighting with a local knife. He saw the deceased and the accused were fighting with local knife in which the deceased succumbed to his injuries on being stabbed with a local knife. They were fighting at around 8:30 PM at the residence of PW-4. He does not know for what reason they were fighting but when somebody called him, he went to the PO and saw the fight between them. When someone called him, he just saw only the fight and did not see when the deceased died.

- 18.** Ld. Public Prosecutor submitted that PW-1 stated in the cross examination that he was tutored before coming to court, but on this aspect no question has ever been put by the Defence Counsel to the witness as to who tutored him and as to what facts the witness has been tutored and to what extent. So therefore, the question of tutoring the witness is upon the defence to establish as to who tutored the witness but rather the defence failed to exercise the same. And hence, it cast a doubt as to who had tutored the witness. So therefore, the evidence of PW-1 shall be relied with in toto while convicting the accused person as it is a trustworthy

evidence and hold confidence. Further, on going through the evidence of PW-1 both in-chief and in cross, it gave a crystal clear to the fact of this case that the accused person Shri Bud Langtang had murdered the deceased person (L) Swim Langtang by stabbing him with a sharp weapon at his person as the witness PW-1 had seen by his own eyes about the incident as he is very much present at the PO at the time when the incident occurred.

- 19.** On the other hand, the Ld. State Defence Counsel submitted that PW-1 was tutored and won over by the prosecution for reasons not known to the defence, and his deposition cannot be believed as true. His deposition that the alleged accused and the victim were fighting against each other by using knife or knives. However, the fact remains that no such knife was ever seized by the Police and no weapon or such knife was ever produced or exhibited before the Court. Therefore, the deposition of PW-1 cannot be believed as true and it is not supported by any material. In respect of the identification of the accused by the witness, the Defence pointed out that the accused and the witness are from the same village and the identification of the accused in Court does not have any weight to pin the accused down with the alleged crime.
- 20.** The foundational narrative emerging from the examination in-chief of PW-1 establishes that the witness claims the status of an eyewitness to an incident occurring on 27.09.2006 at approximately 8:30 PM. PW-1 deposed that he witnessed a physical altercation between the accused Shri Bud Langtang and the deceased (L) Swim Langtang, during which the accused allegedly stabbed the deceased with a dao, resulting in the immediate death of the victim at the spot, followed by the flight of the

accused from the place of occurrence. Furthermore, PW-1 named PW-4, who is the wife of the accused, and PW-2 as being present at the scene and witnessing the incident, while also positively identifying the accused in the Court dock during his deposition. However, the cross-examination reveals critical material shifts and admissions that deeply fracture this neat narrative. PW-1 categorically admitted during cross-examination that he was tutored before coming to court. He further qualified his earlier assertion regarding the weapon by stating that both the accused and the deceased were fighting with a local knife, and that he did not see when the deceased actually died, having arrived at the place of occurrence only upon being called by an unidentified person, at which point he merely observed a mutual fight. Most significantly, his testimony regarding the presence of other witnesses places the wife of the accused, PW-4, at the scene, whose perspective inherently carries distinct evidentiary dynamics.

- 21.** Evaluating the rival submissions in light of this evidentiary backdrop, the contentions advanced by the Ld. Public Prosecutor assert that PW-1's admission of tutoring loses legal significance because the Defence failed to cross-examine the witness regarding the identity of the tutor, the specific facts taught, or the extent of such tutoring, thereby placing the burden on the Defence, which they failed to discharge. The prosecution thus urges this Court to rely upon the testimony in toto, arguing that the witness remained steadfast on the core aspect that the accused stabbed the deceased. However, this submission fails to withstand rigorous judicial scrutiny. While it is correct that vague allegations of tutoring without particulars often do not vitiate a testimony, an explicit and unprompted admission of tutoring by the witness himself shifts the baseline of

credibility, requiring the prosecution to dispel the shadow of manufactured evidence rather than shifting the entire burden onto the defence. The foundational duty to prove the case beyond reasonable doubt rests squarely on the prosecution, and a tainted or coached source cannot be easily sanitized merely by pointing out a lacuna in cross-examination regarding the mechanics of the tutoring.

Conversely, the submissions advanced by the Ld. State Defence Counsel carry considerable substance and are firmly anchored in the material omissions and contradictions apparent on the face of the record. The Defence rightly highlights the fatal admission of tutoring and successfully points out the glaring disconnect between PW-1's evolving description of the weapon, fluctuating between a dao in examination in-chief and a local knife in cross-examination, and the complete failure of the investigating agency to recover, seize, or exhibit any such weapon during the course of the investigation. Furthermore, the Defence judiciously attacks the weight of the in-court identification by noting that the accused and the witness belong to the same village, rendering a dock identification a weak piece of corroborative material when unaccompanied by prior identification safeguards or corroborative circumstances. The Defence submissions successfully expose the fragility of the prosecution's anchor witness, demonstrating that the testimony is neither wholly trustworthy nor corroborated by objective physical evidence such as the recovery of the weapon of offence.

- 22.** Upon assessing the weight and substance of the rival arguments, this Court finds that the submissions of the Defence possess far greater legal cogency and alignment with the record than those of the Prosecution. The

pivotal admissions made by PW-1 during cross-examination regarding tutoring, arriving late at the scene upon being summoned, observing a mutual fight rather than a unilateral fatal assault, and the absolute absence of any weapon recovery by the police create a chasm in the prosecution case that cannot be bridged by rhetorical arguments regarding cross-examination defaults.

23. Here, I would like to refer to the case of Govindaraju v. State, (2012) 4 SCC 722: (2012) 2 SCC (Cri) 533: 2012 SCC OnLine SC 263 wherein at paragraph 24, Hon'ble the Supreme Court has observed that:

"24. It is a settled proposition of law of evidence that it is not the number of witnesses that matters but it is the substance. It is also not necessary to examine a large number of witnesses if the prosecution can bring home the guilt of the accused even with a limited number of witnesses. In Lallu Manjhi v. State of Jharkhand [(2003) 2 SCC 401: 2003 SCC (Cri) 544] (SCC p. 405, para 10), this Court had classified the oral testimony of the witnesses into three categories:

(a) wholly reliable;

(b) wholly unreliable; and

(c) neither wholly reliable nor wholly unreliable.

In the third category of witnesses, the court has to be cautious and see if the statement of such witness is corroborated, either by the other witnesses or by other documentary or expert evidence."

In respect of the third category, which aptly describes PW-1 in the present case, the Hon'ble Supreme Court held that the court must be circumspect and look for corroboration in material particulars before

acting upon such testimony. Furthermore, on the critical aspect of material contradictions and the duty of the prosecution to present a consistent narrative, the Hon'ble Apex Court in cases such as *State of Uttar Pradesh v. M.K. Anthony* and subsequent jurisprudence has consistently reiterated that minor discrepancies do not erode credibility, but material discrepancies that go to the root of the matter and shake the basic version of the prosecution render the evidence untrustworthy. Additionally, regarding the appreciation of evidence where tutoring or external influence is brought to light, the courts are mandated to apply a higher degree of scrutiny to ensure that an innocent person is not penalized on the basis of a manufactured or embellished chronicle.

- 24.** Synthesizing the core essence, credibility, and overall evidentiary impact of PW-1's testimony, it is evident that the witness is a deeply compromised and vacillating entity whose initial veneer of a direct, spontaneous eyewitness account dissolves upon closer cross-examination. The central theme of his deposition shifts from a clear-cut unilateral assault by the accused using a dao to a bilateral fight involving a local knife, complicated by the explicit admission of pre-court tutoring and the concession that he arrived at the scene only after being summoned and failed to witness the fatal culmination of the event. While he maintains the identity of the accused and the basic setting of the incident at or near the residence of PW-4 at the twilight hour of 8:30 PM, the cumulative effect of his self-contradictions severely undermines his reliability, reducing his status from a sterling eyewitness to a witness requiring extreme caution and robust corroboration before any judicial reliance can be placed upon him.

The conclusion regarding the evidentiary value of PW-1's testimony

is that it is fraught with material contradictions, improvements, and admissions of tutoring, rendering it unsafe to base a conviction solely upon his uncorroborated word. In criminal jurisprudence, the testimony of an eyewitness must inspire implicit confidence and must be free from vital infirmities. When a witness admits to being tutored and modifies the genesis and nature of the weapon used, the threshold of reliability is severely breached.

- 25.** PW-2 in her examination in-chief stated that on 27.09.2006 at around 8:30 PM she saw and witnessed that the accused Shri Bud Langtang has murdered the deceased (L) Swim Langtang. She saw that the accused stabbed the deceased (L) Swim Langtang by a knife. After the incident the accused fled away from the place. Besides her, PW-4 wife of the accused person and PW-1 witnessed the incident. On witnessing the said incident she shouted and her co-villager has come to the PO. She identified the accused person in the Court dock.

When she was cross examined, PW-2 stated that she was not tutored before coming to Court. She did not witness anything but just saw the deceased lying on the ground. She did not see any knife, dao or any weapon on that day. She did not even witness that the accused person stabbing the deceased person. She does not know in which house the incident took place.

- 26.** Ld. Public Prosecutor did not made any submission but has only reproduced the deposition of PW-2. On the other hand, after making a reference to the evidence of PW-2, the Ld State Defence Counsel submitted that in the cross-examination, PW-2 denied of having any knowledge of being a witness to the alleged incident and denied that any

knife or dao or any weapon was ever used in the alleged incident. The deposition of PW-2 has dislodged and uprooted the deposition of PW-1 which he deposed that PW-2 was present at the alleged place of occurrence. Further, PW-2 was not declared hostile by the Prosecution. As such, the depositions of PW-2 in the cross-examination remains unchallenged by the prosecution and her deposition is accepted as true by the prosecution that she is not the eye-witness and that she knows nothing about the alleged offence. In respect of identification of the accused by the witness, it submitted that the accused and the witness are from the same village and the identification of the accused in Court does not have any weight to pin the accused down with the alleged crime.

- 27.** The clause-by-clause analysis of the entire evidence of PW-2 reveals a profound and irreconcilable dichotomy between her initial assertions and her subsequent disclosures. In her examination in-chief, PW-2 assumes the definitive posture of an eyewitness, testifying that on 27.09.2006 at approximately 8:30 PM, she witnessed the accused murder the deceased by stabbing him with a knife, following which the accused fled the scene. She further sought to bolster the prosecution narrative by placing PW-1 and PW-4, the wife of the accused, at the place of occurrence, asserting that she shouted after witnessing the crime, which drew co-villagers to the spot, and concluded by identifying the accused in the Court dock. However, her cross-examination utterly demolishes this edifice. When subjected to searching inquiries by the Defence, PW-2 categorically denied being tutored, but fundamentally contradicted her earlier version by stating that she did not witness anything at all, merely seeing the deceased lying on the ground. She explicitly disowned her prior statement

regarding the weapon, stating that she saw no knife, dao, or any weapon on that day, and flatly conceded that she did not witness the accused stabbing the deceased. Capping these dramatic retracting admissions, she confessed that she does not even know in which house the incident took place.

- 28.** Evaluating the rival submissions in light of this evidentiary framework, the posture adopted by the Ld. Public Prosecutor is notable for its passive stance, wherein no substantive arguments were advanced, and the prosecution merely reproduced the verbatim deposition of PW-2 without attempting to reconcile or explain the glaring chasms between her examination-in-chief and cross-examination. Conversely, the submissions advanced by the Ld. State Defence Counsel are incisive, legally grounded, and heavily supported by the record. The Defence astutely points out that PW-2 completely disowned her status as an eyewitness during cross-examination, explicitly denying any knowledge of the crime, the weapon, or the place of occurrence, thereby directly undermining the foundational claims of PW-1 regarding the presence and observations of PW-2 at the scene. Furthermore, the Defence underscores a critical procedural and tactical reality. Despite PW-2's complete somersault and destruction of the prosecution's case, the Public Prosecutor failed to declare her hostile and did not subject her to re-examination. Consequently, her damaging admissions made during cross-examination remained unchallenged by the prosecution, rendering her testimony an acceptance of her lack of eyewitness status. The Defence further reiterated that the dock identification by a co-villager carries negligible weight in the absence of corroborative substantive evidence.

- 29.** From the evidence, it is unmistakably clear that PW-2 is a completely hostile or wholly unreliable entity whose deposition has suffered a total collapse during cross-examination. The central theme of her testimony shifts from an ostensibly direct, eyewitness account of a brutal stabbing to a belated observation of a corpse lying on the ground, completely devoid of any visual perception of the assault, the weapon, or even the venue of the crime. While she initially claimed to have raised an alarm that summoned co-villagers, her sweeping concessions in cross-examination strip her testimony of any inculpatory value against the accused. Far from inspiring confidence, her evidence stands as a classic illustration of a witness who has given two diametrically opposed versions, thereby neutralizing any incriminating weight her examination-in-chief might have initially carried.
- 30.** Assessing the weight and substance of these submissions with judicial objectivity, the arguments advanced by the Defence possess overwhelming substance and completely outweigh the silent posture of the Prosecution. In criminal trials, when a prosecution witness gives patently contradictory versions in chief and cross-examination, and the prosecution chooses neither to declare the witness hostile nor to seek clarification through re-examination, the version most favourable to the accused, or the totality of the contradictions, must be evaluated to see if any safe reliance can be placed. Here, the complete retraction by PW-2 not only renders her own testimony legally worthless for establishing the guilt of the accused, but it also creates a severe dent in the corroborative chain sought to be established by the prosecution through multiple eyewitnesses.

- 31.** Arriving at a definite conclusion regarding the credibility and evidentiary value of PW-2's testimony, this Court holds that her deposition is utterly devoid of probative force and cannot be utilised to connect the accused with the commission of the crime. Maintaining absolute impartiality, this evaluation demonstrates no bias, but merely reflects the inescapable reality of an unverified and self-contradicted witness statement. When a witness blows hot and cold, offering a graphic description of a murder in her in-chief statement and complete ignorance of the event in cross-examination, the evidence enters the realm of utter unreliability.

It is a cardinal principle of evidence law that the evidence of a witness must be read as a whole, and if a witness turns inconsistent or retracts material facts during cross-examination without the prosecution seeking recourse under Section 154 of the Evidence Act to declare the witness hostile, the court is fully entitled to rely upon those parts of the cross-examination that enure to the benefit of the accused. Furthermore, as enunciated earlier, the testimony of a wholly unreliable witness must be discarded outright, as building a conviction upon shifting sands of self-contradictory depositions violates the bedrock tenets of proof beyond reasonable doubt. Consequently, the testimony of PW-2 fails to lend any support to the prosecution case, and the accused is entitled to the full measure of benefit arising from the collapse of this witness's deposition.

- 32.** PW-3 in his examination in-chief examination deposed that he knows about this instant case as the deceased is his elder brother and that on 27.09.2006 at around 8:00 PM while he was at his residence he heard some children saying that someone has died at Lumpyrdi, Narwan village and early morning on the next day that is 28.09.2006 he went to the PO

and found that the person who died is his elder brother lying death with blood. On seeing that, the headman along with their family members went to inform the police and on arrival of the police at the PO, the police held the inquest on the dead body and he was made to sign as witness on the body of the inquest report. Exhibit P1 is the inquest report and Exhibit P1 (1) is his signature thereon. The police have seized one Pnar/Khasi dao from the PO and he puts his signature on the body of the seizure list as a witness. Exhibit P2 is the seizure list and Exhibit P 2 (1) is his signature thereon. Thereafter, the police took the dead body to Khliehriat CHC for post-mortem and later after completion of the post-mortem the dead body was handed over to them and they took the dead body to the village and on the 29.09.2006 the dead body was cremated. Exhibit P3 is the handing over of dead body and Exhibit P 3 (1) is his signature thereon. He identified the accused person in the Court dock on the day he came to depose.

During cross examination, PW-3statedthat it is a fact that on the date of the incident he was not at home and was at his wife's residence at Sanaro village, West Jaintia Hills District since he was engaged in his cultivated land. It is a fact that he does not remember anything since he was not present on the date of occurrence. He remembers the date only when he reached here and on being told by his mother. The PO is 5 minutes far by walk from his mother's residence.

Upon re-examination by the prosecution, PW-3stated that the material exhibit which is marked as CMR No. 71/24 and already opened for identification by PW-7 is also shown to PW-3. On being shown to him, he stated that Material Exhibit P1 is the Khasi dao about 2 ft. with bamboo

handle which has been sealed by the police in connection with this case.

When further cross examined, PW-3 stated that he went to the PO on the following morning of the incident and around 6 to 7 people were also present including the house owner where the victim was murdered and also the relatives of the deceased. Material Exhibit P1 was recovered from the place where the dead body was lying. The police came to the PO in the morning time, but he cannot recall the time. He cannot remember who showed the police Material Exhibit P1. It is not a fact that he showed to the police Material Exhibit P1. He does not remember how the police picked up Material Exhibit P1 and he also does not remember how it was packed. It is a fact that he does not know how Material exhibit P1 was found from nearby the dead body. He saw that Material exhibit P1 was lying besides the dead body and he does not remember if it has blood stains on it. The material exhibit was taken by the police and he does not remember if it was packed or not and he does not know where it was taken or kept by the police. He knows that the length of Material Exhibit P1 is 2 ft, however he does not remember if it was told to him by the police or he has seen them measuring it as it has been a long time now. The police shifted the dead body at around 8:30 to 9:00 A.M and the dao was also taken at that same time. He does not know if Material Exhibit P1 was used in the commission of the offence but he heard the villagers talking that it was the one used for murdering the victim.

- 33.** Ld. Public Prosecutor while referring to the evidence of PW-3 stated that from the evidence of PW-3 both in-chief and cross, it appears that the PW-3 knows about the death of his elder brother (L) Swim Langtang only on the following day when he went to visit the PO and saw that the person

who was lying death with blood at the PO is his elder brother (L) Swim Langtang. Further, from the evidence of PW-3 it is clear that he has never visited the PO on the date of the incident and only on the following day he visited the PO. So therefore, his failure to visit the PO on the date of occurrence is well established by the Defence in the cross-examination as the witness was at his wife village at Sanaro, West Jaintia Hills District and hence he could not visit the PO on the date of the incident.

34. On the other hand, the Ld. State Defence Counsel submitted that PW-3 is not an eye-witness and he was not even at home when the incident was alleged to have occurred, his depositions are according to what he learnt from other people about the death of his own brother and lodged the FIR and he was made a witness in respect of the seizure list prepared by the Investigating Agency and the taking over of the dead body after the completion of the post-mortem. His deposition does not link the accused person in any manner to the commission of the alleged offence. In respect of identification of the accused by the witness, it is submitted that the accused and the witness are from the same village and the identification of the accused in Court does not have any weight to connect the accused person with the alleged offence.
35. The analysis of the entire evidence of PW-3 reveals a distinct bifurcation between initial assertions and subsequent admissions brought out under rigorous cross-examination and re-examination. In his examination-in-chief, PW-3 deposed as the younger brother of the deceased, stating that on 27.09.2006 at around 8:00 PM, while at his residence, he heard children shouting that someone had died at Lumpyrdi, Narwan village. He testified that early the next morning, on 28.09.2006, he proceeded to the

place of occurrence and discovered that the deceased was his elder brother, lying dead amidst blood. He recounted that the headman and family members informed the police, leading to the conduct of an inquest on the dead body, which he signed as Exhibit P1, acknowledging his signature as Exhibit P1(1). He further stated that the police seized a Pnar/Khasi dao from the place of occurrence, identifying the seizure list as Exhibit P2 and his signature thereon as Exhibit P2(1), followed by the shifting of the body to Khliehriat CHC for post-mortem, its subsequent handing over vide Exhibit P3 bearing his signature Exhibit P3(1), and final cremation on 29.09.2006, concluding his chief examination with an in-court dock identification of the accused. However, when subjected to cross-examination, PW-3 made a startling admission that fundamentally altered his temporal and spatial proximity to the crime, conceding that on the actual date of the incident he was not at home but was residing at his wife's village at Sanaro, West Jaintia Hills District, engaged in agricultural work in his cultivated land, and that he had no personal knowledge of the occurrence, having learned of the date only upon reaching the spot and being informed by his mother. During re-examination by the prosecution, when shown Material Exhibit P1, he identified it as a two-foot Khasi dao with a bamboo handle sealed by the police. Upon further cross-examination, PW-3 clarified that he reached the place of occurrence on the following morning alongside six or seven other people, including the house owner and relatives. He stated that Material Exhibit P1 was lying beside the dead body, though he could not recall who showed it to the police, explicitly denying that he pointed it out himself. He conceded that he did not remember how the police picked up or packed the weapon,

whether it bore bloodstains, or where it was subsequently kept, though he recalled its length was approximately two feet, noting he could not remember if he observed police measurement or was told about it due to the passage of time. He further noted that the body and the dao were removed by the police around 8:30 to 9:00 AM, and acknowledged candidly that he had no personal knowledge of whether Material Exhibit P1 was actually used in the commission of the offence, having merely heard villagers talking to that effect.

- 36.** The submissions advanced by the Ld. Public Prosecutor curiously concede and confirm the defence position, noting that PW-3 only came to know of his brother's death on the following day upon visiting the place of occurrence and that his absence on the date of the incident due to his presence at Sanaro village is well-established. The prosecution thus implicitly recognises that PW-3 cannot speak to the actual commission of the crime. Conversely, the submissions advanced by the Ld. State Defence Counsel are incisive, legally sound, and directly anchored in the admissions made by the witness. The Defence rightly emphasises that PW-3 is not an eyewitness, was absent from home on the fateful night, lodged the FIR based entirely on hearsay information gathered from others, and merely served as a formal witness for inquest and seizure documentation. The Defence forcefully contends that PW-3's testimony fails to link the accused in any manner to the alleged offence, and that his dock identification carries no legal weight given that both the accused and the witness belong to the same village.

- 37.** It is manifest that PW-3 is essentially a formal and hearsay witness rather than an eyewitness to the homicide. The central theme of his deposition revolves around post-incident discovery, formal identification of the body, execution of inquest and seizure documentation, and identification of the weapon of offence based on village gossip rather than direct ocular perception. While his initial examination-in-chief created a fleeting impression of immediate local presence, his truthful and candid admissions in cross-examination firmly establish his absence from the scene on the night of the occurrence, as he was miles away in another district for agricultural work. His reliability as to the substantive crime is thus zero, but his evidentiary utility is strictly confined to establishing the post-mortem state of the victim, the venue of discovery, and his signature on official police papers, albeit severely weakened regarding the precise handling or evidentiary integrity of the recovered dao due to lapses in memory and lack of direct observation of its seizure mechanics.
- 38.** Assessing the weight and substance of these rival submissions with judicial objectivity, the arguments advanced by the Defence hold absolute sway and find complete harmony with the established record. The prosecution's own stance aligns with the reality that PW-3's evidentiary value is restricted to post-crime official acts. The material parts of PW-3's evidence clearly demonstrate total absence at the time of the murder, complete reliance on hearsay regarding the weapon's usage, and a lack of precise memory concerning the seizure and packing of Material Exhibit P1. While his signatures on the inquest report and seizure list stand formally proved under the law of evidence, they merely establish that police paperwork was executed in his presence on the morning after the incident, without

directly incriminating the accused or establishing the unbroken chain of custody of the weapon through his ocular testimony.

- 39.** This Court holds that the deposition of PW-3 does not possess any incriminating weight against the accused regarding the actual commission of the murder. This evaluation recognises the witness for what he is i.e., a formal post-incident witness whose testimony provides historical narration of the discovery of the corpse and police proceedings, but remains entirely bereft of any nexus connecting the accused Shri Bud Langtang to the crime. A witness who speaks from hearsay regarding the weapon and admits total absence from the scene during the commission of the offence cannot form the basis of a conviction. Consequently, the testimony of PW-3 fails to advance the prosecution's case on the core question of authorship of the crime, serving only to establish the undisputed fact of the unnatural death of the deceased and the consequent police proceedings on the morning of 28.09.2006, leaving the substantive charge against the accused unproven by this witness.
- 40.** PW-4, wife of accused, in her examination in-chief submitted that on the night of 27.09.2006 the deceased came to their residence and asked for her husband as they are friends to which she replied that she does not know his whereabouts and the deceased at that point of time had a seat and in the mean time, her accused husband came home and out of a sudden the deceased pulled the accused outside and to that she told them to sit and talk but they did not agree and the deceased kept pulling her accused husband and she told them not to fight or quarrel and at that time she locked her door as she was scared that they might enter and fight

inside her house. She does not know anything then but only when she heard her co-villagers came she opened the door and became unconscious. She identified the accused person and in the Court dock the day she deposed.

During cross examination, PW-4 stated that on the date of the incident she did not see her accused husband carrying any dao. While the victim and his friend PW-1 came to her house and searched for her husband and he was not at home at that time and after a while her husband reached home and the victim and his friend started pulling her husband. She did not witness anything in this case.

- 41.** Ld. Public Prosecutor made a reference to the evidence of PW-4 and submitted that from the evidence of PW-4 it is clear that PW-1 is very much present at the time when the offence was committed by the accused person Shri Bud Langtang on the deceased. The evidence of PW-4 shows that on the date of the incident the deceased person along with PW-1 had come to her residence and searching for her husband and after a while her husband reached home and then the fight broke. So this implies that the evidence of PW-1 corroborated with the evidence of PW-4. Hence the evidence of PW-1 in stating that he eye witnessed the accused Shri Bud Langtang murdered the deceased (L) Swim Langtang is true and the same shall be consider and would need to be looked into by this Court while convicting the accused person Shri Bud Langtang.
- 42.** Ld. State Defence Counsel submitted that PW-4 in the cross-examination denied having any knowledge of being a witness to the alleged incident and denied that any knife or dao or any weapon was ever used in the alleged incident. The deposition of PW-4 has dislodged and uprooted the

depositions of PW-1 by stating that PW-4 and PW-2 were present at the alleged place of occurrence. It also submitted that PW-4 was not declared hostile by the Prosecution. As such, the depositions of PW-4 in the cross-examination remains unchallenged by the prosecution and her deposition is accepted by the Prosecution as true that she is not the eye-witness as stated in the in-chief and that she knows nothing about the alleged offence. In respect of identification of the accused by the witness, defence submits that the accused and the witness are husband and wife and the identification of the accused in Court does not have any weight to connect him with the alleged offence.

- 43.** The testimony of PW-4 occupies a uniquely sensitive position in this trial as the wife of the accused Shri Bud Langtang. In criminal jurisprudence, the assessment of a witness who is closely related or connected to the accused demands a high degree of judicial circumspection, balancing natural human inclinations against the sacred duty to speak the truth before a court of law. This Court must therefore scrutinise her deposition, weigh the rival submissions advanced by the prosecution and the defence, and determine the exact evidentiary weight and corroborative value of her statements in light of settled legal principles. Conducting a clause-by-clause analysis of the entire evidence of PW-4 reveals a narrative that undergoes a significant and material shift between her examination in-chief and her cross-examination. In her examination-in-chief, PW-4 deposed that on the night of 27.09.2006, the deceased came to their residence inquiring about her husband since they were friends, to which she responded that she was unaware of his whereabouts. She stated that the deceased sat down, and shortly thereafter, her husband arrived home,

whereupon the deceased suddenly pulled her husband outside. She attempted to intervene by asking them to sit and talk, but they refused, with the deceased persisting in pulling her husband, prompting her to warn them against quarrelling and ultimately locking her door out of fear that they might enter and fight inside her house. She testified that she knew nothing further until she heard co-villagers arrive, at which point she opened her door and promptly fainted due to shock and distress, concluding her chief examination by identifying the accused in the court dock. However, when subjected to cross-examination, PW-4 materially curtailed her account, stating categorically that on the date of the incident she did not see her husband carrying any dao, and further clarifying that the victim and his friend, PW-1, had come to her house searching for her husband when he was not at home, and that after a while her husband arrived, leading the victim and his friend to start pulling her husband, before concluding with the definitive and sweeping admission that she did not witness anything else in this case.

- 44.** Evaluating the rival submissions in light of this evidentiary framework, the arguments advanced by the Ld. Public Prosecutor seek to leverage PW-4's testimony to corroborate the presence and account of PW-1. The prosecution forcefully submits that PW-4's confirmation that the deceased and PW-1 came to her house looking for her husband, followed by her husband's arrival and the outbreak of a fight, directly substantiates PW-1's presence at the scene and validates the core prosecution narrative regarding the sequence of events leading up to the homicide. Conversely, the Ld. State Defence Counsel fiercely contends that PW-4's cross-examination completely uproots the prosecution's case by her categorical

admission that she witnessed nothing of the actual incident and saw no weapon. The Defence further underscores that despite PW-4 retracting her broader observational claims in cross-examination, the prosecution elected not to declare her hostile, thereby leaving her exculpatory admissions unchallenged and legally binding upon the State. Additionally, the Defence points out that as the wife of the accused, her dock identification carries no independent incriminatory value.

45. The core essence, credibility, and overall evidentiary impact of PW-4's testimony is that her evidence presents a classic portrait of a domestic witness caught between the tragic reality of a fatal altercation at her doorstep and her natural reluctance or psychological trauma as the wife of the accused. The central theme of her testimony establishes the genesis of the confrontation at her residence, confirming that the deceased and PW-1 arrived looking for her husband, that a struggle or pulling match ensued immediately upon the accused's arrival, and that she locked herself inside out of fear before fainting upon the arrival of neighbours. While her examination-in-chief provides vital contextual background regarding the initial moments of the confrontation and places PW-1 at or near the scene, her cross-examination explicitly restricts her visual perception, confirming the absence of any seen weapon in her husband's hand and culminating in a broad concession that she did not witness the actual commission of the crime or its fatal culmination. Her reliability lies firmly in her depiction of the preliminary quarrel and the presence of PW-1, but her utility as an eyewitness to the murder itself is nullified by her own admissions of retreating indoors and losing consciousness.

- 46.** Assessing the weight and substance of the rival submissions, this Court finds that both sides capture partial truths from PW-4's testimony, but the defence correctly highlights the severe limitations of her evidentiary reach. The prosecution is justified in arguing that PW-4 corroborates the initial presence of PW-1 and the fact that an altercation broke out between the deceased and the accused outside her residence, establishing the initial nexus of the parties. However, the prosecution's attempt to stretch PW-4's testimony into corroborating the actual murder or the use of a specific weapon fails, because PW-4 explicitly stated in cross-examination that she saw no weapon and witnessed nothing beyond the initial pulling before she locked her door and fainted. Furthermore, the defence's observation regarding the prosecution's failure to declare PW-4 hostile carries procedural weight, as the uncontradicted portions of her cross-examination, specifically her denial of witnessing the core crime, must be read in favour of the accused, ensuring that her testimony is not artificially inflated beyond what she structurally perceived.
- 47.** Thus, this Court holds that the deposition of PW-4 serves as a reliable piece of circumstantial and contextual evidence regarding the initial quarrel at the threshold of her house, but fails to provide substantive corroboration for the actual act of murder or the employment of a weapon. It also notes that PW-4's testimony bridges the gap regarding how the victim and PW-1 arrived at the spot and how the confrontation was initiated by a physical pulling match, but it stops short of implicating the accused in the final fatal blow, given her retreat behind locked doors and subsequent fainting.

- 48.** The testimony of a related or partisan witness, and by extension, a spouse, must be subjected to a searching and careful scrutiny. Where such a witness provides a mixed narrative containing both inculpatory initial circumstances and exculpatory admissions of limited visibility, the court must separate the grain from the chaff, relying only upon those portions that are inherently probable and corroborated by other trustworthy evidence, while extending the benefit of doubt where the witness expresses a lack of direct knowledge of the core offence. Furthermore, the Apex Court has repeatedly held that a witness's testimony cannot be read in isolation; where a witness retreats from a broad claim in chief to a limited observation in cross-examination without the prosecution seeking statutory rectification, the court must evaluate the cumulative impact with utmost fairness to the accused.

Accordingly, the testimony of PW-4 establishes the preliminary altercation and the presence of PW-1 at the threshold, but it does not supply the requisite legal certainty or corroboration to sustain a finding of guilt against the accused for the substantive charge of murder, thereby leaving the core prosecution allegation unbolstered by this witness.

- 49.** PW-5 in her examination-in-chief deposed that on 27.09.2006 she and her deceased son came from their work and when they reached home he took his clothes to have bath in a stream as he usually used to and after he came for bath they had dinner together. After having their dinner they started chewing betel nut (Kwai) and at that point of time he told his mother that he will go to buy bidi (tobacco) for himself and he went and later at around 8:00 PM one person (L) Swill Shadap came to his residence and informed her that her son was killed by the accused Shri Bud

Langtang and on hearing that she could not move to the PO as she was unconscious the moment she heard the news. On 28.09.2006 morning she along with her son PW-3 went and report to the Khliehriat PS and on reaching the PS she filed the FIR. The FIR was drafted by the police on being narrated by PW-5 and after the police drafted the FIR they read over to her and she puts her thumb impression on the body of the FIR. Exhibit P4 is the FIR and Exhibit P 4(1) is her signature thereon. After they left the PS, they went directly to their village and on reaching the village the police also came after them. On arrival of the police, they held the inquest upon the dead body and later took the dead body to Khliehriat CHC for post-mortem examination and after the completion of the post-mortem the dead body was handed over to the family and on handing over PW-5 puts her thumb impression on it. Exhibit P3 is the handing over of dead body and Exhibit P 3(2) is her thumb impression thereon. On receiving the dead body they took the body to the village and performed the last rites by cremating the dead body. She identified the accused person in the Court dock on the day she came to deposited.

During cross examination, PW-5 stated it is a fact she does not understand the contents of the FIR. The FIR was drafted by someone and she puts her thumb impression on it. On the date of the incident at around 8:00 PM one person by the name of late Swill Shadap came and informed her that her deceased son has died and said that the accused Shri Bud Langtang had beaten her son but Swill Shadap did not say anything with what weapon or material used and also did not mention the PO. It is a fact that she went along with the village headman to the police station to lodge the FIR. She was not tutored before coming to depose in court.

Whatever she stated in court about the incident is as per information she received from late Swill Shadap. She did not witness the incident.

50. Ld. Public Prosecutor submitted that from the evidence of PW-5, it is understood that the witness is the owner of the FIR and the said FIR was filed for the very reason and fact that her deceased son (L) Swim Langstang was murdered by the accused person Shri Bud Langstang.
51. On the other hand, the Ld. State Defence Counsel submitted that PW-5 is just a hearsay witness who deposed before the Court according to what she heard from one Late Swill Shadap. She is not an eye-witness and as such her deposition does not have any weight to link the accused with the alleged offence. In regard to the identification of the accused by the witness, it submitted that the accused and the witness are from the same village and the identification of the accused in Court does not have any weight to connect the accused with the alleged crime.
52. PW-5 occupies a pivotal position in this trial as the bereaved mother of the deceased and the original informant who set the criminal machinery into motion. In the architecture of criminal jurisprudence, the evaluation of an informant witness who is not an eyewitness demands a careful demarcation between substantive knowledge of the crime and formal procedural acts such as the lodging of the First Information Report, the identification of the body, and the execution of post-mortem handover documents. This Court must therefore dissect her deposition clause by clause, weigh the rival submissions advanced by the prosecution and the defence with absolute detachment, and determine the exact evidentiary weight and corroborative value of her testimony in light of established

legal principles.

Conducting a clause-by-clause analysis of the entire evidence of PW-5 reveals a narrative that transition from a mother's personal recollection of the final hours with her son to a formal reliance on hearsay information regarding the commission of the homicide. In her examination-in-chief, PW-5 deposed that on 27.09.2006, she and her deceased son returned home from work, after which her son bathed in a stream as was his usual routine, and they subsequently shared a dinner together. She stated that after finishing their meal, while they were chewing betel nut, her son informed her that he was going out to purchase tobacco, whereupon he left, and later at approximately 8:00 PM, a person named (L) Swill Shadap came to her residence and informed her that her son had been killed by the accused Shri Bud Langtang. She testified that upon receiving this tragic news, she was immediately rendered unconscious and unable to move to the place of occurrence. She recounted that on the following morning, 28.09.2006, she accompanied her son PW-3 to the Khliehriat Police Station where she filed the First Information Report, which was drafted by the police upon her narration, read over to her, and authenticated by her thumb impression, marked as Exhibit P4, with her thumb impression thereon identified as Exhibit P4(1). She further described returning to the village alongside the police, participating in the inquest proceedings, witnessing the shifting of the dead body to Khliehriat CHC for post-mortem examination, and subsequently receiving the body back after the autopsy, affixing her thumb impression on the dead body handing-over receipt marked as Exhibit P3, bearing her thumb impression Exhibit P3(2), before proceeding with the cremation rites. She concluded

her chief examination by identifying the accused in the court dock. However, when subjected to rigorous cross-examination, PW-5 made critical admissions that defined the precise contours of her knowledge, stating candidly that she did not understand the contents of the FIR, which was drafted by someone else before she affixed her thumb impression. She reiterated that at around 8:00 PM on the date of the incident, late Swill Shadap informed her of her son's death and alleged that the accused had beaten him, but explicitly conceded that Swill Shadap did not mention any weapon or material used, nor did he specify the place of occurrence. She confirmed that she went to the police station along with the village headman, denied being tutored before coming to court, and made the decisive and sweeping admission that whatever she stated in court regarding the incident was entirely based on information received from late Swill Shadap, acknowledging unequivocally that she did not witness the incident herself.

- 53.** Evaluating the rival submissions in light of this evidentiary framework, the submissions advanced by the Ld. Public Prosecutor are brief and simplistic, asserting merely that PW-5 is the author of the FIR, which was filed for the explicit reason that her deceased son was murdered by the accused. While the prosecution correctly identifies her as the maker of the FIR, the submission overlooks the legal limitations of an FIR in substantive criminal jurisprudence, failing to recognise that an FIR lodged by a non-eyewitness based entirely on hearsay cannot substitute for substantive ocular proof of the crime. Conversely, the submissions advanced by the Ld. State Defence Counsel are incisive, legally precise, and firmly anchored in the admissions elicited during cross-examination. The Defence rightly emphasises that

PW-5 is a hearsay witness who deposed entirely according to what she was told by the late Swill Shadap, noting that she is not an eyewitness and that her deposition possesses no weight to link the accused to the alleged offence. Furthermore, the Defence challenges the in-court dock identification by pointing out that the witness and the accused belong to the same village, rendering such identification legally insignificant for pinning the crime upon the accused.

- 54.** From the evidence, it is clear that PW-5 is a classic hearsay witness and a formal informant whose substantive value lies in establishing the chronological timeline preceding the tragedy, the immediate reporting of the crime, and the formal identification procedures, rather than ocular participation in the homicide. The central theme of her testimony captures a mother's heartbreaking final moments with her son before he stepped out into the night, followed by the shattering news brought to her doorstep by an intermediary, late Swill Shadap. While her deposition establishes the foundational facts of setting the criminal law in motion by lodging the FIR on the morning of 28.09.2006 and participating in the post-mortem recovery of the body, her candid admission in cross-examination that she possesses no personal or direct knowledge of the assault, the weapon, or the venue strips her testimony of any direct incriminatory weight against the accused. Her reliability as an informant and grieving mother is absolute, but her evidentiary capacity is strictly confined to the realm of hearsay and post-crime administrative formalities.

- 55.** Assessing the weight and substance of the rival submissions, it is evident that the arguments advanced by the Defence hold overwhelming substance and accurately reflect the true evidentiary standing of PW-5's testimony. The prosecution's reliance on the FIR as a substantive piece of evidence overlooks the settled legal maxim that a FIR is not substantive evidence of the truth of the facts stated therein, but can only be used to corroborate or contradict the maker under specific provisions of the Evidence Act. Here, since PW-5 readily admitted in cross-examination that she had no personal knowledge of the incident and spoke entirely from hearsay communicated by Swill Shadap (who has died), the contents of the FIR regarding the manner of assault lose their independent probative force. The material parts of PW-5's evidence successfully establish her personal grief, the prompt reporting of the unnatural death, and her signature on official police papers, but they fall short of providing a direct legal thread connecting the accused to the fatal act.
- 56.** This Court holds that while the deposition of PW-5 is truthful, natural, and completely reliable regarding the factum of the lodging of the FIR and the post-mortem proceedings, it carries no incriminating weight to establish the substantive charge of murder against the accused Shri Bud Langtang. This judicial evaluation recognises that a mother's testimony about receiving news of her son's death from a third party remains legally classified as hearsay evidence, which cannot form the foundation of a criminal conviction in the absence of corroboration from primary, trustworthy ocular sources. This judicial conclusion finds robust support in the established principles of criminal jurisprudence and landmark precedents from the Hon'ble Supreme Court of India. It is a foundational

tenet of evidence law, repeatedly reiterated by the Apex Court in seminal rulings such as Kalyan Kumar Gogoi v. Ashutosh Gogoi that hearsay evidence is generally inadmissible and devoid of probative value unless it falls within specific statutory exceptions, and the testimony of an informant who derives all knowledge of the crime from an external narrator cannot be elevated to the status of substantive proof against an accused person. Furthermore, regarding the evidentiary scope of the FIR, it is an accepted fact that it is primarily a document to set the investigative machinery in motion and corroborate its maker, but when the maker explicitly admits to having no personal knowledge of the occurrence, the FIR and the accompanying testimony cannot serve as substitutes for direct eyewitness account. Consequently, the testimony of PW-5 fails to advance the prosecution's case on the core question of the authorship of the crime, serving only to establish the undisputed historical facts of the victim's departure from home on the evening of 27.09.2006, the prompt reporting of his unnatural death the following morning, and the due execution of police documentation, leaving the substantive charge against the accused unproven by this witness.

- 57.** PW-6 is the investigating Officer and in his examination in-chief he deposed that on receipt of the FIR from the complainant PW-5 who is the mother of the deceased on the 28.07.2006, he directed his subordinate to make a GD entry and he registered the case u/s 302 IPC. Then he along with his staff and the complainant left the P.S for Narwan village to start the investigation. On arrival at Narwan village he visited the PO and conducted the inquest over the dead body of Late Swim Langtang. He prepared the inquest report which is at Exhibit P1 and Exhibit P 1(2) is his

signature thereon, after conducting the inquest he sent the dead body to SDM&HO Khliehriat CHC for conduction post mortem examination to ascertain the real cause of death, sent the dead body through his staff constables and he started taking the statement of the witnesses and he found that all the witnesses' statements corroborated with each other that the accused Shri Bud Langtang had murdered the deceased. At 1:20 PM on 28.09.2006 he seized the materials from the PO which is one Khasi dao (waitbnoh) with length of about 2 ft of bamboo handle in the presence of the seizure witnesses. He prepared the seizure list which is at Exhibit P2 and Exhibit P 2(2) is his signature thereon. He also examined the seizure witnesses, after that he left the PO at Narwan village for Khliehriat PS and found that the accused person has already surrendered at the PS and accordingly he was arrested and was informed about the ground of arrest to the accused and sent him to CHC Khliehriat for medical examination through proper escort. After coming from CHC Khliehriat at around 5:25 PM, the accused person was examined and he stated that on 27.09.2006 evening he along with the deceased late Swim Langtang had a quarrel and fight, and then he (accused) took a doa and thrash the victim (deceased). On 29.09.2006 at around 9:30 AM the accused person was forwarded to the Court at Khliehriat under proper escort and the accused was remanded in Judicial custody. On 12.10.2006 he received the post mortem report from the medical officer who opined that the cause of death was due to shock and haemorrhage caused by a stab injury produced by the blow at the back by sharp weapons. On 28.04.2008 he discussed the merits and demerits of the case with the CI of Khliehriat and suggested him verbally to submit charge sheet against the accused person

Shri Bud Langtang based on the sufficient material evidence. Then accordingly he submitted charge sheet vide C.S No. 41/08 dated 28.04.08 U/S 302 IPC against the arrested accused person Shri Bud Langtang. He identified the accused person Shri Bud Langtang in the Court dock on the day he came to depose.

During cross examination, PW-6 stated that it is a fact that he never submitted prayer for recording statement of accused person u/s 164 CrPC. He knows of the fact that statement u/s 161 CrPC is not admissible in the Court of law. It is a fact that he did not inform the nearest executive magistrate before conducting and holding inquest report of any unnatural death. It is a fact that he did not take any photo of the PO and no rough sketch map was prepared. He did not make a prayer before the Court to send the seized materials to FSL. It is a fact that he send his staff and constables for examination of the dead body and he was not present when the post mortem was conducted so he has no idea about the post mortem. He did not collect any finger print. It is a fact that the accused person surrendered himself at the PS and it is also a fact that accused person suffered severe injuries on his body. The seized material was seized from the PO and not from the accused person. He cannot say if it is an act of self defence.

When PW-6 was re-examined by the prosecution, he stated that the seized material was not sent for FSL examination and opinion as because the incident occurred on 27.09.2006 evening and the matter was informed to the Police on 28.09.2006 morning and by the time the material exhibit (dao) is recovered, the blood stain on it has become dried hence, nothing could be picked up from the seized material. He also stated that he has

come across such experience where the FSL report return back the exhibits with report that it cannot be examined for finding due to dried blood.

On further cross examination, PW-6 stated he did not collect the blood stain from the material exhibit as it was dried. When he seized the material it was just after a day of the incident and it has not crossed 15 days. It is a fact that he had not sent the blood stain on material exhibit dao to FSL on his own assumption from experience otherwise he is not the expert to determine that dried blood cannot be examined.

On re-examination PW-6 stated that earlier in his in-chief examination he has stated that on 28.09.2006 at about 1:20 P.M he seized one khasi dao length about 2 ft with bamboo handle from the PO in the presence of witnesses. (Material exhibit wrapped with white paper and sealed with white cello tapes are permitted to be cut open before the Court for identification of the witness in the presence of the accused, prosecution and defence). On seeing the khasi dao, he stated that it was the one which was seized by him in connection with this case. Material Exhibit P1 is the seized khasi dao length about 2 ft with bamboo handle.

On further cross examination PW-6 agrees that he did not mention in Exhibit P2 from where Material Exhibit P1 was seized. It is a fact that the Material Exhibit P1 was not sent for FSL for forensic analysis and no blood stain was detected on it. He cannot remember if Material Exhibit P1 was produced by someone before the P.S. He has not measured the length of Material Exhibit P1. After Material Exhibit P1 was handed over to him, it was later kept at the P.S malkhana under the custody of the O/C Khliehriat P.S and for this a register was maintained. It is a fact that he has not put his

signature in Material Exhibit P1 as it has been repacked as the old paper got torn due to lapse of time. He does not agree to the suggestion that Material Exhibit P1 is not the one which he had seized in connection with this case. It is a fact that Material Exhibit P1 was never produced before the Court after being seized. The witnesses to Exhibit P2 are the headman and another person whose name he does not remember, but he does not remember if they signed Exhibit P2 at the PO or at the thana. He cannot remember whether these two seizure witnesses or some other person who handed over the Material Exhibit P1 to him.

- 58.** Ld. Public Prosecutor submitted that from the evidence of PW-6 it appears that his evidence is fully corroborated with the evidence of other witnesses especially with the medical evidence of PW-8 who is the Medical & Health Officer conducting the post mortem on the dead body of the deceased (L) Swim Langtang in opining the cause of death. The seized exhibit and the finding of the M&HO is very much corroborated.
- 59.** Ld. State Defence Counsel while referring to the evidence of PW-6 stated that the alleged statement of the accused person recorded by PW-6 u/s 161 Cr.P.C is hit by Section 25 of the Evidence Act and the same cannot be proved against the accused person. The statement and deposition of the I/O PW-6 that the accused person surrendered before the Police are without any material or surrender memo nor is there any corroboration from any witness. Had at all the accused person surrendered before the Police, the Inquest Report of the dead body which is Exhibit P 1 should have been signed by the accused person and be exhibited before the Court, the alleged weapon should have been sealed and packed in the presence of the accused together with his signature on the sealed package

and be produced before the Court. The accused person as well should have signed on the seizure list which is Exhibit P2. It is also the submission of the defence that the alleged weapon was not sealed and packed nor exhibited before the Court. The excuses given by the I/O PW-6 are not sustainable in fact and law.

- 60.** In criminal jurisprudence, the testimony of the investigating officer forms the structural skeleton of the prosecution's case, binding together the various strands of oral, documentary, and forensic evidence. While an investigating officer is a vital agency witness, their deposition must be scrutinised with rigorous objectivity to test the procedural rectitude of the investigation, the integrity of recoveries, the sanctity of document execution, and the reliability of confessional or custodial disclosures. This Court must therefore dissect the extensive testimony of PW-6 clause by clause, weigh the rival submissions advanced by the prosecution and the defence with absolute judicial detachment, and determine the exact evidentiary weight of the investigation in light of established legal precedents.

The analysis of the entire evidence of PW-6 reveals a narrative marked by extensive investigative lapses juxtaposed against formal procedural steps. In his examination-in-chief, PW-6 deposed that upon receiving the FIR from the complainant, PW-5, on 28.07.2006, he directed a GD entry to be made and registered the case under Section 302 of the IPC, thereafter proceeding with his staff and the complainant to Narwan village to commence the investigation. He testified that upon arriving at the place of occurrence, he conducted an inquest over the dead body of late Swim Langtang, prepared the inquest report marked as Exhibit P1,

and affixed his signature as Exhibit P1(2), before dispatching the body through constables to the SDM and HO at Khliehriat Community Health Center for post-mortem examination. He stated that he initiated witness examinations and concluded that their statements corroborated each other regarding the authorship of the crime by the accused Shri Bud Langtang. He further recounted that at 1:20 PM on 28.09.2006, he seized a Khasi dao with a two-foot bamboo handle from the place of occurrence in the presence of seizure witnesses, prepared the seizure list marked as Exhibit P2, and affixed his signature as Exhibit P2(1). He deposed that upon returning to the Khliehriat Police Station, he found that the accused had already surrendered, whereupon he formally arrested the accused, informed him of the grounds of arrest, and dispatched him to the CHC for medical examination under escort. Upon returning at 5:25 PM, PW-6 examined the accused, who allegedly stated that on the evening of 27.09.2006, he had a quarrel with the deceased and thrashed him with a dao. He stated that on 29.09.2006, the accused was forwarded to the court at Khliehriat and remanded to judicial custody, and that on 12.10.2006, he received the post-mortem report wherein the medical officer opined that death was due to shock and haemorrhage resulting from a stab injury inflicted by a sharp weapon at the back. Finally, on 28.04.2008, after discussing the case merits with the Circle Inspector, he submitted the charge sheet under Section 302 of the Indian Penal Code against the accused and identified the accused in the court dock. However, when subjected to rigorous cross-examination, re-examination, and further cross-examination, PW-6 made sweeping concessions and startling admissions that severely compromised the structural integrity of his

investigation. He admitted that he never submitted any prayer for recording the statement of the accused or witnesses under Section 164 of the Cr.P.C, acknowledged that Section 161 statements are inadmissible as substantive evidence, and conceded that he failed to inform the nearest executive magistrate before conducting the inquest. He further admitted that he took no photographs of the place of occurrence, prepared no rough sketch map, made no formal prayer to send the seized material to the Forensic Science Laboratory, and did not collect any fingerprints. He confirmed that the accused surrendered himself at the police station having suffered severe injuries on his body, and conceded that the alleged weapon was seized from the place of occurrence rather than recovered at the instance of or from the possession of the accused, while expressing inability to rule out whether the act constituted self-defence. During re-examination, when confronted about the failure to send the dao for forensic analysis, PW-6 offered a personal and unscientific explanation, stating that since the bloodstains had dried by the time of recovery, he assumed based on personal experience that the Forensic Science Laboratory would reject it, admitting candidly that he is not a forensic expert. Upon further cross-examination, PW-6 conceded that he failed to mention in the seizure list, Exhibit P2, the exact spot from where the material exhibit was seized, admitted that Material Exhibit P1 was never sent for forensic analysis, could not remember if the dao was produced by someone at the police station, admitted he never measured its length, and stated that the weapon was kept in the police station malkhana. Most critically, he conceded that he did not sign the material exhibit at the time of seizure, could not remember whether the seizure witnesses signed at

the spot or at the thana, and could not recall whether the seizure witnesses or some other person actually handed over the Material Exhibit P1 to him.

- 61.** Evaluating the rival submissions in light of this evidentiary framework, the arguments advanced by the Ld. Public Prosecutor seek to rely upon PW-6's testimony to establish corroboration between the police investigation, the recovery of the weapon, and the medical evidence tendered by PW-8, the Medical and Health Officer who conducted the post-mortem examination. The prosecution asserts that the cause of death opined by the doctor matches the nature of the weapon seized by the I.O. Conversely, the submissions advanced by the Ld. State Defence Counsel are exceptionally forceful, jurisprudentially sound, and deeply anchored in the statutory violations and admissions elicited from PW-6. The Defence rightly contends that the alleged oral statement of the accused recorded by the I.O. while in custody is a clear violation of Section 25 of the Indian Evidence Act and is entirely inadmissible in a court of law. The Defence further highlights the total absence of any surrender memo to substantiate the police claim of voluntary surrender, noting that had the accused surrendered or confessed, his signatures would have naturally appeared on the inquest report or seizure list. Most trenchantly, the Defence demolishes the prosecution's reliance on the material exhibit by pointing out that the dao was never sealed or packed in the presence of the accused or witnesses, was not sent for forensic analysis based on the arbitrary and non-expert assumption of the I.O., was not properly accounted for in the seizure list regarding its exact spot of discovery, and suffered from a broken and unverified chain of custody, thereby rendering

the recovery legally worthless.

- 62.** It is evident that while the Investigating Officer acted promptly in registering the FIR, conducting inquest formalities, and dispatching the body for autopsy, his investigation is deeply tainted by gross procedural omissions, lack of scientific rigor, and fatal breaches in the chain of custody of the primary weapon of offence. The central theme of his deposition exposes an investigation carried out in a casual and perfunctory manner, devoid of rough sketch mapping, forensic profiling, finger print collection, magistrate notification during inquest, or proper preservation and forensic testing of the alleged murder weapon. While his formal acts of registering the crime and forwarding the charge sheet are established, his attempt to introduce an incriminating verbal statement made by the accused while in police custody, coupled with his unsubstantiated assumptions regarding why the weapon was not sent for forensic analysis, severely undermines his credibility as an impartial and professional investigator. The evidentiary impact of his testimony is thus heavily diluted, reducing the prosecution's reliance on the investigation to mere formal paperwork rather than a foolproof, scientifically validated chain of incriminating circumstances.
- 63.** Assessing the weight and substance of the rival submissions, it becomes absolutely clear that the arguments advanced by the Defence possess overwhelming weight and completely shatter the evidentiary value of the investigation conducted by PW-6. In criminal jurisprudence, a shoddy, negligent, and legally flawed investigation does not automatically result in the acquittal of an accused if independent ocular or circumstantial evidence is unimpeachable; however, where the substantive eyewitness

accounts have already collapsed or proven untrustworthy, the defects and omissions in the investigation assume critical proportions, destroying the links necessary to complete a chain of circumstantial guilt. Here, the failure of the I.O. to preserve the weapon, his admission that he did not know who handed it over, his failure to send it for forensic testing, and his illegal reliance on a custodial statement strike at the very heart of the prosecution's theory. Thus, this Court holds that the deposition of the Investigating Officer fails to provide the robust, legally sound support required to sustain a conviction. It also notes that while PW-6 successfully proved the formal steps of setting the criminal machinery in motion, drafting the inquest report, and forwarding the charge sheet, his investigation is plagued by incurable infirmities that render the recovery of Material Exhibit P1 legally inconsequential and the alleged confessional disclosure inadmissible.

- 64.** It is a foundational tenet of evidence law, repeatedly emphasised by the Hon'ble Apex Court in landmark rulings that lapses, negligence, or omissions by an investigating officer cannot by themselves be the sole ground for acquittal if the direct testimony is creditworthy; however, where the investigation is so tainted, slipshod, and violative of mandatory procedural safeguards (such as the failure to maintain an unbroken chain of custody for seized weapons or relying on inadmissible custodial statements), the benefit of such systemic failure must unhesitatingly accrue to the accused. Furthermore, statements made to an I.O. amounting to a confession of guilt are completely barred under Section 25 of the Evidence Act and cannot be used directly or indirectly to incriminate the accused. Consequently, the testimony of PW-6 fails to bridge the

chasms in the prosecution's case, leaving the substantive charge of murder against the accused Shri Bud Langtang uncorroborated by reliable investigative evidence, thereby entitling the accused to the full benefit of these profound evidentiary and procedural shortcomings.

- 65.** PW-7 in his examination in-chief deposed that in the year 2006 he was the headman of Narwan village. The incident occurred on 27.09.2006 at around 8:00 to 8:30 PM. He was informed by the mother of deceased PW-5 on 28.09.2006 morning that the accused Shri Bud Langtang had murdered her son Shri Swim Langtang. On receiving the information, he immediately went to the PO and on arrival at the PO he noticed the gathering of the people along with the police at the PO. The police have examined and held inquest on the dead body and he was made to sign as a witness on the body of the inquest report which is at Exhibit P1 and Exhibit P 1(3) is his signature thereon. The police also seized one dao from the PO and he was made to sign as witness on the body of the seizure list prepared by the police at Exhibit P2 and Exhibit P 2 (3) is his signature thereon. Thereafter the police took the dead body of (L) Swim Langtang to Khliehriat CHC for post mortem examination and after the completion of post mortem examination the dead body was handed over to the deceased's relatives in his presence and he was made to put his signature at the body of the handing over challan as witness which is at Exhibit P3 and Exhibit P 3(3) is his signature thereon. Thereafter, the dead body was taken by the family members to Narwan for the last rites and on arrival at Narwan village the dead body was cremated at the village crematorium. He identified the accused in the Court dock on the day he came to deposed.

During cross examination, PW-7 stated that he does not know anything about this case except the information which he received being a headman. He was informed since he was the headman at that time otherwise if he is not the headman he would not know anything about this case. His house is far from the place of incident. Though his house is far if someone comes and informed they still can reach his house. He did not witness the incident and what he stated is what he heard from others. When he was informed, he went to the PO, he saw the police personnel were already and many other people had gathered there, he saw the dead body but the accused person was not there. When he reached the PO he saw only the dead body, public gathering and the police personnel and he does not see anything more than that. As he was informed by the people the incident happened at around 8:00 PM or 8:30 PM and at that time it was already dark and the people who informed him may have just suspected the accused person since it was already dark and they could not see anyone. He was instructed by the police personnel who was present there at the PO to put his signature on the inquest report but he did not understand the content of the inquest report. He signed two papers at the PO which both he does not understand the contents and one he signed at the CHC which he does not understand the contents. He does not see the material exhibits before the Court. He remembers the date of incident as some people has informed him.

When PW-7 was re-examined, he stated that out of the three documents, two of them he signed at PO and one at the CHC, but he cannot understand the wordings as it was written in English and it was not explained to him. He knows the date of incident that took place on the

27.09.2006 and he was informed on 28.09.2006 and his recalling of the exact date of incident before deposition in court is his own. The seized dao which he has seen at the time when the police seized he could not see in the Court as it was not produced.

On re-examination, PW-7 stated the material exhibit which is wrapped with white paper and sealed with cello tapes on all sides marked as CMR No. 71/24 is permitted to be opened for identification by the witness. On being shown to him, he stated that Material Exhibit P1 is the Khasi dao about 2 ft. with bamboo handle which has been sealed by the police in connection with this case.

During further cross examination, PW-7 (after Material Exhibit was produced and opened before the Court), he stated that Material Exhibit P1 was recovered at around 8:00 or 8:30 A.M, but he does not remember who were present at that time. He was about 7 to 8 meters away from the place Material Exhibit P1 was recovered. He did not see how Material Exhibit P1 was picked up by the police as he was standing away from the place. He also does not know who told the police that Material Exhibit P1 was at that spot. He did not see how material exhibit was packed and he was told that it was the one used for committing the crime and he did not put his signature on the packet where Material Exhibit P1 was kept. He was told by the police at the spot that the length of Material Exhibit P1 is 2 ft and that it was a Pnar dao. He has never seen Material Exhibit P1 at the spot, but it was shown to him only in the Court.

- 66.** Ld. Public Prosecutor while referring to the deposition of PW-7 stated that the evidence of PW-7 hold a strong corroboration with the evidence of other PW's that proved the commission of an offence by the accused

person who had murdered the deceased.

67. Ld. State Defence Counsel while referring to the evidence of PW-7 submitted that PW-7 is not an eye witness to the alleged offence. Being a witness to the Inquest Report, the seizure List, the weapon used in the offence, the handing-over of the dead body after post mortem examination, etc., are not enough to link the accused person with the alleged offence.
68. PW-7 functioned as the village headman of Narwan village during the relevant period of 2006. In the architecture of criminal jurisprudence and the law of evidence, the deposition of a local authority figure who acts as an official witness to post-incident documentation must be evaluated with absolute precision, distinguishing between formal administrative assistance in police procedures and substantive eyewitness proof of the crime itself. This Court must therefore conduct a rigorous scrutiny of the deposition, weigh the rival submissions advanced by the prosecution and the defence, and determine the exact evidentiary and corroborative value of PW-7's testimony in accordance with established legal principles.

The analysis of the evidence of PW-7 reveals a distinct tension between formal compliance with administrative documentation and substantial admissions regarding lack of personal perception. In his examination-in-chief, PW-7 deposed that in the year 2006 he was the village headman of Narwan and that the incident occurred on 27.09.2006 at around 8:00 to 8:30 PM, concerning which he was informed on the morning of 28.09.2006 by the mother of the deceased, PW-5, who stated that the accused Shri Bud Langtang had murdered her son Shri Swim Langtang. He stated that upon receiving this information, he immediately

proceeded to the place of occurrence, where he observed a gathering of people along with police personnel, and that he witnessed the police conducting an inquest on the dead body, whereupon he signed as a witness on the inquest report, marked as Exhibit P1, identifying his signature as Exhibit P1(3). He further testified that the police seized a dao from the place of occurrence, and he signed as a witness on the seizure list, marked as Exhibit P2, identifying his signature as Exhibit P2(3), after which he witnessed the dead body being dispatched to Khliehriat CHC for post-mortem examination, following which he signed the dead body handing-over challan as a witness, marked as Exhibit P3, identifying his signature as Exhibit P3(3), and concluding with an in-court identification of the accused. However, when subjected to extensive cross-examination, re-examination, and further cross-examination, PW-7 made vital admissions that significantly circumscribed the scope of his testimony. He conceded that he has no personal knowledge of the case outside of the information he received purely by virtue of holding the office of headman, noting that his house is situated far from the place of incident and that he did not witness the crime itself. He stated that when he reached the place of occurrence, the accused was not present, and that the villagers who informed him may have merely suspected the accused because it was dark and nobody could actually see the perpetrator. He disclosed that he signed two papers at the place of occurrence and one at the CHC under the instruction of the police, without understanding their contents because they were written in English and not explained to him. When the sealed material exhibit packet marked as CMR No. 71/24 was opened during re-examination, PW-7 identified Material Exhibit P1 as a two-foot Khasi dao

with a bamboo handle. Nevertheless, during subsequent cross-examination after the exhibit was opened, PW-7 retracted or heavily qualified his familiarity with the weapon, stating that it was recovered around 8:00 or 8:30 AM, that he was standing about seven to eight meters away, and that he did not see how the police picked it up or packed it, nor did he know who pointed out its location to the police. He admitted that he did not sign the packet containing the material exhibit, that the length of two feet was told to him by the police, and that he had never actually seen Material Exhibit P1 at the spot during the initial seizure, having been shown it for the first time inside the courtroom.

- 69.** Evaluating the rival submissions in light of this evidentiary framework, the submissions advanced by the Ld. Public Prosecutor assert broadly that the evidence of PW-7 provides strong corroboration with the testimony of other prosecution witnesses to prove the commission of the murder by the accused. Conversely, the submissions advanced by the Ld. State Defence Counsel are incisive, legally precise, and firmly grounded in the admissions extracted from the witness. The Defence rightly emphasises that PW-7 is not an eyewitness to the alleged offence, and that his mere signature as a witness to the inquest report, seizure list, dead-home handover challan, and weapon identification cannot bridge the fatal gap of linking the accused to the crime. The Defence successfully demonstrates that PW-7's reliance on village suspicion, his distance from the actual recovery of the weapon, and his failure to witness the physical seizure of the dao render the prosecution's reliance on his attestation legally fragile.

- 70.** PW-7 is a formal, administrative, and hearsay witness whose role is strictly confined to assisting village affairs, setting police procedures in motion upon receiving information, and acting as a signatory to official documentation. The central theme of his deposition underscores the post-incident reality of a village headman arriving at a crowded crime scene the morning after the homicide, witnessing police formalities, and executing paperwork under official instruction. While his testimony successfully establishes the historical sequence of police presence, inquest execution, and the formal handover of the dead body, his explicit admissions in cross-examination that he did not witness the crime, that his initial information was based on village suspicion in the dark, that he did not understand the English text of the documents he signed, and that he never actually observed the seizure or handling of the weapon at the spot, strip his testimony of any substantive incriminatory weight against the accused regarding the actual commission of the murder.
- 71.** The prosecution's sweeping claim of corroboration fails to account for the material limitations admitted by the witness himself, who confirmed that he possessed no ocular knowledge of the attack, arrived only post-event, executed paperwork without understanding its English contents, and never witnessed the actual recovery or packing of the dao at the scene. While the formal execution of Exhibit P1, P2, and P3 stands proved through his signature as a matter of procedural law, the substantive value of those documents to prove the guilt of the accused remains entirely unbolstered by PW-7's testimony, as attestation of police papers by a village headman who is stationed meters away does not equate to proof of foundational facts or unbroken chains of custody.

- 72.** So while the deposition of PW-7 is truthful and reliable regarding his official capacity as headman who witnessed police presence and signed formal papers on the morning of 28.09.2006, it carries zero probative force to establish the substantive charge of murder against the accused Shri Bud Langtang. This court recognises that an official who arrives post-incident, relies on village speculation for initial naming, signs English documents without comprehension, and watches recoveries from a distance cannot serve as a pillar of substantive incrimination.
- 73.** PW-8 is the Medical & Health Officer who conducted the post-mortem examination on the dead body and in his examination in-chief he deposed that the dead body of Swim Langtang, male of 28 years was brought by UBC/121 S Synnah and SI C S Shylla on 28.09.2006 at 11:00 am and on the same date at 12:30 pm he conducted the examination. The following is the outcome of the PM examination:
- a) External appearance – the dead body is of average built in the state of rigor mortis. There were stab wounds on left side of chest in two numbers of size - 2 inch x 1 inch deep into thorax, 3 ½ inch x 1 ½ inch deep into thorax in between 3rd and 6th ribs and cartilage. There are laceration injuries on left side of the face and upper eye brow in three numbers size - 2inch x ½ inch, 3 inch x ½ inch, and 2½ inch x ½ inch.
 - b) Thorax – there is stab and punctured wounds on left side of the thorax between 3rd and 6th ribs cut and injured, pleura is damaged on left side, right lung is healthy, left lung punctured and damaged due to stab wounds, pericardium is damaged due to stab wounds, heart is punctured by stab wounds at left ventricle, and while other

parts are healthy.

- c) The injuries found on the body of the deceased were of ante mortem in nature.

PW-8 opined that the cause of death is due to shock and haemorrhage caused by stab injuries produced by blow on the body by sharp weapons. The then D&MHO as Civil Surgeon has also signed as he agreed with the opinion of PW-8 on the report. Exhibit P5 is the post mortem report and Exhibit P5 (1) is his signature thereon.

During cross examination, PW-8 stated that it is a fact that he did mention the time when he conducted the post mortem examination. He dispatched the dead body on the same day at 11:00 A.M. It is not a fact that his opinion in the post mortem report is not final and was waiting for a second opinion from the DM&HO, Jaintia Hills and he has seen that he later agreed and then his report was final. It is a fact that the laceration injury could be that the deceased had fallen down. It is a fact that there was one staff who was present while conducting this post mortem and he was helping PW-8 in conducting post mortem. He does not agree that his finding was based on the inquest or police information. It is a fact that as per the report, the cause of death of the deceased was due to stab injuries which were caused by sharp weapons which could be a local knife or any other sharp objects. He cannot say if the injuries were caused by a single or many persons.

- 74.** Ld. Public Prosecutor made a reference to the evidence of PW-8 and submitted that it is a matter of record which shows a complete corroboration with the evidence of all the PWs.

- 75.** On the other hand, Ld State Defence Counsel submitted that there is nothing to doubt about the examination and findings of PW-8 and there is no doubt about the death of the deceased victim that he had died an unnatural death. The only question is as to who is the offending person(s) responsible for the death of the deceased victim and as to whether the prosecution had proved beyond reasonable doubt as to whether it was the accused or any other person(s) who had caused the death of the deceased victim.
- 76.** In the architecture of criminal jurisprudence, medical jurisprudence occupies a paramount position as objective, scientific evidence that serves to verify or falsify the ocular and circumstantial narrative presented by the prosecution. While oral testimony is susceptible to human frailties, embellishments, and contradictions, medical evidence provides an empirical touchstone regarding the nature of injuries, the weapon capable of inflicting them, the anatomical impact, and the precise cause of death. It is incumbent upon this judicial forum to conduct a rigorous, clause-by-clause analysis of the medical testimony, weigh the rival submissions advanced by the State and the Defence with absolute detachment, and determine the exact corroborative value of PW-8's findings vis-a-vis the broader matrix of the case.

The evidence of PW-8 reveals a clear, professional, and scientifically consistent medical account. In his examination-in-chief, PW-8 deposed that the dead body of the deceased, a twenty-eight-year-old male named Swim Langtang, was brought to him by UBC/121 S. Synnah and SI C.S. Shylla on 28.09.2006 at 11:00 AM, and that he commenced the post-mortem examination on the same date at 12:30 PM. Detailing the external

appearance, PW-8 noted that the body was of average build and in a state of rigor mortis, revealing two distinct stab wounds on the left side of the chest measuring two inches by one inch deep into the thorax, and three and a half inches by one and a half inches deep into the thorax between the third and sixth ribs and cartilage, alongside three laceration injuries on the left side of the face and upper eyebrow measuring two inches by half an inch, three inches by half an inch, and two and a half inches by half an inch respectively. Proceeding to the internal examination of the thorax, PW-8 testified that there were stab and punctured wounds cutting and injuring the third to sixth ribs, with damage to the left pleura, while the right lung remained healthy, but the left lung was punctured and damaged due to the stab wounds, the pericardium was severely compromised, the heart was punctured at the left ventricle, and other parts remained healthy. He confirmed unequivocally that all observed injuries were ante-mortem in nature. Based on these meticulous findings, PW-8 opined that the cause of death was shock and haemorrhage resulting from stab injuries produced by blows on the body delivered by sharp weapons, noting further that the then District and Medical Health Officer, acting as Civil Surgeon, countersigned the report in agreement with his medical opinion, and formally identified the post-mortem report as Exhibit P5 and his signature thereon as Exhibit P5(1).

When subjected to cross-examination, PW-8 maintained his professional composure, clarifying that he duly noted the time of the post-mortem examination and received the dead body at 11:00 AM on the same day. He firmly denied the suggestion that his opinion was tentative or waiting for a second endorsement, explaining that the Civil Surgeon

merely countersigned in concurrence. He made a fair concession under cross-examination, acknowledging that the laceration injuries on the face could potentially be consistent with the deceased having suffered a fall, while clarifying that his findings were entirely independent of police information or inquest notes. Most significantly, PW-8 reiterated that death was caused by stab wounds inflicted by sharp weapons, which could encompass a local knife or any other sharp object, though he candidly stated that he could not ascertain whether the injuries were inflicted by a single assailant or multiple persons.

- 77.** Evaluating the rival submissions in light of this evidentiary framework, the submissions advanced by the Ld. Public Prosecutor assert that PW-8's medical testimony completely corroborates the evidence of all other prosecution witnesses regarding the occurrence of murder. Conversely, the submissions advanced by the Ld. State Defence Counsel display exemplary professional candour and legal accuracy, conceding that there is absolutely no reason to doubt the examination and findings of PW-8, and admitting that the fact of the victim's unnatural and homicidal death stands conclusively proved. However, the Defence astutely shifts the pivot of the controversy by arguing that while the medical evidence proves how the deceased died, the critical missing link in the prosecution's case remains the identity of the actual offender, emphasising that the prosecution has utterly failed to prove beyond a reasonable doubt whether it was the accused Shri Bud Langtang or any other person who inflicted the fatal blows.

- 78.** Seen that PW-8 is an entirely credible, objective, and professional medical witness whose testimony establishes beyond any shadow of doubt that the victim met a homicidal and unnatural death. The central theme of his deposition provides undeniable scientific proof of extreme violence, characterised by fatal, deep-penetrating stab wounds to the thorax that pierced the left lung, pericardium, and left ventricle of the heart, causing massive internal haemorrhage and rapid shock. The reliability factors of his testimony are exceptionally high, anchored in structured anatomical observations, standard forensic methodology, and an unshaken demeanour during cross-examination. While his evidence successfully establishes the mechanics of death, the nature of the weapon as a sharp instrument, and the ante-mortem status of the trauma, it operates purely within the domain of medical science and does not independently identify the perpetrator of the crime.
- 79.** Assessing the weight and substance of the rival submissions with absolute judicial objectivity, this Court finds that the position taken by the Defence is exceptionally sound and accurately encapsulates the true legal standing of the medical evidence in this trial. The prosecution's generalised claim that medical evidence corroborates the entire case overlooks the well-established limitation that medical science can prove the cause and manner of death, but it cannot by itself establish the identity of the assailant unless supported by trustworthy, unimpeachable ocular testimony or watertight circumstantial links. Here, while PW-8's post-mortem report confirms that the victim was stabbed in the chest with a sharp weapon, which broadly aligns with the generic descriptions of a dao or local knife spoken of by various witnesses, it provides no forensic bridge

to connect the accused to the weapon or the crime scene, especially given the complete collapse of the eyewitness accounts and the broken chain of custody concerning the recovered dao.

- 80.** This Court holds that the deposition of PW-8 and the post-mortem report marked as Exhibit P5 are fully credible, authentic, and conclusive in proving that the deceased, Swim Langtang, suffered a homicidal death resulting from severe shock and haemorrhage caused by ante-mortem stab wounds to the heart and left lung. This Court notes that while the medical evidence successfully establishes the corpus delicti (proving that a grave crime of violence was indeed committed), it does not, standing alone or in conjunction with the flawed investigative and contradictory eyewitness testimonies on record, legally establish that the accused, Shri Bud Langtang, was the perpetrator of that crime. Consequently, while the testimony of PW-8 firmly anchors the finding that the deceased met a brutal, homicidal end, the failure of the substantive eyewitness and investigative evidence to reliably link the accused to the fatal act leaves an unbridgeable void in the prosecution's case, entitling the accused to the benefit of the doubt on the core charge of murder.
- 81.** At this stage, it would be important and critical to examine the statement of the accused person u/s Section 313 Cr.P.C. This Section of the Cr.P.C provides a procedural safeguard for an accused and an opportunity for his defence by making him fully aware of the prosecution allegations against him and to answer the same to support his innocence. Seen in the instant case the statement of the accused person was recorded on 15.02.2024 and 16.12.2025.

In his statement under Section 313 Cr.P.C., the accused Shri Bud Langtang, when confronted with the evidence of PW-1 who stated that he witnessed a fight on 27.09.2006 at around 8:30 PM where the accused stabbed the deceased (L) Swim Langtang with a dao causing his death on the spot, the accused stated that he does not know Swim Langtang or PW-1. When put to him that PW-1 saw him fleeing the scene in the presence of other witnesses, the accused denied the allegation and stated that he did not commit the crime. Regarding PW-1's ability to identify him in the court dock, the accused stated that he does not know.

When confronted with the testimony of PW-2 that she witnessed the accused murder the deceased by stabbing him with a knife on 27.09.2006 at around 8:30 PM, the accused stated that he does not know. Regarding PW-2's evidence that he fled after the incident, which was witnessed by others, prompting her to raise an alarm for help, the accused stated that he does not know. When put to him that PW-2 identified him in the court dock, the accused stated that he does not know.

When confronted with PW-3's evidence of finding his brother's dead body in a pool of blood on the morning of 28.09.2006 and signing the inquest report (Ex. P-1), the accused stated that he does not know. Regarding PW-3's testimony that the police seized a Pnar/Khasi dao from the place of occurrence under a seizure list (Ex. P-2) bearing his signature, the accused stated that he does not know. When put to him that PW-3 received the deceased's body after the post-mortem for final rites as per the handing-over document (Ex. P-3), the accused stated that he does not know. Regarding PW-3 identifying him in the court dock, the accused stated that he does not know.

When confronted with the evidence of his wife (PW-4) that the deceased came asking for him, pulled him outside upon his return, and that she locked her door fearing a fight before the incident, the accused stated that he was not present at home at that time. Regarding PW-4's evidence that she only learned of the incident after neighbours gathered and subsequently lost consciousness, the accused stated that he does not know. When put to him that PW-4 identified him as her husband, the accused admitted that she is his wife but stated that they were staying separately.

Regarding the evidence of the deceased's mother PW-5 detailing her son's movements before being informed at 8:00 PM that the accused had killed him, the accused stated that he does not know. When confronted with PW-5's testimony regarding filing the FIR (Ex. P-4) at Khliehriat Police Station on 28.09.2006, the accused stated that he does not know. Regarding PW-5's attendance during the inquest, post-mortem procedures, and signing the body handing-over receipt (Ex. P-3), the accused stated that he had no knowledge about that. When put to him that PW-5 identified him in court, the accused stated that he does not know her.

In respect of the evidence of PW-6 (Investigating Officer) regarding the receipt of the FIR and registration of the case under Section 302 IPC, the accused stated that he does not know. When put to him that PW-6 visited the place of occurrence, conducted an inquest over the dead body, and prepared the inquest report (Ex. P-1), the accused denied knowledge of the statement. Regarding sending the body for a post-mortem and recording witness statements, the accused stated that he does not know.

When confronted with the IO's finding that all recorded witness statements corroborated that he murdered the deceased, the accused explicitly denied the allegation, stating that he did not murder Swim Langtang. Regarding the seizure of a 2-foot-long Khasi dao (waitbnoh) with a bamboo handle from the place of occurrence, the accused stated that he does not know / has no knowledge. When confronted with the IO's evidence that he surrendered at the police station, was sent for medical examination, and allegedly confessed to fighting and thrashing the deceased with a dao, the accused responded that he had sustained a head injury, went to Khliehriat Police Station, and noted that the injury is still visible on his head. Regarding his court forwarding and judicial remand on 29/09/2006, the accused stated that he was taken to the hospital before being produced in court and subsequently sent to jail. When put to him that the post-mortem report confirmed death due to shock and haemorrhage from sharp weapon stab injuries, the accused stated that he does not know. Regarding the submission of the Charge Sheet (CS No. 41/08) under Section 302 IPC against him, the accused stated that he does not know. Regarding the IO identifying him in court, the accused stated that he does not know.

When confronted with the evidence of the village Headman PW-7 that the mother of the deceased informed him on the morning of 28.09.2006 that the accused had murdered her son, the accused stated that he does not know about the Headman and denied committing the murder. Regarding PW-7 witnessing the inquest and signing the inquest report (Ex. P-1), the accused stated that he does not know and remarked that it was PW-7's duty as Headman to sign. When put to him that PW-7

witnessed the police seize a dao from the spot under a seizure list (Ex. P-2), the accused stated that he does not know. Regarding PW-7 witnessing the handing over of the body (Ex. P-3) after the post-mortem, the accused stated that he does not know. When put to him that PW-7 identified him in court, the accused stated that he does not know him and has never met him.

When confronted with the medical evidence of PW-8 detailing multiple ante-mortem stab and lacerated wounds (including fatal punctures to the left lung and heart left ventricle) causing death due to shock and haemorrhage from a sharp weapon blow as per report Ex. P-5, the accused stated that he does not know.

In his concluding statements, in response to whether he had anything further to add, the accused maintained that he has nothing to say as he has not committed any crime. The accused declined to adduce any evidence in his defence.

- 82.** Ld. State Defence Counsel submitted that the statement of the accused under Section 313 Cr.P.C. does not throw any light in regard to the commission of the alleged offence. The accused person has totally denied of having any knowledge about the same.
- 83.** The examination of the accused Shri Bud Langtang under Section 313 of the Cr.P.C show that he consistently responded with complete denials of knowledge regarding the incidents, testimonies, evidence, and individuals involved, while explicitly maintaining his innocence, denying that he committed the murder, and declining to present any defence evidence. Consequently, the Ld. State Defence Counsel concluded that the accused's

statement under Section 313 Cr.P.C. fails to provide any meaningful explanation or light regarding the commission of the alleged offence, as it amounts to a total blanket denial of all knowledge.

- 84.** The accused, Shri Bud Langtang, stands charged for the offence punishable under Section 302 of the IPC for the alleged murder of (L) Swim Langtang, which is stated to have occurred at Lumpyrdi, Narwan Village on 27.09.2006 at around 8:00 to 8:30 PM. The prosecution, in support of its case, has examined eight witnesses, being PW-1 to PW-8, comprising two purported eyewitnesses, the wife of the accused, the brother and the mother of the deceased, the village headman, the Investigating Officer, and the Medical and Health Officer who conducted the post-mortem examination. The accused has been examined under Section 313 of the Cr.P.C, 1973, and has declined to lead any defence evidence.
- 85.** Viewed in composite, the testimonies of PW-1 to PW-8 present a prosecution case that establishes certain facts with complete certainty while leaving the pivotal question i.e., the identity of the assailant, wholly unresolved. It stands proved beyond doubt that (L) Swim Langtang died a homicidal death on the night of 27.09.2006 at Narwan village, from ante-mortem stab wounds inflicted by a sharp weapon, as conclusively established by the unimpeached medical evidence of PW-8. It further stands established, largely through the testimonies of PW-3, PW-5, and PW-7, that the death was reported the following morning, that an inquest was held, that a Khasi dao was purportedly seized from the scene, and that the body was subjected to post-mortem examination and thereafter cremated, all of which are formal, procedural facts attested to by

witnesses who were not present at the time of the actual assault. What is conspicuously and fatally absent is any witness whose account of the assault itself survives scrutiny. PW-1, the only witness who claimed direct ocular knowledge of the stabbing, admitted to being tutored and to not having seen the fatal blow; PW-2, who made an identical claim in chief, disowned it entirely in cross, leaving no eyewitness testimony of substance; PW-4, the wife of the accused, corroborates only the preliminary altercation and expressly denies having seen any weapon or the assault itself; and the remaining witnesses, PW-3, PW-5, PW-6, and PW-7, are without exception hearsay, formal, or investigative witnesses who supply no ocular link between the accused and the fatal act. The investigation conducted by PW-6 is, moreover, marked by a chain of custody so porous, and a reliance on an inadmissible custodial statement so improper, that the recovery of the alleged murder weapon cannot be treated as connecting the accused to the crime with any degree of legal certainty.

- 86.** The question that must now engage this Court is whether the PW testimonies, taken in toto, constitute evidence of such quality, consistency, and reliability as to establish the guilt of the accused beyond reasonable doubt. Applying the well-settled tripartite classification of witnesses into those who are wholly reliable, those who are wholly unreliable, and those who fall in an intermediate category requiring corroboration, this Court finds that not a single prosecution witness in the present case can be placed in the first category. PW-1 and PW-2, the only witnesses purporting direct ocular knowledge of the assault, fall respectively into the intermediate and wholly unreliable categories, and neither corroborates

the other; indeed, their accounts of who else was present are mutually destructive, with PW-1 placing PW-2 at the scene and PW-2 denying any such presence or knowledge. PW-4's evidence, while natural and largely credible as far as it goes, stops well short of the moment of the fatal assault. The medical evidence of PW-8, though impeccable, proves only the fact and manner of death, not the identity of the perpetrator, since a medical witness cannot, without corroborating ocular or forensic linkage, supply the missing element of authorship. The investigative evidence of PW-6 is vitiated by an inadmissible confession, an unscientific refusal to conduct forensic testing, and an unverified chain of custody, such that even the recovered dao cannot be treated as a reliable circumstance pointing unerringly to the guilt of the accused. In these circumstances, the cumulative effect of the prosecution evidence, however sincere the underlying tragedy, fails to establish a chain of proof that is complete, coherent, and free from reasonable doubt. The evidence, considered as a whole, does not inspire that implicit confidence which the law requires before the liberty of an accused person may be forfeited on a charge as grave as murder.

- 87.** Throughout this examination u/s 313 Cr.P.C, the accused offered, without exception, a response of complete denial or professed ignorance to every circumstance put to him, whether relating to the testimony of PW-1, PW-2, PW-3, PW-5, PW-6, PW-7, or PW-8, the sole variations being his assertion that he was not present at home at the relevant time when confronted with a portion of PW-4's evidence, his acknowledgment that PW-4 is his wife albeit stating that they lived separately, his explicit and repeated denial of having murdered the deceased, and his reference to a

head injury he claims to have sustained, on account of which he went to the police station and which remains visible on his person. He declined to lead any evidence in his defence. While a blanket denial of this nature ordinarily furnishes little affirmative assistance to an accused, its evidentiary significance in the present case must be assessed against the backdrop of a prosecution case that has, on independent scrutiny of the PW evidence, already failed to establish the identity of the assailant with the requisite certainty. Where the prosecution's own edifice has crumbled under the weight of its witnesses' contradictions, the accused's statement under Section 313 CrPC, though unhelpful in a constructive sense, does not carry the burden of filling that void; the burden throughout remains upon the prosecution, and a mere denial, however unadorned, does not shift or lighten it. It is, however, of some relevance that the accused's account of a head injury sustained by him, referable to the fight that undisputedly occurred, echoes the concession extracted from PW-6 in cross-examination that the accused had indeed suffered severe injuries on his body and had surrendered himself, a circumstance the investigation neither explained through a self-defence inquiry nor foreclosed.

- 88.** The defence position, taken as a whole and comprising both the searching cross-examination conducted of each prosecution witness and the accused's blanket denial under Section 313 CrPC, rests on four cohesive pillars: first, that the only two witnesses professing direct ocular knowledge of the assault, PW-1 and PW-2, are respectively an admittedly tutored witness whose account of the weapon and the manner of the fatal culmination shifted materially, and a witness who wholly retracted her incriminating version in cross-examination without being declared hostile;

second, that every other prosecution witness, being PW-3, PW-5, and PW-7, is a hearsay or formal witness possessing no ocular knowledge of the assault and whose utility is confined to post-incident procedural formalities; third, that the investigation conducted by PW-6 suffers from incurable defects, including reliance on an inadmissible custodial statement and a broken chain of custody over the alleged murder weapon, which was never forensically examined nor definitively linked to the accused; and fourth, that the medical evidence of PW-8, while conclusively proving a homicidal death, is by its very nature incapable of identifying the assailant. Consistently across each witness, the defence has pressed the further point that the dock identification of the accused, made by co-villagers or family members who already knew him, carries negligible independent corroborative value. Taken cumulatively, the defence submissions do not seek to advance any competing theory of the crime but rest on the more fundamental proposition that the prosecution has simply failed to prove, through legally admissible and reliable evidence, that it was the accused who inflicted the fatal injuries.

- 89.** The submissions advanced by the prosecution considered across the record, sought principally to preserve the evidentiary value of PW-1 by contending that the defence's failure to cross-examine him on the particulars of his tutoring should absolve that admission of legal consequence, and to draw corroboration for PW-1's presence at the scene from the evidence of PW-4. In respect of PW-6 and PW-8, the prosecution urged that the investigation and the medical findings stood in full corroboration with each other and with the remaining witnesses. These submissions, though earnestly advanced, do not withstand close scrutiny.

The contention that an unrebutted admission of tutoring loses significance merely because the defence did not probe its mechanics inverts the burden of proof; an explicit, unprompted admission by a witness that he was coached before deposing is a matter going to the very root of his credibility, and it is for the prosecution, not the defence, to dispel the resulting taint. Similarly, the attempt to derive corroboration for the act of murder from PW-4's evidence overreaches what she actually deposed, since she expressly denied witnessing any weapon or the assault itself. As regards PW-2, the prosecution offered no submission reconciling her destructive cross-examination with her examination-in-chief, and its silence on that score, coupled with its failure to declare her hostile, must be read as an implicit, if unintended, concession of the collapse of that witness. The prosecution's invocation of corroboration between PW-6 and PW-8 conflates proof of the manner of death with proof of the identity of the assailant, two distinct evidentiary questions that medical evidence, standing alone, cannot bridge. In sum, the prosecutorial submissions, while professionally advanced, do not overcome the substantive infirmities that pervade the individual testimonies.

- 90.** Upon a comprehensive witness-by-witness evaluation of the entirety of the evidence on record, this Court arrives at the firm conclusion that while the prosecution has established beyond doubt that (L) Swim Langtang met a homicidal death on the night of 27.09.2006 as a result of stab wounds inflicted by a sharp weapon, it has failed to establish, beyond reasonable doubt, that it was the accused Shri Bud Langtang, who inflicted those fatal injuries. The two witnesses professing direct ocular knowledge of the assault, PW-1 and PW-2, are respectively an admittedly

tutored witness whose account materially shifted and a witness who wholly retracted her testimony in cross-examination; neither can be relied upon, whether singly or jointly, to found a conviction. The remaining prosecution witnesses are, without exception, hearsay, formal, or investigative witnesses incapable of supplying the missing link of authorship, and the investigation itself is vitiated by a broken chain of custody, an unscientific refusal to conduct forensic examination, and improper reliance upon an inadmissible custodial statement. The statement of the accused under Section 313 CrPC, though a bare denial affording no affirmative assistance to his defence, does not and cannot cure these fundamental deficiencies in the prosecution's case, since the burden of proof never shifts to the accused.

- 91.** In the result, giving the accused the benefit of the reasonable doubt that unmistakably arises on this record, this Court holds that the prosecution has not proved the charge under Section 302 of the Indian Penal Code against the accused Shri Bud Langtang beyond reasonable doubt. He shall be set at liberty forthwith, unless he is required to be detained in connection with any other case.
- 92.** The bail bonds, if any, shall stand cancelled. The material exhibits shall be dealt with in accordance with law after the expiry of the appeal period.
- 93.** The judgment is delivered in open court in presence of the accused person, learned Public Prosecutor and the learned State Defence Counsel.
- 94.** Case stands disposed-off on contest.

- 95.** Given under the hand and seal of this court this the 14th August, 2026.
- 96.** Typed and corrected by me.

(Smti B. Khriam)
Sessions Judge,
East Jaintia Hills District,
Khliehriat

APPENDIX

LIST OF PROSECUTION WITNESSES

PW No.	Name of the Witness	Purpose of Examination
PW-1	Shri Brik Langtang	Eye witness
PW-2	Smti Shom Langtang	Eye witness
PW-3	Shri Biang Langtang	Seizure witness to prove Exhibits P1, 2, & 3
PW-4	Smti Milda Shadap	Wife of the accused person
PW-5	Smti Shall Langtang	Mother of the deceased to prove Exhibits P3 & P4
PW-6	SI Suklang Shylla	Investigating Officer (IO) to prove the case against the accused through his investigation
PW-7	Shri Bran Shadap	Witness to prove Exhibits P1, 2, & 3
PW-8	Dr. D. Shylla	Medical Officer to prove the post mortem report of the deceased

EXHIBITS BY THE PROSECUTION

Exhibit No.	Description of the exhibit	Proved by/ Attested by	Date of admission
Exhibit-P1	Inquest Report	PW-3, PW-6 & PW-7	08.02.2022
Exhibit-P2	Seizure list MR 34/08 (Khasi/Pnar dao)	PW-3, PW-6 & PW-7	08.02.2022, 11.02.2022 & 04.07.2022
Exhibit-P3	Handling over of dead body	PW-3, PW-5 & PW-7	08.02.2022, 04.07.2022
Exhibit-P4	First Information Report (FIR)	PW-5	02.02.2022
Exhibit-P5	Post Mortem examination report	PW-8	12.04.2024

MATERIAL EXHIBIT

Exhibits No.	Description of the exhibits	Proved/ Attested by	Date of admission
Material Exhibits 1	Khasi dao about 2 ft. with bamboo handle	PW-3, PW-6 & PW-7	02.12.2024, 16.10.2025

LIST OF DEFENCE WITNESSES

Nil