

Presented on : 31/10/2022
Registered on : 31/10/2022
Decided : 20/12/2025
Duration : 3Y 01M 20D

IN THE COURT OF THE SESSIONS JUDGE, DAMAN,
AT DAMAN.

(Presided over by Rajesh S. Tiwari, Sessions Judge)

Sessions Case No.16/2022
CNR No.DD01-000-037-2022
Exh.94.

**(FIR/Crime No.66/2022 at
Police Station, Nani Daman,
Tal.& Dist.Daman.)**

<u>Complainant/State</u>	The State, U.T. of Dadra & Nagar Haveli and Daman & Diu through Police Station, Nani Daman, Tahasil and District Daman.
<u>Public Prosecutor</u>	Shri. Hariom Upadhyay
	V/s.
<u>Accused</u>	1. Nitish Anuj Paswan, Age : 28 Years, Occ.:- Nil, R/o. Room No.24, Sandip Bhai's Chawl, Ghelwad Faliya, Dabhel, Daman. N/o. Vill-Banwara, P.S. Chiksaura, Dist. Nalanda, Bihar.
	2. Brajendra Lotan Rayakbar @ Indrapal, Age :- 23 Years, Occ.:-Nil, R/o. Room No.46, Subhashbhai Ki Chawl, Ghelwad Faliya, Dabhel, Daman. R/o. Vill Talbehar, P.S. Talbehat, Dist. Lalitpur, Uttar Pradesh
<u>Advocate</u>	Shri. Mario Lopes, learned advocate for accused nos.1 and 2.

Date of Offence	17-07-2022
Date of FIR	18-07-2022
Date of Charge-sheet.	12-10-2022
Date of framing of charges.	23-03-2023
Date of commencement of evidence	06-02-2024
Date on which judgment is reserved.	20-12-2025
Date of the Judgment.	20-12-2025
Date of the Sentencing Order, if any.	Nil.

Accused Details

Rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for purpose of Section 428 Cr.P.C.
1	Nitish Anuj Paswan	19-07-2022	U.T.P.	376D & 302 read with Section 34 of the Indian Penal Code, 1860.	Acquitted	---	03 Y, 05 M, 01 D
2.	Brajendra Lotan Rayakbar @ Indrapal	19-07-2022	08-06-2025	376D & 302 read with Section 34 of the Indian Penal Code, 1860.	Acquitted	---	02 Y, 10 M, 30 D

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LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**A. Prosecution :-**

RANK	NAME	NATURE OF EVIDENCE
PW1	Kantilal Chagganbhai Patel	Informant
PW2	Dr. Priti Halpati	Autopsy surgeon
PW3	Chiragkumar Dineshbhai Patel	Panch witness
PW4	Sudhir Gauri Ram	Witness
PW5	Kamlesh Gaduram Chaurasiya	Panch witness
PW6	Ashwinbhai Anilbhai Gamit	Expert witness
PW7	Jignesh Nattu Patel	Panch witness
PW8	Suman Jiaut Yadav	Witness
PW9	Sundeeep Gulabbhai Patel	Witness
PW10	Vijaykumar Bhagwatbhai Patel	Witness
PW11	PSI Dhanji Khimjibhai Dubariya	Investigating officer.

B. Defence Witnesses, if any :

Rank	Name	Nature of Evidence (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
		No defence witness is examined

C. Court Witnesses, if any :

Rank	Name	Nature of Evidence (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
		No court witness is examined.

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LIST OF PROSECUTION /DEFENCE/COURT EXHIBITS**A. Prosecution :**

Sr.No.	Exhibit Numbers	Description
1	Exhibit P - 1/12	Report
2	Exhibit P - 2/17	Letter
3	Exhibit P - 2/18	PM report
4	Exhibit P - 2/19	Final cause of death
5	Exhibit P - 2/20	Requisition letter
6	Exhibit P - 2/21	Indemnification form.
7	Exhibit P - 3/25	Spot panchanama with sketch
8	Exhibit P - 3/26	Inquest panchanama
9	Exhibit P - 5/31	Seizure panchanama
10	Exhibit P - 5/32	Seizure panchanama of CCTV footage
11	Exhibit P - 5/33	Arrest panchanama
12	Exhibit P - 6/49	FSL report
13	Exhibit P - 6/50	FSL report
14	Exhibit P - 6/51	FSL report
15	Exhibit P - 7/54	Certificate under Section 65B of Indian Evidence Act.
16	Exhibit P - 9/59	Certificate under Section 65B of Indian Evidence Act.
17	Exhibit P - 10/62	FSL report
18	Exhibit P - 10/63	FSL report
19	Exhibit P - 10/64	Chawl proforma of accused no.2
20	Exhibit P - 11/69	Copy of station diary.
21	Exhibit P - 11/70	Requisition to FSL
22	Exhibit P - 11/71	Muddemal receipt
23	Exhibit P - 11/72	Requisition to MO
24	Exhibit P - 11/73	Printed first information report
25	Exhibit P - 11/74	Muddemal receipt

26	Exhibit P - 11/75	Requisition to MO
27	Exhibit P - 11/76	Muddemal receipt
26	Exhibit P - 11/77	Muddemal receipt
28	Exhibit P - 11/79	Forwarding letter to FSL

B. Defence :

Sr.No.	Exhibit Numbers	Description
		Nil

C. Court Exhibits :

Sr.No.	Exhibit Numbers	Description
1	Exhibit P-1/PW1	-----
2	Exhibit P-1/PW1	-----

D. Material Objects :

Sr.No.	Material Number	Object	Description
1	Article - A		BAG
2	Article - B		Imitation jewelery
3	Article - C		Hospital Slip
4	Article - D		Mobile
5	Article - E		Hard-disc
6	Article - F		Half T-shirt.
7	Article - G		Black Trouser
8	Article - H		Black Shirt
9	Article - I		Blanket

J U D G M E N T**(Delivered on 20th day of December, 2025)**

1] Accused nos.1 and 2 are facing trial for the offence punishable under Sections 376D and 302 read with Section 34 of the Indian Penal Code, 1860 (for short “the Code”).

2] Filtering the unnecessary details, prosecution case in a nutshell, is as under;

(i) On 18-07-2022, one Kantilal Chaganbhai Patel of Ghelwad Falia, Nani Daman went to his agriculture field situated near the cricket ground at Ghelwad, Falia, Dabhel at about 09.00 a.m.

(ii) Due to heavy rain, the rain water had accumulated in his field and when he reached near to a mango tree, he noticed that dead body of a woman was lying there and there were no cloths on the said body.

(iii) He, thereafter, phoned his son and called him to the agriculture field, and his son Ravindrabhai in his turn, immediately informed the police about the dead body.

(iv) The police reached to the field, where the dead body was lying.

(v) The police also noticed foot prints near the dead body.

(vi) The police near to the dead body, found one ladies bag containing cloths, imitation jewelry, mobile phone, sim card and one prescription.

(vii) From the contents of the prescription name of one Soni Begam of Shubhambhai's Chawl, Somnath was revealed.

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(viii) The police, thereafter, shifted the dead body to the Government Hospital, Marwad.

(ix) Said Kantilal Patel lodged first information report against unknown person.

(x) The police immediately swung into action and registered crime no.66/2022.

(xi) The investigation ensued and the police in order to collect evidence, prepared various panchnamas, recorded statements of the witnesses, collected autopsy report and arrested accused nos.1 and 2.

(xii) After culmination of the investigation, the police filed charge-sheet against accused nos.1 and 2 for the offence punishable under Sections 376D and 302 read with Section 34 of the Code.

3] My learned predecessor framed the charge (Exh.3) against accused nos.1 and 2 for the offence punishable under Sections 376D and 302 read with Section 34 of the Code. Accused nos.1 and 2, in response of the charge pleaded (Exhs.4 and 5) not guilty and claimed trial.

4] In order to prove its case, the prosecution examined the informant at Ex.11. Dr. Priti Halpati (PW2) at Ex.16, Chiragkumar Dineshbhai Patel (PW3) at Ex.24, Sudhir Gauri Ram (PW4) at Ex.29, Kamlesh Gaduram Chaurasiya (PW5) at Ex.30, Ashwinbhai Anilbhai Gamit (PW6) at Ex.48, Jainesh Natu

Patel (PW7) at Ex.53, Suman Jiaut Yadav (PW8) at Ex.55, Sundeep Gulabbhai Patel (PW9) at Ex.57, Vijaykumar Bhagwatbhai Patel (PW10) at Ex.61 and investigating officer, PSI Dhanji Khimjibhai Dubariya (PW11) at Ex.68. The prosecution, thereafter, passed a pursis (Ex.34) informing about closure of its evidence.

5] After culmination of the prosecution evidence, statement (Exhs.89 and 90) of accused nos.1 and 2, under Section 313 (1) (b) of the Code of Criminal Procedure, 1973, came to be recorded, in order to afford an opportunity to them to explain incriminating circumstances appearing against them. Accused nos.1 and 2 again took the defence of total denial and false implication.

6] Heard learned public prosecutor Shri. Hariom Upadhyay for the prosecution and learned counsel Shri. Mario Lopes for accused nos.1 and 2.

7] The learned public prosecutor submits that the prosecution has established all the links to form a complete chain of circumstances against accused nos.1 and 2. The chain of circumstances would indicate that accused nos.1 and 2 are the persons who had perpetrated the crime of homicide though the motive for commission of the crime is not revealed, yet the same is not necessary to be exposed in all the cases. He therefore, prayed for recording conviction against accused nos.1 and 2. He also placed reliance upon the authority of Hon'ble

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Apex Court in **Sunil Clifford Daniel V/s. State of Punjab [(2012) 11 SCC 205]**.

8] Per contra, learned counsel for accused nos.1 and 2 submits that the prosecution's case is resting upon only two circumstances i.e. CCTV footage and blood stains of deceased on T-shirt of accused no.2 and blanket recovered from room no.24. He further went on to submit that the investigating agency did not carryout the scientific tests of frame to frame analysis nor gait analysis in order to establish identity of accused nos.1 and 2. He also submits that the measurement of blood stains and their respective sizes is not mentioned in the seizure panchanama nor in the testimonies of the forensic analyst and investigating officer. The aforesaid two fold circumstances, therefore, are of no help to the prosecution for establishing nexus of accused nos.1 and 2 with the crime in question. He, thus, prayed for acquittal of accused nos.1 and 2. He also placed reliance upon the authority of Hon'ble Apex Court in the case of **Prabhu Babaji Navle V/s. State of Bombay [LAWS (SC) 1955 91]**.

9] The points for determination alongwith my findings thereon are as under.

No.	Points	Findings
1.	Whether the prosecution proved that Soni Begum died of homicidal death?	In the affirmative.
2.	Whether the prosecution proved that accused nos.1 and 2 in furtherance of their common intention committed	In the negative.

murder of Soni Begum?

3. Whether the prosecution proved that accused nos.1 and 2 committed gang rape on Soni Begum ? In the negative.
4. What order ? As per final order

REASONS

10] In response to notice under Section 294 of the Code of Criminal Procedure, 1973, accused nos.1 and 2 have admitted Chawl proforma (Ex.64) of accused no.2.

As to point No.1 :-

11] In order to prove the fact of homicidal death, the prosecution examined Autopsy Surgeon Dr. Halpati (PW2) who alongwith Dr. Desai and Dr. Patel conducted postmortem on 20-07-2022 between 11.15 a.m. to at 02.00 p.m. Upon external examination following injuries were noticed;

- i) bruise mark anterior on left side of neck roughly oval in shape measuring 3 x 1 cms.
- ii) bruise mark anterior on left side of neck measuring 2.5 x 0.5 cms.
- iii) bruise mark on left side of neck measuring 2 x 1 cms.
- iv) abrasion on the right side of neck towards lateral to middle of neck and round in shape measuring 0.5 x 1 cms.
- v) Circular abrasion on right side of neck measuring 0.5 c.m. x 1 c.m..
- vi) bruise mark oval in shape on forehead measuring 1 x 1

cms.

vii) circular abrasion on suture bone measuring 2 x 2 cms.

12] Upon internal examination it was noticed that cricoid cartilage was broken. Congestion was found on neck with hematoma between muscle plane coupled with congestion.

13] In her testimony she has further testified that all the injuries as mentioned herein above were ante mortem and in her opinion the death of Soni Begum was caused due to asphyxia because of strangulation. She also stated that the death might have been caused before 48 hours of autopsy. She also proved contents and execution of the postmortem report (Ex.18).

14] Furthermore, Dr. Halpati has also testified that the panel of doctors had taken blood sample in a plain and EDTA bulb, pubic hair, nail clipping, sample of uterus, vaginal swab and cloths of deceased. The said articles were sealed and handed over to the police alongwith a covering letter (Ex.19).

15] Dr. Halpati (PW2) has also stated that on 18-07-2022 the police had brought accused nos.1 and 2 for collection of biological samples and pursuant thereto, she had collected blood sample, pubic hair, nail clippings of both the accused. The samples drawn from accused nos.1 and 2 came to be sealed and handed over to the police alongwith a covering letter and identification form (Exhs.20 and 21).

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16] Accused nos.1 and 2 thoroughly grilled Dr. Halpati (PW2) in cross-examination. However, the factum of homicidal death was not disputed to in the process of entire cross-examination. The fact of homicidal death of Soni Begum, therefore, remained uncontroverted.

17] In the light of above discussion, there remains no iota of doubt that Soni Begum had died homicidal death. Hence, I answer point no.1 in the affirmative.

As to point no.2 :-

18] The prosecution examined panch witness Chirag (PW3) for proving contents of spot panchanama (Ex.25) and inquest panchanama (Ex.26). Said Chirag (PW3) has testified that the police prepared spot panchanama (Ex.25) and inquest panchanama (Ex.26) in his presence. He also testified that the police recovered one black colour bag (Art. A), imitation jewelry (Art. B), prescription (Art. C), mobile phone (Art. D) from the spot wherefrom the dead body was recovered. He also stated that a ligature mark was noticed around the neck and this fact is reflected in the contents of inquest panchanama (Ex.26).

19] The tenor of cross-examination of Chirag (PW.3) reveals that there was no dispute in regard to contents of both the above panchanamas (Exhs.25 and 26). The said panchanamas, therefore, remained unrebuted.

20] The star witness in this case is the husband of deceased Soni Begum i.e. Sudhir (PW4). He has testified that his

marriage was solemnized with one Rintu Kumari at his native place in the State of Bihar in the year 2019. He further went on to state that nick name of his wife was Soni. In the year 2022 he had taken Rintu @ Soni alongwith him to Daman, but after five months they got separated as his wife i.e. Rintu @ Soni had developed extra marital relationship. He further went on to testify that on 18-07-2022 he was summoned by police near to Somnath outpost. He, accordingly, reached there and therefrom the police took him to the hospital and shown the dead body of one female. After seeing the dead body and tatoo mark on the hand of the said body, he identified the same to be of his wife Rintu @ Soni.

21] The defence searchingly cross-examined him and in the said process he feigned ignorance about the identity of the female which is seen in the footage of camera no.7 of Sandeepbhai's Chawl which were shown to him. He sounded death knell to the prosecution case by admitting that on 17-07-2022 and 18-07-2022 his wife was residing with him.

22] The panch witness Kamlesh (PW5) has stated that police had verified CCTV footage of 17-07-2022 from 12.00 noon to next day in his presence. He further went on to state that police copied relevant footage in hard-disc and four pen-drives. The police, thereafter, seized said hard-disc and four pen-drives vide panchanama (Ex.31) in his presence.

23] In regard to panchanama (Ex.32) conducted inside room no.24 of Sandeepbhai Chawl, he has stated that the police

obtained key of the said room from the accused, opened the lock and entered inside the room alongwith one member of FSL team. After entering into the room they saw one mat, blanket and one blank sim card. They also noticed one black colour shirt which was lying in the bathroom area and blood stains were seen on the chest part of the said shirt. The blood stains were also found on the blanket and the wall. The forensic expert collected blood sample from the wall with the help of a cotton swab. The above articles were sealed in his presence and the above facts are incorporated in the panchanama (Ex.32).

24] He further testified that accused nos.1 and 2 came to be arrested by police vide panchanama (Ex.33) in his presence. He also stated that police seized half sleeves T-shirt (Art. F) and lower (Art. G) of accused no.2 in his presence vide panchanama (Ex.33).

25] From perusal of seizure panchanama (Ex.32) it transpires that it is prepared on 18-07-2022 between 18.20 to 19.30 hours. However, the said panchanama is silent about findings of blood stains on the shirt and blanket recovered from room no.24.

26] The forensic expert Gamit (PW6) has testified that the blood collected from biological mother of deceased Soni Begum matched with the blood collected from the body of Soni Begum. In DNA profiling blood of deceased Soni Begum was noticed on T-shirt (Ex.5/2), cotton swab (Ex.6) and blanket

(Ex.8) and these facts are specifically incorporated in the report (Exhs.49 to 51).

27] The testimony of Jignesh (PW7) reflects that he had copied CCTV footage pursuant to the directions of PSI Dubaria (PW11) from the DVR lying in Jaimataji Kirana Store. In his testimony he has also stated that CCTV footage of camera no.7 of 17.07.2022 to 18.07.2022 from 01.30 p.m. to 07.00 p.m. were copied by him in the hard-disc and pen-drives. He further went on to state about the certificate (Ex.54) issued under Section 65B of the Evidence Act, 1872.

28] It is significant to mention here that Suman (PW8) did not support the prosecution case and turned hostile. Her testimony, therefore, is of no avail to the prosecution to establish identity of deceased Soni Begum.

29] The prosecution has also examined the owner of the Chawl i.e. Sundeep (PW9) in order to prove the fact that accused no.1 was residing in room no.24. Said Sundeep (PW9) has testified that accused no.1 was residing as a tenant in room no.24 of his Chawl. He also stated that 16 CCTV cameras are installed in the said Chawl and DVR is kept in his shop i.e. Jaimataji Kirana Store. He further went on to state that the police had copied the data from the DVR in his presence.

30] In cross-examination he has stated that on the rear side of room no.24 other six rooms are situated. He, however, feigned ignorance about the name of the occupants of the rooms

adjoining to room no.24. He also stated about issuance of certificate (Ex.59) under Section 65B of the Evidence Act, 1872.

31] The prosecution, in order to prove the factum of collection of blood sample from the wall of room no.24 has examined the member of a forensic team i.e. Patel (PW10). In his testimony he has stated that the police had summoned him on 18-07-2022 and spot panchanama (Ex.32) was prepared in his presence. He further went on to state that he had collected blood stained soil, fishing net and plastic strip.

32] In his testimony, he further stated that the police again summoned him on the same day at about 05.00 p.m. He was taken to room no.24 of Sundeepbhai's Chawl. Upon reaching he noticed presence of PSI Dubaria (PW11) and accused no.1 there. The police seized one sim card and maroon blanket in his presence vide panchanama (Ex.32). He further went on to state that blood stains were noticed on the wall which he had collected in a cotton swab. He also testified about the black shirt which was lying outside the bath room and blood stain was seen on it. He, accordingly, prepared report (Ex.62) depicting of above facts.

33] The prosecution examined PSI, Dubaria (PW11) for proving pieces of evidence collected during investigation. In regard to CCTV footage of camera no.7 installed near room no.24, he has stated that Jignesh (PW7) had copied CCTV footage from the DVR in a hard-disc and four pen-drives. He further went on to state that he effected arrest of accused no.1

and 2 vide panchanama (Ex.33). He also stated that he had seized cloths of accused no.2 i.e. one T-shirt and track pant vide panchanama (Ex.33). He had deposited the seized muddemal vide receipt (Ex.76). He also stated that on 21-07-2022 he had collected biological samples of both the accused from the medical officer. He also seized cloths and biological samples of the deceased from the medical officer. He deposited the said muddemal with muddemal clerk vide receipt (Ex.77). He forwarded seized muddemal for forensic analysis on 26.07.2022 vide a forwarding letter (Ex.79).

34] Accused nos.1 and 2 searchingly cross-examined PSI Dubaria (PW11). In the cross-examination he has admitted that he did not give any requisition to muddemal clerk for obtaining (Articles A to I) for onward forwarding the same to forensic analyst. He also gave fatal admission to the prosecution case by admitting that the factum of blood stains noticed on the cloths i.e. T-shirt are not incorporated in the panchanama (Ex.33). He further went on to admit that he did not seize the DVR nor forwarded the same alongwith pen-drives for forensic analysis.

35] Upon closure scrutiny of the above evidence one fact stands crystallized that the prosecution case is entirely resting upon the circumstantial evidence. In such cases, the prosecution is duty bound to prove the following facts;

- 1) The circumstances from which the conclusion of guilt to be drawn, should be fully established and the circumstances concerned must or should and not may be established.

- 2) The facts so established should be consistent only with the hypothesis of the guilt of the accused i.e. to say they should not be explainable on any other hypothesis, except that the accused is/are guilty.
- 3) The circumstances should be of a conclusive nature and tendency.
- 4) They should exclude every possible hypothesis except one to be proved, and
- 5) There must be a chain of evidence, so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability, the act must have been done by the accused.

36] The aforesaid guidelines are laid down by Hon'ble Apex Court in **Sharad Birdhichand Sarda V/s. State of Maharashtra (AIR 1984 SC 1622).**

37] In the light of above discussion, it is reflected that the prosecution is mainly banking upon two sets of evidence i.e. CCTV footage of camera no.7 of three different periods of 17-07-2022 which are enumerated as under;

- 1) 14:26:43 to 14:26:50
- 2) 22.08.09 to 22.08.18
- 3) 23.49.06 to 23.49.13

38] The second circumstance is finding of blood of deceased Soni on wall of room no.24 occupied by accused no.1.

Secondly the T-shirt of accused no.2 as reflected from DNA reports (Exhs.49 and 51) prepared by Gamit (PW6).

39] In regard to CCTV footage the testimony of Sudhir (PW4) is crucial because he has stated that face of the woman seen in the CCTV footage, shown to him as discussed herein above, do not help him to identify the said woman. Furthermore, the investigating machinery has failed to seize the DVR and the said failure is also causing severe damage to the authenticity of the footage of the relevant period.

40] In addition thereto, the investigating machinery also failed to secure frame to frame analysis and gait analysis qua accused nos.1 and 2. Both the above forensic tests are mandatory to establish identity of accused nos.1 and 2. The said CCTV footage, therefore, are of no help to the prosecution in order to nail accused nos.1 and 2 with the crime in question.

41] In regard to the blood stains noticed on T-shirt of accused no.2, the panchanama (Ex.33) is silent. Even measurement or size of the blood stains are not mentioned in the panchanama (Ex.32) and the testimony of Gamit (PW6) does not throw any light on the said material aspect.

42] In respect of the blood sample taken from the wall and the blanket recovered from room no.24, the same deficiency is noticed in the testimony of Gamit (PW6). In arrest panchanama (Ex.33), there is no mention about blood stains on the T-shirt of accused no.2. In Sunil Clifford Daniel's case

(cited supra) the Hon'ble Apex Court has held that besides other evidence, the accused also failed to give any plausible explanation about blood stained cloths found in the room. However above ruling is of no help to prosecution for the reasons stated herein above.

43] Considering the above discussion, it can safely be concluded that the prosecution utterly failed to prove the measurement/size of blood stains on the blanket recovered from room no.24 and T-shirt of accused no.2. The said deficiency on the part of prosecution case goes to the root of the matter as held by Hon'ble Apex Court in Prabhu Babaji Navle's case (cited supra) which required that;

"it is the duty of forensic examiner to indicate the number of blood stains found by him on each exhibits and the extent of each stain unless they are too minute or too numerous to be described in detail. Merely to say that blood was detected on an exhibit, as this report states, is not enough".

44] In regard to the motive part, it is the rule of caution that in all the cases, resting on circumstantial evidence, the prosecution must prove the motive for commission of murder. The said requirement, however, is not the inflexible rule of law because the motive part is hidden inside the mind of the accused. The principle about proof of motive is well settled in catena of judgments of Hon'ble Apex Court. If motive is not proved by the prosecution, but the chain of circumstances is so

complete to reach to the inescapable conclusion that the accused alone had committed the crime, the proof of motive would not be compulsory. In the case in hand the prosecution has not only failed to prove motive but also the circumstances to form a complete chain.

45] In light of above material, this court finds no impediment to reach to the conclusion that the prosecution failed to prove even a single circumstance against accused nos.1 and 2 much less all the links to form the complete chain of circumstances. Accused nos.1 and 2, therefore, deserve to be acquitted of the charge under Section 302 read with Section 34 of the Code. Hence, I answer point no.2 in the negative.

As to point no.3 :-

46] The prosecution has not adduced a single piece of evidence to prove the fact that deceased Soni Begum was subjected to rape before her death. Hence, I answer point no.3 in the negative.

As to point No.4 :-

47] Before parting with the judgment, it is necessary to pass appropriate directions for disposal of the seized property i.e. bag, imitation jewelery, hospital slip, mobile, hard-disc, half t-shirt, black trouser, black shirt and blanket, which are worthless and, therefore, the same needs to be destroyed, after expiry of appeal period. Hence, I pass the following order.

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ORDER

1. Accused no.1 Nitish Anuj Paswan and accused no.2 Brajendra Lotan Rayakbar @ Indrapal are hereby acquitted of the offence punishable under Section 302 and 376D read with Section 34 of the Indian Penal Code, 1860 vide Section 235 (1) of the Code of Criminal Procedure.
2. Accused no.1 be released forthwith, if not required in any other case.
3. Accused no.2 is set at liberty and his bail bond stands cancelled.
4. Seized articles i.e. ;
 - i) bag (Art.- A), imitation jewellery (Art. - B), hospital slip (Art. - C), half T-shirt (Art. - F), black trouser (Art. - G), black shirt (Art. - H) and blanket (Art. - I) be destroyed, after expiry of the appeal period.
 - ii) Mobile (Art. - D), hard-disc (Art. - E) and pen-drive be disposed of by following E-Waste (Management) Rules, 2022 and Rule 73 (d) of Chapter – VI of the Criminal Manual, after expiry of appeal period.
6. Accused nos.1 and 2 are directed to furnish P.B. and S.B. of Rs.15,000/- each in compliance of Section 437-A of the Code of Criminal Procedure, 1973.

Place : Daman.

Dated: 20/12/2025

(Rajesh S. Tiwari)
Sessions Judge,
Daman.

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CERTIFICATE

I affirm that the contents of this P.D.F. file judgment/order are same, word to word, as per the original Judgment/order.

Name of the Stenographer	:	Dhiraj S. Gajbhiye, Stenographer, H.G
Court	:	District & Sessions Court
Date	:	20.12.2025
Judgment/Order signed by the Presiding Officer on	:	20.12.2025
Judgment/Order uploaded on	:	05.01.2026.



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District & Sessions Court, Daman



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