

IN THE COURT OF THE ADDITIONAL DISTRICT AND SESSIONS
JUDGE, CHHABRA, DISTRICT BARAN, RAJASTHAN

Presiding Officer- Sh. Avinash Chaudhary (RJS-DJ CADRE)

Sessions Case No. 154/2012
State vs. Tulsi Bai & Others
Judgment Date: 20.04.2026

PART – I

A.

Complainant: State of Rajasthan
Represented By Additional Public Prosecutor
Accused Persons: 1. Mukesh Kumar son of Ramchandra resident of Sorati Police Station Jawar District Jhalawar Rajasthan 2.Tulsibai, wife of Shri Kishan, resident of village Salrakhoh, Police Station Harnavdashaji, District Baran, Rajasthan (The judgment was pronounced on 24.04.2024.) 3.Nontilal son of Ratanlal, age 30 years, resident of Kolukhedi Mewatiyan, Police Station Jawar, District Jhalawar, Rajasthan (The judgment was pronounced on 24.04.2024.) 4.Radheshyam son of Birdhilal resident of Ganeshpura Police Station Jawar District Jhalawar Rajasthan (The judgment was pronounced on 24.04.2024.)
Representated By Shri Balmukund Khandelwal , Advocate on behalf of accused person

B.

Date of Incident	13.08.2012
Date of FIR	13.08.2012
Date of Filing Charge-Sheet	20.11.2012
Date of receipt of file after commit	14.12.2012
Date Reserved for Judgment	20.04.2026
Date of Pronouncement	20.04.2026

C. DETAILS OF ACCUSED

Name of accused	Date of first arrest	Date of first release on bail	charged offence	convicted or acquitted	Details of the sentence or probation order	Period spent in custody under Section 428 CrPC
Mukesh Kumar	25.08.2012	22.02.2013	302, 201, 120B IPC	Acquitted	Not Applicable	from 25.08.12 to 22.02.2013 & from 02.11.2018 to 20.11.2018 & from 03.09.2025 to 17.09.2025

PART – II

LIST OF WITNESSES

(A) PROSECUTION WITNESSES

No.	Name	Nature of Witness
PW-1	Nand Singh	Formal Witness (Malkhana Incharge)
PW-2	Ramkaran	Witness to Identification Memo
PW-3	Rajendra Singh	Complainant/Informant
PW-4	Chain Singh	Witness to Panchnama
PW-5	Jogendra Singh	Witness to Panchnama
PW-6	Golu	Witness to Identification Memo
PW-7	Rodulal	Witness to Identification of Clothes
PW-8	Jitendra Singh	Witness to Panchnama
PW-9	Nadan Singh	Formal Witness (Deposited FSL samples)
PW-10	Dr. Manohar Lal	Medical Officer (Postmortem)
PW-11	Dr. Prabhakar Vyas	Medical Officer (Postmortem)
PW-12	Karan Singh	Son of the Deceased
PW-13	Mahendra Singh	Police Constable
PW-14	Umesh Kumar	Investigating Officer

(B) DEFENCE WITNESSES

No.	Name	Nature of Witness
None		

(C) COURT WITNESSES

None Examined

LIST OF DOCUMENTS (EXHIBITS)

(A) PROSECUTION EXHIBITS

Exhibit	Exhibit Detail	Exhibited by/proved by witness
Ex. P-1	FSL receipt	P.W.-1, P.W.-9,
Ex. P-2A	Copy of Maalkhana Register	P.W.-1, P.W.-9
Ex. P-3	Memo of Identification Dhoti and Vest	P.W.-2, P.W.-6
Ex. P-4	Written Report	P.W.-3
Ex. P-5	Photographic memo	P.W.-3
Ex. P-6	A cremation memo	P.W.-3
Ex. P-7	Panchnama of the Dead Body	P.W.-3, P.W.-4, P.W.-5, P.W.-8
Ex. P-8	Memo of Seizure of Dhoti and Vest	P.W.-3
Ex. P-9	Site Plan of the Scene of Occurrence	P.W.-3, P.W.-4
Ex. P-10	An identification memo regarding the clothes of Shrikishan	P.W.-7
Ex. P-11	FSL Forwarding Letter	P.W.-9
Ex. P-12	The postmortem report of the dead body	P.W.-10, P.W.-11
Ex. P-13	Statement of Witness Karan Singh u/s 161 Cr.P.C.	P.W.-12

Ex. P-14	Arrest Memo of Accused Radheshyam	P.W.-13
Ex. P-15	Arrest Memo of Accused Tulsi Bai	P.W.-13
Ex. P-16	Arrest Memo of Accused Mukesh	P.W.-13
Ex. P-17	Arrest Memo of Accused Nontilal	P.W.-13
Ex. P-18	Site Plan Verification Memo of the Scene of Occurrence	P.W.-13
Ex. P-19	Seizure and Recovery Memo of one Hero Honda CD Deluxe motorcycle	P.W.-14
Ex. P-20	Seizure and Recovery Memo of one Spice dual SIM mobile phone	P.W.-14
Ex. P-21	Site Verification Memo (in presence of accused Nonti Lal)	P.W.-14
Ex. P-22	Chak FIR	P.W.-14
Ex. P-23	Memo of Information under Section 27 Evidence Act given by accused Mukesh	P.W.-14
Ex. P-24 to Ex. P-26	Memo of Information under Section 27 Evidence Act given by accused Radheshayam	P.W.-14
Ex. P-27	Memo of Information under Section 27 Evidence Act given by accused Nontilal	P.W.-14
Ex. P-28 to Ex. P-49	Photographic Memo of the Scene of Occurrence and Dead Body	P.W.-14
Ex. P-50	FSL Report	P.W.-14

(B) DEFENCE EXHIBITS

Exhibit	Exhibit Detail	Exhibited by/proved by witness
None	None	None

(C) COURT EXHIBITS

None

(D) MATERIAL OBJECTS / ARTICLES

None

PART-III

JUDGMENT

DATE 20.04.2026

1. FACTUAL MATRIX & PROCEDURAL HISTORY:

1.1. This Court had previously passed a judgment dated 24.04.2024 in respectof co-accused persons Tulsibai, Nontilal, and Radheshyam, whereby they were acquitted of the charges levelled against them. The present accused, Mukesh, was declared an absconder on 18.05.2023 during the trial, subsequent to which the trial against the other accused persons was concluded and the case was disposed of in their respect. Therefore, this

judgment is now being passed exclusively in respect of the accused Mukesh, following the conclusion of his trial after his appearance before the Court.

1.2. The facts of the case, in brief, are that on 13.08.2012, the informant, Shri Rajendra Singh (PW-3), submitted a written report (Ex. P-4) to the Station House Officer, Police Station Chhipabarod, at a camp near the Parvan river in Maloni. The report stated that on 13.08.2012, at around 8-9 AM, while returning home after washing his hands and face at the Parvan river, he noticed the dead body of a man in the bushes in the river water, opposite the platform of Shivji near the cremation ground. He then went to the village and informed Rajendra Singh s/o Mahendra Singh, Chain Singh, Jogendra Singh, and other villagers. They all went to the riverbank and saw the body of an unknown person floating. The police were informed, and upon their arrival, the body was retrieved from the river. It was observed that both hands and feet of the deceased were tied with a dhoti. The body was in a decomposed state and could not be identified. It was suspected that some unknown persons had murdered the said individual, tied his hands and feet, and thrown the body into the Parvan river to conceal the crime.

2. INVESTIGATION & TRIAL:

2.1. On the basis of the aforesaid written report, a First Information Report (FIR) No. 303/2012 was registered at Police Station Chhipabarod for offences under Sections 302 and 201 of the Indian Penal Code, 1860 (hereinafter "IPC"), and an investigation was commenced. After the conclusion of the investigation, a charge-sheet was filed against the accused persons, namely Tulsibai, Nontilal, Radheshyam, and the present accused Mukesh, for offences under Sections 302, 201, and 120B of the IPC in the court of the concerned Judicial Magistrate First Class, Chhipabarod. The learned Magistrate took cognizance of the offences and, as the case was exclusively triable by the Court of Session, committed the case to this Court for trial.

3. CHARGES FRAMED:

3.1. After hearing arguments on the point of charge, this Court framed charges against the accused Mukesh for the commission of offences punishable under Sections 302, 201, and 120B of the IPC. The charges were read over and explained to the accused, to which he pleaded not guilty and claimed to be tried.

4. EVIDENCE LED BY THE PROSECUTION:

4.1. To substantiate its case, the prosecution examined a total of 14 witnesses and exhibited 50 documents, marked as Ex. P-1 to Ex. P-50. It is pertinent to note that after the accused Mukesh was declared an absconder on 18.05.2023, the statements of PW-9 Nadan Singh to PW-14 Umesh Kumar were recorded in his absence. Upon the appearance of accused Mukesh before this Court, these witnesses (PW-9 to PW-14) were re-examined in his presence.

5. STATEMENT OF THE ACCUSED:

Thereafter, the accused was examined under Section 313 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C."), wherein he denied the prosecution evidence, stated that it was false, and pleaded innocence, alleging that he has been falsely implicated in this case. The accused declined to lead any evidence in his defence.

6. ARGUMENTS ADVANCED:

6.1. Final arguments were heard from the learned Additional Public Prosecutor for the State and the learned counsel for the accused. The learned Additional Public Prosecutor argued that the prosecution has successfully proven its case against the accused beyond all reasonable doubt through cogent and reliable evidence. He submitted that the chain of circumstances is complete and points unequivocally to the guilt of the accused. He thus prayed for the conviction of the accused and the imposition of a stringent sentence.

6.2. **Per contra**, the learned counsel for the accused vehemently opposed the submissions of the prosecution and argued that the co-accused in this very

case have already been acquitted by this Court on the same set of evidence. The case of the present accused, Mukesh, is not distinguishable from that of the acquitted co-accused. The prosecution has miserably failed to prove its case. The accused has been falsely implicated. It was further argued that the testimonies of the prosecution witnesses are fraught with material contradictions and inconsistencies. He, therefore, prayed for the acquittal of the accused.

7. POINTS FOR DETERMINATION:

7.1. Having heard the arguments advanced by both sides and having meticulously perused the entire record of the case, the following points for determination arise for the consideration of this Court:

- (i) Whether the accused Mukesh, on or before 13.08.2012, entered into a criminal conspiracy with co-accused Tulsibai, Nontilal, and Radheshyam to commit the murder of Shrikishan, the husband of Tulsibai?
- (ii) Whether in furtherance of the said conspiracy, the accused Mukesh, along with the other co-accused, committed the murder of Shrikishan and, with the intention of causing the disappearance of evidence of the said offence, tied his hands and feet and threw his body into the Parvan river?
- (iii) If the above points are proved, what would be the appropriate sentence?

8. APPRECIATION OF EVIDENCE AND FINDINGS:

8.1. The burden of proving the guilt of the accused lies squarely on the prosecution. The present case is based entirely on circumstantial evidence, as there is no direct eyewitness to the alleged incident. The law regarding conviction on the basis of circumstantial evidence is well-settled. The Hon'ble Supreme Court of India, in the landmark case of Sharad Birdhichand Sarda vs. State of Maharashtra, (1984) 4 SCC 116, laid down the five golden

principles that must be satisfied before a case against an accused can be said to be fully established on circumstantial evidence. These are:

(1) The circumstances from which the conclusion of guilt is to be drawn should be fully established.

(2) The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty.

(3) The circumstances should be of a conclusive nature and tendency.

(4) They should exclude every possible hypothesis except the one to be proved.

(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.

8.2. In light of these principles, this Court shall now proceed to analyze the evidence on record to determine whether the prosecution has succeeded in establishing a complete and unbroken chain of circumstances pointing exclusively towards the guilt of the accused Mukesh. The prosecution has relied upon the following circumstances:

- (a) Motive;
- (b) Medical Evidence indicating homicidal death;
- (c) Identification of the deceased; and
- (d) Disclosure statement of the accused Mukesh under Section 27 of the Indian Evidence Act, 1872.

Motive:

8.3. The prosecution's case is that the co-accused Tulsibai, being troubled by her husband, the deceased Shrikishan, conspired with the other accused, including Mukesh, to eliminate him. However, the prosecution has failed to adduce any evidence to substantiate this motive. PW-12 Karan Singh, the minor son of the deceased, was declared hostile and did not support the prosecution's case. He simply stated that his father used to consume alcohol but did not depose that his mother, Tulsibai, was harassed by him. PW-7 Rodulal, the father of Tulsibai, also did not state anything about any marital discord. More importantly, there is absolutely no evidence on record to show any connection, acquaintance, or relationship between the accused Mukesh and the co-accused Tulsibai or the deceased Shrikishan. In the complete absence of any established link, the prosecution has failed to prove any motive for the accused Mukesh to have participated in the alleged crime. This crucial link in the chain of circumstances is missing.

Identification of the Deceased:

8.4. The body was recovered in a highly decomposed and unrecognizable state, as deposed by PW-3 Rajendra Singh, PW-4 Chain Singh, and PW-8 Jitendra Singh. The Panchnama of the dead body (Ex. P-7) also records this fact. The identification of the body as that of Shrikishan was primarily based on the identification of clothes by PW-7 Rodulal (Ex. P-10). However, in his cross-examination, PW-7 admitted that his daughter, Tulsibai, had told him which clothes the deceased was wearing. This makes his identification hearsay and unreliable. The Investigating Officer, PW-14 Umesh Kumar, admitted in his cross-examination that the postmortem (Ex. P-12) was conducted on an "unknown" body. Thus, the very identity of the corpus delicti has not been established beyond a reasonable doubt.

Medical Evidence:

8.5. PW-10 Dr. Manohar Lal and PW-11 Dr. Prabhakar Vyas, who conducted the postmortem (Ex. P-12), opined that the cause of death was asphyxia due to drowning, which was ante-mortem in nature. They also noted fractures on the left frontal and left maxillary bones of the skull and a ligature mark around the neck. This evidence establishes that the death was homicidal.

However, medical evidence, while establishing the nature of death, cannot identify the assailant. Therefore, this circumstance, by itself, does not connect the accused Mukesh to the crime.

Disclosure Statement under Section 27 of the Evidence Act:

8.6. This is the sole piece of evidence relied upon by the prosecution to directly implicate the accused Mukesh. As per PW-14 Umesh Kumar, the accused Mukesh, while in police custody, gave a disclosure statement (Ex. P-23) that he, along with the co-accused, had killed Shrikishan and thrown his body in the Parvan river, and that he could point out the said place. Consequent to this, a site verification memo (Ex. P-18) was prepared. However, this piece of evidence is fraught with incurable legal and factual defects.

- Firstly, the fundamental requirement for the admissibility of information under Section 27 of the Evidence Act is that it must lead to the discovery of a fact that was previously unknown to the police. In the present case, the police had already discovered the body from the Parvan river on 13.08.2012 and had prepared the site plan (Ex. P-9). Therefore, the subsequent pointing out of the same spot by the accused on 26.08.2012 cannot be termed a "discovery" in the eyes of the law. This renders the information given in Ex. P-23 inadmissible.
- Secondly, the IO (PW-14) admitted in his cross-examination that the disclosure memo (Ex. P-23) and the verification memo (Ex. P-18) were not attested by any independent public witness. The only witnesses are police personnel. The non-association of independent witnesses, without any plausible explanation, makes the entire proceeding suspect and unreliable, especially in a case resting on circumstantial evidence.
- Thirdly, there is no recovery of any weapon, or any other incriminating article at the instance of the accused Mukesh. The disclosure only led to the pointing out of a place already known to the police, which, as discussed, is of no consequence.

Hostile Witnesses and Contradictions:

8.7. The very foundation of the prosecution case, the written report (Ex. P-4), has been shaken by the testimony of the informant himself. PW-3 Rajendra Singh turned, in substance, hostile and stated that he did not write the report and the police only took his signatures. He also contradicted the police version by stating that he saw the body "hanging from a tree," not "floating in the river." This creates a serious doubt about the genesis of the investigation. Other crucial witnesses, including PW-12 Karan Singh (son of the deceased), have also turned hostile. The testimony of the remaining panch witnesses is unreliable as they have admitted to signing documents without reading their contents.

9.CONCLUSION ON THE CHAIN OF CIRCUMSTANCES:

9.1. Upon a cumulative assessment of the evidence, it is evident that the prosecution has failed to establish a complete and unbroken chain of circumstances. The motive is not proved. The identity of the deceased is doubtful. The key piece of evidence against the accused Mukesh, his disclosure statement under Section 27, is legally inadmissible and factually unreliable. The testimonies of the material witnesses are contradictory and untrustworthy. There is no evidence of a criminal conspiracy. The circumstances established do not exclude the hypothesis of the innocence of the accused. The case of the prosecution is based on suspicion, however strong, which cannot substitute for the standard of proof beyond a reasonable doubt required in a criminal trial.

9.2. In view of the foregoing analysis, this Court finds that the prosecution has miserably failed to prove the charges under Sections 302, 201, and 120B of the IPC against the accused Mukesh Kumar beyond a reasonable doubt. He is, therefore, entitled to the benefit of the doubt.

::ORDER::

10. The accused, **Mukesh Kumar** son of Ramchandra, is hereby **acquitted** of the charges for the offences punishable under Sections **302, 201, and 120B** of the **Indian Penal Code, 1860**, by giving him the benefit of the doubt.

11. The accused person is on bail. His bail bonds are cancelled and sureties are discharged.

12. The material objects seized during the investigation, if any, shall be disposed of as per the rules after the expiry of the period for appeal or upon the final outcome of the appeal, if any is filed.

13. In compliance with Section 437-A of the Cr.P.C., the acquitted accused person will furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one surety of the like amount, to the satisfaction of this Court, which shall be in force for a period of six months from today, undertaking to appear before the Hon'ble High Court as and when such notice is issued in respect of any appeal or petition filed against this judgment of acquittal.

14. No recommendation for victim compensation is being made under the circumstances of this case.

15. This Court had previously passed a judgment dated 24.04.2024 in respect of co-accused persons Tulsibai, Nontilal, and Radheshyam.

(Avinash Chaudhary)
Additional District and Sessions Judge,
Chhabra, District Baran, Rajasthan

16. The Judgment pronounced and signed in open court today, 20th day of April 2026.

(Avinash Chaudhary)
Additional District and Sessions Judge,
Chhabra, District Baran, Rajasthan