



2026:CGHC:25345-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRA No. 172 of 2026**

Suresh Dhimar S/o Late Bodhiram Dhimar, Aged About 30 Years R/o Village Boridkala, Police Station Purur, District- Balod (C.G.)

... Appellant**versus**

State of Chhattisgarh Through Station House Officer, Police Station Purur, District- Balod (C.G.)

... Respondent

(Cause-title taken from Case Information System)

For Appellant	: Mr. Arun Kumar Shukla, Advocate.
For Respondent/State	: Mr. Nitansh Jaiswal, Dy. Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Judgment on Board****Per Ramesh Sinha, Chief Justice****22.06.2026**

1. Today, though the matter is listed for hearing on I.A. No. 01 of 2024, which is an application for suspension of sentence and grant of bail, however, considering the fact that the appellant is in jail since 04.04.2023 and with the consent of learned counsel for the parties, the appeal is heard finally.
2. This criminal appeal preferred under Section 415(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') is



directed against the impugned judgment of conviction and order of sentence dated 30.09.2025 passed by the learned 1st Additional Sessions Judge, Balod, District – Balod (C.G.) in Session Trial No. 24 of 2023, by which the appellant has been convicted for offence punishable under Section 302 of the Indian Penal Code (IPC) and sentenced to undergo rigorous imprisonment for life and fine of Rs.500/-, in default of payment of fine, additional simple imprisonment for one year.

3. The case of the prosecution, in brief, is that the informant/complainant of the case, Mahesh Dhimar (PW-1) appeared in the police station-Purur on 04.04.2023 and lodged a report orally that he lives with his family in village-Boridkala ward number-6, is educated till class-5th and works in the Irrigation Department, Gurur and Suresh Dhimar is the fourth brother among his five brothers who was married to Tuleshwari Dhimar of village Sarangpuri as per social customs. Suresh Dhimar has two sons who live with him and Suresh Dhimar lives separately with his wife Tuleshwari in a house in Tariapara. On the incident date-03.04.2023 at about 10.19 pm, his brother Suresh Dhimar called him and told that his wife had hiccups once or twice and after that she is not talking, then he went to his younger brother Suresh Dhimar with his Taitil Bai. When he went to Suresh Dhimar's house, his mother, after seeing Tuleshwari, told him that Tuleshwari's hands and legs had become loose and she was not breathing. Then he called Narendra Sinha and after turning on the



mobile light, he saw that there was a mark of strangulation on Tuleshwari's neck with a saree. Then he went to Kuleshwar Dhimar along with Narendra Sinha and all three went to Kotwar Parmanand Meshram and told him about the incident. Then again after coming back to Suresh Dhimar's house and questioning him, Suresh Dhimar told that he had gone to Shanti Chowk Boridkala for the meeting of Fishermen's Committee of the village and when he returned from the meeting at around 9.30 pm, then his wife Tuleshwari Dhimar was lying on the cot. Seeing him, she started doubting his character and saying that he had come after sleeping with some other woman and started saying the same thing again and again and even after his refusal, she did not listen and then she got angry. On coming, he pulled the saree of his wife Tuleshwari and wrapped it around her neck with the intention of killing her and pulled the saree tightly from both the sides due to which his wife Tuleshwari died. Suresh Dhimar had told about the incident in front of Kuleshwar Dhimar, Narendra Dhimar, village Kotwar Parmanand Meshram. On the above oral report of the applicant, First Information Report Exhibit P-2 was registered against the accused Suresh Dhimar under Crime No. 06/2023 under Section 302 of IPC and the remaining investigation proceedings were carried out in the case. After the remaining investigation proceedings in the case, a case under IPC was registered against the accused. On finding the offence proved under Section 302 of the IPC, the charge sheet was presented



before the Chief Judicial Magistrate, Balod, District-Balod (Chhattisgarh), from where the case was presented before the Court of Sessions Judge on 13.06.2023, from where the case was received on transfer to the Court of 1st Additional Sessions Judge, Balod for legal disposal on 19.03.2024.

4. When charges were framed against the accused under Section 302 of the Indian Penal Code and read them out to the accused, the accused denied committing the crime and requested for trial.
5. On behalf of the prosecution in the case, Mahesh Dhimar (PW-1), Narendra Sinha (PW-2), Kuleshwar (PW-3), Rukhmani Bai (PW-4), Kotwar Parmanand (PW-5), Ratanlal Dhimar (PW-6), Mohan Dhimar (PW-7), Dr. Girish Sahu (PW-8), Naresh Kumar Dhimar (PW-9), Taitil Bai (PW-10), Mahesh Kumar Dhimar (PW-11), Bhuneshwar Dhimar (PW-12), Patwari Mithlesh Kumar Mandloi (PW-13), Constable Umashankar Jarke (PW-14), Constable Sandeep Yadav (PW-15), Constable Likhan Kumar Sahu (PW-16), Head Constable Sudhir Crispotta (PW-17) and Sub-Inspector Arun Kumar Sahu (PW-18) have been recorded.
6. On examination of the accused under Section 313 Cr.P.C., the accused pleaded for acquittal of himself as he was innocent and had been implicated in a false case and no witness was called to testify in his defence, expressing his innocence.
7. The trial Court upon appreciation of oral and documentary evidence on record and considering that it is the appellant who



has committed the murder of his wife deceased Tuleshwari, convicted and sentenced him as aforementioned, against which the instant appeal under Section 415(2) of the BNSS. has been preferred.

8. Learned counsel for the appellant would submit that the conviction recorded by the learned trial Court is contrary to the evidence available on record and suffers from serious factual as well as legal infirmities. It is submitted that there is no eyewitness to the alleged incident and the entire prosecution case rests upon circumstantial evidence. The prosecution has failed to establish a complete chain of circumstances leading only to the guilt of the appellant and excluding every other hypothesis consistent with innocence. It is further submitted that the alleged extra-judicial confession attributed to the appellant before his relatives and the village Kotwar is a weak piece of evidence and cannot, by itself, form the sole basis of conviction, particularly when it has not been corroborated by any independent and reliable evidence. The witnesses before whom the confession is alleged to have been made are closely related to the deceased and interested witnesses, rendering their testimony liable to strict scrutiny. Learned counsel would further contend that the prosecution has failed to prove the exact circumstances in which the death occurred. No independent witness from the locality has been examined to substantiate the prosecution story. The investigation suffers from material omissions and contradictions which create



serious doubt regarding the prosecution version.

9. Per contra, learned State counsel would support the impugned judgment of conviction and sentence and submit that the learned trial Court has rightly appreciated the oral and documentary evidence available on record and has recorded a well-reasoned finding of guilt against the appellant. It is submitted that the death of deceased Tuleshwari Dhimar was homicidal in nature. The evidence on record clearly establishes that the deceased died due to strangulation by a saree and the medical evidence fully corroborates the prosecution case. Learned State counsel would further submit that the appellant and the deceased were husband and wife and were residing together in the same house. The incident occurred inside the matrimonial home during the night hours. The appellant has failed to offer any plausible explanation regarding the circumstances in which his wife suffered a homicidal death while being in his company. The burden cast upon him under Section 106 of the Indian Evidence Act has not been discharged. It is further submitted that immediately after the incident, the appellant made an extra-judicial confession before Mahesh Dhimar (PW-1), Kuleshwar Dhimar, Narendra Sinha and village Kotwar Parmanand Meshram, wherein he specifically disclosed that after a quarrel with his wife, who was doubting his character, he wrapped her saree around her neck and tightened it from both sides, causing her death. The said extra-judicial confession is natural, voluntary and has been consistently proved



by the prosecution witnesses. There is no reason for the witnesses, who are close relatives of both the deceased and the appellant, to falsely implicate him. Learned State counsel would contend that the chain of circumstances is complete and points unerringly towards the guilt of the appellant. The homicidal death of the deceased inside the house, the appellant's presence at the spot, the extra-judicial confession made by him, and the medical evidence corroborating strangulation, collectively establish the prosecution case beyond reasonable doubt.

10. We have heard the learned counsel for the parties and considered their rival submissions made hereinabove and also went through the original records of the trial Court with utmost circumspection.
11. The first question for consideration would be, whether the trial Court was justified in holding that death of deceased Tuleshwari was homicidal in nature ?
12. Dr. Girish Sahu (PW-4), who has conducted postmortem over the body of deceased Tuleshwari and given his report vide Ex.P-19, has stated that while conducting postmortem over the dead body of deceased he found that there was a 10 cm ligature mark on the neck of the deceased, above the thyroid cartilage of the deceased, 1 cm on the right side and 0.6 cm in the middle, 0.5 cm on the left side, 26 cm in the form of a circle on the neck and 4 cm ligature mark on both sides of the lower jaw bone and has opined that the death was due to asphyxia as a result of compression



force over neck and seems to be homicide, but will depend on further police investigation & circumstantial evidence.

13. The trial Court recorded the finding in this regard that from the statement of Dr. Girish Sahu (PW-4), who has conducted postmortem over the body of deceased Tuleshwari and Postmortem report Ex.P-19 and from the material statements made in the cross-examination of the said witness, it has been proved that the deceased died due to suffocation caused by pressure on the throat and the death of the deceased was of a homicidal nature. The said finding recorded by the trial Court is a finding of fact based on evidence available on record, which is neither perverse nor contrary to record. Even otherwise, it has not been seriously disputed by the learned counsel for the appellant. We hereby affirm the said finding.
14. The next question for consideration is whether appellant is the author of the crime, which the trial Court has answered in affirmative relying upon the circumstantial evidence available on record.
15. It is house murder, which the appellant was required to offer explanation in his statement under Section 313 of the CrPC, which he has failed to offer and consequently, finding other circumstance established, proceeded to convict him for offence under Section 302 of the IPC.
16. Section 106 of the Indian Evidence Act, 1872, states as under: -



“106. Burden of proving fact especially within knowledge.—When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.”

17. The law regarding under Section 106 of the Indian Evidence Act, 1872 is well settled. The unnatural death of Indrani Sahu took place in the house of the appellant.
18. As per the requirement of Section 106 of the Indian Evidence Act, the accused was required to give plausible and convincing explanation about the circumstances, in which, the deceased was found dead in his house. Where an offence like murder is committed inside the house, the initial burden to establish the case would undoubtedly be upon the prosecution, but the nature and amount of evidence to be led by it to establish the charge cannot be of the same degree as is required in other cases. The burden would be of a comparatively lighter character.
19. In view of Section 106 of the Indian Evidence Act, 1872, there will be a corresponding burden on the inmates of the house to give a cogent explanation as to how crime was committed. The inmates of the house cannot keep away by simply keeping quite and offering no explanation on the supposed premise that the burden to establish its case lies entirely upon the prosecution and there is no duty at all on the accused to offer any explanation.
20. In the matter of **Trimukh Maroti Kirkan v. State of Maharashtra** reported in **(2006) 10 SCC 681** the Supreme Court whilst applying



provisions of Section 106 of the Indian Evidence Act, observed in para 14 reads as under:

“14. If an offence takes place inside the privacy of a house and in such circumstances where the assailants have all the opportunity to plan and commit the offence at the time and in circumstances of their choice, it will be extremely difficult for the prosecution to lead evidence to establish the guilt of the accused if the strict principle of circumstantial evidence, as noticed above, is insisted upon by the Courts. A Judge does not preside over a criminal trial merely to see that no innocent man is punished. A Judge also presides to see that a guilty man does not escape. Both are public duties. The law does not enjoin a duty on the prosecution to lead evidence of such character which is almost impossible to be led or at any rate extremely difficult to be led. The duty on the prosecution is to lead such evidence which it is capable of leading, having regard to the facts and circumstances of the case. Here it is necessary to keep in mind Section 106 of the Evidence Act which says that when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him. Illustration (b) appended to this section throws some light on the content and scope of this provision and it reads:

(b) A is charged with traveling on a railway without ticket. The burden of proving that he had a ticket is on him.”

21. On the interpretation of Section 106 of the Indian Evidence Act, 1872 in the matter of **Shambhu Nath Mehra v. State of Ajmer** reported in **AIR 1956 SC 404** in paragraph 9 it was observed by the Supreme Court thus:



"9. This lays down the general rule that in a criminal case the burden of proof is on the prosecution and Section 106 is certainly not intended to relieve it of that duty. On the contrary, it is designed to meet certain exceptional cases in which it would be impossible, or at any rate disproportionately difficult, for the prosecution to establish facts which are "especially" within the knowledge of the accused and which he could prove without difficulty or inconvenience. The word "especially" stresses that. It means facts that are pre-eminently or exceptionally within his knowledge. If the section were to be interpreted otherwise, it would lead to the very startling conclusion that in a murder case the burden lies on the accused to prove that he did not commit the murder because who could know better than he whether he did or did not."

22. In the matter of **State of West Bengal v. Mir Mohammad Omar and others** reported in **(2000) 8 SCC 382**, the Supreme Court has observed in paras 31 to 33 as under:

"31. The pristine rule that the burden of proof is on the prosecution to prove the guilt of the accused should not be taken as a fossilised doctrine as though it admits no process of intelligent reasoning. The doctrine of presumption is not alien to the above rule nor would it impair the temper of the rule. On the other hand, if the traditional rule relating to burden of proof of the prosecution is allowed to be wrapped in pedantic coverage the offenders in serious offences would be the major beneficiaries, and the society would be the casualty.

32. In this case, when the prosecution succeeded in establishing the afore narrated circumstances, the Court has to presume the existence of certain facts. Presumption



is a course recognized by the law for the court to rely on in conditions such as this.

33. Presumption of fact is an inference as to the existence of one fact from the existence of some other facts, unless the truth of such inference is disproved. Presumption of fact is a rule in law of evidence that a fact otherwise doubtful may be inferred from certain other proved facts. When inferring the existence of a fact from other set of proved facts, the Court exercises a process of reasoning and reach a logical conclusion as the most probable position. The above principle has gained legislative recognition in India when Section 114 is incorporated in the Evidence Act. It empowers the Court to presume the existence of any fact which it thinks likely to have happened. In that process Court shall have regard to the common course of natural events, human conduct etc. in relation to the facts of the case.”

23. The decision of the Supreme Court in **Shambhu Nath Mehra** (supra) was followed with approval in the matter of **Nagendra Sah v. State of Bihar** reported in **2021 10 SCC 725** in which it has been held by their Lordships of the Supreme Court as under:

“22. Thus, Section 106 of the Evidence Act will apply to those cases where the prosecution has succeeded in establishing the facts from which a reasonable inference can be drawn regarding the existence of certain other facts which are within the special knowledge of the accused. When the accused fails to offer proper explanation about the existence of said other facts, the court can always draw an appropriate inference.

23. When a case is resting on circumstantial evidence, if the accused fails to offer a



reasonable explanation in discharge of burden placed on him by virtue of Section 106 of the Evidence Act, such a failure may provide an additional link to the chain of circumstances. In a case governed by circumstantial evidence, if the chain of circumstances which is required to be established by the prosecution is not established, the failure of the accused to discharge the burden under Section 106 of the Evidence Act is not relevant at all. When the chain is not complete, falsity of the defence is no ground to convict the accused.”

24. In the present case, from the irrefutable evidence of witnesses Parmanand (PW-5) and Taitil Bai (PW-10), it has been proved that the dead body of the deceased was lying on the cot in a dead state in the house of the accused. From the irrefutable evidence of witnesses Ratanlal Dhimar (PW-6) and Mohan Dhimar (PW-7), they have also proved that the deceased died. It has been proved that the dead body of Tuleshwari Dhimar was seen lying dead in the house of the accused and the injury marks caused by strangulation were seen around the neck of the deceased. Similarly, from the unconfirmed evidence of the informant of the case, Mahesh Dhimar, it has been proved that he lodged the First Information Report Ex.P-2 by informing the Police Station-Purur regarding the death of Tuleshwari Dhimar on the date of incident i.e. 04.04.2023 itself.
25. Upon analysis of the evidence available on record, it is evident that although there is no eyewitness to the occurrence, the prosecution has successfully established certain incriminating circumstances. From the uncontroverted testimony of Taitil Bai



(PW-10), it stands proved that the accused and the deceased were husband and wife and were residing separately from their other family members. Further, from the unrebutted evidence of Patwari Mithlesh Kumar Mandloi and the spot map (Ex. P-25), it is established that the house of the accused was situated at the place of occurrence in Village Boridkala.

26. A perusal of the spot map (Ex.P-25) and the spot inspection memorandum (Ex.P-4) prepared by the Investigating Officer reveals that the room from where the dead body of deceased Tuleshwari Dhimar was recovered had only one entrance and no other exit or access through which any outsider could have entered during the night of the incident. The evidence on record further establishes that on the date of occurrence, the deceased was residing with and was in the exclusive company of her husband, i.e., the accused. It has also been proved that the deceased was alive prior to the occurrence and was found dead inside the said house during the same night.
27. In these circumstances, the facts relating to the death of the deceased were especially within the knowledge of the accused. Therefore, in terms of Section 106 of the Indian Evidence Act, 1872, the burden shifted upon the accused to explain the circumstances under which the deceased suffered the fatal injuries and died. However, the accused has failed to offer any plausible explanation as to how the deceased met with her death. No evidence has been adduced by the defence to establish that



the death was caused by any third person or that the deceased died due to any illness or other natural cause.

28. The failure of the accused to explain the circumstances leading to the homicidal death of his wife within the confines of their house constitutes an additional incriminating circumstance against him and lends assurance to the prosecution case.
29. It is the case of no direct evidence, rather conviction is based on circumstantial evidence.
30. We may also make a reference to a decision of the Supreme Court in **C. Chenga Reddy and Ors. v. State of A.P., (1996) 10 SCC 193**, wherein it has been observed thus:

“In a case based on circumstantial evidence, the settled law is that the circumstances from which the conclusion of guilt is drawn should be fully proved and such circumstances must be conclusive in nature. Moreover, all the circumstances should be complete and there should be no gap left in the chain of evidence. Further the proved circumstances must be consistent only with the hypothesis of the guilt of the accused and totally inconsistent with his innocence....”.

31. In **Padala Veera Reddy v. State of A.P. and Ors., AIR 1990 SC 79**, it was laid down by the Supreme Court that when a case rests upon circumstantial evidence, such evidence must satisfy the following tests:



“(1) the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established;

(2) those circumstances should be of a definite tendency unerringly pointing towards guilt of the accused;

(3) the circumstances, taken cumulatively should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else; and

(4) the circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence.”

32. In **State of U.P. v. Ashok Kumar Srivastava, (1992 Cri.LJ 1104)**, it was pointed out by the Supreme Court that great care must be taken in evaluating circumstantial evidence and if the evidence relied on is reasonably capable of two inferences, the one in favour of the accused must be accepted. It was also pointed out that the circumstances relied upon must be found to have been fully established and the cumulative effect of all the facts so established must be consistent only with the hypothesis of guilt.
33. Sir Alfred Wills in his admirable book “Wills’ Circumstantial Evidence” (Chapter VI) lays down the following rules specially to be observed in the case of circumstantial evidence: (1) the facts alleged as the basis of any legal inference must be clearly proved



and beyond reasonable doubt connected with the factum probandum; (2) the burden of proof is always on the party who asserts the existence of any fact, which infers legal accountability; (3) in all cases, whether of direct or circumstantial evidence the best evidence must be adduced which the nature of the case admits; (4) in order to justify the inference of guilt, the inculpatory facts must be incompatible with the innocence of the accused and incapable of explanation, upon any other reasonable hypothesis than that of his guilt, (5) if there be any reasonable doubt of the guilt of the accused, he is entitled as of right to be acquitted”.

34. Five golden principles which constitute *Panchseel* of proof of case based on circumstantial evidence have been laid down by the Supreme Court in the matter of **Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116** which state as under :-

“(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established. The circumstances concerned “must” or “should” and not “may be” established;

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

(3) the circumstances should be of a conclusive nature and tendency;

(4) they should exclude every possible hypothesis except the one to be 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.”

35. The Supreme Court in the matter of **Sailendra Rajdev Pasvan and Others vs. State of Gujarat Etc., AIR 2020 SC 180** observed that in a case of circumstantial evidence, law postulates two-fold requirements. Firstly, that every link in the chain of circumstances necessary to establish the guilt of the accused must be established by the prosecution beyond reasonable doubt and secondly, all the circumstances must be consistent pointing out only towards the guilt of the accused. We need not burden this judgment by referring to other judgments as the above principles have been consistently followed and approved by this Court time and again.
36. The Supreme Court in the matter of **Suresh and Another v State of Haryana, (2018) 18 SCC 654** has observed that cases of circumstantial evidence, the courts are called upon to make inferences from the available evidence, which may lead to the accused's guilt. The court at paras 41 and 42 has observed thus :

“41. The aforesaid tests are aptly referred as Panchsheel of proof in Circumstantial Cases (refer to Prakash v. State of Rajasthan). The expectation is that the prosecution case should reflect careful portrayal of the factual circumstances and inferences thereof and their compatibility with a singular



hypothesis wherein all the intermediate facts and the case itself are proved beyond reasonable doubt.

42. Circumstantial evidence are those facts, which the court may infer further. There is a stark contrast between direct evidence and circumstantial evidence. In cases of circumstantial evidence, the courts are called upon to make inferences from the available evidence, which may lead to the accused's guilt. In majority of cases, the inference of guilt is usually drawn by establishing the case from its initiation to the point of commission wherein each factual link is ultimately based on evidence of a fact or an inference thereof. Therefore, the courts have to identify the facts in the first place so as to fit the case within the parameters of "chain link theory" and then see whether the case is made out beyond reasonable doubt. In India we have for a long time followed the "chain link theory" since Hanumant case, which of course needs to be followed herein also."

37. In the present case, the prosecution has established that the deceased Tuleshwari Dhimar was the wife of the appellant/accused and both were residing separately in their house at Village Boridkala. From the evidence of Taitil Bai (PW-10), which has remained uncontroverted, the relationship between the accused and the deceased stands duly proved.
38. The evidence of Patwari Mithlesh Kumar Mandloi (PW-13) along with the spot map (Ex.P-25) and the spot inspection memo (Ex.P-4) prepared by the Investigating Officer establishes that the place of occurrence was the house of the accused and deceased. It is also



evident from the said documents that the room from where the dead body of the deceased was recovered had only one door and there was no other accessible passage through which any outsider could have entered the room during the relevant period.

39. The prosecution evidence further establishes that on the date of incident, the deceased was alive and was residing in the said house with the accused. The deceased was found dead in the same house during the intervening night. The accused was the only person who was present with the deceased and was having special knowledge regarding the circumstances leading to her death.
40. The defence has failed to provide any explanation regarding the manner in which the deceased suffered homicidal death inside the matrimonial home. No evidence has been adduced by the accused to suggest that any third person had entered the house or that the deceased died due to any natural cause or illness. In such circumstances, the failure of the accused to explain the facts which were especially within his knowledge assumes significance under Section 106 of the Indian Evidence Act, 1872.
41. The extra-judicial confession made by the accused before Mahesh Dhimar (PW-1), Narendra Sinha (PW-2), Kuleshwar Dhimar (PW-3) and village Kotwar Parmanand Meshram (PW-5) further corroborates the prosecution case. The said witnesses have consistently deposed regarding the disclosure made by the accused that after a quarrel with his wife, he wrapped her saree



around her neck and pulled it tightly, resulting in her death. Their testimony does not suffer from any material contradiction or infirmity so as to discredit their version.

42. The medical evidence also supports the prosecution case that the deceased died due to strangulation. The homicidal nature of death, coupled with the presence of the accused in the house, the absence of any possibility of intervention by a third person, the failure of the accused to explain the circumstances of death and the extra-judicial confession made by him, form a complete chain of circumstances pointing unerringly towards the guilt of the accused.
43. Thus, though the case is based on circumstantial evidence, the circumstances proved by the prosecution are consistent only with the guilt of the accused and are incompatible with his innocence. The chain of circumstances is complete and does not leave any reasonable ground for concluding that the offence was committed by any person other than the accused.
44. Applying the aforesaid well settled principles of law and taking into consideration the facts in totality and considering the facts and circumstances of the case, in our considered view the prosecution was able to establish the guilt of the accused beyond reasonable doubt. The impugned judgment of conviction and order of sentence is just and proper warranting no interference of this Court.



45. In the result, the appeal being devoid of merit is liable to be and is hereby **dismissed**.
46. It is stated at the Bar that the appellant is in jail, he shall serve out the sentence as ordered by the learned trial Court.
47. The trial court record along with a copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.
48. Registry is directed to send a copy of this judgment to the concerned Superintendent of Jail where the appellant is undergoing his jail term, to serve the same on the appellant informing him that he is at liberty to assail the present judgment passed by this Court by preferring an appeal before the Hon'ble Supreme Court with the assistance of the High Court Legal Services Committee or the Supreme Court Legal Services Committee.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice