

[2025] 2 S.C.R. 388 : 2025 INSC 147

Ramu Appa Mahapatar

v.

The State of Maharashtra

(Criminal Appeal No. 608 of 2013)

04 February 2025

[Abhay S. Oka and Ujjal Bhuyan,* JJ.]

Issue for Consideration

Whether on the strength of the evidence of the four witnesses, the appellant-accused can be linked with the offence; whether it can be said that the charge against the accused of committing murder of the deceased stood conclusively proved beyond all reasonable doubt.

Headnotes[†]

Evidence – Circumstantial evidence – Extra-judicial confession – When cannot be relied upon – Appellant convicted for the murder of his live-in partner ('M'), on the basis of extra-judicial confession allegedly made by him before PW-1 (landlord) and PW-3 (brother of the deceased) endorsed by PW-4 (wife of PW-3) and PW-6:

Held: Where a case rests squarely on circumstantial evidence, inference of guilt can be justified only when all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused or the guilt of any other person – The circumstances would not only have to be proved beyond reasonable doubt, but also have to be shown to be closely connected with the principal fact sought to be inferred from those circumstances – All these circumstances should be complete and there should be no gap left in the chain of evidence – The proved circumstances must be consistent only with the hypothesis of the guilt of the accused and totally inconsistent with his innocence – Conviction can be based solely on circumstantial evidence but, great care must be taken in evaluating it – If the evidence relied upon is reasonably capable of two inferences, the one in favour of the accused must be accepted – Conduct of the appellant was

Ramu Appa Mahapatra v. The State of Maharashtra

quite strange – Instead of confessing his guilt before the police/any other authority, he

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first went to PW-1 and told him about the death of deceased; he further told him that he was on his way to the residence of the PW-3 to inform him about the development – He then went to the residence of PW-3 alongwith his son in a rickshaw and told PW-3 about the death of deceased following assault on her by him – This he stated to PW-3 before PW-4 and PW-6 (person sitting on the steps of the house of PW-3) – Extrajudicial confession of the appellant lacked credibility as PW-3 clearly stated that the appellant was in a confused state of mind when he confessed before him – Accused was thus, not in a fit state of mind when he made the extra-judicial confession before PW-3 – Further, the testimonies of PW-3 and PW-6 also suffered from material omission – Testimony of prosecution witnesses lacks credibility and also hit by contradictions – No corroborating circumstances were brought on record by the prosecution – Though, there is a strong suspicion against the appellant but suspicion howsoever strong cannot take the place of hard evidence – Extra-judicial confession made before the witnesses lacks credibility and hence, cannot be relied upon – Appellant given benefit of doubt – Conviction and sentence of the appellant passed by the Sessions Judge as affirmed by the High Court, set aside and quashed – Code of Criminal Procedure, 1973 – s.161. [Paras 16, 20, 22, 23-25]

Circumstantial evidence – Extra-judicial confession – Evidentiary value of – Discussed. [Paras 16-19.2]

Case Law Cited

State of Rajasthan v. Raja Ram [2003] Supp. 2 SCR 445 : (2003) 8 SCC 180; *Sansar Chand v. State of Rajasthan* [2010] 12 SCR 583 : (2010) 10 SCC 604; *Sahadevan v. State of Tamil Nadu* [2012] 4 SCR 366 : (2012) 6 SCC 403; *Alauddin v. State of Assam* [2024] 6 SCR 20 : (2024) SCC Online SC 760 – referred to.

List of Acts

Penal Code, 1860; Code of Criminal Procedure, 1973; Evidence Act, 1872