

[2025] 2 S.C.R. 526 : 2025 INSC 170

Ravi
v.
The State of Punjab
(Criminal Appeal No. 633 of 2025)

10 February 2025

[Pankaj Mithal* and Ahsanuddin Amanullah, JJ.]

Issue for Consideration

Issue arose as regards the correctness of the order passed by the High Court convicting the appellant-husband for the murder of his wife.

Headnotes[†]

Evidence – Circumstantial evidence – Burden of proof – Prosecution case that brother of the deceased lodged FIR that his sister was murdered by her husband-appellant in connivance with his second wife, and that his other sisterneighbour of the appellant, had seen the appellant committing the murder of the deceased by strangulating her with a rope and had threatened her not to disclose anything – Appellant also brought the dead body from his village to the native place of the brother of the deceased – Courts below convicted the appellant for murder of his first wife by strangulation – Correctness:

Held: Complainant, his sister, and cousin of the deceased declared hostile witnesses and prosecution left with the formal witnesses, doctor who conducted the post mortem and Inspector who carried out the investigation – Discarding the evidence of the witnesses who turned hostile, the evidence of the doctor and the Inspector do not conclusively establish the cause of the death – Circumstances do not conclusively establish the guilt of the appellant rather gives sufficient room to form a different opinion – On the basis of the circumstantial evidence, the innocence of the appellant cannot be completely ruled out – Courts below completely lost sight of the statement of the appellant recorded u/s.313 CrPC – Appellant in his statement categorically stated that the deceased had died a

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natural death as she was suffering from chronic tuberculosis – It was for the prosecution to have sought re-examination of the doctor conducting the post-mortem, however the prosecution completely failed to produce evidence to prove his guilt of the appellant beyond the shadow of doubt on the basis of the circumstantial evidence – Evidence on record gives ample leverage for two conflicting opinions, and in such circumstances, the benefit of doubt to be given in favour of the appellant – Impugned judgment set aside – Appellant in jail for over ten years, as such directed to be released – Penal Code, 1860 – Evidence Act, 1872 – s.106 – Code of Criminal Procedure, 1973 – s.313. [Paras 17, 19, 24-27]

Case Law Cited

Sharad Birdhichand Sarda v. State of Maharashtra (1984) 4 SCC 116; *Trimukh Maroti Kirkan v. State of Maharashtra* (2006) 10 SCC 681; *Anees v. The State Govt. of NCT* (2024) SCC OnLine SC 757 – referred to.

List of Acts

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

List of Keywords

Murder; Circumstantial evidence; Burden of proof; Strangulation; Hostile witness; Formal witnesses.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 633 of 2025

From the Judgment and Order dated 23.01.2019 of the High Court of Punjab & Haryana at Chandigarh in CRAD No. 1650 of 2015