

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 511 OF 2005

PRAHLAD .. APPELLANT(S)

VS.

STATE OF CHHATISGARH .. RESPONDENT(S)

OR
DER



We have heard learned counsel for the parties.

This is a case which is based on circumstantial evidence, the circumstances being the extra judicial confession made by the accused primarily before PW.1 – Sanjay and PW.2 Manohar Lal Sahu, who has been declared hostile; the medical evidence which indicates the presence of ligature marks on the neck of the deceased which shows that death was asphyxia due to strangulation which seemed to be homicidal; the fact that

the defence taken by the accused that it was a case of suicide was not corroborated by the medical evidence and that in addition to the accused the only two other persons present in the house were his father and his wife (the deceased) and finally that the accused did not report the death to the police for almost 36 hours.



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The learned counsel for the appellant has, however, submitted that the chain of circumstances envisaged for recording a conviction in a case of circumstantial evidence had not been spelt out, and that an extra

judicial confession was weak evidence. We find no merit in the submissions. In the light of the broad findings referred to above more particularly that the death was due to strangulation and not by hanging as suggested by the defence and as there was nobody in the house except the accused and his father at the time the incident happened, some valid explanation for the death of the deceased had to be provided. Admittedly that is not the case.

In this view of the matter we find the chain of circumstances



which have been found against the accused, proves the case of the prosecution. Accordingly the appeal is dismissed.

.....J.
(HARJIT SINGH BEDI)

(J.M. PANCHAL)

.....J.

New Delhi,
July 16, 2009.

SUPREME COURT OF INDIA



JUDGMENT