

Circumstantial evidence can sustain conviction

Recently, the Supreme Court has ruled that in a number of cases where direct evidence is scanty, circumstantial evidence, plays an important role. A bench comprising justice K. T. Thomas and Justice R.P. Sethi, in a criminal appeal in a murder case observed that the trial court can convict an accused on the basis of circumstantial evidence, furnished by the prosecution, provided it was so complete as to leave no doubt about the guilt of the accused. To convict a person on the basis of circumstantial evidence, all the circumstances, relied upon by the prosecution must be clearly established. The apex court, however, warned that the circumstantial evidence should be consistent with the guilt of the accused.

The judgment is a fallout of an appeal relating to the murder of Roop Devi. She was married to Shyam Mohan in June 1973. Devi's father, after receiving a letter from her on March 18, 1977, went to see her but was told by his son-in-law's elder brother, Hari Mohan, that she died of cholera three days ago.

Suspecting foul play, the father lodged an FIR on March 20, 1997, and two days later, the body of his daughter bearing bullet wounds was found in a gunny bag. The trial court convicted Hari Mohan of murder charges and sentenced him to life imprisonment.

The High Court acquitted him on appeal and the Uttar Pradesh government challenged the High Court order before the apex court.

Allowing the appeal, the apex court said it had consistently held that when the evidence against the accused, particularly when charged with grave offences like murder, consisted of only circumstances, it must be qualitatively such that the guilt would be proven.

Taking into account the strained relations between the deceased and her in-laws due to demand of dowry, the deceased woman's letter to her father that she apprehended being killed by her in-laws, gun shot heard on the date of her death, and the licensed gun possessed by the accused, the bench upheld the trial court verdict.