



NON-REPORTABLE
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO(S). 1122 OF 2017

NANDESHWAR KUMAR **....APPELLANT(S)**

VERSUS

RAJENDRA PRASAD
PANDEY AND OTHERS **....RESPONDENT(S)**

J U D G M E N T

Mehta, J.

1. Heard.
2. It is submitted by learned counsel representing the respondents that accused-respondent No. 1- Rajendra Prasad Pandey and accused-respondent No. 2-Yogendra Pandey have expired, and accordingly, the appeal stands abated insofar as it relates to them.

3. The appellant herein has approached this Court by way of the instant appeal, under Article 136 of the Constitution of India, 1950, for assailing the judgment dated 26th June, 2013, passed by the Division Bench of the High Court of Judicature at Patna¹ in Criminal Appeal (DB) No. 531 of 2013 whereby the High Court dismissed the appeal preferred by the appellant and upheld the acquittal of the respondents as recorded by learned *Ad hoc* Additional Sessions Judge 1st, Buxar² in Sessions Trial No. 120 of 2006 and 154 of 2006 *vide* judgment dated 18th December, 2012.

4. The aforesaid cases came to be registered as a sequel to the police reports filed after investigation in Dumraon P.S. Case Nos. 204 of 1996 and 205 of 1996, which were registered against unknown

¹ Hereinafter, being referred to as “the High Court”.

² Hereinafter, being referred to as “the trial Court”.

persons for offences punishable under Sections 302 and 201 of the Indian Penal Code, 1860³, pursuant to the recovery of two unidentified dead bodies on 1st December, 1996, allegedly to be those of the appellant's brothers, namely Anjani Kumar Sharma *alias* Sablu and Yogesh Sharma *alias* Dablu. The Nawa Nagar P.S. case No. 78 of 1996 was registered pursuant to the recovery of two unidentified female bodies, alleged to be the daughters of accused-respondent No. 1- Rajendra Prasad Pandey, namely Renu Kumari and Rinki Kumari.

5. The sum and substance of the case of the prosecution is that the appellant, along with his two deceased brothers was residing on rent in the house of accused-respondent No.1-Rajendra Prasad Pandey. The brothers of the appellant developed a love affair with the daughters of accused-respondent

³ Hereinafter, being referred to as "IPC"

No. 1-Rajendra Prasad Pandey who did not take kindly to this relationship and forced the appellant and his family members to vacate the tenanted premises.

6. It appears that the brothers of the appellant eloped with the daughters of accused-respondent No. 1-Rajendra Prasad Pandey. Consequently, accused-respondent No. 1-Rajendra Prasad Pandey and his family members developed a grudge and eliminated all the four young lovers by way of “Honour Killings”. Since the case involved the murder of the two young boys who were having an affair with the daughters of accused-respondent No. 1-Rajendra Prasad Pandey, the needle of suspicion naturally turned towards the family members of the girls *i.e.*, the respondents herein, who were allegedly carrying a grudge arising out of family honour.

7. In the course of investigation of Nawa Nagar P.S. Case No. 78 of 1996, accused-respondent No. 1-Rajendra Prasad Pandey and accused-respondent No. 2-Yogendra Pandey were arrested on 2nd July, 2005. The accused-respondent No. 3-Ravindra Kumar Pandey surrendered before the Court of Hon'ble Chief Judicial Magistrate on 5th June, 2006. The accused-respondent No. 4-Upendra Kumar Pandey was arrested on 23rd August, 2006, in connection with Dumraon P.S. Case Nos. 204 of 1996 and sent to judicial custody on 24th August, 2006. The accused-respondent No. 5-Pratap Pandey was arrested and sent to judicial custody on 5th September, 2006, in connection with Nawa Nagar P.S. Case Nos. 78 of 1996.

8. Upon conclusion of investigation, separate chargesheets under Section 173(2) of the Code of

Criminal Procedure, 1973, came to be submitted before the competent court as below:-

a. In Dumraon P.S. Case Nos. 204 of 1996 and 205 of 1996, chargesheet was submitted against accused-respondent No. 1-Rajendra Prasad Pandey and accused-respondent No. 2-Yogendra Pandey, followed by a supplementary chargesheet against accused-respondent No. 3-Ravindra Kumar Pandey, accused-respondent No. 4-Upendra Kumar Pandey, and accused-respondent No. 5-Pratap Narayan Pandey for offences punishable under Sections 302, 201 and 120B IPC.

b. In Nawa Nagar P.S. Case No. 78 of 1996 chargesheet was submitted against accused-respondent No. 1-Rajendra Prasad Pandey and accused-respondent No. 2-Yogendra

Pandey, followed by a supplementary chargesheet against accused-respondent No. 3-Ravindra Kumar Pandey, accused-respondent No. 4-Upendra Kumar Pandey, and accused-respondent No. 5-Pratap Narayan Pandey for offences punishable under Sections 302/34, 201/34 and 120B IPC, and Section 27 of the Arms Act, 1959.

9. Since all the murders had the common thread of love affairs running between them, the cases were amalgamated and tried jointly.

10. There was admittedly no eye-witness to any of the murders and the prosecution case, for each killing as per the police reports, rested entirely upon circumstantial evidence. The trial Court, upon conclusion of the trial, undertook a comprehensive appraisal of entire material adduced by the prosecution and thrashed out the entire prosecution

case and came to the conclusion that the prosecution could not prove any of the incriminating circumstances against the accused-respondents except for the alleged motive by leading cogent and credible evidence.

11. The trial Court rather held that even the identity of the dead bodies, allegedly that of the brothers of the appellant, and the daughters of accused-respondent No. 1-Rajendra Prasad Pandey, could not be established with certainty. Moreover, the trial Court accepted the plea of *alibi* set up by the accused-respondents. The trial Court further held that the prosecution did not lead direct or indirect evidence to connect the accused-respondents with the crime in the case which rested entirely on circumstantial evidence. Since the prosecution failed to prove the complete and unbroken chain of circumstances pointing towards the guilt of the

accused-respondents and ruling out every hypothesis consistent with their innocence, the trial Court held that the accused-respondents were entitled to acquittal. Accordingly, all the charge sheeted accused-respondents were acquitted by giving them a benefit of doubt.

12. Being aggrieved, the appellant preferred an appeal before the High Court assailing the judgment of acquittal rendered by the trial Court. As noted above, the High Court has dismissed the aforesaid appeal by the impugned judgment dated 26th June, 2013.

13. We have heard and considered the submissions advanced by learned counsel for the appellant and the learned counsel appearing for the accused-respondents and have gone through the impugned judgments and the other material placed on record.

14. Upon a careful perusal of the material available on record, we find that for none of the murders, the prosecution could lead any direct evidence. The entire case of the prosecution rested solely on circumstantial evidence, wherein even the theory of motive propounded by the prosecution is very weak and insufficient to connect the accused-respondents with any of the murders. Thus, we are of the firm opinion that the trial Court was perfectly justified in acquitting the accused-respondents by giving them the benefit of doubt. The judgment of acquittal rendered by the trial Court has been duly affirmed by the High Court while dismissing the appeal preferred by the appellant against the acquittal of accused-respondents.

15. Law is well settled that in an appeal against acquittal, the appellate Court should interfere only if the finding of acquittal is perverse on the face of the

record or if the appellate Court is convinced that no view other than the guilt of the accused is possible upon appreciating the evidence available on record. Where two views are reasonably possible, one consistent with the guilt of the accused and the other with his or her innocence, then the appellate Court should refuse to interfere with the judgment of acquittal and allow the same to stand.

16. This Court in ***Babu Sahebagouda Rudragoudar v. State of Karnataka***⁴, reiterated following principles governing interference by the appellate Court with an order of acquittal:

“41. Thus, it is beyond the pale of doubt that the scope of interference by an appellate court for reversing the judgment of acquittal recorded by the trial court in favour of the accused has to be exercised within the four corners of the following principles:

41.1. That the judgment of acquittal suffers from patent perversity;

41.2. That the same is based on a misreading/omission to consider material evidence on record; and

⁴ (2024) 8 SCC 149.

41.3. That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.

42. The appellate court, in order to interfere with the judgment of acquittal would have to record pertinent findings on the above factors if it is inclined to reverse the judgment of acquittal rendered by the trial court.”

17. Having threadbare examined the entirety of material available on record, we find that in the present case, no view other than the one taken by the trial Court in acquitting the accused-respondents from the aforesaid charges is possible.

18. Hence, we find no merit in this appeal which is dismissed as such.

19. Pending application(s), if any, shall stand disposed of.

.....**J.**
(SANDEEP MEHTA)

.....**J.**
(JOYMALYA BAGCHI)

NEW DELHI;
AUGUST 29, 2025.