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Case Comment: Ramanand Nandlal Bharti vs State of UP

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INTRODUCTION

Ramanand Nandlal Bharti was the husband of the deceased Sangeeta and the father of four girls and a boy. Ramanand appealed the High Court of Judicature at Allahabad, Bench in Lucknow, order of July 9, 2021, to uphold his death sentence, under Section 302 of the IPC, which states the punishment for murder, and a fine of Rs. 20,000 with rigorous imprisonment of 1 year. Lakhimpur Kher's Session Judge, submitted the case to the High Court for confirmation of the death penalty imposed on him by Section 366 of the Criminal Procedure Code, which says that a Session Court Judge shall submit the proceedings to the High Court for the confirmation of the death sentence awarded or it shall not be executed without the permission of the High Court.

Criminal Appeal No. 1959 of 2016 was preferred by the accused-appellant, who was convicted and sentenced. The High Court, however, rejected the accused appellant's criminal appeal and upheld the death penalty by Section 366 of the CrPC. Thereby, the accused-appellant filed an appeal against this contention. A Bench of three judges—the Chief Justice of India, U. U. Lalit, Justice S. Ravindra Bhat, and Justice J. B. Pardiwala—was constituted to hear the case. Senior

Counsel S. Niranjan Reddy represented the accused-appellant before the Supreme Court, while Counsel Adarsh Upadhyay represented the State.

THE FACTS OF THE CASE

The accused-appellant was married to Sangeeta (deceased for the past 12 years). Five children were born from their marriage, four of whom were girls and one of whom was a boy. Ramanand was having an extra-marital affair with a married woman called Manju. And they also had an engagement while Sangeeta was alive. The tragic event happened in Basadhiya village, where they were located at the time of the incident, on the night between January 21 and 22, 2010, while all four girls and their mother Sangeeta were sleeping. A sharp cutting knife, Banka, is alleged to have been used by the accused-appellant to stab all five. As a result, Shambhu Raidas filed an F.I.R. on the next day of the event, January 22, 2010, at 9:45 a.m. at Dhaurhara Police Station, District Lakhimpur Kher. Consequently, investigations started, and the investigating officer detained the accused-appellant on January 24, 2010.

LEGAL ISSUES OF THE CASE

1. When was an extra-judicial confession made?
2. How did the alleged appellant show up at three locations at or around the same time?
3. Should circumstantial evidence be the sole reason to decide the verdict of the case?

OBSERVATION OF THE SUPREME COURT

In its observation, the Court stated that the case was solely supported by circumstantial evidence. The burden of proof lies in the hands of the prosecution. There are two categories of confessions: extrajudicial and judicial. Judicial proceedings are those in which confessions are given to a magistrate or judge while the court is in session. And when a party confesses to or before a private person outside of court processes, this is referred to as an extrajudicial confession. The accused-appellant confessed extrajudicially to two witnesses for the prosecution.

On January 23, 2010, at around 9:00 a.m., the accused-appellant submitted his extrajudicial confession to PW3 (Prosecution Witness Number 3), Babu Ram Hans, to enlist his assistance. In his extrajudicial confession to Babu Ram Hans, the accused-appellant said that he had brutally murdered his wife Sangeeta and four daughters – Tulsi, Lakshmi, Kajal, and Guddi – using a sharp knife known as a "Banka."

The second extra-judicial confession was made to PW4 (Prosecution Witness Number.4) Ram Kumar on January 23rd, 2010 at around 6:30 a.m. by the accused-appellant, who said that he committed a serious crime. It is very difficult to think that the accused-appellant could have made an extrajudicial confession on January 23, 2010, around 7:00 a.m., to PW2 (Chhatrapal Raidas), as well as on January 23, 2010, at 6:30 a.m., to PW4 (Ram Kumar), i.e., on the day of the incident. The question here is how the accused-appellant is said to have visited three people between 6:30 a.m. and 7:30 a.m. on January 23, 2010. And, how did the accused-appellant visit Ram Kumar, as his place is 6-7 km far away from the accused appellant's house?

After the accused-appellant had made a statement about the location of the hidden weapon "Banka" and "blood-stained clothes" while in police custody voluntarily and of his own free will, the investigating officer (IO) and his subordinates went to the location, and the IO realised on the way that he should have two independent witnesses for the Panchama. The Court in this case stated that the first part of the Panchama is always drawn at the police station in front of witnesses for Section 27 of the Evidence Act purposes to think that the accused-appellant made a statement voluntarily and without being coerced to reveal the whereabouts of the offending weapon. After finishing the first phase, the police, the defendant, and the two witnesses can head to the location that the defendant has identified.

The Court said that the evidence provided by the Investigating Officer is not only reliable but also does not show any legal evidence.

Because of the below-mentioned reasons:

- The investigating officer refrained from disclosing the actual phrases used by the accused in the police station in his oral evidence.

- The second reason to throw out the evidence of finding is if the investigating officer neglected to look into the information in the discovery of Panchama.
- The reason for suppressing the evidence is that the authorship of concealment is still missing, even if the investigating officer's entire oral testimony is interpreted correctly.
- The prosecution questioned PW-2, Chhatarpal Raidas, one of the panch witnesses, throughout the duration of the trial, but he has stayed mute regarding his role in the discovery of the weapon and the blood-stained clothes, which brings us to our fourth reason to ignore the discovery evidence.

The investigating officer's testimony is currently all that the court has to go on when it comes to the discovery of the crime's weapon and the blood-stained clothing, which is one of the circumstances that can be used against the defendant.

In the case of Sharad Birdhichand Sarda v State of Maharashtra

The Court held that “it is well to remember that in cases where the evidence is circumstantial, the circumstances from which the conclusion of guilt is to be drawn should in the first instance be fully established, and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be conclusive and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability, the act must have been done by the accused.”¹

In a case when there is only circumstantial evidence, it is a well-established rule in criminal law that the accused's motivation for committing the act is given more importance. This Court has established the rules in several rulings, holding that the motive for an offence bears higher importance in cases supported by circumstantial evidence than in cases where there is direct evidence of the offence's commission. It is also true that a lack of motive in cases supported by

¹ *Sharad Birdhichand Sarda v State of Maharashtra* (1984) 4 SSC 116

circumstantial evidence does not automatically result in a conviction. As it is well recognized in law that, the absence of motive will not aid the accused in any way because the prosecution has fully proven all the other incriminating factors. The chain of circumstantial evidence is so clearly implemented as a result of the Court's ruling that the circumstances surrounding the making of an extrajudicial confession and the discovery of the crime weapon have not been established that it is not necessary to consider any additional factors, including motive.

DECISION

As a result, the accused appellant's conviction under Section 302 of the IPC is set aside. He gets cleared of the accusation levelled against him. They must be released right away if they are not needed to be imprisoned for another crime.

CONCLUSION

None of the pieces of evidence listed below that the courts found to be damning may be regarded as circumstantial evidence that links the accused to a crime. Regardless of the circumstances or facts, the innocence of the suspected accused is the fundamental and essential assumption in the administration of criminal law and administration of justice. The question of convicting or penalising an accused does not come up until the allegations are proven beyond a reasonable doubt based on clear, coherent, credible, or unimpeachable evidence. The Bench also held, "Though the offence is gruesome and revolts the human conscience, an accused can be convicted only on legal evidence and if only a chain of circumstantial evidence has been so forged as to rule out the possibility of any other reasonable hypothesis accepting the guilt of the accused."²

² *Ramanand @ Nandlal Bharti v The State Of Uttar Pradesh* (2022) SC 843