

(2024) 12 GUJ CK 0027
In the Gujarat High Court

Case No : Criminal Appeal (Against Conviction) No. 1719 of 2016

Arjunbhai Kantibhai Nayak Versus

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 11-12-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 313, 374
Indian Penal Code, 1860 — Section 302, 363, 366, 376, 504
Gujarat Police Act, 1951 — Section 135

Citation : (2024) 12 GUJ CK 0027

Hon'ble Judges : Ilesh J. Vora, J; S.V. Pinto, J

Bench : Division Bench

Advocate : Rekha H Kapadia, L B Dabhi

Final Decision : Dismissed

Judgement

Ilesh J. Vora, J

1. The present appeal is filed by the appellant – original accused under Section 374 of Code of Criminal Procedure, 1973 (old) ('Cr.P.C.', in short) against the judgment and order of conviction and sentence dated 05.04.2016 passed by the learned Additional Sessions Judge, Kalol, Gandhinagar in Sessions Case no. 4 of 2013, wherein, the appellant came to be tried for offences punishable under Sections 302, 363, 366, 376 and 504 of the Indian Penal Code, 1860 (old) ('IPC', for short) and Section 135 of the Gujarat Police Act, 1951 ('G.P. Act', in short).

2. At the end of the trial, the appellant came to be convicted under Section 302 of IPC and Section 135 of G.P. Act and was sentenced as under:

Sections

Punishment

Fine

In default

Section 302 of IPC

Life imprisonment

Rs.1000/-

SI for one month

Section 135 of G.P. Act

SI for fifteen days

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Learned Trial Court directed to undergo both the sentences concurrently.

3. Facts and circumstances giving rise to file this appeal are as under:

3.1 Deceased Shankarbhai along with her daughter aged about 15 years and other family members including his brother Jivabhai Rupabhai PW:15, came to Village Pratappura, Tal: Kalol, Dist.: Gandhinagar for labour work. There stay was at the farm, where they brought for labour work.

3.2 The appellant accused Arjun Nayak was also employed by the contractor for cutting of tree and he was living nearby the place of the deceased and his family members.

3.3 The appellant accused and daughter of the deceased aged about 15 years were acquainted and fell in love and used to meet each other. The deceased Shankarbhai had reprimanded the appellant accused and asked him to keep distance from his daughter.

3.4 Despite of this, the appellant accused did not stop and was continued in maintaining the relation with the victim.

3.5 On 03.11.2012, at about 09:00 p.m., the brother of the deceased PW:14, had prepared a rice for dinner. The deceased wanted to eat roti. So, he along with his daughter went to village to get pan (flat plat for backing bread (roti)).

3.6 The appellant accused had followed the deceased and came out with dagger after a while, and when PW:14 asked, he said that he is going for outing.

3.7 When the deceased and his daughter reached near farm of Dahyabhai Chaudhary, the appellant accused, in order to take revenge, as the deceased was hurdle in maintaining relationship with her daughter, assaulted the deceased by using arm dagger and had caused fatally injuries as a result of which, deceased died on the spot and thereafter, took away the victim with him and stayed at different places for about 6 to 7 days and maintained physical relationship with her.

3.8 The farm owner informed the village sarpanch about the dead body lying in

his farm. The village sarpanch informed the Kalol Police Station and on the basis of the said information, the police registered the case as accidental death on 04.11.2012. On arrival of the police at the place of the incident, PW:14 brother of the deceased disclosed the FIR. The dead body of the deceased, sent for postmortem. The I.O. recorded the statements of witnesses. The appellant accused was found in the company of the victim nearby the farm. He was arrested. The victim as well as the accused sent for medical examination. During the investigation, at the instance of the appellant accused, the weapon dagger seized from the house of PW:8. The I.O. collected the blood samples of the deceased as well as the accused and seized the bloodstain cloths of the deceased and sent it to the FSL for analysis.

3.9 At the end of investigation, the I.O. found sufficient evidence against the appellant accused for the charge and accordingly, chargesheet came to be filed before the Court concerned.

4. On the basis of material on record, the charge was framed against the appellant at Exh. 6, to which he pleaded not guilty and therefore, he came to be tried by the trial Court, accordingly.

5. In order to prove the case against the appellant, prosecution has examined 15 witnesses and exhibited 30 documents to prove its case as per the following table:

Oral evidence

PW 1 – Exh. 10

Dr. Paresh Ishwarlal Rathod, medical officer

PW 2 – Exh. 13

Dr. Kalpeshbhai Bababhai Shah, medical officer

PW 3 – Exh. 17

Dr. Irfan I. Vaza, medical officer

PW 4 – Exh. 22

Vishnubhai Mohanbhai Choudhary, panch witness

PW 5 – Exh. 29

Abhay Bhaskarbhai Parmar, panch witness

PW 6 – Exh. 31

Ranjitsinh Babusinh Zala, panch witness

PW 7 – Exh. 34

Vijaysinh Bharatsinh Gohil, Police Station Officer

PW 8 – Exh. 39

Natvarji Jivtaji Thakor

PW 9 – Exh. 40

Dahyabhai Chhaganbhai Choudhary

PW 10 – Exh. 41

Kalubhai Godadbhai, Assistant Sub-Inspector

PW 11 – Exh. 44

Babuji Mathurji

PW 12 – Exh. 45

Vrajlal Bhavjibhai Jakasaniya

PW 13 – Exh. 48

Hathising Mansing Solanki, investigating officer

PW 14 – Exh. 60

Jivabhai Rupabhai Paliya (Koli), Complainant

PW 15 – Exh. 61

Pradipkumar Odhavji Bhatt, investigating officer

Documentary evidence

Exh. 11

Memo to conduct post-mortem

Exh. 12

Post-Mortem note

Exh. 14

Case papers of medical examination of victim and X-ray

Exh. 15

Certificate of age of victim

Exh. 18

Certificate of medical examination

Exh. 19- 20

Memo by investigation officer to medical officer to conduct medical examination of accused and victim

Exh. 21

Certificate by Dr. D. I. Vaza regarding examination of accused

Exh. 23

Panchanama of place of incident

Exh. 24

Inquest panchanama

Exh. 26

Panchanama of clothes after post mortem

Exh. 27

Panchanama of physical examination and recovery of clothes of victim

Exh. 28

Panchanama of physical examination and recovery of clothes of accused

Exh. 30

Panchanama of recovery of weapon

Exh. 35

Copy of catalogue and order of police station officer

Exh. 36

Extract of station diary

Exh. 42

Memo by investigation officer to ASI for investigation

Exh. 43

Copy of memo by ASI to Police Inspector, Godhra

Exh. 46, 50

Memo to Executive Magistrate for inquest

Exh. 47

Memo to sub-inspector for drawing map of place of incident

Exh. 49

Telephone vardhi

Exh. 51

Complaint

Exh. 52

Opinion of District Forensic Science Laboratory

Exh. 62

Cause of death slip

Exh. 63

Forwarding note of article

Exh. 64

Receipt of receiving articles

Exh. 65

Letter from FSL to Police Inspector

Exh. 66

FSL analysis report

Exh. 67

Serological report

Exh. 68

Notification of prohibition on weapons

Exh. 69-84

Panch slips

6. The accused upon being questioned under Section 313 of the Cr.P.C. with regard to incriminating circumstances made against him in the evidence rendered by the prosecution and he denied it and not lead any evidence in defence.

7. The trial Court proceeded to convict and sentence the appellant as stated in the earlier part of this judgement.

8. Being aggrieved and dissatisfied with the impugned judgement and order passed by the trial Court, the appellant is before this Court by way of the present appeal.

9. Oral evidence on record:

9.1 PW-1 Dr. Paresh Rathod, being a Medical Officer, was on duty at the Primary Health Center, village: Soja, Kalol and upon receiving the dead body of the deceased, he along with panel Doctor Mr. I.I. Waja, conducted PM of the deceased. He found following external injuries on the body of the deceased, which he has mentioned in column No.17 of the PM report, Exh. 12.

External Injuries :

"(1) An incised wound oblique 8 x 1.5 x 2 cm over left knee. wide exposing wound present. Bones and cut muscles seen from outside.

(2) an incised wound transverse 9 x 1.5 x 1 cm at midpart of left leg cut musculature visible.

(3) An incised wound transverse 6 x 2 x 2 cm over median part widely exposing wound at bones & musculature seen from outside.

(4) An incised wound 17.5 cm x 5 cm x 5 cm over midpart of rt leg. Total bones cutting wound. It is remained sticks with small skin tag. Complete amputation injury.

(5) An incised wound 10 x 5 x 1 at base of rt thumb and over palm. Exposed wound – Thumb remained stick at base with small skin tag.

(6) Complete separation of left elbow joint. It remains sticky due to small skin tag. Complete amputation.

(7) A widely exposing clw 30 x 10 x 5 cm starting from upper part of left ear, passing through lower lip and chin ending upto angle of left mandible.

- Cut parts of tongue seen from outside of the wound.
- Rows of teeth upper & lower both disturbed present.
- Clinically fracture of palate & mandible present.
- Fracture of facial bone left side of face can be palpable by finger."

In the opinion of the doctor, the cause of death was homoerotic and neurogenic shock due to multiple injuries on four limbs and face. The doctor – PW-1 further opined that the injuries could be possible by the weapon 'dagger' and same were sufficient in ordinary course of nature to cause death. In the cross-examination, he has denied the suggestion put forth by the defense that the injuries were not possible by single weapon 'Dati'.

9.2 PW-2 Dr. Kalpesh B. Shah, Medical Officer, Civil Hospital, Gandhinagar, has been examined to prove the age of the victim. He has done ossification test and according to his opinion, the age of the victim must have been between 15 to 16 years.

9.3 PW-3, Dr. I.I. Waja, Medical Officer, Kalol Municipal Hospital, has been examined to prove the medical examination of the victim. During the medical examination, he had collected the necessary samples so as to ascertain whether the intercourse with her was done or not. The victim has disclosed the brief facts of the incident which the doctor has mentioned in his case papers and also in deposition. The said doctor on the same day, had examined the accused appellant and noted the history given by the accused and collected necessary

samples for FSL purpose and produced the certificates of examination.

9.4 PW-4, Vishnubhai Chaudhari being a witness of spot panchnama, has stated about the seizure of necessary samples as well as things like slippers of the deceased etc by the police.

9.5 PW- 5 & 6, Abhay Khamar & Ranjitsinh Zala were cited as witnesses of discovery of weapon, however, they had been declared hostile and during their cross-examination, they have not supported the case of the prosecution.

9.6 PW- 8, Natvarji Jivtaji Thakor, is the material witness, as the accused appellant after incident went to his house and requested him to keep the weapon allegedly used in the offence at his house for a temporary period and borrowed Rs.150/- from him. The witness has supported the case to the prosecution. In his deposition, he has stated that on 04.11.2012, when he was at his home, the appellant accused along with one girl came to his house. The appellant accused borrowed Rs.150/- and also keep the weapon dagger at his house, which he identified in the Court and also identified the accused.

9.7 PW-11 - Babuji Mathurji, who had employed the deceased's family and accused for labour purpose as he got contract to take out fruit 'chickoo' from the field. He further deposed that deceased and one girl – Pinki along with family of his brother had been stayed to the farm where they have to work for taking out a fruits. He further deposed that, on 04.11.2012, he received information on his phone about the murder of deceased Shankarbhai and after receiving the message, he went to the farm of Dahyabhai Chhaganbhai Chaudhari, where the dead body was lying in pool of blood. The witness, so far as presence of accused and the girl Pinki is concerned, has stated that after the incident, they disappeared and did not come for labour work.

9.8 PW-14 – Jivabhai Roopabhai, who is the brother of the deceased, has stated on oath that, in the year 2012, he along with deceased and other family members including the victim, who is daughter of deceased, came to village Pratappura for doing labour work and they are staying in the farm of Sendhabhai Bharatbhai Chaudhari. He also identified the accused and stated that the accused Arjun was also came there for doing labour work and at the end of day, he was staying with them in the said farm. So far as incident is concerned, the witness has stated that, his brother Shankar wants to eat a bread (roti) and in absence of pan, the bread could not be prepared, therefore, he and his daughter victim went into market to purchase the pan. He has further deposed that after sometime, the appellant accused had followed the deceased and after killing the deceased by him, he ran away with his niece i.e. daughter of the deceased. He has further stated that on the next day in morning, he learnt that, the dead body of his brother was lying in the farm of Dahyabhai Chhaganbhai and immediately he rushed to the place and on arrival of the police, his complaint was recorded by the police. So far as victim is concerned, he has stated that she was found after 3 to 4 days. In the cross-examination, he admitted that, he has not seen the

offence and also admitted that, he did not know anything after his brother and victim left the place on the fateful night.

9.9 PW-15 – Pradipkumar Bhatt, who had filed the chargesheet, has stated on oath that, on 04.11.2012, he was on duty as a Police Inspector of Kalol Police Station and after registration of the offence, the investigation was handed over to him. On the aspect of investigation, he has stated that, the initial investigation was undertaken by PSI H. N. Solanki PW-13 and thereafter, he was in charge of the investigation and during the investigation, he drew the spot panchnama of the place of occurrence and collected the necessary samples for forensic examination, arrested the appellant accused and recorded the statement of victim, who was found in the company of the appellant accused. The accused and victim had been sent for medical examination and at the instance of appellant – accused, the weapon allegedly used in the offence, was discovered and seized from the house of Natvarji Thakor – PW-8. I.O. has further stated that the seized articles were sent for forensic examination and collected the medical certificates from the concerned doctors and after receiving the report from the FSL, he found sufficient evidence against the appellant accused and finally, he filed the chargesheet for the offences as enumerated above. In the cross-examination, the IO has admitted that, as a part of investigation, he has recorded the statement of victim as well as wife of the complainant PW-14. The IO on the aspect of whereabouts of the victim, has stated that, after her marriage with someone, she might be settled with her husband and after due diligence, he could not find the whereabouts of the victim. It is denied that, on the basis of suspicion the appellant accused has been falsely implicated in the offence. He has also denied that, the complaint of PW-13 was not disclosed by him.

Submissions on behalf of the accused-appellant:

10. Ms. Rekha Kapadia, learned advocate, assailing the judgment and order of conviction and sentence, has submitted that the judgment is erroneous, and being rendered in utter disregard of the settled principles of appreciation of evidence.

She would further urge that, the prosecution case is based on the circumstantial evidence, as the victim who happened to be the daughter of the deceased, has not been examined by the prosecution. Except the victim, no one has seen the incident. The appellant accused has been convicted on the basis of suspicion as the chain of circumstances in the facts of the present case is not complete in all respect and the circumstances would not pointing of guilt of the accused. According to the case of the prosecution, the accused on the day of incident, was not found where the deceased and his brother complainant used to stay in the farm of Thakor Babuji. Thus, the facts narrated by the PW-14, without any corroboration on the aspect of presence of the accused cannot be accepted and relied upon. The weapon allegedly used in offence was found from the house of PW-8 Natvarji Thakor. The weapon was lying in the open space of the house and at relevant time, the PW-8 did not notice the blood stains on the weapon. Thus,

the evidence of discovery of weapon would not be admissible so as to complete the chain of events. That the prosecution failed to prove the motive behind the murder and when the case is based on the circumstantial evidence, the absence of motive would hamper the conviction. That, there is no evidence to show that after the incident, the victim had lived for about 3 days with the appellant accused. That, the report of the FSL is a corroborative piece of evidence and merely a blood group of the accused matched with the blood found on the weapon, would not be a sufficient evidence to convict the appellant accused.

11. Ms. Rekha Kapadia, learned advocate has further submitted that, the circumstances relied by the trial Court are not cogently and firmly established so as to infer the guilt of the accused and the entire chain of circumstances are not complete in all respect to hold the guilt of the accused. Thus, she prays that when the charges against the appellant accused are not proved and established beyond reasonable doubt, the appellant accused entitled for honourable acquittal as the learned trial Court, on the basis of surmises and conjunctures, without acceptable and credible evidence, on the basis of suspicion recorded the conviction, which has resulted into miscarriage of justice and therefore, the judgment of conviction and sentence is not sustainable in law and same deserves to be quashed and set aside.

Submissions on behalf of the State:

12. On the other hand, Mr. L.B. Dabhi, learned APP for the respondent – State, opposing the contentions, as raised hereinabove, has submitted that, there is a sufficient evidence to prove and establish the presence of the appellant accused at the place of offence, on the fateful night, the appellant accused chased the deceased. The oral evidence of witness PW-14, who is the brother of the deceased, clearly established and proved that the accused was the author of the alleged murder. The appellant accused after 5 days of the incident, found in the company of daughter of deceased and during his medical examination, he had given the history to the doctor PW-1 which corroborates the statement of PW-14. The weapon found from the house of PW-8, would further prove the circumstance that after the incident, the accused along with victim went to the house of said witness and borrowed Rs.150/- and at his request, the weapon was kept at the house of the witness. The accused failed to explain the aforesaid circumstances while he was questioned under Section 313 of the Cr.P.C, which further strengthen the case of the prosecution. In such circumstances, learned APP has submitted that the prosecution has successfully proved and established the charges against the appellant accused beyond reasonable doubt and the learned trial Court while recording the conviction, has assigned sound and cogent reasons which do not warrant interference and prayed that the present appeal be dismissed.

13. Analysis and conclusion:

13.1 The prosecution case rests on circumstantial evidence.

13.2 The law with regard to the conviction based on circumstantial evidence, has very well been crystalized in the judgment of Harishchandra Ladaku Thange vs. State of Maharashtra (AIR 2007 SC 2957). It would be useful to reproduce the relevant paragraphs:

"8. It has been consistently laid down by this Court that where a case rests squarely on circumstantial evidence, the inference of guilt can be justified only when all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused or the guilt of any other person. (See Hukam Singh v. State of Rajasthan (AIR 1977 SC 1063), Eradu v. State of Hyderabad (AIR 1956 SC 316), Earaothadrappa v. State of Karnataka (AIR 1983 SC 446), State of U.P. v. Sukhbasi and Ors. (AIR 1985 SC 1224), Balwinder Singh alias Dalbir Singh v. State of Punjab (AIR 1987 SC 350) and Ashok Kumar Chatterjee v. State of M.P. (AIR 1989 SC 1890)). The circumstances from which an inference as to the guilt of the accused is drawn have to be proved beyond reasonable doubt and have to be shown to be closely connected with the principal fact sought to be inferred from those circumstances. In Bhagat Ram v. State of Punjab (AIR 1954 SC 621) it was laid down that where the case depends upon the conclusion drawn from circumstances the cumulative effect of the circumstances must be such as to negative the innocence of the accused and bring home the offences beyond any reasonable doubt.

9. We may also make a reference to a decision of this Court in C. Chenga Reddy and Ors. v. State of A.P. (1996 (10) SCC 193), wherein it has been observed thus :

"21. In a case based on circumstantial evidence, the settled law is that the circumstances from which the conclusion of guilt is drawn should be fully proved and such circumstances must be conclusive in nature. Moreover, all the circumstances should be complete and there should be no gap left in the chain of evidence. Further, the proved circumstances must be consistent only with the hypothesis of the guilt of the accused and totally inconsistent with his innocence."

10. In Padala Veera Reddy v. State of A.P. (AIR 1990 SC 79) it was laid down that when a case rests upon circumstantial evidence, such evidence must satisfy the following tests :(1) the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established;(2) those circumstances should be of a definite tendency unerringly pointing towards guilt of the accused;(3) the circumstances, taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else; and(4) the circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence."

11. In State of U.P. v. Ashok Kumar Srivastava (1992 CrL. LJ 1104) it was pointed

out that great care must be taken in evaluating circumstantial evidence and if the evidence relied on is reasonably capable of two inferences, the one in favour of the accused must be accepted. It was also pointed out that the circumstances relied upon must be found to have been fully established and the cumulative effect of all the facts so established must be consistent only with the hypothesis of guilt.

12. Sir Alfred Wills in his admirable book 'Wills' Circumstantial Evidence' (Chapter VI) lays down the following rules specially to be observed in the case of circumstantial evidence: (1) the facts alleged as the basis of any legal inference must be clearly proved and beyond reasonable doubt connected with the factum probandum; (2) the burden of proof is always on the party who asserts the existence of any fact, which infers legal accountability; (3) in all cases, whether of direct or circumstantial evidence the best evidence must be adduced which the nature of the case admits; (4) in order to justify the inference of guilt, the inculpatory facts must be incompatible with the innocence of the accused and incapable of explanation, upon any other reasonable hypothesis than that of his guilt; and (5) if there be any reasonable doubt of the guilt of the accused, he is entitled as of right to be acquitted."

13.3. In the facts of the present case, following circumstances emerge from the evidence.

(A) The accused appellant and the family of the deceased, along with other labourers came at Village Pratappura for doing labour work and they all stayed together in the farm.

(B) The appellant accused used to meet the daughter of the deceased aged about 15 years, so the deceased reprimanded him.

(C) Despite of the opposition of the deceased, the appellant accused was continued in maintaining his relation with the daughter of the deceased.

(D) On 03.11.2012, when the deceased and victim proceeded to purchase pan for preparing roti, the appellant accused followed them and caused fatal injuries on the body of the deceased by dagger and thereafter, taking the victim with him, ran away from the spot.

(E) After the incident, the appellant accused found in the company of the victim.

13.4 The Trial Court in its judgment held that the circumstances as referred above are proved and convicted and sentenced the appellant accused for the murder of the deceased.

14. We have minutely examined the oral as well as documentary evidence. The issue arise for consideration is as to whether the aforesaid circumstances, relied upon by the Trial Court cogently, and firmly established the guilty of the accused or not ?

15. It is not in dispute that the death of the deceased was homicidal death and

according to opinion of P.M. Doctor - PW.10, the external injuries were sufficient in ordinary course to cause the death.

16. The deceased along with his family came to Village: Pratappura for labour work and originally they were belong to tribal area of District: Godhra. In order to prove the said aspect, the witness PW.11 Babuji Mathurji is the material witness. The said witness in his deposition, has stated that he being a contractor, had employed the deceased family, accused and other labourers for the purpose to carry out plucking of chikoos from the farm. The brother of the deceased PW.14 has also stated the same facts and disclosed it in his FIR Exh.51. Thus, therefore, it is established and proved that, the deceased, his brother and daughter came at Village Pratappura for labour work and the appellant accused and others were also employed for labour work and their stay was at the farm. Thus, the facts about residing together along with the appellant accused having been proved and established. According to say of the PW:14, on 03.11.2012, he prepared a rice for dinner. However, deceased wanted to eat roti. So, he along with the daughter proceeded to purchase pan for preparing roti. It is further stated that the accused who was staying in the farm, proceeded on the way of the deceased and when he asked, the appellant said that he is going for outing. The deceased and her daughter did not return back and accused also did not come back till the next day. The PW:14 knew that the appellant accused was reprimanded by his brother and closeness of the appellant and the victim. On careful examination of the evidence of PW:14, he has no reason to falsely implicate the appellant accused and has stated the true facts of the incident. Thus, the appellant accused on the day of incident i.e. on 03.11.2012, had followed the deceased and did not return back at the farm. He was found in the company of the victim and the same facts he had narrated before the doctor PW:3. During the investigation, at his instance, the weapon dagger recovered and seized from the house of PW:8 and according to the say of PW:8, the appellant accused along with one girl came to his house and requested him to keep the weapon dagger at his house and also demanded Rs.150/-.The said witness has identified him in the Court as well as the weapon. The FSL report proves that the bloodstain found in the cloths of the appellant accused is matched with the blood group of the deceased. The appellant accused after 03.11.2012, did not return back at the farm for labour work and remained in the company of the victim upto 07.11.2012 which conduct, legitimately raised the inference that the appellant accused followed the deceased and his daughter with whom, he was in love and confronted him at the place of occurrence, as earlier occasion, the deceased had reprimanded him because the deceased was not happy with the said relation and that is why the deceased was done with death so that he could live with the victim. The medical evidence shows that the injuries were in vital part and sufficient to cause death in an ordinary course of nature. Thus, there was an intention to cause death. It needs to be noted that the appellant accused did not offer any explanation about the bloodstain found on his cloths and why he had kept the arms dagger at the house of PW:8, whereupon the bloodstain found

which matches with the blood group of the deceased. Thus, the incriminating circumstances, as discussed above, are firmly established and the said circumstances pointing towards the guilt of the accused and the aforesaid circumstances, if taken cumulatively form a complete chain that the appellant was the author of the crime.

17. For the reasons recorded, we fully satisfied that the prosecution succeeded in proving the charge of murder against the appellant accused and conclusion of guilt arrived by the Trial Court are quite plausible, cogent, convincing and acceptable and therefore, taking overall view of the matter, the evidence on record is sufficient and satisfactory to come to a conclusion that the accused has committed a murder of the deceased.

18. Under the aforementioned circumstances, and reasons thereof, the appeal lacks of merits and it deserves to be dismissed and is hereby dismissed.