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**(2013) 09 RAJ CK 0104**  
**In the Rajasthan High Court**  
**Case No : Criminal Appeal No. 73 of 2007**

Prabhu Dayal Mathur and Others

APPELLANT

Vs

State of Rajasthan

RESPONDENT

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**Date of Decision :** 05-09-2013

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 437A  
Penal Code, 1860 (IPC) — Section 201, 302, 34

**Citation :** (2014) 3 RLW 2089

**Hon'ble Judges :** Nisha Gupta, J; Mohammad Rafiq, J

**Bench :** Division Bench

**Advocate :** A.K. Gupta and Ms. Chandra Kala Sahu, for the Appellant; Javed Choudhary, Public Prosecutor, for the Respondent

**Final Decision :** Allowed

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## Judgement

1. The entire case hinges on the circumstantial evidence and the chain of circumstances sought to be proved against the accused-appellants by the prosecution has several missing links entitling them to benefit of doubt. The guilt of the appellants therefore cannot be held to have been proved beyond reasonable doubt. We are therefore persuaded to set aside the impugned judgment dated 08.01.2007 passed by Additional Sessions Judge (Fast Track) No. 1, Alwar. Consequently, conviction of the accused-appellant nos. 1 and 2 Prabhu Dayal Mathur and Rakesh @ Bobi for offence u/s. 302 read with Section 34 IPC and u/s 201 IPC and conviction of accused-appellant nos. 3 & 4 Smt. Kiran Devi and Vinod for offence u/s. 302 read with Section 34 IPC and sentence awarded to them thereby stands set aside. In the result, the appeal is allowed and the appellants are acquitted from all the charges. The accused-appellants nos. 1 and 3 i.e. Prabhu Dayal Mathur and Smt. Kiran Devi are on bail, they need not therefore surrender and their bail bonds and sureties be discharged. The accused-appellant nos. 2 and 4 i.e. Rakesh @ Bodi and Vinod, who are in jail for last more than seven years, if not required to be detained in jail in connection with any other case, may be released forthwith.

2. Keeping in view, however, the provisions of Section 437A of the Code of Criminal Procedure, 1973, each of the accused-appellants are directed to forthwith furnish a personal bond in the sum of Rs. 20,000/- each, and a surety bond in the like amount, before the Deputy Registrar (Judicial) of this Court, which shall be effective for a period of six months to the effect that in the event of filing of SLP against this judgment or on grant of leave, the said appellants, on receipt of notice thereof, shall appear before the Supreme Court.