



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Criminal Appeal No.1615 of 2019

Munu Sen

....APPELLANT

Versus

The State of Chhattisgarh

....RESPONDENT

ORDER

1. A passerby saw a dead body lying on the bank of a pond near the temple, which was informed to the police. The dead body was identified and on post-mortem, it was revealed that the person died of hemorrhagic shock and a number of wounds were seen all over the body, which were bleeding. That the death was homicidal has been established unequivocally. Whether the charge of murder against the appellant herein can be sustained is the only question.

2. We heard Ms. Shamsravish Rein, learned Amicus Curiae appearing for the appellant and Ms. Sugandha Jain, learned Standing Counsel appearing for the State.

3. The only evidence on which the appellant was convicted was of the last seen theory spoken of by PWs 1 to 4. The High Court found that the last seen theory being strong enough, conviction as entered by the Trial Court is justified; with which we cannot concur.

4. Having gone through the judgment of the Trial Court and the Appellate Court, we do not find any reason to sustain the conviction. The deceased is said to have been thrown on by the other accused and his wife; the wife having deposed before Court as PW1. As coming out from their testimonies, PWs 1 and 2 were first declared hostile and then spoke of having seen the two accused assaulting the deceased. The two accused were, the husband of PW1, who went absconding, and the appellant herein, who is their son-in-law. The deceased is also said to have been brought up by PW1 and her husband.

5. PW2 to 4 spoke of the deceased having been turned out of the house of PW1. They also spoke of the assault by PW1s husband and the appellant, but nobody seems to have intervened. The testimony of the witnesses to prove the last seen theory does not inspire confidence. We also notice that there can be no conviction merely on the basis of the last seen theory without any other incriminating circumstance.

6. We have been told that the appellant has been released on remission. The appellant, however, wanted a clear acquittal and hence the matter was argued. We are of the opinion that the appellant is to be acquitted and we do so. We make it clear that if at all, any bonds were executed on remission for the purpose of release, those shall stand cancelled.

7. The appeal stands disposed of.

8. Pending application(s), if any, shall stand closed.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
JULY 29, 2026.**