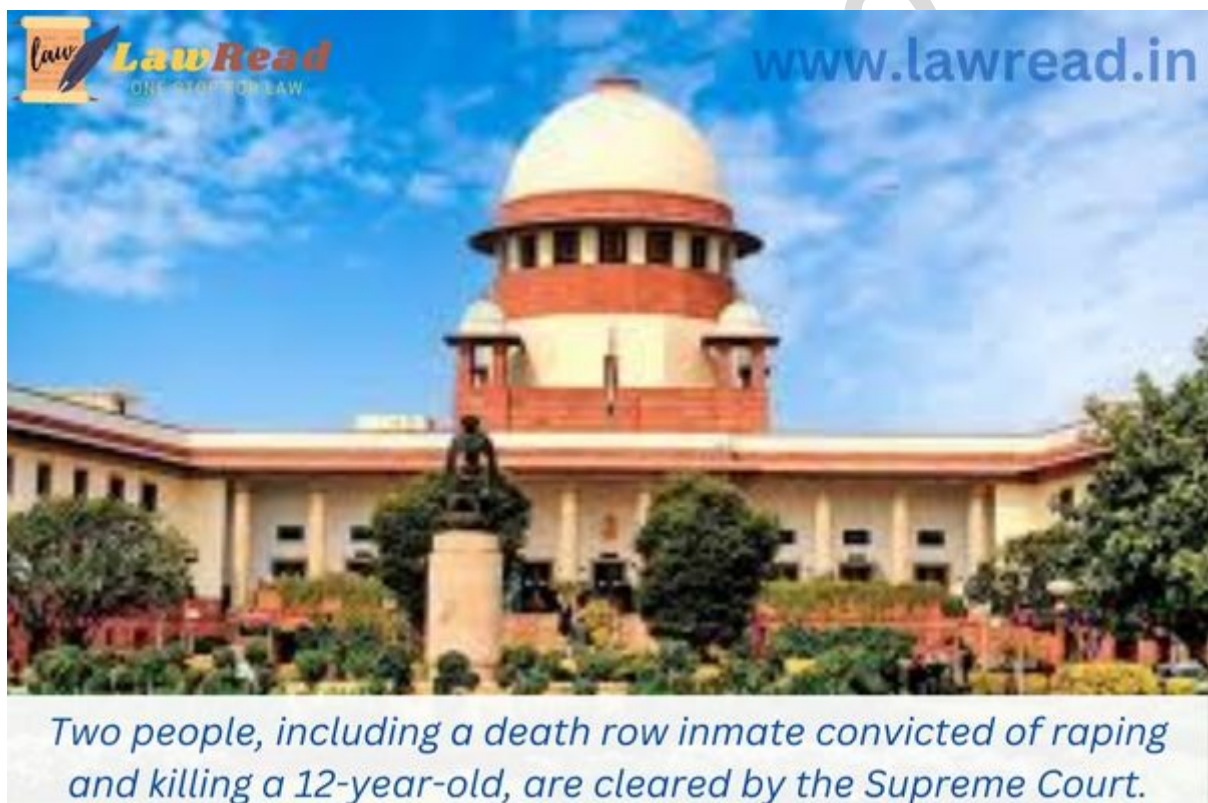


News

Two people, including a death row inmate convicted of raping and killing a 12-year-old, are cleared by the Supreme Court.



It was another case, the Court said, where 'lackluster and sloppy inquiry' had prevented guilt from being brought home.

In a rape and murder case, the Supreme Court cleared two individuals, including a death row inmate, on August 26. The court blamed the prosecution and police for their poor investigation [**Putai vs. State of Uttar Pradesh**].

A bench of Justices Vikram Nath, Sanjay Karol, and Sandeep Mehta harshly criticized the way the case was handled, saying that it was another case where "lackluster and shabby investigation" had prevented a minor girl who had been raped and murdered from being

brought to justice.

The Court further stated that the prosecution must establish guilt beyond a reasonable doubt in cases when there is only circumstantial evidence.

"We believe that the current case is yet another classic example of a shabby and uninteresting investigation, as well as a sloppy trial process that has resulted in the failure of a case involving the brutal rape and murder of an innocent girl child. We are aware that the case involves the horrific rape and murder of a vulnerable 12-year-old girl child. Nonetheless, it is a well-established principle of criminal law that the prosecution must establish its case beyond a reasonable doubt in a case that is only dependent on circumstantial evidence. According to the Court, the incriminating circumstances must be such that they only indicate the accused's guilt and cannot be reconciled with either his innocence or the culpability of another person.

The Court was considering a case contesting an Allahabad High Court ruling from 2018 that had maintained the convictions of two appellants, Putai and Dileep, who were given death and life sentences, respectively, for the 2012 rape and murder of a 12-year-old girl in Lucknow.

The incident happened in September 2012, when the young girl walked out to attend to nature's call and did not return. Throughout the night, her family and the townspeople looked for her, but they were unable to locate her.

Some of her possessions, including shoes, a water bottle, and blood-stained underwear, were discovered strewn across a field the next morning. Her nude body was found in an adjacent agricultural area a short while later.

A First Information Report (FIR) was filed under sections 302 (murder), 201 (causing loss of evidence), and 376 (rape) of the Indian Penal Code (IPC) after a police complaint was promptly filed. The youngster had been sexually assaulted and strangled to death, according to the autopsy.

During the inquiry, the police said that a dog squad was utilized, and that a comb discovered from the scene led them to suspect two guys from the same locality.

Blood samples were taken for forensic comparison more than two months after both were taken into custody on September 7, 2012.

In January 2014, the initial DNA report was prepared, however it was not definitive. Although a subsequent supplemental DNA report indicated a match with the accused, the expert in court never verified it and the accused was not asked to explain it.

In 2014, the trial court found both men guilty based on circumstantial evidence, and sentenced one to death and the other to life in prison. The Allahabad High Court rejected both men's appeals and confirmed the trial court's ruling in October 2018.

The prisoners, who were offended by the order, appealed the ruling to the Supreme Court.

Because the December 2014 supplemental report was not presented to them in accordance with Section 313 of the Code of Criminal Procedure (CrPC) and was not backed up by expert witness, they argued that the case was based on suspicion and that the January 2014 DNA testing was inconclusive.

The State retorted that minor discrepancies in the witnesses' testimonies were normal under such traumatic situations and that the witnesses, being mere peasants, had no motive to falsely charge the defendants.

It additionally said that the accused was required by Section 106 of the Evidence Act to provide an explanation for their presence, which they did not do, after the victim's possessions were found in the accused's field.

The Court concluded that there was only circumstantial evidence supporting the case.

The Court emphasized that in such a case, the sequence of events must be continuous, consistent, and devoid of any plausible theory but the accused's guilt.

"We have no hesitation in holding that other than the allegation that the child victim's chappals, underwear and the water canister were found in the field which was cultivated by accused No. 1-Putai, the prosecution has failed to lead any credible evidence whatsoever which can be considered to be incriminating the accused appellants for the crime in question, what to say, of evidence which is capable of proving the guilt of the accused-appellants beyond all manner of doubt," the court stated.

It further stated that serious procedural errors also affected the forensic evidence, which was essential to the prosecution's case. Medical evidence about the quantity of samples collected was inconsistent, no documentation pertaining to storage or transmission to the laboratory was presented, and the chain of custody of blood and biological materials was not

established.

"Having considered and analyzed the evidence available on record minutely, we feel that the prosecution has fallen woefully short of proving the guilt of the accused-appellants by clinching evidence which can be termed as proving the case beyond all manner of doubt," the Court stated.

Combining these considerations, the Court determined that suspicion—no matter how strong—could not take the place of evidence.

As a result, both people were found not guilty and the verdicts and penalties handed down by the lower courts were overturned.

Advocates Shreya Rastogi, **Manasa Ramakrishna**, **Abhishek Babbar**, and Kabir Dixit, together with Senior Advocate **Sadan Farasat**, represented the accused.