



**Serial No.01**  
**Daily List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

Crl.A.No.31/2024

Reserved on: **11.06.2026**  
Pronouncement on: **29.06.2026**

Shri Ashim Sinha

..... Appellant

Vs.

The State of Meghalaya, through the Commissioner & Secretary, Government of Meghalaya, Department of Home (Police), Civil Secretariat, Shillong. .... Respondent

**Coram:**

**Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice**  
**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Appellant : Mr. S. Thapa, Adv with  
Mr. S. Khyriem, Adv  
Mr. B. Snaitang, Adv

For the Respondent : Mr. N.D. Chullai, AAG with  
Mr. E.R. Chyne, GA

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| i)  | Whether approved for reporting in Law journals etc.: | Yes |
| ii) | Whether approved for publication in press:           | Yes |

**JUDGMENT: (per the Hon'ble, the Chief Justice)**

By this appeal, the appellant has impugned the judgment of conviction dated 1<sup>st</sup> August, 2023 and order of



sentence dated 2<sup>nd</sup> August, 2023, passed by the learned Additional Sessions Judge, Shillong, in Session Case No.10 of 2016, convicting and sentencing him to suffer rigorous imprisonment for life for the offence under Section 302 of the IPC and to pay fine of ₹50,000/-, in default of payment of fine to further undergo imprisonment for six months.

2. The prosecution case in brief is as under;

3. The informant-S.I. Nobin Koch of Sadar Police Station, Shillong lodged an FIR on 9<sup>th</sup> November, 2015, alleging an offence punishable under Section 302 of the IPC i.e., that one unknown lady was found dead under mysterious circumstances in the room occupied by the appellant located at Raigorh Annex Chamber, Jail Road, Shillong behind Vishal Mega Mart. The FIR was lodged as against the appellant, on suspicion, as the room was occupied by the appellant and his mobile was found to be switched off. During the course of investigation, the victim was identified as Soma Chettri by her friend Smti. Balari Nongrum-PW3. Also, during the course of



investigation, the police recorded the statements of several witnesses. The appellant was arrested from his residence on 18<sup>th</sup> November, 2015 and after investigation, chargesheet was filed against the appellant in the Court of Judicial Magistrate, Shillong. Since the case was triable by the Court of Sessions, the case was committed to the Sessions Court and was numbered as Sessions Case No.10 of 2016.

4. The trial court framed charge against the appellant on 6<sup>th</sup> April, 2016 under Section 302 of the IPC, to which the appellant pleaded not guilty and claimed to be tried. The defence of the appellant was that of denial, false implication and alibi.

5. During the course of trial, the prosecution examined as many as 20 witnesses, who are as under;

(1) Shri Nobin Koch (informant)-PW1

(2) Shri Amit Singhanian-PW2

(3) Smti. Balari Nongrum-PW3



- (4) Smti. Monica Basumatary-PW4
- (5) Smti. Subida Basumatary-PW5
- (6) Advocate-PW6 (son of the Employer)
- (7) Advocate-PW7 (Employer)
- (8) Shri Rajiv Nongkhlaw-PW8
- (9) Shri Ranjit Deb-PW9
- (10) Smti. Sengre Ch. Momin-PW10
- (11) Shri Popasmart R. Marak-PW11
- (12) Shri Markus Dohkrut-PW12
- (13) Shri Pherdon Pathaw-PW13
- (14) Dr. Prak Singh-PW14
- (15) Shri Dharmendra Kumar Prasad-PW15
- (16) WPSI Natalia Peggy S. Marak-PW16
- (17) Smti. Arundhati Dey @ Lucky Dey-PW17
- (18) Shri Shyamal Deb-PW18
- (19) S.I. Shri Rikseng M. Sangma-PW19
- (20) Smti. Daman Phika Shadap-PW20



6. Thereafter, the 313 statement of the appellant was recorded. The appellant in support of his defence, examined one witness i.e., Shri Sishi Babu Sinha as DW1.

7. After hearing the parties and after perusing the evidence on record, the trial court convicted and sentenced the appellant as stated aforesaid. Hence, this appeal.

8. Mr. Thapa, learned counsel for the appellant submitted that the prosecution had miserably failed to prove its case as against the appellant, beyond reasonable doubt. He submitted that the evidence of PW17, which is relied upon by the prosecution to prove last seen cannot be termed as last seen. He further submitted that the prosecution has not proved motive for the appellant to kill the deceased and that the same is evident from the fact, that even the learned Trial Judge has not recorded his finding vis-à-vis the same. He further submitted that the dupatta with which the deceased was strangled was never exhibited, despite being found on the spot and that neither have the two mobiles allegedly recovered



from the appellant been proved as belonging to either, the deceased or the appellant. Learned counsel for the appellant further submitted that the prosecution strongly relies on the circumstance of abscondence against the appellant, however, the evidence on record would reveal that the appellant was not absconding and that he had gone to his home, as he was unwell. He further submitted that the fact, that the appellant was on leave, as he was unwell, is in fact supported by the testimony of the witnesses examined by the prosecution. Learned counsel for the appellant further submitted that there is no evidence whatsoever on record, to show that the deceased was residing with the appellant in the room, where the dead body was found nor has the prosecution proved that it was the appellant and the appellant alone who was residing in the room given by his employer, having regard to the evidence of the Investigating Officer-PW19 and Ranjit Deb-PW9. Thus, according to Mr. Thapa, having regard to the evidence that has come on record, it cannot be said that the prosecution has been able to prove its case beyond reasonable



doubt, as against the appellant and as such, the impugned judgment and order of conviction and sentence be set aside.

9. Mr. Chullai, learned AAG opposed the appeal. He submitted that no interference was warranted in the impugned judgment and order of conviction and sentence awarded by the learned trial court. He submitted that the prosecution has proved its case beyond reasonable doubt. He submitted that the prosecution has proved the evidence of last seen; that the appellant was occupying the room; and, that he was absconding, inasmuch as the appellant's phone was switched off.

10. At the outset, we may note that the case in hand is a case which rests purely on circumstantial evidence. The law with respect to circumstantial evidence is no longer res integra. In ***Sharad Birdhichand Sarda v. State of Maharashtra*** reported in ***(1984) 4 SCC 116***, the Apex Court laid down five golden principles to be followed in a case based on circumstantial evidence;



“(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established,

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency,

(4) they should exclude every possible hypothesis except the one to be proved, and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.”

11. Keeping in mind the aforesaid, we now proceed to deal with the evidence that has come on record and whether the prosecution has successfully proved the circumstances and the chain of circumstances qua the appellant.

12. At the outset, we may note that the appellant has not seriously disputed the fact, that that the deceased died a homicidal death and as such, the fact that the deceased died a homicidal death stands proved. The only question that arises



for consideration is whether the appellant was the author of the same.

13. PW1-Shri Nobin Koch, is the first informant. He was attached to the Sadar Police Station. He has deposed that on 3<sup>rd</sup> November, 2015, an unknown dead body was found in a mysterious condition at Jail Road behind Vishal Mega Mart. Accordingly, WPSI N.P.S. Marak was deputed for enquiry and as during enquiry, ligature mark was found on the neck of the deceased, the dead body was sent to the Shillong Civil hospital for postmortem and S.I. R.M. Sangma was sent for investigation. PW1 has further deposed that during the investigation, it was revealed that the dead body found in the room was occupied by the appellant, who was working as a driver of Advocates PW6 and PW7. It appears from PW1's evidence that the police tried to establish contact with the appellant on his mobile, however, the same was found switched off. Accordingly, PW1 lodged an FIR with the Sadar Police Station. The said FIR is exhibited as Exhibit-1. The case



was registered for the offence punishable under Section 302 of the IPC, on suspicion as against the appellant, as his mobile was switched off and as he was occupying the room, where the dead body was found. In his cross-examination, PW1 has admitted that he had not visited the place of occurrence but had lodged an FIR on the basis of the information received by him.

14. PW2-Shri Amit Singhania was examined by the prosecution to prove the identity of the deceased. The evidence of PW2 reveals that the deceased was working in his shop as a salesgirl; that she was staying at Nongmynsong, Shillong in a rented premises (not the appellant's house); that during the Durga Puja in 2015, the deceased had taken leave for one week and did not report for duty thereafter; that in November, 2015, the police brought a photograph of the deceased and showed it to him pursuant to which, he identified her (deceased). PW2 has further stated that on 7<sup>th</sup> November, 2015, he received a call from the Sadar Police Station asking



him if he wanted to dispose of the dead body pursuant to which, he along with the police and other friends of the deceased received the dead body from the Hospital and cremated her in the electric crematorium at Jhalupara. It appears from the cross-examination of PW2, as the police had informed him that no family members could be traced of the deceased, he cremated the dead body.

15. PW3-Smti. Balari Nongrum has in her evidence stated that the deceased was working in her house to look after her child since 2011 till the end of 2012; that she learnt of the death of Soma (deceased) on 5<sup>th</sup> November, 2015, when the police visited her house and showed her a photograph of Soma, whom she identified as the person working in her house as a maidservant. She has stated that on 6<sup>th</sup> November, 2015, the police took her to a house where Soma had died; that the police seized certain articles and accordingly prepared a seizure list in her presence, which is exhibited as Exhibits-2 and 3.



16. In her cross-examination, PW3 has admitted that although, she put her signature on Exhibits-2 and 3, she did not know the contents of the items seized that were mentioned in the seizure list. She has stated in her re-examination by the prosecution that the dead body of Soma was handed over to her for performing her last rites on 6<sup>th</sup> November, 2015 and that there was a panchnama to that effect prepared i.e., Exhibit-4, of handing over the dead body to her. PW3 has identified her signature thereon. In her re-cross examination by the defence, PW3 has stated that on humanitarian ground she took possession of the dead body of the deceased to perform the last rites and that she, Shantilin Nongrum and the employer of the deceased were present in the crematorium.

17. Having perused the evidence of PW2 and PW3 with respect to handing over the dead body of the deceased, there appears to be some discrepancy inasmuch as, PW2 does not speak about the presence of PW3, who was also present when the dead body was handed over. Be that as it may, nothing



turns on the same. The fact remains, that the dead body was handed over atleast to PW3 for cremation.

18. PW4 to PW7 were examined by the prosecution to prove that the room where the dead body was found, was given to the appellant by PW7 during the course of his employment that he was residing in the said room.

19. PW4-Smti. Monica Basumatary was working as a domestic servant in the house of PW6 and PW7 for about 15 years. The said witness has deposed that the employer had a chamber near Vishal Mega Mart, Jail Road; that the appellant was working as a driver on the vehicle of PW7 and that the appellant was residing next to the chamber of PW7 at Raigorh, Jail Road near Vishal Mega Mart. PW4 has further deposed that in 2015 during the Durga Puja, appellant was suffering from chicken pox and therefore, his employer PW7 granted him leave. She has stated that on 27<sup>th</sup> October 2015, the appellant came to the residence of PW7 at Jail Road, and that on seeing the appellant not keeping well, PW7 asked the



appellant to take a few days rest and gave him some money. PW4 has further deposed that on 2<sup>nd</sup> November, 2015, she and her colleague Subita (PW5) went to the chamber of PW7; that on reaching the chamber, she and her employer found the room where the appellant was residing locked from inside and hence, they returned back; that on 3<sup>rd</sup> November, 2015 at 12 noon, she and her colleague Subita (PW5) went to the chamber of the employer, knocked the door of the appellant's room, however, he did not open the door; that thereafter, they went to the chamber of PW7 to clean the chamber; that after cleaning the chamber, she remembered that there was another door to the room where the appellant was residing and hence, she and PW5 went and saw the door open and saw that there was one person wearing a female dress lying on the bed; that she and PW5 shouted and tried to wake her up from the door but the person lying on the bed did not respond; that they returned and informed PW6 and PW7, who were in Nongpoh at that time; that the employer called his friend, who was occupying a room above his chamber, pursuant to which, the



friend came and entered the room of the appellant and found a female dead body on the bed. PW4 has further deposed that she and her colleague i.e., PW5, were standing at the entrance, and that the police arrived at the spot. PW4 has further deposed that she did not know the deceased victim and had seen her only once with the appellant at Jail Road. She has further stated that she did not know where the appellant had gone, as his mobile phone was coming switched off from 27<sup>th</sup> October, 2015.

20. In her cross-examination, PW4 has stated that on 2<sup>nd</sup> November, 2015, at night time, she tried calling the appellant on his mobile, however, the same was switched off; that she went to the appellant's room to enquire about his health, however, the room was locked from inside and nobody responded when she knocked the door and hence, returned home; that on 3<sup>rd</sup> November, 2015, she saw one person lying on the bed and thinking that it was the appellant, she called out his name, as the appellant was not keeping good health.



She has further stated in her cross-examination that pursuant thereto, she informed her employer PW7. PW4 has further in her cross-examination stated that she had seen the deceased from outside the room of the appellant on 3<sup>rd</sup> November, 2015.

21. Another employee working with PW6 and PW7 was examined by the prosecution as PW5-Smti. Subita Basumatary. Her evidence is on similar lines as that of PW4. She has in her examination-in-chief stated that on 3<sup>rd</sup> November, 2015, she alongwith PW4 after cleaning the chamber of her employer, had gone to check the room occupied by the appellant, as he was not keeping well; that from the door she and PW4 saw one person lying on the bed, so they called out the name of the appellant, however, there was no response; that pursuant thereto, they called the employer; that PW7 informed the house owner who came to the room, who in turn informed the police. She has stated that when the police arrived, they were standing outside the room from where they saw that the dead body lying, was that of a



female. PW5 has stated that she recognised the deceased from her face, as she had once seen her with the appellant near Bhutia market at Bara Bazar. She has stated that after one or two days, the police again came to the appellant's room pursuant to which, the door was opened and the police seized several items on which she put her signature i.e., Exhibit-5.

22. In her cross-examination, PW5 has admitted that it was a fact, that the appellant was sick on the previous days of the incident and that the appellant was sick for about one to two weeks. She has denied the suggestion that she had not seen the deceased and the appellant together, however, has admitted that she could not remember the exact date, when she saw the deceased and the appellant together in October, 2015. She has also stated that the last time she met the appellant was on 27<sup>th</sup> October, 2015.

23. PW6 and P7, both Advocates (PW6 is the son of PW7) are the employers with whom the appellant was working. PW6 has stated that the appellant was working as a driver with his



father PW7; that the driver was provided rented accommodation and was paid a monthly salary and that the appellant was also provided free accommodation and food. PW6 has further deposed that in the month of October, 2015, during the Puja festival, he had handed over the vehicle to the appellant at Polo and asked him to park his vehicle in the garage, located at Jail Road, when the appellant complained that he was not keeping well and told him that he may not attend duty on the next day. He has further stated that for the next few days, the appellant was absent from duty and that when he contacted him through phone, he told him that he was not keeping well and that he had developed symptoms of chicken pox. PW6 has further deposed that on 3<sup>rd</sup> November, 2015, he and his father had gone to Nongpoh Court, when he received a call from his maidservant-PW4, who informed him about what she and PW3 had seen in the room; that pursuant thereto, he informed the landlord and asked him to go and check the room; that the landlord visited the room and



informed his father that the lady lying on the bed was dead, pursuant to which, he informed the Sadar Police Station.

24. In his cross-examination, PW6 has stated that videography of the incident was done as narrated by the appellant, post his arrest. However, it is not necessary to get into the videography done by the police inasmuch as, the person who did the videography has not been examined nor was the videography shown in Court.

25. On similar lines is the evidence of PW7, the employer of the appellant. PW7 has stated that he had engaged the appellant as a driver and that apart from salary, he was also given a room for his accommodation. PW7 has deposed that on October, 2015, the appellant approached him saying that he was not keeping well and wanted some leave; that considering that the Durja Puja was approaching, he gave him leave till he became fit to resume his duty. PW7 has further deposed that as it was Durga Puja, he did not attend his chamber every day and that after Puja was over, he attended



his office once and found the appellant's room locked from inside. He has stated that he thought that the appellant was taking rest, as he was not well and that thereafter, he did not visit his chamber for two days. He has stated that before going to Nongpoh, he asked his domestic help i.e., PW4 to visit the appellant's room and enquired about his health. He has stated that while he was returning from Nongpoh along with his son-PW6, he received a call from Shyamal Deb-PW18, who was residing at the adjacent house and the owner of Raigorh, informing him that one female dead body was lying in the appellant's room on his bed. On getting the said information, he has stated that PW6 informed the police.

26. In his cross-examination, PW7 had admitted that in the first week of October, the appellant had approached him, as he was not well and wanted to take leave. That on the next day, the appellant again approached him and asked for ₹1000/- for his medicine, as he was not keeping well. He has stated that during the Durga Puja, he did not attend the



chamber and after Puja, when he went to the chamber, he found the appellant's room locked from inside; that before going to the Court, he asked PW4 to enquire about the appellant's health; that PW4 called up at around 1:00 to 1:30; that at around 1:00 to 1:30, he received a call from Shyamlal Deb-PW18, who informed that one female dead body was found in the room of the appellant.

27. From the aforesaid evidence of the witnesses, it appears that the appellant had taken leave from 27<sup>th</sup> October, 2015 or few days prior thereto, on the ground that he was unwell. The evidence also shows that the said witnesses have admitted that the appellant was unwell and had taken leave. Their evidence also shows that the room in which the dead body was found was given by PW6 and PW7 to the appellant, as he was working as a driver of PW7. The aforesaid evidence although shows that the room was given by PW7 to the appellant to stay, the said room was also occupied by Ranjit Deb, who the prosecution examined, as PW9.



28. PW9 has stated that in the year 2015, he was driving the vehicle of Vijay Sinha, the elder brother of the appellant; that as he was having problem of getting a house on rent; that Vijay Sinha asked him to keep his trunk and suitcase in the rented accommodation occupied by the appellant, which he did. He has stated that after five days, the police apprehended him and took him to the Sadar Police Station; that on the next day, the police inquired from him of the whereabouts of the owner of the vehicle Vijay Sinha, pursuant to which, he disclosed that he was a resident of Kahilipara, Guwahati, Assam and also informed the police that Shri Vijay Sinha had gone to his native place due to the demise of his mother. He has further stated that he was compelled to lie at the behest of the police, when they made him call the owner and disclosed to him, that the vehicle had met with an accident and was lying in Sadar Police Station. He has further stated that on learning the information, Vijay Sinha came to the police station; that when Vijay Sinha was asked to give the



whereabouts of the appellant, he gave the location of the appellant to the police.

29. In his cross-examination, PW9 has deposed that he also accompanied the police to the place from where the appellant was apprehended. He has admitted in his cross-examination that the appellant was apprehended from his residence and that the parents of the appellant and his younger brother were present when he was arrested. It is a matter of record that articles of PW9 were seized from the room where the dead body was found.

30. It is pertinent to note that PW19-S.I. Shri Rikseng M. Sangma, Investigating Officer has in his examination-in-chief deposed that PW9-Ranjit Deb, when located had admitted that he used to stay with the appellant for some time and that he was driving the vehicle of Vijay Sinha. Thus, from the said evidence which has come on record and more particularly, finding of articles belonging to Ranjit Deb, it cannot be said that the appellant was in exclusive occupation of the room



given to him by his employer. Infact, the appellant has categorically in his 313 statement stated that although the room was allocated to him, four other persons including him were staying in the said room, which was not known to the employer. Apart from the aforesaid, admittedly, the prosecution has not proved that the two mobile phones seized from the appellant, belonged either to the deceased or the appellant. Similarly, the videography allegedly done by the prosecution which was seized under a panchnama, the prosecution admittedly, did not examine the person who conducted the videography nor did they play the said videography in Court. Thus, the prosecution had failed to bring on record the alleged disclosure made by the appellant in the videography of the circumstances that took place on the day of the incident. The defence of the appellant was that at the time of the incident, he was at his home, bedridden. The fact that he was unwell has come in the testimony of the prosecution witnesses, pursuant to which he was on leave. The evidence of PW6 shows that when he contacted the



appellant for work, the appellant informed him that he was not keeping well and that he had developed symptoms of chicken pox. This evidence shows that PW6 had spoken to the appellant whilst on leave. The said evidence does not support the prosecution theory that the appellant had switched off his mobile. The prosecution has also failed to bring any CDR on record to show that the appellant had switched off his mobile phone since 27<sup>th</sup> October, 2015 or that he was not unwell.

31. Thus, keeping in mind the aforesaid evidence, it cannot be said with utmost certainty that it is the appellant and the appellant alone, who was occupying the room in question having regard to the fact, that it is PW19-the Investigating Officer himself, who has admitted in his evidence, that PW9-Ranjit Deb used to stay with the appellant for some time. It has also come in the evidence of PW4 and PW5 that one door was locked from inside and another door was found open and as such, the possibility of somebody else entering the room cannot be completely ruled out. The evidence on record also



does not suggest that the deceased was living in the said room with the appellant. As far as abscondence is concerned, there are serious doubts considering the evidence that has come on record, whether the appellant can be said to be absconding. Evidence of witnesses show that the appellant was unwell and had sought leave and was at his residence along with his parents and brother, when arrested.

32. From the evidence that has come on record in the cross-examination of PW16-Smti. WPSI Natalia Peggy S. Marak, it cannot be said with certainty that the room was found locked from inside or outside and if it was locked from inside, who broke open the lock. In her examination-in-chief, PW16 stated that the said room was locked from outside and did not remember who broke the lock but after the lock was broken, they entered inside and on entering, they saw a dead body of a female lying on the bed. Whereas, in her cross-examination, she has admitted that she had not broken the lock of the room where the dead body was lying; that she did not ascertain as



to who had broken the lock. PW16 has also admitted that she was not aware whether the room was accessible through another way other than the main door. This evidence is contrary to what was deposed by PW4 and PW5, that one door was locked from inside and the other door was open.

33. The only evidence that has come on record is that of PW17, upon which the prosecution places strong reliance. PW17-Smti. Arundhati Dey has deposed that in October, 2015 (no date given) there was an argument between the appellant and the deceased; that she received a call from the deceased, who was her friend who asked her to come and meet her at her house; that she went to the house of the deceased, where she saw the appellant; that she saw the deceased and appellant were initially cordial with each other, however, later again started quarrelling. She has stated that she impressed upon them not to quarrel with each other and they came and dropped her at Police Bazar. She has stated that later in the morning, she received a call from the deceased, who informed



her that the appellant had threatened to kill her. She has stated that on reaching her house, she called the appellant and the deceased on their mobile phones, however, the same were coming switched off. PW16 has also stated that after one week, she received a call from the police informing her that her friend had been murdered by the appellant.

34. In her cross-examination, PW17 had admitted that the deceased had informed her that the appellant had proposed marriage; and that the deceased was pregnant (it is pertinent to note that the postmortem report does not in any way show that the deceased was pregnant). PW17 is stated to have informed the deceased that the appellant did not have a good character. She had also admitted that on one occasion, in a quarrel between the deceased and the appellant, the deceased put a knife on the appellant's neck, and that she had pulled the knife and taken it away from the deceased. It is pertinent to note that this is the only evidence that has come on record. Admittedly, the deceased was not living with the appellant.



Infact, it has come in the evidence of some of the witnesses that the deceased was residing in her own residence. The evidence of PW17 at the highest would raise only suspicion against the appellant. However, the said suspicion cannot take the place of proof. There is a long distance that must travel between may be true and must be true and having regard to the evidence, as has come on record, we find that the same has not been established by the prosecution beyond reasonable doubt, qua the appellant.

35. Since the prosecution, as noted above, has failed to establish its case qua the appellant beyond reasonable doubt, it is not necessary to advert to the evidence of the defence witness.

36. Time and again in a catena of cases, including in *Sharad Birdhichand Sarda's* case (supra), Courts have held that suspicion however strong cannot substitute proof beyond reasonable doubt. Courts have held that this is not only a grammatical but there is also a legal distinction between 'may'



and ‘must’ and that for proving a case based on circumstantial evidence, it is necessary for the prosecution to establish each and every circumstance beyond reasonable doubt. Further, the circumstances so proved must form a complete chain of evidence, so as not to leave any reasonable ground for any conclusion consistent with the innocence of the accused and that it must show in all human probability, that the act was done by the accused. The facts so established must also exclude every hypothesis except the guilt of the accused.

37. Considering what is stated hereinabove, we find that the prosecution has failed to prove its case qua the appellant, beyond reasonable doubt.

38. Accordingly, the impugned judgment of conviction dated 1<sup>st</sup> August, 2023 and order of sentence dated 2<sup>nd</sup> August, 2023, passed by the learned Additional Sessions Judge, Shillong, in Sessions Case No.10 of 2016, are quashed and set aside and the appellant is acquitted of the offence for which he is convicted and sentenced.



39. The appellant be set at liberty forthwith, if not required in any other case. Fine, if any, deposited to be refunded to the appellant.

40. The appeal is allowed and disposed of on the aforesaid terms.

41. All parties to act on the authenticated copy of this order.

**(W. Diengdoh)**  
**Judge**

**(Revati Mohite Dere)**  
**Chief Justice**

Meghalaya  
29.06.2026  
"*Lam* DR-PS"