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  IN THE SUPREME COURT OF INDIA
  CRIMINAL APPELLATE JURISDICTION
  CRIMINAL APPEAL NO.829 OF 2013
  GOPAL NEOGI ...APPELLANT
  VERSUS
  STATE OF WEST BENGAL ... RESPONDENT
  ORDER
  1. We have heard the learned counsels for
  the parties and perused the relevant material.
2. The conviction of the accused-appellant under Sections 302/201 of the Indian Penal Code made by the learner Court and affirmed by the High Court entirely on circumstantial evidence. The therefore, would be whether the circum relied upon by the Courts below have proved against the accused-appellant and if so,
  Indian Penal Code made by the learned trial Court and affirmed by the High Court is based
  entirely on circumstantial evidence. The test, therefore, would be whether the circumstances
  relied upon by the Courts below have been
  proved against the accused-appellant and if so,
  whether they give rise to a chain of
  circumstances which point to only one direction
  that it is the accused and the accused
  who is responsible for the crime.
  3. Learned counsel for the appellant has
  very elaborately taken us through the evidence
  of the witnesses and the judgments under
  challenge.
  4. From the materials on record, we find that PWs-7 (Alok Kumar Malik), 8 (Mongala Malik), 9 (Aditya Malik), 10 (Pairag Patra), 13
  (Haru Santra) and 14 (Nikhil Chandra Malik) are
  the material witnesses. On the basis of
  testimonies of the said witnesses, the
  following circumstances have been proved
  against the accused-appellant :
  (1) According to PW-7, the
accused-appellant had murdered nis first wife and thereafter re-married the deceased (Lakshmi).

(2) The accused had an extra-marital affair with one-Padma, which has been proved by PW-13. On account of the said extra-marital affair, there were serious differences between the
  affair with one-Padma, which has been
  wife.
  (3) The accused was last seen with his
  wife (Lakshmi) and daughter (Mamta)
            10.30-11.00 a.m. of 2 nd
  about
    July,
  1998; the dead-bodies
                                     of his wife
  (head
           severed) and daughter
  recovered
                  on the next day
                                               i.e.
  July, 1998.
  (4) The accused-appellant was present in his village on
  of the next day i.e. 3 rd
    July, 1998. On
  being asked he had informed the
  prosecution witnesses that his wife
  and daughter were with their aunt
  Polba village and would be returning
Polba village and would be returning in 2-3 days' time.

(5) The accused-appellant had informed the prosecution witnesses, referred to above, that he along with his wife and
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daughter were going to his aunt's house in Polba village and would be spending a few days there.

(6) The aforesaid prosecution
  (6) The aforesaid prosecution
  witnesses have stated that after days of the incident they were informed by the aunt of the
  accused-appellant that neither the appellant nor his wife and the had come to her house in Poll
  village.
  (7) PW-8 had deposed that the deceased
  had come to her house and
  jute bag and a saree as she along with
  the accused and her daughter was going
  to the house of the aunt of the
  accused in Polba village. The same
  jute bag and saree was found next
  the dead-bodies at the scene of the
  crime.
  5. The only circumstance, out of the
which may be understood not to have been fully proved is the visit of the accused-appellant with his wife and daughter to his aunt's house in Polba village as the said aunt had not been examined. However, the above lacuna on the part of the prosecution has to be seen in the light of the conduct of the accused in being alone in his village on 3 rd
  which may be understood not to have been fully
  his village on 3 rd
July, 1998 when he had
informed the prosecution witnesses that the
  whole family would be visiting his aunt's house
  in Polba village and staying with her for
  next few days.
 6. It is in our considered view that if circumstances proved by the prosecution, put together, does give rise to a complete chain of events which can point to only direction to the exclusion of all others,
  namely, it is the accused-appellant alone who
  is guilty of commission of murder of
  and daughter.
  7. The tests consistently laid down by
  Court to be necessary to bring home a charge on
  the basis of circumstantial evidence stands
  fully satisfied in the present case for which
  reason we have no doubt that the accused has
  been rightly convicted under Section 302/201 of
  the Indian Penal Code and sentenced to
  rigorous imprisonment for life imprisonment.
  Not finding any error in the impugned judgments
  of the learned trial Court as well as the High
  Court, we dismiss this appeal affirming
  conviction and sentence as aforesaid.
  8. The accused-appellant is on bail. His bail-bond executed shall stand cancelled and the accused will serve out the remaining part
  of the sentence.
   ....,J.
      (RANJAN GOGOI)
( ASHOK BHUSHAN )
NEW DELHI
JANUARY 19, 2017
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ITEM NO.108 COURT NO.4 SECTION IIB SUPREME COURT OF INDIA RECORD OF PROCEEDINGS Criminal Appeal No(s). 829/2013 GOPAL NEOGI Appellant(s) **VERSUS** STATE OF WEST BENGAL Respondent(s) (with office report) Date: 19/01/2017 This appeal was called on for hearing today. Date: 19/01/2017 This appeal was called CORAM:

HON'BLE MR. JUSTICE RANJ.
HON'BLE MR. JUSTICE ASHO!
For Appellant(s) Mr. Rutwik Panda, Adv.
Ms. Anshu Malik, Adv.

For Respondent(s) Mr. Joydeep Mazumdar
Mr. Parijat Siknha, Adv. HON' BLE MR. JUSTICE RANJAN GOGOI HON' BLE MR. JUSTICE ASHOK BHUSHAN UPON hearing the counsel the Court made the following ORDER appeal is dismissed in terms of the