

# Murder of woman & 2 sons: HC rejects plea challenging conviction of 'cop'

## Failure To Provide Explanation Against Circumstantial Evidence Would Be Fatal To Accused's Defence: Court

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**Raipur:** The High Court dismissed an appeal challenging the conviction of an accused in the brutal murder of a woman and her two sons in Bana village, Urla area in the state capital. The court observed that a complete chain of circumstances, proper recovery of evidence from the accused, the accused being last seen with the deceased shortly before their deaths, and the absence of a satisfactory explanation from the accused were detrimental to his defence. The division bench of Chief Justice Ramesh Sinha and Justice BD Guru heard the case and subsequently dismissed the accused's appeal.

A sessions court sentenced the accused, Chandrakant Nishad, to life imprisonment for the three murders. A witness stated that the accused, a police personnel, used to visit the deceased's house in uniform and was seen there on the night of the incident.

On Oct 10, 2019, Chandrakant informed the Urla police about the murders of Dulaurin Bai and her two children, Sonu Nishad and Sanjay Nishad, in Bana village. Inspector Manish Singh Parihar registered three separate



reports and initiated an investigation. The three victims were murdered on the night of 9-10 Oct 2019, and their bodies were placed on a cot and set ablaze in an attempt to destroy evidence and make it appear as a death by fire. Post-mortem examinations confirmed that all three were killed by blows to the head with a heavy object.

Police investigation revealed that Chandrakant was with the deceased on the night of the incident. Dulaurin Bai asked him to bring fish three days before the incident. Following this, police took Chandrakant into custody for questioning. During interrogation, he confessed to killing Dulaurin with a stick and then killing her children when they woke up. He also provided information about discarding the murder weapon near the Kharun River and throwing Sonu's blood-stained T-shirt there. Police seized the stick, clothes, and his blood-stained clothes based on his confession.

A chargesheet was filed following the investigation. The court found him guilty and sentenced him to life imprisonment for the three murders and five years imprisonment under Section 201 of the Indian Evidence Act. The accused filed an appeal in the High Court against this sentence.

The court stated in its order that the prosecution successfully established the following circumstantial evidence against the appellant: the nature of death was homicidal, the accused was with the deceased before the incident, and the deceased was not seen by any other person in the village on the night of the incident. Further, the accused was the first person to see the deceased after the incident. The court also noted the destruction of evidence by the accused. Under Section 106 of the Indian Evidence Act, it was the accused's responsibility to explain how the deaths occurred, but he provided no such explanation, and the explanation given was false.

The court further considered whether the lower court was justified in identifying the appellant as the perpetrator based on the following circumstances: the prosecution proved the case of murder based on the post-

mortem reports of Dulaurin Nishad, Sonu Nishad, and Sanjay Nishad. According to the Evidence Act, the accused had special knowledge about how the deceased were murdered. The accused offered no explanation to the trial court as to how he possessed this special knowledge. There was no evidence to suggest that the incident was committed by someone else. The court also highlighted the very short time gap between the occurrence of the incident and the confession.

A key witness in the case stated that the accused, a police personnel, used to visit the deceased's house even during the day in uniform and sometimes stayed at night. He was related to the deceased as her son-in-law. Sources indicate that the deceased's husband worked in the Public Works Department. After his death, she received a compassionate appointment just a few months before the incident.

The court stated, "If the chain of circumstances is complete and the recoveries made from the accused are duly proved, and if the accused was last seen together with the deceased shortly before the death, then the failure of the accused to offer a plausible explanation would be fatal to his defence."