

[SC] Criminal Trial - Circumstantial evidence - No eye witness - In a case of Circumstantial evidence there is a risk of jumping to conclusions in haste - While evaluating such evidence the jury should bear in mind that inference of guilt should be the only reasonable inference from the facts - For bringing home the guilt of the accused, prosecution has to firstly prove negligence and then establish direct nexus between negligence of the accused and the death of the victim - Perusal of the record reveals that out of various witnesses arrayed by the prosecution, there are no eye witnesses - Any evidence brought on record is merely circumstantial in nature - We are constrained to repeat our observation that it sounds completely preposterous that a telephone wire carried 11KV current without melting on contact and when such current passed through the Television set, it did not blast and melt the wiring of the entire house - It is even more unbelievable that Appellant no. 2 came in contact with the same voltage and managed to get away with a few abrasions - The Appellants therefore are entitled to be given the benefit of doubt; more so, when there is no report of a technical expert to corroborate the prosecution story - Conviction and sentence set aside - IPC, s. 304A read with S. 34 IPC.

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