

Criminal Procedure Code, 1973, Section 227 - Penal Code, 1860, Sections 302, 120B - Discharge - Charge relating to conspiracy to kill - Deceased died under suspicious circumstances by burning at his home - Appellant received a telephonic message from the wife of the deceased that her husband had sustained burn injuries and requested him to come to their house and after receipt of the information, he, along with another colleague came to the house of the deceased by his car and took him to the nearby Nursing Home and then to the Medical College Hospital, where he succumbed to the injuries - No prima facie material was brought to show appellant's motive - Only eyewitness, is a domestic servant, who did not state anything about appellant's involvement in the crime in her statement under Section 161/164 Cr.P.C. - She stated that at the instance of the deceased, deceased's wife called the appellant for help and further stated that the appellant took the deceased to the hospital in his car - Complainant (mother of the deceased) who was not even an eyewitness - Not made any statement against the appellant in the FIR - Later allegation made in statement under Section 161 Cr.P.C. - Existence of prima facie material regarding participation of the appellant in the commission of crime or existence of grave suspicion against him - Allegation not substantiated by any material or oral/documentary evidence - Appellant discharged. [Paras 11-12, 14-16]

Criminal Procedure Code, 1973, S. 227 - Destruction of evidence - Allegation not substantiated by any material or oral/documentary evidence in the charge-sheet - No other witnesses stated anything about the appellant visiting the house of the deceased either before or after the alleged destruction of evidence has taken place, except the complainant, who even in the FIR did not make any statement against the appellant, but later made a bald statement of her strong suspicion in her statement under Section 161 Cr.P.C. - Discharged from the charge under Section 201, IPC. [Para 13]

Criminal Procedure Code, 1973, Section 227 - Discharge - Legal principles applicable *P. Vijayan v. State of Kerala* [2010 (2) SCC 398], , *M.E. Shivalingamurthy v. Central Bureau of Investigation, Bengaluru* [2020 (2) SCC 768], *relied*.

2022 SCeJ 1059

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