

**Indian Penal Code, 1860 - S.201, S.302 - Prosecution had not alleged any motive on part of the appellant to commit murder of the deceased - Though in a case of direct evidence, motive would not be relevant, in a case of circumstantial evidence, motive plays an important link to complete the chain of circumstances - Even on the issue of "last seen", the evidence of PW-8 did not give any particulars nor did it establish any proximity in terms of time - Further, even after the deceased had gone missing, no suspicion was entertained at any juncture against the appellant and his name came to the surface only after the crime was converted to one under Section 302 of the IPC - The circumstances on record do not make a complete chain to dispel any hypothesis of innocence of the appellant - The prosecution having failed to establish through clear, cogent and consistent evidence, the chain of events, on the basis of which the guilt of the appellant could be established, the courts below were not right in accepting the case of prosecution and convicting the appellant. *Anwar Ali v. State of Himachal Pradesh, (2020) 10 SCC 166, Shivaji Chintappa Patil v. State of Maharashtra, (2021) 5SCC 626, relied.***

read here

[2022 SCeJ 980](#)