

## **Grok's Summary of the Supreme Court Judgment in *Md. Bani Alam Mazid @ Dhan v. State of Assam* (Criminal Appeal No. 1649 of 2011)**

The Supreme Court of India, in its judgment reported as 2025 INSC 260, acquitted the appellant, Md. Bani Alam Mazid, overturning his conviction by the Gauhati High Court and the Sessions Court for kidnapping, murder, and causing disappearance of evidence under Sections 366(A), 302, and 201 read with Section 34 of the Indian Penal Code (IPC). The case hinged entirely on circumstantial evidence, and the Court found that the prosecution failed to establish a complete and unbroken chain of circumstances to prove the appellant's guilt beyond reasonable doubt. Below is a detailed summary of the case and the Court's reasoning.

### **Background**

- **Conviction and Appeal:**

- The appellant was initially convicted by the Sessions Judge, Kamrup, on March 20, 2007, in Sessions Case No. 16(K)/2005, for kidnapping Marjina Begum (a 16-year-old girl), murdering her, and concealing evidence. He was sentenced to rigorous imprisonment for five years under Section 366(A) (kidnapping), life imprisonment under Section 302 (murder), and five years under Section 201 (causing disappearance of evidence), along with fines.
- The Gauhati High Court, in its judgment dated August 11, 2010 (Criminal Appeal No. 88/2007), set aside the kidnapping conviction under Section 366(A) but upheld the convictions under Sections 302 and 201/34 IPC, affirming the sentences.
- The appellant appealed to the Supreme Court, which granted special leave and heard the matter.

- **Prosecution Case:**

- On August 26, 2003, Amzad Ali (PW-1), the victim's father, lodged an FIR at Hajo Police Station, alleging that on August 22, 2003, the appellant and co-accused Jahangir Ali kidnapped his daughter Marjina Begum, who had taken Rs. 60,000 from home. He claimed the appellant's family assured him of arranging a marriage, but as Marjina remained missing, he reported the matter.
- The victim's body was recovered on August 27, 2003, near the Pandu railway tracks, following the appellant's arrest. The prosecution relied on three key circumstances: (1) the "last seen together" theory, (2) extra-judicial

confessions, and (3) the recovery of the body based on the appellant's statements.

### **Supreme Court's Analysis**

The Supreme Court evaluated the circumstantial evidence and identified significant flaws in the prosecution's case, leading to the appellant's acquittal. The key points of its reasoning are outlined below:

#### **1. Legal Standard for Circumstantial Evidence:**

- The Court emphasized that in cases resting on circumstantial evidence, the prosecution must establish a complete chain of circumstances, where each link is proven beyond reasonable doubt and collectively points solely to the accused's guilt, excluding any hypothesis of innocence. Any gap in the chain entitles the accused to the benefit of doubt.

#### **2. Evaluation of Circumstances:**

- **Last Seen Together:**

- **Evidence:** PW-2 (Junu Begum), a friend of the victim, testified that on August 22, 2003, she saw the appellant take Marjina away in a Tata Sumo vehicle. However, she clarified that Marjina went willingly, no force was used, and she (PW-2) did not raise an alarm. PW-3 (Minuwar Begum) also saw the appellant with Marjina but provided inconsistent details and lacked clarity on her vantage point.

- **Findings:** The Court noted a five-day gap between the "last seen" date (August 22) and the body's recovery (August 27), with the FIR lodged on August 26. This significant time gap, coupled with Marjina's voluntary departure and the absence of immediate alarm, weakened the theory. The prosecution failed to rule out the possibility of another person's involvement during this period. Precedents like *State of Goa v. Sanjay Thakran* and *Kanhaiya Lal v. State of Rajasthan* were cited, reinforcing that a substantial time gap and lack of corroborative evidence diminish the reliability of this circumstance.

- **Extra-Judicial Confessions:**

- **Evidence:** Witnesses PW-5, PW-6, PW-7, PW-8, PW-10, and PW-11 claimed the appellant confessed to killing Marjina in the police station, in the presence of police and villagers, after his arrest.

- **Findings:** The High Court had already discarded these confessions as inadmissible under Sections 25 and 26 of the Evidence Act, which bar confessions made to police or in custody unless recorded before a magistrate. The Supreme Court agreed, noting that this broke the chain of circumstantial evidence, as one of the three relied-upon circumstances was invalid.

- **Recovery of the Body:**

- **Evidence:** The prosecution alleged that the appellant led police to Marjina's body near the Pandu railway tracks, making this admissible under Section 27 of the Evidence Act (which allows evidence of facts discovered based on an accused's statement). PW-13 (the investigating officer) supported this, but witness testimonies varied: PW-6 said Jahangir, not the appellant, led to the recovery, while others (PW-5, PW-7, PW-8) saw the body only in the police station, not at the site.
- **Findings:** The Court found the recovery evidence unreliable due to inconsistencies and its intrinsic link to the discarded confessions. Section 27 requires that the information leading to discovery be distinct and credible, but here, contradictions (e.g., PW-6's claim that the appellant was in jail during recovery) and the absence of independent corroboration undermined its validity. The blood-stained vest seized was not forensically tested, further weakening the claim.

### 3. Absence of Motive:

- **Evidence:** The appellant and Marjina were in a romantic relationship, acknowledged by witnesses (PW-1, PW-4, PW-5). The appellant's mother and brother-in-law assured PW-1 of arranging their marriage, and no sexual assault or theft of the alleged Rs. 60,000 was proven (no cash was recovered, and the postmortem ruled out recent sexual activity).
- **Findings:** The Court highlighted the lack of motive as a critical flaw in a circumstantial case. Citing *Anwar Ali v. State of Himachal Pradesh* and *Nandu Singh v. State of M.P.*, it noted that while motive is not essential, its absence weighs heavily in the accused's favor when other evidence is weak. Here, the romantic relationship and family assurances negated any plausible reason for murder.

### 4. Additional Lacunae:

- **Non-Examination of Key Witnesses:** The appellant's mother (Aklima) and brother-in-law (Farid), who knew Marjina's whereabouts and promised her marriage, were not examined, despite being material witnesses. This omission further dented the prosecution's case.
- **Investigation Gaps:** The police did not investigate the Rs. 60,000 claim, and the failure to send the vest for forensic analysis left critical evidence unverified.

## Conclusion

The Supreme Court concluded that the prosecution failed to prove any of the circumstances—last seen together, extra-judicial confessions, or recovery of the body—beyond reasonable doubt. The chain of circumstantial evidence was incomplete, with

discarded confessions, a weak “last seen” theory due to the time gap and voluntary departure, and unreliable recovery evidence. The absence of motive, combined with investigative lapses, reinforced the appellant’s entitlement to the benefit of doubt.

- **Outcome:** The Court allowed the appeal, set aside the High Court’s judgment dated August 11, 2010, and the Sessions Court’s judgment dated March 20, 2007, acquitting the appellant of all charges. He was ordered to be released unless required in another case.

This judgment underscores the stringent standards for convictions based on circumstantial evidence, emphasizing the need for a robust, unbroken chain of proven facts to establish guilt.