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Principles To Evaluate Circumstantial Evidence In Criminal Cases : Supreme Court Explains

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In a recent judgment, the Supreme Court enunciated the principles that courts must adhere to while appreciating and evaluating evidence in cases based on circumstantial evidence.

While dismissing the appeal against the conviction in a rape-murder case, a bench comprising **Justice BR Gavai, Justice KV Viswanathan and Justice Sandeep Mehta** summarised the principles as follows :

(i) The testimony of each prosecution and defence witness must be meticulously discussed and analysed. Each witness's evidence should be assessed in its entirety to ensure no material aspect is overlooked.

(ii) Circumstantial evidence is evidence that relies on an inference to connect it to a conclusion of fact. Thus, the reasonable inferences that can be drawn from the testimony of each witness must be explicitly delineated.

(iii). Each of the links of incriminating circumstantial evidence should be meticulously examined so as to find out if each one of the circumstances is proved individually and whether collectively taken, they forge an unbroken chain consistent only with the hypothesis of the guilt of the accused and totally inconsistent with his innocence.

(iv). The judgment must comprehensively elucidate the rationale for accepting or rejecting specific pieces of evidence, demonstrating how the conclusion was logically derived from the evidence. It should explicitly articulate how each piece of evidence contributes to the overall narrative of guilt.

(v) The judgment must reflect that the finding of guilt, if any, has been reached after a proper and careful evaluation of circumstances in order to determine whether they are compatible with any other reasonable hypothesis.

The case related to the rape and murder of a 9-year old girl by the accused in Kerala in 2012. The accused was awarded death sentence by the trial court, which was affirmed by the High Court.

During the pendency of the appeal in the Supreme Court, the convict died in January 2024. After that, his legal heirs prosecuted the appeal with an attempt to clear his name.

The Supreme Court rejected the appeal, after noting that there was a well-established chain of circumstances which pointed out to the guilt of the accused.

Some of them were listed as :

(i). The child victim was a friend of the daughter of the accused, and they used to go to Madrassa together.

(ii). On the date of incident, the child victim was seen with the daughter of the accused. However, she never reached Madrassa.

(iii) When the child victim did not return home, an extensive search was conducted and since, the child victim was last seen with the daughter of the accused, the needle of suspicion pointed towards the house of the accused, more particularly because his house was situated close by the Madrassa.

(iv) Nazarudheen (PW-2) tried to repeatedly search the house of the accused along with neighbours and in the efforts to trace out the child victim, the witness found the house of the accused locked in his first and second attempts.

(v) During the third search attempt, the witness(PW-2) found the accused sitting in verandah of his house. Upon being asked for the permission to search his house, the accused stated that the keys of the house were with his wife, and he would bring it himself.

(vi) The witness Nazarudheen (PW-2) during the third attempt, searched the slopping shed and the bathroom adjacent to the house but to no avail whereafter, he went to search the pond near the house of the accused.

(vii) After searching the pond, the witness(PW-2) fixed the battery of the torch which he had called from his father, since it was dark and reached near the Madrassa.

(viii) In the fourth attempt, witnesses namely, Nazarudheen (PW-2), Shamsudheen (PW-8) and Unnikrishnan (PW-12) got suspicious of the accused's conduct and resumed the search of the house of the accused and even this time, the house of the accused was locked, and the accused was not present there. PW-12 inspected the bathroom by lighting his torch and found a heap of clothes, which was removed by PW-8 and the dead body of the child victim was discovered concealed thereunder.

(viii) Two stones of the septic tank inside the house of the accused were also found moved.

(ix) Blood-stained pink colour midiskirt (MO-7), petticoat (MO-8) and black miditop (MO-9) worn by the deceased child victim were identified by her mother(PW-9), recovered by the police officials from the house of the accused and were seized. An underwear(MO11) of the deceased was also found in the kitchen of the house of the accused.

(x) Blood stains were found on the cot and floor beneath it.

(xi) As per the postmortem report²⁶, a total of 37 ante mortem injuries were found on the child victim's body along with injuries on the genitalia, suggestive of forcible penetrative sexual assault. The cause of death was opined to be manual compressive and ligature constrictive strangulation.

(xii) As per the FSL report²⁷, the midiskirt worn by child victim, the dhoti of the accused and cotton gauze collected from the scene of crime contained human spermatozoa and semen. The hair collected from the crime scene matched with the hair of the deceased child victim.

(xiii) The DNA report²⁸ clearly proved that the DNA profile of the semen stains found on the midiskirt (MO-7) matched with that of the accused. Further, the blood stains found on the cot and beneath it were that of the deceased child victim.

(xiv) The slippers, hard-board writing pad, plastic cover of the writing pad, grey coloured pen and light rose small plastic carry bag belonging to the deceased child victim, as identified by her mother (PW-9), were recovered in furtherance of the voluntary disclosure statement of the accused.

Though the appeal was dismissed, considering that the convict has already passed away, the Court observed that the question of death sentence execution has become otiose.

Case : Abdul Nassar v. State of Kerala

Citation : 2025 LiveLaw (SC) 61

Click here to read the judgment (https://www.livelaw.in/pdf_upload/abdul-nassar-v-state-of-kerala-581227.pdf)

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