2026:AHC:22625-DB

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL APPEAL No. - 2096 of 1984

Satti Din and another

…..Appellant(s)

Versus

State of U.P.

…..Respondent(s)

Counsel for Appellant(s)	:	Ram Bahadur, Ramesh Prajapati, S.k.srivastava
Counsel for Respondent(s)	:	A.G.A., D.g.a.

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE SANJIV KUMAR, J.

Per: Hon'ble Chandra Dhari Singh,J.

1. The instant Criminal Appeal has been preferred by the accused-appellants, namely, Satti Din and Dhani Ram alias Dhanaiyan against judgment and order dated 27.07.1984 passed by Additional Sessions Judge, Hamirpur in Sessions Trial No. 15 of 1983, whereby the learned Judge convicted both the appellants for the offence under Section 302/34 I.P.C. and sentenced them to imprisonment for life.

2. Vide order dated 21.04.2018, the Co-ordinate Bench of this Court, taking into consideration the office report dated 04.10.2016, abated the criminal appeal qua appellant no. 1 namely Satti Din.

Brief Facts

3. Succinctly, the facts giving rise to the present criminal appeal are that on 09.08.1982, a written report was given by Raja Bhaiya son of Manvodhan, resident of Village Bhuwsi, Police Station Maudaha, District Hamirpur to the In-Charge Inspector, Police Station Maudaha, District Hamirpur mentioning therein that he (informant) and his elder brother Gunuwa (hereinafter referred to as "the deceased") were returning home after fetching water from pond. Deceased was walking ahead of the informant. Maiku, who was armed with gun, came out along with the accused-appellants, namely, Satti Din and Dhani Ram. Satti Din was armed with spear *(ballam),* whereas Dhani Ram was armed with an axe *(farsa)*. Satti Din and Dhani Ram exhorted Maiku to kill Gunuwa as he had once got his pistol seized and also taken away his six bighas of land. Due to previous enmity, Maiku approached the deceased from behind, aimed at him and made a fire shot at him. The bullet hit the deceased on his back, whereby he fell down and died. On the shriek of the informant and noise of gunshot, Rama, Kareylal, Mukando and Parma rushed toward the place of incident and tried to intervene. The accused persons ran towards the east. At the place of incident, an empty cartridge was found.

4. On the basis of the aforesaid written report (Ext.Ka-1), a case was registered against the appellants as Case Crime No. 140

of 1982, under Section 302 I.P.C., Police Station Maudaha, District Hamirpur.

5. After registration of the First Information Report, the law set into motion and investigation of the case was entrusted to PW-5, Sub Inspector Karuna Shankar Shukla. He in his deposition has stated that on 09.08.1982, he was assigned to investigate this case. He left to the spot to investigate the matter, but due to rain, he stayed in village Tola. On 10.08.1982 at 10:00 AM, he arrived at the place of incident, where the dead-body of the deceased was lying. Constable Vijay Singh along with informant Raja Bhaiya, Smt. Kidaya (wife of the deceased) and several other persons of the village were also present. He conducted inquest on the dead body and prepared photo lash and challan lash, which was proved by him and the same were marked as Ext.Ka.3 and Ext.Ka.5 respectively. The dead body of the deceased was sealed and sent for post-mortem examination by Constable Puran Chandra Sharma and Constable Vijay Singh. Thereafter, he recorded the statement of the informant Raja Bhaiya and witnesses namely Kareylal and Parma. He had also prepared a site plan, which was marked as Ext.Ka.6. Blood-stained soil and plain soil were collected and sealed in different boxes, which was marked as Ext.Ka.7. Blood soaked pellets were also found, which were taken into possession and marked as Ext.Ka.8. At the place

of incident, an empty cartridge along with a clay pot were also taken into possession, which were sealed and marked as Ext.Ka.9 and Ext.Ka.10 respectively. The accused were searched but could not be found. On 12.08.1982, statement of Constable Kanhaiyalal and Constable Vijay Singh (PW-2) were recorded. On 18.08.1982, he received an information that accused-appellant Dhani Ram alias Dhaniya had surrendered before the Court. On 29.08.1982, the property of accused Maiku was attached. On 10.09.1982, statement of witnesses, namely, Rama and Mukundi were recorded. He had also recorded the statement of witnesses of inquest. After culmination of investigation, he has submitted charge-sheet on 10.09.1982, which was marked as Ext.Ka.11.

6. Head Constable Kanhaiyalal was the scribe of the Chik F.I.R., which was marked as Ext.Ka.12. The said Chik F.I.R. was entered into G.D. vide Report No. 12 dated 09.08.1982 at 12:15 hours, which was marked as Ext.ka.13. After seeing a sealed bundle containing two boxes and a dhoti, which was brought to him from Maalkhana, he stated that these are the two boxes in which blood stained soil and plain soil were taken into possession and the said dhoti was worn by the deceased. The said dhoti was marked as Material Exhibit I, whereas both the boxes were marked as Material Exhibits II and III. Looking at two other sealed packets, he stated that one packet contains empty

cartridges, which was marked as Material Exhibit IV, whereas the other one contains pellets, which was marked as Material Exhibit V. The materials which were recovered from the place of incident were submitted before the Police Station on 10.08.1982.

7. As the case was exclusively triable by the Court of Sessions, the learned Magistrate committed the case to the Court of Sessions, where case was registered as Sessions Trial No. 15 of 1983. Learned Sessions Judge, Hamirpur vide order dated 26.04.1983 framed charges against the accused appellants for the offence under Section 302 read with Section 34 I.P.C., which were read over and explained to the accused-appellants in Hindi, who pleaded not guilty and claimed to be tried.

8. To bring home the guilt of the accused-appellants beyond the hilt, the prosecution has examined as many as five witnesses i.e. PW-1 Raja Bhaiya (informant)/witness of fact, PW-2 Constable Vijay Singh, PW-3 Rama (witness of fact), PW-4 Daya Shankar (X-Ray Technician) and PW-5 S.I. Karuna Shankar Shukla.

9. PW-1 Raja Bhaiya, who is the first informant and brother of the deceased, in his examination-in-chief, which was recorded on 20.12.1983, has reiterated the version given in the First Information Report. He further deposed that both the accused-appellants namely Satti Din and Dhani Ram alias Dhanaiyan are

real brothers and they both are from his village. He further stated that accused-appellant Satti Din ran towards the deceased and stabbed him on his chest with a spear.

10. PW-2 Constable Vijay Singh, in his examination-in-chief, has deposed that after the inquest of the dead body, the same was sealed in a cloth along with the relevant documents. On 10.08.1982, he along with Constable Puran Chandra Sharma were sent to the District Hospital Hamirpur, where doctor has conducted the post-mortem on the cadaver of the deceased on 11.08.1982.

11. PW-3 Rama, in his examination-in-chief, which was recorded on 22.12.1983 has deposed that he is well known to the accused-appellants who are real brothers. He also knew accused Maiku, who has been absconding since incident. Maiku is Satti Din's son. He knew the deceased well. The deceased was murdered about a year and quarter ago.

12. PW-4 Daya Shankar, X-Ray Technician, in his deposition, stated that on 11.08.1982, Dr. M.U. Khan had conducted the post-mortem on the cadaver of the deceased, which was proved by him. Recently, Dr. M.U. Khan has been shifted abroad and there is no possibility of him to return in near future.

13. As per the autopsy report, following ante-mortem injuries were found on the body of the deceased:-

> *1. Gun shot wound of entry 4cm x 4cm x cavity deep x left inferior scapular angle region. Blackening around the margin of wound present. Direction slightly upwards and anteriorily on left side chest medical to left nipple. The 5th and 6th ribs near the injury fractured.*
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> *2. Gun shot wound of exit 1cm x 1cm x circular on left side of chest 3cm medical to left nipple at 3 O'clock position communicating with injury no. 1.*
>
> *3. Gun shot wound of exit 1-1/2cm x 1cm x oval 4-1/2cm medical to left nipple and 1cm below injury no. 2 communicating with injury no. 1.*
>
> *4. Gun shot wound of exit 1-1/2cm x 1cm x oval 6cm medical to left nipple, 1-1/2 cm below injury no. 3 communicating with injury no. 1.*
>
> *5. Punctured wound 1/2cm x 1/2cm x cavity deep left side chest 8cm below the left nipple at 5 O'clock position. Direction of the wound was from anterior to backwards and slightly upwards.*

The third rib on the left side anteriorily fractured. The left apical and mid zone of lung and whole heart lacerated.

14. On internal examination, the pleura was found lacerated on left side, left lung was badly lacerated, pericardium was lacerated and all the chambers of the heart were lacerated. Abdomen was empty and faecal matter and gases were present in the intestine.

15. In the opinion of the doctor, the death of the deceased had resulted due to shock and hemorrhage caused by the said ante-mortem injuries.

16. After the closure of prosecution evidence, the statements of the accused-appellants namely Satti Din and Dhani Ram alias Dhanaiyan have been recorded under Section 313 Cr.P.C., who denied the charges levelled against them.

17. Learned Additional Sessions Judge, Hamirpur after hearing the learned counsel for the parties and assessing, evaluating and scrutinizing the evidence on record, convicted and sentenced the accused-appellants as indicated herein above.

18. Hence, the instant appeal.

Submission of learned counsel for the appellants

19. Mr. Anil Srivastava, learned Senior Advocate assisted by Mr. Ram Bahadur, learned counsel for the appellant vehemently submitted that appellant is a centenarian person aged about 100 years. He next submits that appellant is also frail and infirm and does not able to perform his routine work. It is further submitted that as per the prosecution case, the appellant has only been assigned the role of exhortation. The main accused person i.e. Maiku, who has caused fire arm injuries to the deceased, has never been arrested by the police. So far as injury no. 5 upon the body of deceased is concerned, the same has been caused by accused-appellant Satti Din by *ballam* (spear), which was stated by PW-1 Raja Bhaiya in his deposition. The appellant Dhani Ram

alias Dhanaiyan was armed with an axe and as per post-mortem report, there was no injury of the same. The prosecution has failed to assign any direct role to the appellant to connect him with the commission of crime.

Submission of learned A.G.A.

20. Mr. S.N. Tiwari, learned Additional Government Advocate appearing on behalf of the State opposed the instant criminal appeal and submitted that the learned trial court, while convicting and sentencing the appellants for the offence punishable under Section 302 I.P.C., has not committed any error or illegality. However, learned A.G.A. also concedes that the accused-appellant is now 100 years old.

Analysis and Conclusion

21. Heard Mr. Anil Srivastava, learned Senior Advocate for the accused-appellant and Mr. S.N. Tiwari, learned Additional Government Advocate appearing on behalf of the State of U.P. Perused the documents on record.

22. The appellant challenged the conviction and sentence as above by preferring the instant criminal appeal. The first information report came to be registered in the police station concerned. As per the prosecution case, at about 10 AM, when the informant (PW-1) along with one Gunuwa (deceased) was

returning to their house after taking water from the tank and as he crossed the room of Maiku, accused Maiku and co-accused Satti Din and Dhani Ram alias Dhanaiyan have came out from that room. At that time, accused Maiku was armed with a gun whereas Dhani Ram @ Dhanaiyan with a *farsa* and Satti Din with a *ballam*. Accused Satti Din and Dhani Ram @ Dhanaiyan have exhorted the accused Maiku to kill Gunuwa, whereupon Maiku had fired at Gunuwa after reaching behind him.

23. PW-1 Raja Bhaiya, in his cross-examination, has stated that the FIR was written at about 11 AM and he had put his thumb impression on it with the same ink with which it was written by Sheo Charan. However, the ink of the thumb impression is 'royal blue' and the ink with which the FIR was was written is 'blue-black'. PW-3 Rama, in his cross-examination, has stated that he had remained on the spot for about two hours. Until he remained there, Sheo Charan who was the scribe of the FIR (Ext.Ka.1) had not reached there. In view of the aforesaid contradictions, we are of the opinion that, the FIR might be prepared after the arrival of the investigating officer with due consideration.

24. The medical evidence is discrepant from the version given by the witnesses. Injury no. 5 of the deceased, which was a punctured wound on the left side of the chest, was found from anterior to backward and slightly upward and keeping in view its

direction, it could not be caused when the deceased had fallen on the ground. PW-1 Raja Bhaiya as well as PW-3 Rama have stated that the deceased Gunuwa had fallen on the ground facing it. The dead body of the deceased was lying in the same position. According to Rama (PW-3), the accused Satti Din had pierced his chest with a spear/*ballam,* when he was fallen on the ground after suffering the fire-arm injuries. Taking into the consideration of aforesaid discussion/observation, it is not probable that the said injuries would have been caused in this position.

25. The PW-1, in his cross-examination, states that his another brother 'Deewan' was also murdered prior to that occurrence and Jai Karan, Lalaee and Jagdev, who were accused in that murder case, were convicted and the deceased Gunuwan was a witness against them. He further stated that all accused persons were released after completion of sentences awarded to them about 4-5 years prior to this occurrence. PW-3 (Rama) has also admitted this fact, and therefore, there are high probability that deceased Gunuwa might be murdered by Jai Karan etc. cannot be ruled out. Raja Bhaiya (PW-1), in his cross-examination, has also stated that deceased Gunuwa had only one daughter namely Kausi and has expressed his ignorance about the fact that he wanted to give his property to her daughter Kausi which Rama (PW-3) had also admitted in his cross-examination that the land of Gunuwa has

been inherited by him and also that when Gunuwa was alive, he used to say that he would give his land to his daughter after his death and therefore the probability of the false implication of the appellant by these witnesses in the instant case cannot be ruled out. The motive behind the commission of the said offence by the appellant are also not proved.

26. The core issue before this Court is *whether the conviction of the appellant, based on the testimonies of aforesaid two witnesses which were riddled with irreconcilable contradictions and improbabilities, could be sustained in law*.

27. The Supreme Court in **Vadivelu Thevar vs. State of Madras**[1] has classified witnesses into three categories:

(i) wholly reliable

(ii) wholly unreliable

(iii) Neither wholly reliable nor wholly unreliable.

The Court emphasized that the law is concerned high quality of evidence, not its quantity. A conviction can be based on the testimony of a single witness, if it is found to be wholly reliable. Conversely, if a witness is found to be wholly unreliable, their testimony must be discarded entirely. For witness falling in the

1 AIR 1957 SC 614

third category, the Court must seek corroboration in material particulars before acting upon their testimony.

28. We have meticulously dissected the evidence of two aforesaid key witnesses and other documentary evidences, and found their testimonies to be fundamentally untrustworthy for several reasons:

(i) Contradiction in the genesis of occurrence.

(ii) Conduct unbecoming of an eye witnesses.

(iii) Omission in the FIR.

(iv) Inherent improbabilities.

29. The Supreme Court in the case of **Pankaj vs. State of Rajasthan**[2] has held that "when the genesis and the manner of the incident is doubtful, the accused cannot be convicted." It also referred to **Bhagwan Sahai vs. State of Rajasthan**[3] which states that once the prosecution is found to have suppressed the origin of the occurrence, the only proper course is to grant the benefit of doubt.

30. In the case of **Kannaiya vs. State of Madhya Pradesh**[4] the Supreme Court set aside a murder conviction because the eye witnesses provided "conflicting versions" regarding the location of

2 (2016) 16 SCC 192
3 AIR 2016 SC 2714
4 2025 INSC 1246

the crime and the meeting of the people present. The Court ruled that such "conflicting versions cannot co-exist within a credible narrative."

31. The standard of proof statutorily requirement as per Section 3 of the Indian Evidence Act, 1872 (Evidence Act) is one of the *"preponderance of probability"*. Section 3 does not speak of anything about "proof beyond reasonable doubt" though the degree of proof required in a criminal case in India is higher than *"preponderance of probability"*. Preponderance of Evidence is succinctly explained in Black's Law Dictionary, 1891 6th Abridged Edition 1991, as follows:

> *"Preponderance of evidence is evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not."*

The word *"proved"* means that a fact is said to be proved when after considering the matters before it, the Court either believes it to exist, or considers it's evidence so probable that a prudent man ought under circumstances of the case to act upon the supposition that it exists. No conclusive proof is required to state that a fact is proved. The process involved is one of weighing the probabilities. Hence *"preponderance of probability"* is the basis for a decision in civil case. But even without Section 3 of the Evidence Act, prescribing any higher degree of proof for a

decision in criminal cases, Criminal Court in India have been insisting for degree of proof which is heigher than the one required for decision in civil cases.

32. We have followed the common law of England, where the criminal courts insist such a degree of proof in deciding criminal cases which is definitely higher than the one required to decide a civil case. Even in England, their Evidence Act does not prescribe any higher degree of proof to decide a criminal case. But over a period of time, several judicial pronouncements have insisted "proof beyond reasonable" and that is how even in India, we have been insisting *"proof beyond reasonable doubt"*.

33. Francis Wharton, a celebrated writer on criminal law in the United States has quoted from Judicial pronouncements in his book Wharton's Criminal Evidence, which reads as under:-

> *"It is difficult to define the phrase 'reasonable doubt'. However, in all criminal cases a careful explanation of the term ought to be given. A definition often quoted or followed is that given by Chief Justice Shaw in the Webster Case Commonwealth vs. Webster*[5] *. He says:*
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> > *"It is not mere possible doubt, because everything relating to human affairs and depending upon moral evidence is open to some possible or imaginary doubt. It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that consideration that they cannot say they feel an abiding conviction to a moral certainty of the truth of the charge".*

5 5 Cush 295 : 59 Mass 295 (1850)

34. In the case of **State of U.P. vs. Kishore Gopal Das**[6], the Supreme Court has succinctly explained the concept "reasonable doubt", which is as under:

> *".....There is an unmistakable subjective-element in the evaluation of the degrees of probability and the quantum of proof. Forensic probability must, in the last analysis, rest on a robust common-sense and, ultimately, on the trained intuitions of the judge. While the protection given by the criminal process to the accused-persons is not to be eroded, at the same time, uninformed legitimisation of trivialities would make a mockery of administration of criminal justice."*

35. In the case of **Ramakant Rai vs. Madan Rai and Others**[7], the Supreme Court has held as under:

> *"**24.** Doubts would be called reasonable if they are free from a zest for abstract speculation. Law cannot afford any favourite other than truth. To constitute reasonable doubt, it must be free from an over emotional response. Doubts must be actual and substantial doubts as to the guilt of the accused persons arising from the evidence, or from the lack of it, as opposed to mere vague apprehensions. A reasonable doubt is not an imaginary, trivial or a merely possible doubt; but a fair doubt based upon reason and common-sense. It must grow out of the evidence in the case."*

36. The aforesaid judgment has recently been followed by the Supreme Court in the case of **Goverdhan and Another vs. State of Chhattisgarh**[8] wherein, the Court has held as under:-

> *"**20.** As per Section 3 of the Indian Evidence Act, 1872, a fact can be said to have been proved when, after considering the matters before it, the court either*

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6 AIR 1988 SC 2154
7 (2003) 12 SCC 395 : 2004 SCC (Cri) Supp 445
8 (2025) 3 SCC 378

> *believes it to exist or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act up on the supposition that it exists. The court undertakes this exercise of examining whether the facts alleged including the particular criminal acts attributed to the accused are proved or not.*
>
> ***21.*** *It is also to be noted that the law does not contemplate stitching the pieces of evidence in a watertight manner, for the standard of proof in a criminal case is not proof beyond all doubts but only beyond reasonable doubt. In other words, if a clear picture emerges on piecing together all evidence which indicates beyond reasonable doubt of the role played by the accused in the perpetration of the crime, the court holds the accused criminally liable and punishes them under the provisions of the penal code, in contradistinction to the requirement of proof based on the preponderance of probabilities as in case of civil proceedings.*
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> ***22.*** *It will be relevant to discuss, at this juncture, what is meant by "reasonable doubt". It means that such doubt must be free from suppositional speculation. It must not be the result of minute emotional detailing, and the doubt must be actual and substantial and not merely vague apprehension. A reasonable doubt is not an imaginary, trivial or amerely possible doubt, but a fair doubt based upon reason and common sense."*

37. The Supreme Court in the case of **Jitendra Kumar Mishra @ Jittu vs. State of Madhya Pradesh**[9], has held as under :

> *"**17.** We are conscious of the fact that the appellate court should be slow in interfering with the conviction recorded by the courts below but where the evidence on record indicates the prosecution has failed to prove the guilt of the accused beyond reasonable doubt and that a plausible view, different from the one expressed by the courts below can be taken, the appellate court should not shy away in giving the benefit of doubt to the accused persons."*

9 2024 INSC 20

38. For all the reasons, when we evaluate the testimony of PW-1 and PW-3 carefully and with due caution, as is required in the facts of the case, we find that their testimony do not inspire our confidence to sustain the conviction. The Courts before accepting the same as gospel truth, without testing it on the anvil of settled legal principles, result in grave nuisance of justice. We, therefore, conclude that prosecution has failed to prove it's case *"beyond reasonable doubt"* against the appellant.

39. This Court has decided the present criminal appeal on its merits and held as above. Even otherwise, it deserves to be noticed that occurrence in the present case is more than four decades old. The appellant remained was enlarged on bail vide order dated 01.08.1984. He has been continued on bail during the pendency of the present criminal appeal for nearly 40 years. It is not in dispute that the appellant is now of extremely advanced age, stated to be about 100 years old.

40. The Supreme Court has recognized that prolonged pendency of criminal proceedings and the advanced age of an accused constitute relevant considerations while moulding relief in criminal appeal. The extraordinary delay in disposal of criminal appeals, coupled with the advanced age of the accused and long

periods of liberty on bail, constitutes a relevant and weighty consideration while moulding relief.

41. In the case of **State of Madhya Pradesh vs. Shyamlal and Others**[10]**,** the Supreme Court has observed that while dealing with an incident of the year 1989, the High Court had converted the conviction under Section 302 IPC to Section 304-II IPC and had let off the accused with the sentence already undergone, *interalia*, noticing that the first-accused was nearly eighty years old and the other accused were above seventy years of age. The Supreme Court declined to interfere and took note of the fact that the appeal was being considered after more than three decades and that the accused had remained on bail during the pendency of the proceedings.

42. Similarly in **Fatta and Others vs. State of U.P.**[11]**,** the Supreme Court observed that where the appellants had served only three to four months of sentence and had remained on bail for about 10 years, it would not be conducive in the interests of justice to send them back to jail after a lapse of ten years, and accordingly reduced the sentence to the period already undergone.

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10 2025 INSC 377

11 1980 Supp (1) SCC 159

43. Though in this case, the conviction itself is being set aside on merits on account of failure of the prosecution to prove the charge beyond reasonable doubt. The aforesaid circumstances extra ordinary delay in disposal of the appeal, uninterrupted liberty for several decades, and the present advanced age of the appellant, furnish additional reinforcement to the conclusion that no useful purpose would be served by directing any further custodial consequences.

44. Accordingly, while allowing the appeal and acquitting the appellant of the charge under Section 302 I.P.C., it is observed that the prolonged pendency of the criminal appeal and the advanced age of the appellant constitute relevant contextual factors which further persuade this Court against any remand or continuation of penal consequences.

45. Guidance may also be drawn from the recent decision dated 22.01.2026 passed by the Division Bench of the Punjab and Haryana High Court in the case of **Swarn Singh vs. State of Punjab**[12], wherein similar observations were made. The occurrence in this case was of the year 2000, and the appeal came to be decided in January, 2026. The Court noticed that, as per the charge-sheet, the accused was aged about seventy years in the year 2001, and therefore, was more than ninty four years

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old at the time of appellate consideration. It was further recorded that the appellant had faced the agony of investigation, trial and appeal for over twenty five years and had already undergone more than six years of actual incarceration, with total custody including remissions exceeding eleven years. Taking these circumstances into account, the Court while modifying the conviction to Section 304-I IPC has reduced the sentence to the period already undergone, expressly keeping in view the advanced age of the appellant and the prolonged passage of time. This decision reinforces the principle that extreme old age couple with inordinate delay in conclusion of criminal proceedings constitutes a relevant mitigating circumstances in the moulding of relief.

46. Criminal law undoubtedly exists to vindicate societal interest, but it also proceeds on the foundational premise that punishment must remain rationally connected to its legitimate purpose which are deterrence, retribution, and reformation. Where the passage of time has been so extraordinary that an accused has spend a larger part of his remaining life under the shadow of a pending criminal case, the punitive function of the law invitably looses much of its practical and moral force.

47. Justice is not an abstraction divorced from human conditions. The law cannot be oblivious to the reality that

advancing age brings with its physical fragility, dependence and a narrowing horizon of life. When a person stands before the Court at the twilight of existence, the insistence on penal consequences, after decades of procedural delay, risks transforming justice into a ritual divorced from the purpose it intends.

48. Delay of such magnitude is not a mere administrative lapse, rather it becomes a substantive factor affecting fairness. A criminal process that stretches across generation ceases to be only a mechanism of accountability and assumes, in itself, the character of punishment. The anxiety, uncertainty and social consequences suffered over decades cannot be ignored while assessing what justice now demands.

49. The constitutional promise of fair and reasonable procedure does not end with trial. It permeates the entire life cycle of a criminal case, including appeal. When the system itself has been unable to deliver finality within a reasonable time, Courts are justified in adopting a tempered, human approach while fashioning relief.

50. Ultimately, the legitimacy of criminal justice lies not in the severity of its outcomes but in their moral coherence. Where guilt itself is not established beyond reasonable doubt and the accused has survived under the weight of accusation for four decades, the

only outcome consistent with justice, fairness, and human dignity is complete exoneration, with conscious recognition that prolonged pendency and extreme age further militate against any residual penal consequences.

51. For all the foregoing reasons, the instant criminal appeal succeeds and is hereby **allowed**.

52. The impugned judgment and order dated 27.07.1984 passed by Additional Sessions Judge, Hamirpur are hereby set aside. The appellant is acquitted of all the charges levelled against him.

53. The appellant – Dhani Ram alias Dhanaiyan is already on bail. His bail bonds shall stand discharged.

54. The trial court record be sent back.

(Sanjiv Kumar,J.) (Chandra Dhari Singh,J.)

January 21, 2026
Saurabh