BLOGS

Important Judgements for CLAT PG 2024: Chotkau v. State of UP

Indrasish Majumder · 30 Jan 2023

Date – 3rd October 2022

Court – The Supreme Court of India

Bench – Justice S. Abdul Nazeer, Justice A.S. Bopanna, and Justice V. Ramasubramanian

Highlight- Court cannot make someone, a victim of injustice, to compensate for the injustice to the victim of a crime.

- The Supreme Court acquitted a man who was sentenced to death for the alleged rape and murder of a six year old girl.
- In this case, the appellant was convicted for the offenses punishable under Sections 302 (murder) and 376 (rape) of the Indian Penal Code (IPC) and sentenced to death by a Sessions Court in Uttar Pradesh, which was confirmed by the Allahabad High Court. On the basis of the last seen theory and circumstantial evidence, the appellant was charged for the commission of the offences of raping the minor girl and murdering her.
- The Counsel for appellant said that the evidence to support the last seen theory was insufficient to convict the appellant and there was complete failure on the part of the prosecution to examine material witnesses.
- The Apex Court observed that “While every delay in forwarding the FIR may not necessarily be fatal to the case of the prosecution, Courts may be duty bound to see the effect of such delay on the investigation and even the creditworthiness of the investigation.” “The failure of the prosecution to produce such evidence, despite there being no obstacle from the accused or anyone, will certainly create a gaping hole in the case of the prosecution and give rise to a serious doubt on the case of the prosecution.”
- The Supreme Court while allowing the appeal held that “By fixing culpability upon the appellant without any shred of evidence which will stand the scrutiny, the prosecution has done injustice to the appellant. Court cannot make someone, a victim of injustice, to compensate for the injustice to the victim of a crime.”https://indiankanoon.org/doc/12892785/