

Team Code:

LX-01/2025

1ST LEX IMPERIUM MOOT COURT COMPETITION , 2025

BEFORE THE HON'BLE SUPREMET COURT OF

ORALIA

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION

(Under Article 136 of the Constitution of India

SLP (Criminal) No. /2025

IN THE MATTER OF

State of Yaza (Appellant)

VERSUS

Robert (Respondent)

Memorial on behalf of the Appellant

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[A] LIST OF ABBREVIATIONS

BNS	Bharatiya Nyaya Sanhita, 2023
BSA	Bharatiya Sakshya Adhinyam,2023
IPC	Indian Penal Code
Hon'ble	Honourable
SCC	Supreme Court Cases
SC	Supreme Court
HC	High Court
i.e.	That is
V.	Versus
U/S	Under Section
Ors.	Others
AIR	All India Reporter

[B] INDEX OF AUTHORITIES

I. LIST OF STATUES

- The Bharatiya Nyaya Sanhita,2023
- The BharatiyaSakshyaAdhiniyam, 2023
- The BharatiyaNagarik Suraksha Sanhita,2023

II. LIST OF CASES

S. NO	Case Title	Citation
1.	Amrit Bhushan Gupta v. UOI and Ors.	1977 AIR 608
2.	Ashok Singh v. State of MP	21 SCC Online MP 2490
3.	Bapu Gajraj Singh v. State of Rajasthan	2007 AIR SCW 3808
4.	Bhupinder Singh v. State of Karnataka	(1988) 3 SCC 513
5.	Jeevan Rana v. State of Himachal Pradesh	(2015)SCC Online HP 1821
6.	Kamala Bhuniya v. West Bengal State	2006 (1) CHN 439
7.	Lallubhai Devchand Shah v. Yusuf	AIR 2009 SC 2674
8.	Lakhan v. State of M.P.	2010 AIR SCW 5993
9.	Leonard Mwangemi Munyasa v. Republic	(2014) SCC Online Ken 4441
10.	Prem Singh v. State of NCT of Delhi	(2023) 3 SCC 372
11.	Pralhad Mukinda Kshisagar v. State of Maharashtra	(2001) SCC Bom 443
12.	Purshottam Chopra and Anr. V. State(Govt. NCT of Delhi)	AIR 2020 SC 476
13.	Sharad Birdichand Sardar v. State of Maharashtra	(1984) 4 SCC 116
14.	State of Rajasthan v. Yusuf	AIR 2009 SC 2674
15.	Uttam v. State of Maharashtra	(2022) 8 SCC 299

III. LIST OF BOOKS

S. No.	Title
1.	Indian Penal Code, Prof S.N. Misra(Central Law Publication, Prayagraj, Twenty Second Edition, 2022)
2.	The Law of Evidence, Dr. Absar Kidwai & Dr. Malabika Talukdar (University Book House(P) Ltd. Jaipur, First Edition,2022)

IV. LIST OF INTRNET SOURCES

1. www.judis.nic.in (SUPREME COURT OF INDIA OFFICIAL)
2. www.sconline.com (SCC ONLINE)

[C] STATEMENT OF JURISDICTION

It is humbly submitted that the Special Leave Petition is filed before this hon'ble court under Article 136 of the Constitution of Oralia.

136. Special leave to appeal by the Supreme Court

(1) Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India.

(2) Nothing in clause (1) shall apply to any judgment, determination, sentence or order passed or made by any court or tribunal constituted by or under any law relating to the Armed Forces

[D] STATEMENT OF FACTS

BACKGROUND OF THE CASE

On dated 25th February, 2022, Robert the Appellant and Ruby the Respondent got married according to their religious rituals. Robert was later diagnosed with bipolar mood disorder because of which he becomes violent in petty issues. On 3rd September 2024, the Appellant Robert was charged for murder under section 103 of BNS, Alleged to have occurred on 5th July 2024 at Yodha, Yaza. The Session Court in its judgement dated 3rd November 2024 convicted him under section 103 of BNS and sentenced him to 10 years rigorous imprisonment. Being aggrieved by the said judgement Robert preferred an appeal before the High Court of Yaza on 20th December 2024 vide Criminal Appeal No. 875/2024. Considering the evidence adduced by the doctor treating Robert for Bipolar Mood Disorder found that Robert at the time of committing the crime was suffering from both legal and medical insanity and hence the hon'ble High Court acquitted Robert from the charge of Murder by judgement dated 25th January 2025.

INCIDENT DETAILS

On July 5th 2024, neighbours heard a fight at Robert's house. Gabriel (PW3) a neighbour found Ruby lying on the floor covered in blood with various injuries on her body. At that time Gabriel saw Robert hiding a 7 inch Iron axe in the garden. In dying declaration Ruby stated that when she resisted Robert strike her from behind with hard object.

INVESTIGATION AND ARREST

The complaint of Gabriel was registered as Yodha P.S case no. 733/2024 U/S 103 of BNS. Robert was then arrested on 5th July, 2024, On regaining consciousness Ruby's statement was recorded by the police of Yodha police station. In her statement she told the police that on 5th July around 10 am Robert arrived home and began a violent altercation with her and when she resisted, he strike her from behind with hard object. After that on 8th July she died due to the injury in her head. On the basis of Gabriel's statement and the dying declaration of Ruby. Robert was prosecuted u/s 103 of BNS for murdering Ruby by the Session Court.

THE TRIAL PROCEEDINGS AND APPEAL

The testimonies of Investigating officer, John, SHO of Yodha Police Station(PW1), Dr. Andrew (PW2), who treated Ruby and the neighbour Gabriel(PW3) was corroborated in the Court. As for the defence Dr Daniel (DW1) was treating accused stated that Bipolar Mood Disorder was a sufficient to enable a person to do any violent act under its influence. David (DW2),

brother of Robert stated before the Court that at times Robert was violent and hostile even for trivial reasons. Trial Court held that Robert was found guilty of committing murder and sentenced him to 10 years rigorous imprisonment.

THE APPEAL

Being aggrieved by the said judgement Robert preferred an appeal before the High Court of Yaza on 20th December 2024 vide Criminal Appeal No. 875/2024. Considering the evidence adduced by the doctor treating Robert for Bipolar Mood Disorder found that Robert at the time of committing the crime was suffering from both legal and medical insanity and hence the High Court acquitted Robert from the charge of Murder by judgement dated 25th January 2025.

Being aggrieved by the decision of High Court, State of Yaza preferred an appeal before the Supreme Court of Oralia against the order of acquittal by the High Court of Yaza on 24th of February 2025.

[E] ISSUES RAISED

I. WHETHER SUFFICIENT GROUND OF LEGAL INSANITY EXISTS SO AS TO EXONERATE THE ACCUSED FROM LIABILITY OF MURDER ?

II. WHETHER THE BURDEN OF PROOF OF LEGAL INSANITY ON THE PART OF DEFENSE IS AT PAR WITH THE BURDEN OF PROOF ON PART OF PROSECUTION.

III. WHETHER THE DYING DECLARATION CANNOT BE CONSIDERED AS A SUFFICIENT GROUND TO CONVICT THE ACCUSED U/S 103 OF BNS ?

IV. WHETHER COMPLETE CHAIN OF EVENTS EXIST SO AS TO ESTABLISH THE GUILT OF THE ACCUSED ?

[F] SUMMARY OF ARGUMENTS

1. WHETHER SUFFICIENT GROUND OF LEGAL INSANITY EXISTS SO AS TO EXONERATE THE ACCUSED FROM LIABILITY OF MURDER ?

The accused has been charged under section 103 of BNS in the present matter. However, he has given a plea of insanity U/S 22 of BNS. The DW1 i.e. Dr. Daniel has testified that the accused was diagnosed with Bipolar Mood Disorder. However the legal insanity of the accused has not been proved by the defence and therefore the accused cannot take the benefit of legal insanity u/s 22 of BNS.

2. WHETHER THE BURDEN OF PROOF OF LEGAL INSANITY ON THE PART OF DEFENSE IS AT PAR WITH THE BURDEN OF PROOF ON PART OF PROSECUTION.

In the instant matter, the burden of proof and the onus of proving that the accused falls under the general exceptions given U/S 22 of BNS is on the defence. However, the defence has not been able to prove the legal insanity of the accused. Moreover, the burden of proof of the defence is not at par with the prosecution in the present matter.

3. WHETHER THE DYING DECLARATION CAN BE CONSIDERED AS A SUFFICIENT GROUND TO CONVICT THE ACCUSED U/S 103 OF BNS ?

It is humbly submitted that the dying declaration given by the deceased is a reliable evidence. The deceased was mentally fit while giving the dying declaration and it was given in the presence of police which is admissible. As it is said that 'a man will not meet his maker with lie in his mouth'. If the court has full faith on the dying declaration, then it can be the sole basis for conviction. So, on the basis of the dying declaration of the deceased, the accused can be convicted.

4. WHETHER COMPLETE CHAIN OF EVENTS EXIST SO AS TO ESTABLISH THE GUILT OF THE ACCUSED ?

It is submitted that the witnesses are able to prove the chain of events that took place on that day. The testimony given by witnesses along with the evidences and dying declaration form a chain of events which happened on the day of the incident, which ultimately proves the respondent guilty of committing the crime.

ISSUE I

WHETHER SUFFICIENT GROUND OF LEGAL INSANITY EXISTS SO AS TO EXONERATE THE ACCUSED FROM LIABILITY OF MURDER ?

1. It is humbly submitted before this hon,ble court that in the present matter there exist no sufficient grounds of legal insanity to exonerate the accused from the liability of murder of the deceased victim Ruby.
2. Section 22 of the Bharatiya Nyaya Sanhita, 2023 states as herein below cited-“Nothing is an offence which is done by a person, who at the time of doing it by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.”

For this defence, the following elements are to be established-

- The accused was in a state of unsoundness of mind at the time of the act.
 - He was unable to know the nature of the act or do what was either wrong or contrary to the law. The term ‘wrong’ is different from the term ‘contrary to the law.’ This two ingredients are not proved by the defence.
3. It is most humbly submitted before the Hon’ble Court that every man is presumed to be sane and to possess a sufficient degree of reason to be responsible for his crimes. Until the contrary be proved, and to establish a defense on ground of unsoundness of mind, it must be clearly proved that, at the time of committing the act, the party accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and the quality of the act he was doing, or, if he did know it, that he did not know he was doing what was wrong.
 4. In the matter in hand, the defence has prima facie failed to rebut the presumption of absence of circumstances that will bring the act of the accused under the ambit of general exception. The deposition of defence witness though establish the fact that the accused is suffering from the Bipolar Mood Disorder, but ipso facto has failed to raise even a reasonable doubt that the accused at the time of offence was labouring under such a disorder.
 5. In, **Amrit Bhushan Gupta v. Union of India and Ors**¹, it has been held that unless the Court comes to the conclusion that the accused was insane, at the point of time he committed the offence, he cannot be absolved of the responsibility of the offence, even if it is found by the Court that he was insane either earlier or in the later point of time of the commission of offence.
 6. The PW3 Gabriel who was the neighbour of Robert and informant of the case in FIR deposed that he saw the unconscious body of the respondent on the floor and Robert concealing a 7 inch iron axe in the garden at that moment. If Robert was insane and was not in his right state of mind then he should not have run away to hide the axe. He ran away because he knew what he did and tried to conceal the weapon so that noone finds out.

¹1977 AIR 608

7. It is very difficult to prove precise state of offender's mind at the time of commission of offence but some indication thereof is often furnished by conduct of offender while committing it or immediately after commission of crime.²
8. In **Kamala Bhuniya v. West Bengal State**,³ the Accused was tried for her husband's murder with an axe. A suit was filed against the Accused, she alleged to be insane at the time of the incident, the investigating officer recorded at the initial stage about the accused's mental insanity. The prosecution's duty was to arrange for the accused's medical examination, it was held that there was no motive for murder. **The Accused made no attempt to flee, nor made any attempt to remove the incriminating weapon** failure on the part of the prosecution was to discharge his initial responsibility for the Presence of mens rea in the accused at the time of the commission of the offence. The accused was entitled to benefit from Section 84 of IPC. And hence accused was proved insane at the time of the commission of the offence and was held guilty of culpable homicide and not of Murder.
9. As per PW 3 the fact that the accused attempted to conceal the incriminating weapon proves that the accused knew the nature of his act and thus tried to hide the incriminating weapon, which clearly indicates his soundness of mind at the time of commission of the offence.
10. In **Bapu Gajraj Singh v. State of Rajasthan**⁴ The Supreme Court held that the term insanity is used to describe various degrees of mental disorder. So every person who is mentally diseased is not ipso facto exempted from criminal liability. A distinction has therefore to be made between legal and medical Insanity and what the law is concerned with is legal and not medical insanity. The same view was held by the Courts in a number of cases. If there exists sufficient medical grounds to hold that a person is suffering from insanity, it is a case of medical insanity. But for the purpose of Section 84 IPC what the defence must prove is that, at the time of commission of crime the cognitive faculties of the person was impaired which made him Incapable of knowing the nature of the act.
11. Hence in the instant case, the respondent Robert is not a patient of legal insanity but rather medical insanity, which implies he was receiving treatment and was capable of making informed decisions and leading a normal life.
12. Facts proving absence of legal insanity-The facts which proves the presence of medical insanity and the absence of legal insanity in his case implies-
 - He attempted to conceal the incriminating weapon(the axe).
 - He attacked his wife with the axe which was kept in the garden. If he had no mens rea on his part then he could have used any other object which was easily available in the house in spite he chose to take the axe kept in the garden so that he could brutally cause injury to his wife which may result in her death.
 - After attacking his wife when he regained his consciousness he attempted to hide the incriminating weapon but did not tried to save the life of his wife by

²Uttam v. State of Maharashtra (2022) 8 SCC 299

³2006(1) CHN 439

⁴ 2007 AIR SCW 3808

taking her to hospital which clearly indicates his intention to cause such injury to his wife which later resulted in her death.

It is therefore submitted that, the conviction and sentence to the accused has been unerringly passed by the learned Session Court below and that the same shall not be set aside. And the judgement of the High Court should be set aside.

ISSUE II

WHETHER THE BURDEN OF PROOF OF LEGAL INSANITY ON THE PART OF DEFENSE IS AT PAR WITH THE BURDEN OF PROOF ON PART OF PROSECUTION.

13. It is to be submitted that in the present matter the burden of proof on part of the defence is not at par with the burden of proof on the prosecution. The material facts and the evidences on record points at only one thing that the accused is liable for the murder of his wife beyond reasonable doubt.
14. It is humbly submitted that, Section 108 of the Bharatiya Sakshya Adhiniyam, 2023 elucidate an exception to the general rule whereby in a criminal trial, the burden of proving everything necessary to establish the charge against the accused beyond all reasonable doubt rests on the prosecution.
15. According to the provision, the burden of proving existence of circumstances bringing the accused within any of the General Exceptions, enumerated in the BNS, 2023 shall be on the accused, and the Court shall prima facie presume the absence of such circumstances.
16. Section 108, of the Bharatiya Sakshya Adhiniyam, 2023, states as herein below cited-

“When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the BNS, 2023 or within any special exception or proviso contained in any other part of the said Sanhita, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances,”
17. It is submitted that the Dying declaration given by the deceased about the cause of her death is relevant and is cogent piece of evidence under S. 26(a) of the Bharatiya Sakshya Adhiniyam, 2023. She told the Police that on 5th July at 10 am Robert arrived home and began a violent altercation with her, when she resisted, Robert strike her from behind with hard object. The hard object was axe as deposed by PW1 and PW3.
18. That the fact Robert went outside in the Garden to bring the axe is relevant enough that his intent was to kill Ruby as he knew that a blow of an axe will be enough to kill his wife. He could have used any other object present in the room if the act was done in an unsound state or done in the spur of the moment. Hence his bringing the axe from the Garden, hitting the same to his wife in such a manner which is likely to kill her and his subsequent conduct of hiding the axe in the garden fulfils all the Ingredients of section 101 of the BNS.

19. In the case of **Prem Singh V. State of NCT of Delhi**⁵, Criminal Appeal No. 1 of 2023 Arising out of SLP(criminal) no. 2958 of 2019 the Supreme Court was of the opinion that as the accused who strangled his sons and thereafter throwing the bodies in the canal to disappear the evidences is material enough that he is of a sound mind and knew the consequences of his act. **Similarly in the present matter the accused killed his wife with an axe and thereafter tried to hide the same in the garden. Therefore the prosecution case is amply established through these cogent and convincing chain of circumstances, pointing only to the guilt of the respondent.**

1.1 Mens rea – The criminal state of mind

20. It is contended that the appellant in the present matter did the act in the presence of mens rea i.e. guilty intention.
21. Section 103 of BNS provides for the punishment for murder. A fundamental principle of criminal law is that a crime consists of both mental and physical element which are mens rea i.e. guilty intention and actus reus i.e. guilty act.
22. Section 101 of BNS, 2023 defines murder as follows
 Except in the cases hereinafter excepted, culpable homicide is murder,
- If the act by which the death is caused is done with the intention of causing death; or
 - If the act by which the death is caused is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or
 - If the act by which the death is caused is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or
 - If the person committing the act by which the death is caused, knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.
23. The act of the respondent, Robert, in inflicting a fatal head wound on the deceased, Ruby, was an intentional act. The evidence on record, including the testimony of Prosecution Witness 1 (PW1), Jhon, SHO, Yodha Police Station, stating that the axe used for the attack was recovered from Robert's garden on which there was fingerprint of Robert as per forensic report and the statement of Prosecution Witness 2 (PW2), Dr. Andrew, stating that the cause of death was the fatal injury on head clearly establishes that the respondent's actions were deliberate and premeditated and the respondent should be punished under section 101 of BNS.
24. Robert could have used any other object in the house, but he chose the axe, which he knew was capable of causing sufficient bodily injury to result in the deceased's death. Furthermore, he deliberately targeted her head to attack.

⁵(2023) 3 SCC 372

25. Moreover, the fact that Robert attacked her from behind, as stated by the deceased in her dying declaration, suggests that he intentionally targeted her in a vulnerable position, thereby preventing her from defending herself against the attack.
26. In **Leonard Mwangemi Munyasa V. Republic**,⁶ it was held that the mere fact that the accused suffers from mental illness does not mean that he was incapable of formulating the mens rea necessary for the offence of murder. Many who suffer mental illness are able to function well and live normal lives under medication. There is nothing to indicate that at the time of this incident, the accused was suffering from a psychotic episode that would have affected his mental capacity to formulate the malice aforethought necessary for murder.
27. In **Pralhad Mukinda Kshisagar V. State of Maharashtra**⁷, murder of a child who was of tender age, with an axe and that too on vital part of the body i.e. head, which caused fatal injury, is sufficient to show that the blows were given by the accused so as to kill the victim. This establishes the necessary mens rea required to find that the accused is guilty of having committed the murder.

ISSUE III

WEATHER THE DYING DECLARATION CANNOT BE CONSIDERED AS A SUFFICIENT GROUND TO CONVICT THE ACCUSED U/S 103 OF BNS ?

It is humbly submitted that on the basis of the dying declaration the accused can be convicted. This contention can be backed by the following arguments –

28. Dying declaration comes under Section 26(a) of BSA,2023, Dying Declaration means a statement written or verbal of relevant facts made by a person, who is dead. It is the statement of a person who had died explaining the circumstances of his death. This is based on the maxim ‘nemo mariturus presumuntur mentri’ i.e. a man will not meet his maker with lie on his mouth. Our Indian law recognizes this fact that ‘a dying man seldom lies.’ Or ‘truth sits upon the lips of a dying man.’
29. It is the last statement made by a person at a stage when he is in serious apprehension of his death and expects no chances of survival⁸. However for a dying declaration to be true, it must be proved that his death was caused by the injury from the incident for which the accused is being prosecuted.
30. In the present case the dying declaration given by the deceased is relevant, as it was given in the presence of PW1 i.e. SHO of Yodha Police Station where the deceased clearly stated that “ around 10 a.m. on July 5th, Robert arrived home and began a violent altercation with her. When she resisted, Robert strike her from behind with hard object”.
- Moreover the statement of PW2 i.e. Dr. Andrew, who treated the deceased clearly stated that the cause of death was due to the injury on head which proved fatal and Ruby was in a mentally sound condition at the time of making the dying declaration.

⁶(2014) SCC Online Ken 4441

⁷ (2001) SCC Bom 443

⁸Uttam v. State of Maharashtra (2022) 8 SCC 299

31. Once the court is satisfied that the declaration was true and voluntary, undoubtedly it can base its conviction on the same without any further corroboration⁹
32. If the truthfulness of a dying declaration is accepted, it can always form the basis of conviction of the accused. If a dying declaration is believed by the court, is sufficient to sustain a conviction.¹⁰
33. Moreover it is not obligatory that either an executive magistrate or a judicial magistrate should be present for recording a dying declaration. It is enough that there is evidence available to show that the dying declaration is voluntary and truthful.
34. In **Purshottam Chopra and Anr. V. State (Govt. NCT of Delhi)**¹¹, dying declaration was recorded by doctor and sub-inspector and they deposed that she was conscious and was not in unfit state of mind while making it. Deceased also had given name and address of accused only few hours ago of her demise. Under such circumstances, when the accused offered the defence of non-recording of dying-declaration by magistrate, the Supreme Court rejecting his defence held that where dying declaration satisfies all requirements of judicial scrutiny, it cannot be discarded merely on the ground that it was not recorded by Magistrate or that police did not obtain attestation of the person present at that time.
35. In **Lakhan v. State of M.P.**¹² the Supreme Court provided that, when the condition is satisfied that the dying declaration made by the deceased is true and can be relied upon, as the declarant is found to be conscious and mentally fit while making the statement, and the statement made by him proven to be voluntarily and no compulsion was there while making the statement and can be put for the sole basis of conviction. In that situation there is no need for corroboration is necessary.
36. In case of Ruby as per the witness of PW1(SHO) and PW3(Gabriel) there is a clear consistency in the transactions of the case resulted in Ruby's death as stated by Ruby in dying declaration, Thus we can say that Ruby was having a fit state of mind and her statement can be a sole basis of conviction of the accused.

It is therefore submitted that the Dying declaration of Ruby should be the sole basis of conviction for the accused and the conviction sentence passed by the Session Court should not be set aside.

⁹State of Rajasthan v. Yusuf (AIR 2009 SC 2674)

¹⁰Lallubhai Devchand Shah V. State of Gujarat (AIR 1972 SC 1776)

¹¹ AIR 2020 SC 476

¹²2010 AIR SCW 5993

ISSUE IV

WHETHER COMPLETE CHAIN OF EVENTS EXISTS SO AS TO ESTABLISH THE GUILT OF THE ACCUSED?

The statements of the witnesses prove the chain of events which took place at the day of the incident. This contention is backed by the following arguments:

37. According to the statements of facts the PW (3) Gabriel at around 11 am heard loud noises coming from the house of the respondent and when he went there, he saw the unconscious body of the appellant lying on the floor covered in blood and suffering from multiple injuries and the respondent concealing a 7-inch axe in the garden at that moment. He also deposed the same before the Court. So, according to his statement he saw the respondent concealing the axe and as per PW1 (SHO) who deposed that the axe used for the attack was recovered from respondent's Garden on which there was fingerprint of the respondent as per forensic report which proves that he committed the crime, there are no direct evidence but the circumstantial evidence proves that, which includes the respondent lying in a pool of blood and the respondent trying to conceal the axe at that moment. In cases where dependence is wholly on circumstantial evidence and direct evidence is not available, the court can legitimately draw from the circumstance an inference on any matter one way or another.¹³
38. In the case of **Sharad Birdichand Sarda v. State of Maharashtra**¹⁴ the Supreme Court held that circumstantial evidence can be relied upon to convict an accused if the circumstances are conclusive and exclude all other hypotheses.
39. Secondly, the PW (1) Jhon., SHO, Yodhapolice station deposed before the court that the appellant in her dying declaration blamed the appellant for attacking her, moreover, PW2 Dr. Andrew, who treated the deceased, deposed before the court that the cause of death was due to the injury on head proved to be fatal and Ruby was in a mentally sound condition at the time of making the dying declaration which proves that the respondent was the one who killed the appellant with the axe, it clearly forms a chain of events of the incident. The accused tried to hide the axe because he knew what he was doing and tried to hide the evidence. In the case of **Jeevan Rana v. State of Himanchal Pradesh**¹⁵, the accused convicted of sexual assault, claimed that he had been of unsound mind at the time the offence was committed, relying on the diagnosis of bipolar disorder. The court quoted the length from Nalini Kumari case and held that sec 84 was not applicable as the accused "knew what he was doing since he ran away". In the present case the fact that the respondent tried to conceal the incriminating weapon implies that He knew the nature of the act he did thus He is liable to get punished.
40. Furthermore, the fact that the doctor advised Robert to take medication and learn to control his anger suggests that his anger was manageable, even while he was undergoing treatment for the initial stage of Bipolar Mood Disorder. This implies that Robert had the

¹³ Bhupinder Singh V. State of Karnataka (1988) 3 SCC 513

¹⁴ (1984) 4 SCC 116

¹⁵ (2015) SCC Online HP 1821

capacity to control his anger, but instead, he exploited his condition to commit the heinous act of murdering his wife.

41. Therefore it is submitted that all the statements given by the witnesses form a chain of events without any loop hole, which is enough to prove the respondent guilty of the crime he committed.

PRAYER

Wherefore, in the light of the issues raised, arguments advanced, reasons given and authorities cited, may this Hon'ble Court be generously pleased to :

1. To allow the appeal and declare that this petition is maintainable before the Hon'ble Supreme Court of Oralia.
2. To overrule the order of acquittal and sentence U/S 103 of BNS passed by the learned court below and pass an order in favour of the appellant, and
3. Pass any other order it deems fit in the interests of justice, equity and good conscience

And/Or

Pass any other order that it deems fit in the interest of justice, equity and good conscience.

AND FOR THIS, THE APPELLANT IN DUTY BOUND, SHALL HUMBLY PRAY.

- COUNSEL FOR THE APPELLANT