GAHC040009242023 2026:GAU-AP:1004-DB

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRL.A(J)/22/2023

Mekhya Paffa W/o Late Jotin Paffa,
Resident of Vill Changya, PO/PS Khenwa, Dist. East Kameng, Arunachal Pradesh.

VERSUS

The State of AP Represented by the PP, AP

2:Gama Paffa Age: 0 Occupation :
Son of Late Jotin Paffa Village Changya PO and PS Khenewa
East Kameng District Arunachal Pradesh

Advocate for the Petitioner : Nikita Danggen, Amicus Curiae
Advocate for the Respondent : P P of AP, Dicky Panging, Sr. Adv,Amicus Curiae

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE
HONOURABLE MR. JUSTICE BUDI HABUNG

Advocate for the appellant : Ms. N. Danggen, amicus curiae

Advocate for the respondents : Ms. T. Jini, Addl. PP
Mr. D. Panging, Sr. Adv

Date on which judgment is reserved : **23.07.2026**
Date of pronouncement of judgment : **24.09.2026**
Whether the pronouncement is of operative part of the judgment?: **NA**
Whether the full judgment has been pronounced?: **YES**

JUDGMENT & ORDER[CAV]

(Budi Habung, J.)

Heard Ms. Nikita Danggen, learned amicus curiae appearing on behalf of the appellant. Also heard Ms. Topi Jini, learned Addl. Public Prosecutor, Arunachal Pradesh, appearing on behalf of the respondent.

2. This jail appeal has been preferred by the appellant Smti. Mekhya Paffa, from jail under Section 374(2) of the Code of Criminal Procedure, 1973, against the judgment of conviction and order of sentence dated 03.05.2023 passed by the learned Sessions Judge, Bomdila in Sessions Case No. 14/2022 arising out of Khenewa P.S. Case No. 01/2022 whereby the appellant was convicted under Section 302 of the Indian Penal Code, 1860 and sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs. 10,000/-, in default thereof, to undergo simple imprisonment for 3 months.

3. The prosecution case, in brief, is that during the intervening night of 08-09.07.2022, the deceased, Jotin Paffa, was found lying inside his house with several cut and stab injuries. The appellant, who was his wife, was found standing inside the house, holding dao in her hand.

4. The First Information Report (FIR) was lodged by their son, PW-7 Shri Gama Paffa. He was not present at the place of occurrence. During investigation, the police seized:- (1). One iron dao(machete) with plastic handle[approx. 2 feet length]; (2). one iron dao[machete] with black tube handle[approx. 3 feet length]; and (3). One iron spearhead[approx. 5 feet length]; from the place of occurrence.

5. The post-mortem examination disclosed multiple injuries over the forehead, parietal region, chest, knee, neck and hip. The Doctor opined that the death of the deceased was due to head injury causing subdural hematoma leading to cardio-palmary arrest and that the death was homicidal.

6. The prosecution examined as many as 9(nine) witnesses. However, none of them claimed to have actually seen the appellant inflicting fatal injuries upon the deceased, but they being the neighbours, have arrived at

the place of occurrence immediately after the alleged occurrence of the incident upon hearing the crying sound of the deceased.

7. Upon consideration of the evidence and on hearing the parties, particularly, the presence of the appellant inside the house with a dao immediately after the neighbours had reached there, the presence of the deceased with multiple injuries and the absence of any other person inside the house except the deceased and the appellant, held the appellant had caused the death of the deceased. The learned trial Court rejected the plea of the appellant under Section 84 of Indian Penal Code, 1860. The main ground for rejection is that there was no medical document showing mental illness of the appellant and that she had been found fit to police custody immediately after her arrest.

8. The learned amicus curiae for the appellant submitted that the conviction of the appellant is based entirely upon circumstantial evidence and that none of the prosecution witnesses had seen the appellant assaulting the deceased. The learned amicus curiae further submitted that when the prosecution witnesses arrived at the house of the deceased, the door was found open. The learned amicus curiae argued that had the appellant actually planned to murder her husband, why would she keep the door open for public view to the commission of the alleged crime. The learned amicus curiae further submitted that the injuries found by the Doctor is not supported by the forensic evidence. She further submits that at the time of the occurrence of the incident, the appellant was mentally not stable and that the prosecution evidence itself contains material circumstances suggesting that the appellant had a history of mental illness. In this regard, the learned amicus curiae submitted that on earlier occasion also, the appellant had attacked her husband while suffering from such mental illness. It is also submitted that the prosecution failed to establish

the complete chain of circumstances and thus failed to establish the requisite mental intention/*mens rea* for commission of the alleged offence under Section 302 of the Indian Penal Code, 1860.

9. The learned Addl. Public Prosecutor, Arunachal Pradesh, on the other hand, has submitted that the appellant was found inside the closed house immediately after the occurrence of the incident holding a dao while the deceased was lying there with multiple injuries. It is further submitted that after hearing the cries of the deceased, the prosecution witnesses who are the neighbours, entered into the house of the appellant and found the door of the bedroom closed. However, when they broke open the door, they saw the appellant standing near the body of the deceased holding a dao in her hand and tried to assault them as well. It is also submitted that there was no other person present inside the house other than the appellant. The learned Addl. Public Prosecutor, Arunachal Pradesh, further submitted that all the circumstances clearly point towards the appellant for commission of the alleged offence and none other. She further submitted that the plea of insanity was not proved by any medical evidence. Even in her examination under Section 313 of the Code of Criminal Procedure, 1973, the appellant failed to explain as to why she was standing beside the body of the deceased holding a dao in her hand when the prosecution witnesses entered her house and if she is not the one who killed her husband, then, who else did it. It is also not the appellant's pleaded case that she neither remembered the incident nor pleaded insanity at the time of the occurrence of the incident. The appellant only evasively denied all allegations stating that the same was not true and that she did not kill her deceased husband. There is absolutely no indication of any other person entering the house prior to or during the incident and no explanation why she was holding dao and standing near the body of the deceased.

10. Upon hearing the rival submissions advanced by the learned counsel for the parties and the materials available on record; the following questions arises for consideration:

(i). Whether the prosecution has proved beyond reasonable doubt that the appellant caused the death of the deceased Jotin Paffa?

(ii). Whether the circumstances proved by the prosecution form a complete chain of circumstances inconsistent with the innocence of the appellant?

(iii). Whether the evidence on record raises a reasonable doubt regarding the mental illness of the appellant at the time of the occurrence of the incident so as to entitle her to the benefit of Section 84 of the Indian Penal Code, 1860? or, in any event, to the benefit of reasonable doubt?

11. The investigating officer of the case i.e. PW-9 held inquest and found the dead body lying on the bedroom on the floor of the chang ghar. The investigating officer found multiple sharp cut injuries on head and chest of the dead body. He recorded that the cause of the death was due to excessive bleeding and recommended for post-mortem examination.

12. PW-1, Dr. Tage Tagyang, who conducted the post-mortem examination, found the following injuries on the body of the deceased:

"***2-<u>Wounds-position, size and character:</u>***
1. Longitudinal cut injuries forehand measuring 5 X 3 cm²
2. Multiple cut injuries left parietal region (3 x 3 cm²) (2 x 3 cm²)
3. Stab wound right chest 1/2 inch.
4. Stab wound lateral aspect of left knee 1/2 inch.
5. Superficial cut injury left neck 8 cm.
6. Superficial cut injury left hip."
"***1-<u>Scalp, Skull, vertebrae:</u>***

1. Multiple cut marks present in scalp as described above. Alongwith

scalp skull was cut through and exposed."

"***2-<u>Membrane</u> - Membrane perforated at frontal region."***

"***3-<u>Brain and spinal cord</u> - Hematoma present in subdural space"***

"***<u>MORE DETAILED DESCRIPTION OF INJURY OR DISEASE</u>:***
1. Longitudinal cut injury forehead measuring 5 X 3 cm²
2. Multiple cut injuries left parietal region (3 X 3 cm²) & (2 x 3 cm²)
3. Stab wound right chest 1/2 inch.
4. Stab wound lateral aspect of left knee 1½ inch.
5. Superficial cut injury left neck 8 cm i.e. length.
6. Superficial cut injury left hip 2 cm in length.
"***<u>OPINION OF SUB-ASSISTANT SURGEON AS TO CAUSE OF DEATH:</u>***
In my opinion, the most probable cause of death is head injury causing subdural Hematoma leading cardio-palmary arrest."

13. Thus, the Doctor/PW-1 found multiple cut and stab injuries and opined that the cause of the death was head injury resulting in subdural hematoma leading to cardio-palmary arrest. There was no serious dispute that the death of the deceased was homicidal. Therefore, the factum of homicidal death is sufficiently established. However, the medical evidence does not establish that the injuries were necessarily inflicted by the particular dao or spearhead seized from the place of occurrence. The Doctor has not identified the weapon of offence which caused the injuries. There is also no evidence on record demonstrating a forensic connection between the seized weapons and the injuries. However, these circumstances by itself, may not be sufficient to discard the prosecution case. Recovery or forensic linkage of the weapons seized from the place of occurrence is not an indispensable requirement where there is otherwise reliable ocular evidence.

14. The Hon'ble Supreme Court in such case has held that non-recovery or lack of proof regarding the weapon does not by itself defeat the prosecution supported by trustworthy direct evidence. However, in the present case, as stated above, there is no direct prosecution witness who claimed to have

seen the appellant assaulting the deceased.

15. PW-3 Smti. Deepa Paffa is the neighbour whose house is just nearby the house of the appellant and the deceased. On the intervening night, she heard some unnatural sound of the deceased. She informed the same to her brother PW-4. However, she admittedly did not enter the house of the appellant and did not see the appellant assaulting the deceased.

16. PW-4 Shri Karling Paffa reached the house of the appellant after being informed by the PW-3. He stated that the appellant had already killed the deceased. He further stated that he had seen several injury marks on the body of the deceased and blood was oozing out. However, in his cross-examination, PW-4 stated that he did not see the act of the appellant killing the deceased.

17. PW-5 Smti. Fem Paffa, after hearing the cries of the deceased, rushed to the house of the appellant along with her husband PW-4. Her evidence is that after entering the house of the appellant, she saw the door of the bedroom was closed from inside. She further stated that they have forcefully opened the door and on entering the house of the appellant, she saw the appellant holding a dao in her hand and thereafter, she tried to attack them, however, her husband overpowered and snatched away the dao from the appellant's possession and threw it in the house and later on, tied the appellant. However, in her cross-examination, she stated that she did not see the appellant assaulting the deceased.

18. PW-6 Smti. Ayang Paffa, likewise, went to the house of the appellant and saw that the appellant had already injured the deceased. She also has seen several cut injury marks on face, neck and body of the deceased and blood was oozing out. She further stated that the deceased was about to die but he was not able to speak. She also stated that the appellant tried to

attack them with a dao but they overpowered and tied her. In her cross-examination, she stated that she did not see the appellant killing the deceased.

19. The settled principle is that in a case based on circumstantial evidence, each circumstance must be firmly established and all the circumstances must form a complete chain which points only towards the guilt of the accused and excludes reasonable hypothesis consistent with the innocence of the accused.

20. In the present case, certain circumstances are undoubtedly established. The circumstantial chain is quite strong. From the evidence of the prosecution witnesses, following circumstances are cumulatively established:

(i). The neighbours heard the cries/suspicious sounds and immediately reached their house.

(ii). The deceased and the appellant were the only persons found inside the house when the prosecution witnesses reached their house immediately after the occurrence of the incident.

(iii). The occurrence took place inside their local/OBT house during the intervening night.

(iv). According to the PW-5, the door was found closed from inside and had to be forcefully opened.

(v). The learned trial Court accepted these circumstances. Even if there were some discrepancies about the door, it does not materially break the chain.

(vi). On entering the house, the prosecution witnesses found the appellant holding a dao. The appellant attempted to assault

them. This is a highly incriminating circumstance because it shows that she was not merely an innocent person present at the crime scene at the relevant point of time. However, the appellant was overpowered and tied by the prosecution witnesses. Her husband was lying inside the bedroom with multiple severe stab injuries and was profusely bleeding. The injuries were homicidal and included a major head injury causing subdural haematoma leading to cardio-palmary arrest.

(vii). The weapon of offence i.e. dao/machete and a spearhead was recovered and seized from the place of occurrence. There was no evidence of any other person having entered the house immediately before and at the time of the occurrence of the incident.

(viii). As per the evidence of PW-9, the deceased was alive for some time after the assault and according to the prosecution witnesses, he told those present at the crime scene that his wife had assaulted him while he was sleeping. There is evidence that the appellant had on earlier occasion also, attacked the deceased.

(ix). The investigating officer of the case PW-9 deposed and stated that the appellant had disclosed that she suspected her deceased husband of having extra-marital relationship and although such relationship was not found, but, it provides a plausible background for the occurrence of the incident.

(x). Most importantly, when the incriminating circumstances were put to the appellant in her examination under Section 313 of the Code of Criminal Procedure, 1973, she simply denied them and

gave no alternative explanation whatsoever.

21. Upon examination, it appears that this is a classic case of circumstantial evidence. The prosecution does not have to prove the murder through an eye-witness if the circumstances form a complete chain. In the present case, the circumstance is not merely for the fact that the appellant was present in the house but it is a case where the appellant was found inside the house with the deceased. Immediately, after hearing the cries of the deceased, the neighbours entered the house and she was found holding a dao and attempted to attack them. The deceased was found inside the same bedroom with multiple cut injuries and profusely bleeding. Not only that, the weapons of offence which was snatched from the appellant's hand were recovered and seized from the place of occurrence. Besides that, there was no any other person found present in the house other than the appellant and the deceased. Moreover, there is no plausible explanation from the appellant in her examination under Section 313 of the Code of Criminal Procedure, 1973, as to how her husband sustained those injuries why she was standing beside the body holding dao on her hand. The above circumstances established a very powerful chain of circumstances indicating towards the appellant for commission of the alleged offence.

22. Section 6 of the Indian Evidence Act, 1872(corresponding to Section 4 of the Bharatiya Sakshya Adhiniyam, 2023), provides relevancy of facts forming the part of same transaction. Section 6, being relevant, is reproduced hereinbelow:

> "***6. Relevancy of facts forming part of same transaction. -Facts which, though not in issue, are so connected with a fact in issue or a relevant fact as to form part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places."***

23. Facts which, though not in issue, are so connected with a fact in issue or a relevant fact as to form part of the same transaction, are relevant, whether they occurred at the same time and place, or, at different times or places. Once, the prosecution establishes the foundational circumstances showing that the deceased was killed inside a dwelling house occupied by the appellant and the deceased and the appellant was found there, immediately, thereafter in possession of the weapon of offence and behaving aggressively the manner in which the deceased received those injuries, becomes a fact particularly within the appellant's knowledge.

24. It is to be noted that in her examination under Section 313 of the Code of Criminal Procedure, 1973, the appellant was specifically asked and her answer was basically "I do not know" and "I have not killed my husband". This statement is a bare denial. The appellant did not say or care to explain that if somebody else entered the house; there was an accidental injury; the deceased attacked her and the injuries resulted during her struggle; another person assaulted the deceased; the appellant found the deceased already injured; or, any other circumstances explaining the injuries sustained by the deceased.

25. It is understood that her silence cannot prove guilt, but, when the prosecution chain of circumstantial evidence is otherwise complete, the absence of any reasonable explanation is an additional incriminating circumstance.

26. Coming to the next issue "mental illness", PW-6, in her cross-examination, stated that sometimes, the accused used to behave unnaturally as if she had some mental illness. The PW-7, who is the son of the appellant, stated that the appellant might have did the same as she was suffering from mental illness. He further stated that

earlier his mother had attacked his father when she was suffering from mental illness. PW-8, who has seen injury marks on the deceased, also, in his cross-examination stated that it may be the reason that the accused was suffering from mental illness when she attacked the deceased. However, the alleged mental illness does not automatically entitle her to acquittal. The above PW-6, PW-7 and PW-8 have given evidence suggesting that the accused sometimes behaved abnormally and had earlier attacked her husband, but, it does not establish that at the precise time of the occurrence of the incident, the appellant was incapable of knowing the nature of the act, or, that she was doing what was either wrong, or, contrary to law.

27. It is seen that there is no medical record establishing such incapacity. There is no expert evidence indicating her insanity. There is also no evidence that the appellant was under treatment for a mental illness at any point of time. There is also no evidence that the appellant was continuously incapable of understanding her actions. There is also no evidence that the appellant did not know what she was doing immediately after the occurrence. In fact, her conduct immediately after the assault is significant. The appellant was found holding the dao and attempted to assault the neighbours who entered the house. However, the appellant was thereafter overpowered and tied. The conduct of the appellant can reasonably be regarded as a conscious conduct. Such conduct is not conclusive by itself that it was a conscious conduct of the appellant, but, it substantially weakens the plea that she was incapable of knowing the nature of her act at the time of incident. Likewise, her medical examination immediately after her arrest, shows that she was fit to be kept in custody, is not proof of sanity, but it is certainly a circumstance which the appellate court can consider along with the rest of the evidence.

28. Coming to the question if there was any motive of the commission of the alleged offence, the prosecution need not prove motive when the other evidence is convincing. Therefore, the fact that the alleged adultery was not subsequently proved, does not destroy the prosecution case. In the present case, the investigating officer/PW-9 stated that during interrogation, the appellant disclosed that she killed her husband because she suspected him of having an extra-marital affair but the investigating officer admitted that he did not find any such extra-marital relationship of the deceased.

29. In the present case, the nature and number of injuries sustained by the deceased support the prosecution case under Section 302 of the Indian Penal Code, 1860. The medical evidence shows a cut injury on the forehead, multiple cut injuries on the left parietal region, stab wounds on the right chest and left knee, and superficial cut injuries on the left neck and left hip. The fatal injury was on the head. The use of a dao/spear-type weapon on the head and chest, causing multiple serious injuries, shows that the assailant had knowledge that such injuries were likely to cause death of the deceased. The nature of the injuries also indicates the intention to cause death or such bodily injury as was sufficient in the ordinary course of nature to cause death. This is, therefore, not a case where the offence can be treated merely as culpable homicide not amounting to murder. The prosecution has established a complete chain of circumstances. Once such a chain is established, the failure of the appellant to explain the presence of the deceased inside the house with such injuries, particularly when she was found immediately thereafter holding the weapon of offence, assumes significance under Section 106 of the Indian Evidence Act, 1872.

30. In the circumstances, we are of the opinion that the prosecution has

proved beyond reasonable doubt that the deceased was murdered inside the house. The appellant was found there immediately thereafter, holding the dao, and attempted to assault the persons who entered the house. She has offered no explanation for the fatal injuries suffered by the deceased. These circumstances form a complete chain and exclude the reasonable possibility of any other person having committed the offence.

31. On an overall consideration of the evidence on record, we find that the prosecution has been able to establish the homicidal death of deceased Jotin Paffa. The prosecution has also established, beyond reasonable doubt, that the appellant was the person responsible for causing death of her deceased husband. We find that the circumstances proved by the prosecution are consistent with the guilt of the appellant and inconsistent with any reasonable hypothesis of her innocence. The fact that there is no eyewitness to the actual assault is, in the facts and circumstances of the present case, not sufficient to discard the prosecution case.

32. We are also not persuaded by the plea of insanity under Section 84 of the Indian Penal Code, 1860. The evidence regarding the appellant's previous abnormal behaviour or alleged mental illness does not establish that, at the time of the occurrence, she was incapable of knowing the nature of her act or that what she was doing was wrong or contrary to law. In order to bring the case within the exception under Section 84 IPC, the burden lies with the defence. However, the defence failed to discharged the necessary burden. The evidence regarding her conduct immediately after the occurrence, particularly her being found holding the dao and attempting to assault the persons who entered the house, further does not support the plea of legal insanity.

33. The learned Sessions Judge has, therefore, rightly appreciated the

evidence and convicted the appellant under Section 302 of the Indian Penal Code, 1860. We find no perversity, illegality or material error in the impugned judgment warranting interference by this Court. The sentence imposed upon the appellant is also in accordance with law.

34. Accordingly, the judgment of conviction and order of sentence dated 03.05.2023 passed by the learned Sessions Judge, Bomdila in Sessions Case No. 14/2022 arising out of Khenewa P.S. Case No. 01/2022, convicting the appellant under Section 302 of the Indian Penal Code, 1860 and sentencing her to undergo rigorous imprisonment for life and to pay a fine of Rs.10,000/-, in default whereof to undergo simple imprisonment for three months, are hereby affirmed.

35. Consequently, the jail appeal is dismissed.

36. The appellant shall continue to remain in custody to serve out the sentence imposed upon her. The period of detention already undergone by her shall be set-off in accordance with law.

37. Let a copy of this judgment along with the records of the learned trial Court be returned.

38. Before parting with the matter, we record our appreciation for the assistance rendered by the learned Amicus Curiae appearing for the appellant. The learned Amicus Curiae shall be entitled to the prescribed legal remuneration.

JUDGE **JUDGE**

Bikashkonwar, Private Secretary

Comparing Assistant