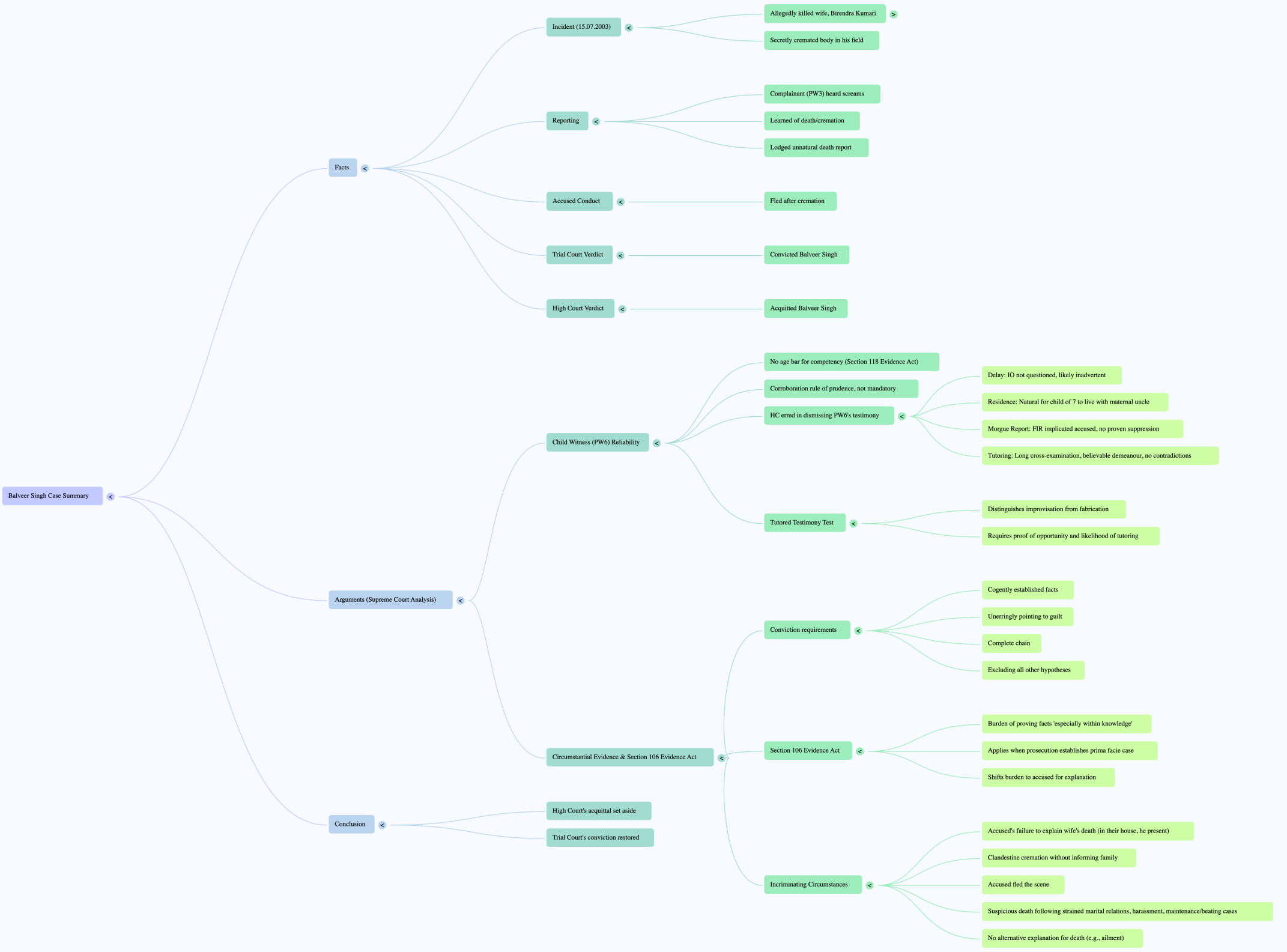
Balveer Singh Case Summary
Facts
Incident (15.07.2003)
Allegedly killed wife, Birendra Kumari
Secretly cremated body in his field
Reporting
Complainant (PW3) heard screams
Learned of death/cremation
Lodged unnatural death report
Accused Conduct
Fled after cremation
Trial Court Verdict
Convicted Balveer Singh
High Court Verdict
Acquitted Balveer Singh
Arguments (Supreme Court Analysis)
Child Witness (PW6) Reliability
No age bar for competency (Section 118 Evidence Act)
Corroboration rule of prudence, not mandatory
HC erred in dismissing PW6's testimony
Delay: IO not questioned, likely inadvertent
Residence: Natural for child of 7 to live with maternal uncle
Morgue Report: FIR implicated accused, no proven suppression
Tutoring: Long cross-examination, believable demeanour, no contradictions
Tutored Testimony Test
Distinguishes improvisation from fabrication
Requires proof of opportunity and likelihood of tutoring
Circumstantial Evidence & Section 106 Evidence Act
Conviction requirements
Cogently established facts
Unerringly pointing to guilt
Complete chain
Excluding all other hypotheses
Section 106 Evidence Act
Burden of proving facts 'especially within knowledge'
Applies when prosecution establishes prima facie case
Shifts burden to accused for explanation
Incriminating Circumstances
Accused's failure to explain wife's death (in their house, he present)
Clandestine cremation without informing family
Accused fled the scene
Suspicious death following strained marital relations, harassment, maintenance/beating cases
No alternative explanation for death (e.g., ailment)
Conclusion
High Court's acquittal set aside
Trial Court's conviction restored