



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru

and a professional
Procurement from the World Bank.

diploma in Public

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Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

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Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

“CRITICAL ANALYSIS ON THE ROLE OF DIGITAL EVIDENCE IN SOLVING SHEENA BORA CASE”

AUTHORED BY - JANANI R

ABSTRACT

Struggles, hard times, interpersonal conflicts and unresolved disputes are prevalent aspects in all families. Despite these challenges, we adore our families. Irrespective of people or nation, these sorts of problems are everywhere and it is impossible to avoid. It may be during those terrible teenage years, where one can't be without conflicting with their parents or those family members that grow hatred towards each other. At these circumstances, there always remains some darker secrets behind those families. Those hidden secrets sometimes might destroy lives. In this context, this paper describes about one such family, which validates the saying, 'who needs enemies, when you have a family like this?'. This paper is about the murder case of Sheena Bora, who was alleged to be murdered by media tycoon mother where she suppressed the facts for three years but later revealed. This paper demonstrates how criminal investigations are done by collecting digital evidence from various devices, computers, mobile phones, mails, CCTV cameras, cloud storage etc., It mainly attempts to explore the murder case and discusses the role of digital forensics that helped in solving the alleged murder.

Keywords: Digital evidence, Murder, Media tycoon mother.

INTRODUCTION:

Over the past few years, the murder case of Sheena Bora has received much attention in the Indian media. This may have occurred for a number of reasons like inclusion of notable people, the intricacy of the case, the new developments in the case every day which created curiosity among the public and the inhumane motives. The mere fact is that the alleged murder was conspired by the victim's mother itself along with two other accused. This case was similar to that of Aarushi Talwar case (2008)¹, where both the parents were held liable for the murder case. The case study helps to get deeper knowledge about the case, also the investigation process in which electronic evidence was used to solve the mysterious case.

¹ 2013(82) ACC 303 – Dr, Rajesh Talwar And Anr v. CBI.

CASE SUMMARY:

(A) CHARACTERS INVOLVED²:

- Indrani Mukerjea – mother of Sheena Bora and the prime accused.
- Siddharth Das – Indrani's first husband (father of Sheena Bora and Mikhail Bora)
- Mikhail Bora – Son of Indrani Mukerjea from Siddharth Das and brother of Sheena)
- Sanjeev Khanna – Indrani's second husband (co-accused)
- Vidhie Mukerjea – Sanjeev and Indrani's daughter
- Peter Mukerjea – Indrani's third husband
- Rahul Mukerjea – Peter's son from his first marriage and boyfriend of Sheena
- Shyamvar Rai – Indrani's former driver (co-accused and approver)

(B) CASE FACTS:

Indrani Mukerjea (earlier known as Pori Bora) was born in Guwahati. She later moved to Kolkata and was in live-in relationship with Siddhartha Das, and they had two children (Sheena Bora and Mikhail). Leaving her children to their grandparents in Guwahati, Indrani again moved to Kolkata and was subsequently pursuing her studies in computer science. There she met Sanjeev Khanna and got married in 1993 and had a daughter named Vidhie out of their wedlock. They moved to Mumbai. Indrani, then married Peter Mukerjea (CEO of media company STAR India, after getting divorced from her former husband in 2002. Learning about her mother, Sheena moved to Mumbai in 2006, where she was been introduced as her younger sister to everyone. Sheena graduated with a Bachelor's degree from St. Xavier's college between 2006 – 2009. She began working for Reliance Infrastructure as a management trainee in 2009. In June 2011, Sheena started working with Mumbai Metro One as an assistant manager.

During the initial days in Mumbai, Sheena Bora had taken a like in Rahul Mukerjea, (one the two sons of Peter Mukerjea from her first wife). They two started to hangout frequently and things eventually became very closer. By 2008, Sheena and Rahul had officially become a couple. Indrani was not leashed by this development as her daughter was dating her third husband's son which made them step siblings. Indrani found it to be messy and was not fitting her image. Disturbed by the news, she sent her daughter back to her grandparents for a while.

² Rituparna Chatterjee, *who's who in the Sheena Bora murder case*, huffpost July 14 2016, last accessed on 23rd January 2025.

On a sudden, Sheena fell ill and rather suspiciously but Indrani made efforts to supply medicines for her treatment. Rahul on arriving was shocked to see how weak and sick Sheena was, even after taking adequate treatment. With a doubt in his mind, Rahul consulted a doctor regarding medications and he was shocked to know that the medications given by Indrani were actually the sedatives used for treating schizophrenia. After learning confusion news, Sheena quit medications immediately and surprisingly her condition improved drastically overnight.

Knowing about the evil side of her mother, Sheena decided to grow distant from her. Eventually, the couple moved to an apartment in Mumbai and got engaged in 2011. Gradually the relationship between Indrani and Sheena was completely dysfunctional.

(C)THE CRIME SCENE:

On 24th April 2012, Rahul was very surprised to learn that Indrani Mukerjea had invited Sheena out for dinner which was very out of character for her. Later that evening around 6:40PM, Rahul picked Sheena from work and dropped her near National College on Linking Road, Bandra where she was supposed to be met by Indrani. Upon arriving, Rahul noticed that Indrani was not alone but accompanied by two other men whom he couldn't recognize (one of them was Indrani Mukerjea's ex-husband Sanjeev Khanna and the second one was the driver Shyamvar Rai).

Initially, Rahul Mukerjea was not worried about Sheena as that was just a dinner plan with her mother. As the time goes on, Rahul was trying to call Sheena's mobile a number of times but it went straight through the voicemail. The next thing that was happening strange was, Rahul started getting strange text messages. In those messages, Sheena claimed that she as fine and had made the decision to stay at her mother's home for the night but for Rahul something seemed to be wrong, he was persistently making phone calls and was sending messages but whatever response he got back became even strange. At one point of tie, Sheena started to claim that she no longer wanted to be with him and that she had found someone else and was much happier. None of this made sense and Rahul refused to believe it.

As the days passed without any sign of his fiancée, he learned that Sheena had allegedly emailed to resign her work. One week later, he decided to report to police, but their reaction

was not helpful either whenever he made a report, all police stations rejected his pleas³. According to them, Sheena was a self-responsible adult who had moved on and none of the officers were ready to consider a wellness check on her. When Rahul asked Indrani about her daughter, all she had to say was that Sheena was no longer happy and moved to US⁴ for her higher studies and hence a missing First Information Report was never filed⁵. Sheena was never seen after 24 April 2012. There indeed was nothing that Rahul could do, he loved his fiancée with whole of his heart but she had now vanished. Weeks turned into months and months turned into years but he got no emails, text messages, phone calls. The suspense was agonising and it never seemed to leave him but Indrani held up to the story and no matter how many times Rahul tried to reach her, Sheena remained silent.

ALLEGED SERIES OF EVENTS:

Moving towards the year 2015, Sheena's disappearance had persisted for three gruelling years but suddenly that was when an unexpected event blew the case wide open following the circumstantial discovery of a man disposing a bag of multiple firearms. Mumbai police began monitoring Indrani after receiving a tip-off. On August 21, 2015, Indrani's driver Shyamvar Rai was taken into custody for illegal weapon possession, and it was reported that during questioning, he was trying to turn a new leaf and with an effort to prove his good intentions he was willing to expose an otherwise unexplained crime which took place three years prior. He confessed that he was the driver to a murder plot three years prior and unfortunately the murder plot involved Sheena Bora.

Now if the authorities were willing to believe the driver, then the events which took in April of 2012 are far darker than they could have ever imagined. Indrani had approached him with a murder plot⁶ to kill her sister in exchange for services to medically support his family and pay his children's tuition fees. For the driver, the offer was attractive to say the least that the driver need not kill anyone but simply be the driver. With this simple favour, saving the lives of the family forever, Shyamvar reluctantly agreed, after several calls a devious plan was made and

³ HT Correspondent, *Sheena Bora murder: 'Red tape' prevented Rahul from filing FIR*, Hindustan times Aug 30 2015, last accessed on 25th January 2025.

⁴ Saurabh Gupta, *Sheena Bora alive in US, claims Indrani in interrogation*, ndtv Sep 01 2015, last accessed on 25th January 2025.

⁵ *Indrani foiled family's attempts to file missing complaint for Sheena*, ndtv August 27 2015, last accessed on 25th January 2025.

⁶ DNA web team, *Sheena Bora murder case; driver reveals that murder was plotted by Indrani*, dnaindia Aug 27 2015, last accessed on 26th January 2025.

he claimed to officers as follows;

On the fateful evening of April 24 2012, he, Indrani and Sanjeev Khanna picked up Sheena outside the National College. Sheena sat at the back of the car next to her mother, who then offered her a drink as she pulled away pouring one for herself. After driving for a short period, Sheena began to get drowsy and eventually lost consciousness. On Indrani's words, Shyamvar pulled over the in a secluded back alley, where he and her ex-husband joined her in the back of the car. Shyamvar was then told to put his hands over Sheena's mouth while Sanjeev held her by her hair. A moment later, Indrani allegedly throttled her daughter which led to Sheena's murder. Apparently, Indrani then coldly commanded Shyamvar to drive to her apartment in Worli. The trio then placed her body in a duffel bag and drove 60 miles to a village named Gagode in the Raigad district's Pen tehsil that same night (early on April 25, 2012), carrying a dead body through the roadway. At 4:00 am on April 25, 2012, the suspect drove to a remote area of the forest, removed the deceased corpse, placed it inside the bag, drenched the bag in gasoline, and lit the bag.

On May 23 2012, in Gagode Budrul, villagers discovered a burned suitcase. But the body was far beyond recognition. The body was decomposed; the only sign that hinted it was a woman's body having long hair. Police came to that place, discovered the body and waited for someone to claim the body because the area was prone for body dumping. After waiting for days, they finally disposed of the body.

ARREST AND AFTERMATH:

On 25 August 2015, Mumbai Police arrested Indrani⁷ along with his driver Shyamvar Rai. They have been arrested and was charged under sections 302, 201, 363 and 34 of the Indian Penal Code, 1860 and taken to the Bandra Metropolitan Magistrate's court, , which remanded her in police custody. On 26 August 2015, Indrani's ex-husband Sanjeev was also arrested in Kolkata and charged for the same offences. Sanjeev allegedly confessed to the offences charged.

Peter Mukerjea was arrested on 19 November 2015, on charges related to Sheena Bora's murder and was also accused of siphoning a lot of money from INX media, a company they later

⁷ Samyabrata Ray Goswami, *TV top gun's wife held in murder case-victim was daughter of accused*, the telegraph August 26, 2012, last accessed on 26th January 2025.

stepped down. To avoid problems, a lot of this money has been transferred to their relatives' account. One of that bank account was in Sheena Bora's name in Singapore.

Sheena's remains were found by the police in Raigad district, 112km from Mumbai, following which a case of murder was registered against unknown persons in 2012. Her identity was eventually established.

Sheena's last Facebook post was in December 2011 and she was not seen since. When some friends had asked about Sheena's whereabouts, they said, they were told that she was abroad for her higher studies. After her studies, Sheena used to work with a well-known company. An even more drastic element was added when Sheena's brother Mikhail stated on August 26, 2015, that she was Indrani's daughter and not her sister⁸.

CHRONOLOGY OF CRIME:

DATE	INCIDENTS
April 24, 2012	Sheena resigns her position from Mumbai Metro One and requests a leave of absence, in writing. Since then, she has not been seen or heard from.
May 23, 2012	After locals in Gagode, Pen tehsil, Maharashtra, complain of a bad odour, police discover a decaying body.
August 21, 2015	Shyamvar Rai was arrested for illegal possession of armed weapons.
August 26, 2015	Indrani opened up that Sheena was her daughter from previous marriage and not her sister
August 27, 2015	Sanjeev Khanna was arrested from Kolkata, since Shyamvar confessed that he was under the direction of his masters.
August 28, 2015	Sanjeev confessed to his complicity in the crime. He had earlier said that, the body was lying next to him in the car on April 24, 2012.
August 29, 2015	Maharashtra police had ordered a probe into why the Raigad police did not register an Accidental Death Report after they found a burnt corpse, suspected to be Sheena.

⁸ Qayam, *Mikhail Bora confirms that himself and Sheena are Indrani's son and daughter*, siasat August 26, 2015, last accessed on 27th January 2025.

September 2015	Siddhartha Das, a resident of Kolkata and Indrani Mukerjea's ex-partner, claims that he is Sheena Bora's biological father. After this, the matter is handed over to the CBI, which subsequently filed a police report (FIR) accusing Indrani Mukerjea, Sanjeev Khanna, and Shyam Rai.
November 2015	Peter Mukerjea was also arrested by CBI
2016	CBI filed charges against Indrani Mukerjea and the driver. Later, Peter Mukerjea is also mentioned. According to the CBI, Peter and Indrani Mukerjea were opposed to their relationship with Rahul and were equally participating in the conspiracy to remove Sheena Bora.
2017	The trial begins. A Special CBI court charges Indrani, Sanjeev Khanna and Peter Mukerjea for conspiracy, murder, abduction, destroying evidence and giving false information regarding the victim.
October 2019	Indrani and Peter Mukerjea decide to end their relationship and are granted divorce by the Mumbai family court.
March 2020	Peter was granted bail by special CBI court ⁹
May 18, 2022	The Supreme Court grants bail for Indrani as she had spent already six and a half years in custody.

CRUCIAL ROLE OF DIGITAL EVIDENCE IN THE CASE:

The accused Indrani, the owner of numerous media houses who was holding significant portfolios, has been arrested by the Mumbai Police crime branch on the charge of alleged murder of her daughter Sheena with disposal of the body in Raigad in 2012, according to media sources. The family of a prominent businessman and television network owner is involved in controversy and serious trouble. The Forensic Science Laboratory has informed the Mumbai Police who are looking into the murder case that 8 of the 10 DNA codes recovered from the skeletal bones discovered at Pen and the accused's blood samples matched. According to police sources, the FSL would need to finish the testing on an additional eight codes in order to determine if the skeletal remains belong to the victim, The police had forwarded the state FSL the bone remains discovered at Pen and blood samples from the three accused people. Since this would be their first connection to the crime, the forensic report will be crucial in helping the police establish their case against the suspects. Sanjeev Khanna, Shyamvar Rai, and Indrani were all remanded to police prison until September 7th, 2015.

⁹ Pratim Alias Peter Mukherjea v. Union of India And Anr on 19 January, 2018

The Central Bureau of Investigation (CBI) team received a pen drive and a booklet from the Maharashtra Forensic Science Laboratory (FSL) on November 2015 before Peter Mukerjea's arrest¹⁰. These items contained information from three laptops, four mobile phones, a hard drive, and a pen drive that belonged to people linked with the Sheena Bora case. FSL can detect deleted e-mails and text messages based on logs saved on the hard disk of the computer and the mobile phone.

Additionally, according to the police, Indrani created a false Sheena account and used it to send many emails to unnamed recipients in which Sheena claimed to be doing well in the US. The Special Public Prosecutor believed that in order to learn more about where and to whom the emails were sent, they needed to meet with the internet protocol service provider's nodal officer. Police also cited three emails from Indrani's mail account that they claimed to have retrieved, with dates of March 8, May 4, and August 7, 2012. Police Prosecutor claimed that printouts of the messages were taken in front of many witnesses without divulging their contents.

Sheena Bora's close friend and old classmate from Guwahati received emails from Sheena Bora in 2009 detailing abuse by her mother, Indrani Mukerjea. The email conversation between Sheena and Sanjana Phukan Raktim, which is in the possession of the Central Bureau of Investigation (CBI), reveals that Sheena's stressful relationship with Indrani became even more strained once Indrani found out about her contact with Peter Mukerjea's son Rahul¹¹.

The emails Sheena sent to Indrani in March 2012 before the murder and to Peter almost a year later were from two different email addresses. Investigators said the second address was fake and was created to cover up the crime. The first mail from sheenabora@gmail.com pleads with her mother that she is happy with Rahul and suggests that they are living a happy life without any manipulations. The last mail from sheenabora@hotmail.com to pmukerjea@gmail.com has the content, Sheena saying that Indrani was neither her mother nor her sister¹².

According to sources collected on May 4, 2012, the email may be related to Indrani instructing

¹⁰ Rashmi Rajput, Mohamed Thaver, *Sheena Bora murder case: Before Peter's arrest, CBI got electronic evidence from FSL*, Indian express, November 21 2015, last accessed on 29th January 2025.

¹¹ Charul Shah, *Sheena's emails to close friend reveal harassment by Indrani in 2009*, Hindustan times Feb 19, 2016, last accessed on 29th January 2025.

¹² Swati Deshpande, *Revealed: Sheena Bora's emails before and after death*, times of India, Nov 24, 2015, last accessed on 4th February 2025.

company employees to forge Sheena's signature. Police said they learned that Indrani may have used a credit card to pay for items used in the alleged murder, so they need to investigate her bank account to seek custody of the accused.

A forensic expert testified in court during the ongoing trial of Sheena Bora case, that a digital superimposition of the photograph of Sheena Bora and the skull found by the prosecution was a match. Sunil Kumar Tripathi¹³ was called to testify in the case because he and his team had examined the skeletal remains thought to belong to Sheena Bora.

In his deposition, Tripathi informed the court that a digital superimposition of the photos of Sheena Bora's skull and her skull matched based on facial features, including teeth.

The witness described the operation of the digital superimposition software and added that it was used to compare certain facial features from a photograph of a person with those in a photograph of the skull¹⁴.

Police informed court that the vehicle suspected of being used in the crime was found at Khoparkhairane in Navi Mumbai and samples taken from it were sent to the Kalina Forensic Sciences Laboratory (FSL) for examination. Opposing the extension of Khanna's police custody, his lawyer said police had not mentioned any grounds on which his custody was required, since all the points mentioned in the remand application pertain only to Indrani. Indrani Mukerjea was granted bail on May, 2022, after she was arrested by the Mumbai police on August 25, 2015, in connection with the Sheena Bora murder case. The trial still goes on and she was granted bail¹⁵ as she had already spent 6.5 years under custody¹⁶.

LEGAL PROVISIONS:

A) Application of Indian Evidence Act:

1) DNA Testing under S 26 of the Indian Evidence Act

The most recent DNA test findings indicated that Indrani was Sheena's mother. It won't

¹³ Professor and former Head of Department of Institute of Medical Sciences, Banaras Hindu University (BHU)

¹⁴ PTI, *digital superimposition of Sheena's pic, skull a match: Expert*, times of India Jan 3, 2020, last accessed on 5th February 2025.

¹⁵ Swati Deshpande, *SC grants bail to Indrani Mukerjea in Sheena Bora murder case*, times of India May 18, 2022, last accessed on 5th February 2025.

¹⁶ Indrani Pratim Mukerjea vs Central Bureau Of Investigation on 18 May, 2022

be an argument for the murder charge if the DNA from the skeletal bones does not match that of any of Sheena's close relatives. Numerous decisions by the Supreme Court have made it clear that a murder charge can stand even when the authorities are unable to find the victim's body. Given that Sheena's bodily remains were allegedly found at Rai's confession, if the DNA evidence doesn't match, Indrani's defence can undoubtedly point to this aspect.

However, the likelihood of DNA evidence degradation as a result of body part burial and burning may also be taken into account by the court. The opposition will have little ability to disprove such substantial scientific evidence, however, if the DNA test results show that those remains are those of Sheena. According to section 26 of the Evidence Act, "How much of information received from accused may be proved," DNA was taken from a bone that was found after Shyam Rai told the police where they dumped the body. Provided that, when any fact is proved to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved'. In this murder case, Indrani's DNA matches perfectly. So it was evident that the body was of Sheena Bora, the daughter of Indrani.

2) Last seen theory in law:

Indrani was under the condition to explain why she didn't file a missing report for Sheena and it is also liable to explain how she fooled Mikhail and Rahul when they inquired about Sheena. Indrani also bears the burden of explaining her failure to report Sheena's disappearance to the police and her reported attempts to fob off any inquiries about Sheena's whereabouts over the last three years from Rahul Mukerjee or Mikhail Bora. Also the "last seen theory" lies on Indrani since Rahul saw Sheena lastly with her.

3) Section 106 of Indian Evidence Act

The recovery of Sheena's original passport stands against Indrani. Because it is known that Indrani had special knowledge of Sheena having left the country and moved to United States using forged document while she already had a genuine one with her. Section 106 applies at this instance which says that if a person has a special knowledge about something then he/she has the burden to prove it. Since Indrani claims that Sheena left the country three years ago on a forged passport, then Indrani need to explain why Sheena left India with fake passport.

4) No eye-witness scenario:

Call data records (CDR) can prove and compensate the “no eyewitness” scenario by tracking down the locations they travelled on the day through cell towers, when Sheena was murdered.

5) Diary of the victim under section 32 of Indian Evidence Act:

Diary of Sheena Bora which has her handwriting shows the abnormal relationship between Indrani and Sheena Bora. Sheena Bora hated her mother. Section 32 applies here. It states as “Statements written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the court unreasonable, are themselves relevant facts.

6) Admissibility of electronic records as evidence under section 65B of the Indian Evidence Act:

Section 65B of Indian Evidence Act applies in this murder case. The text messages and phone calls exchanged between Indrani and Sanjeev Bora reveals the connection with this case. Electronic evidences are admissible as evidence in the court.

7) Circumstantial evidence:

Since there are no eye witnesses in this case, it relies on circumstantial evidence.

B) Application of CrPC:

The statement of Indrani’s driver Shyamvar Rai has leaked the murder mystery of her daughter Sheena Bora. The driver gave the details of the cold-blooded murder happened three years which involved Indrani Mukerjea and her ex-husband Sanjeev Khanna. The driver made his statement under section 161 of CrPC, which says that “any police officer may examine orally any person supposed to be acquainted with the facts and circumstances of the case. The police officer may also reduce into writing any statement made to him”.

Driver as Approver and Application of pardon:

Police can anytime turn the accused approver in the absence of eye witness and record the confessions against the other accused persons before the Magistrate’s court under section 164¹⁷

¹⁷ Sec.164 of CrPC- Recording of confessions and statements

of CrPC. And then have to apply for pardon under Section 306¹⁸ CrPC to the magistrate.

C) Application of Indian Penal Code:

Proving mens rea

According to all sources, the authorities have not yet determined the reason behind Sheena's alleged murder by her own mother. It won't necessarily result in acquittals if this narrative gap fails to be filled in a convincing way by the time the charge sheet is filed. In criminal law, proving an accused person's criminal intent (also known as mens rea) is more important than determining the reason for the crime in question.

- (i) Section 328 of IPC - Causing hurt by means of poison, etc., with intent to commit an offence:
Sheena Bora was offered a drink by Indrani and so she was drugged when Indrani and Sanjeev Khanna strangled her.
- (ii) Section 364 of IPC - Kidnapping or abducting in order to commit murder Indrani Mukerjea, Sanjeev Khanna and Shyamvar Rai plotted a murder plan and killed Sheena by abducting her.
- (iii) Section 300 of IPC - murder
- (iv) Section 201 of IPC – causing disappearance of evidence of offence, or giving false information to screen offender.
- (v) Section 120-B – Punishment for criminal conspiracy. Indrani and Sanjeev Khanna had conspired through phone calls and text messages to murder Sheena Bora.

CONCLUSION AND SUGGESTION:

Sheena Bora's murder case, has received much more attention over the decades because the offender was alleged to be the mother of the victim. This mysterious murder came into light when one of the accused Shyamvar Rai turned into approver and confessed all the dark events which happened in 2012. Even though Rahul Mukerjea persistently reported to police authorities about Sheena's disappearance, they simply neglected it saying that she being an adult is a responsible person. The mails sent by Indrani from a mail id (sheenabora@hotmail.com) after the death of Sheena was found to be fake by FSL which made them link to the murder case. The emails that the victim sent to her close friend also reveals the harassments by Indrani. Later, phone calls and text messages were recovered which the accused

¹⁸ Sec. 306 of CrPC- tender of pardon to accomplice

exchanged and this was made admissible as electronic evidence under section 65B of Indian Evidence Act. As the accused had already spent 6.5 years under custody, she was granted bail on the ground that the trial may take many years to be completed. The trial is still ongoing as the hearing halted due to transfer of CBI judge and is set to resume.

IX. REFERENCES:

(A) Magazine

1. Times of India
2. The Hindustan Times
3. Indian Express
4. Telegraph
5. India Today

(B) WEBLIOGRAPHY:

1. www.huffingtonpost.com
2. www.ndtv.com
3. www.dnaindia.com
4. www.deccanherald.com
5. www.livemint.com
6. www.siasat.com
7. www.firstpost.com
8. www.thequint.com
9. www.mid-day.com
10. www.hindustantimes.com
11. www.theprint.in
12. www.freepressjournal.in
13. www.oneindia.com
14. www.timesofindia.com