

CNR No.MHLA010022332022



Presented on : 28/06/2022

Registered on : 28/06/2022

Decided on : 25/03/2026

Duration : 03Y. 08M. 27Ds.

SC Case No.88/2022

Exh.No. 113

Form No.XXXII

Part 'A'

(Para 44(i) of Chapter VI of Criminal Manual)

<u>IN THE COURT OF SESSIONS JUDGE, LATUR</u> (Presided over by Shri Sanjay J. Bharuka, Sessions Judge, Latur)	
(Arising out of FIR No.59/2022 registered with M.I.D.C Police Station, Latur for the offence under Section 302 of Indian Penal Code)	
Complainant/ Prosecution	State of Maharashtra, Through Police Station Officer, M.I.D.C. Police Station, Latur District Latur.
Presented by	Shri S.V.Deshpande, D.G.P.
Accused	Abdul Yunus Shaikh Age- 26 Years, Occ. - Labour. R/o. Islampura, near Tawarja Colony gate, Tq. & Dist. Latur.
Represented by Advocates	Advocate Shri S.S. Nalegaonkar for accused

Part-'B'

(Para 44(ii) of Chapter VI of Criminal Manual)

Date of Offence	08/02/2022
Date of F.I.R.	09/02/2022
Date of Chargesheet	11/05/2022
Date of Framing Charge	06/03/2023

Date of Commencement of evidence	27/06/2023
Date on which judgment is reserved	23/03/2026
Date of the Judgment	25/03/2026
Date of Sentencing order, if any	25/03/2026

Accused Details

Rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Offences charged with	Whether the accused is acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of section 428 of Cr.P.C.
(1)	Abdul Yunus Shaikh	13.02.2022	UTP	Sec. 302 of IPC	convicted	As per final order.	13.02.2022 to 25.03.2026.

Part 'C'

(Para 44(iii) of Chapter VI of Criminal Manual)

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

Prosecution Witnesses:

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
PW-1	Yakub Shaikh (Exh.25)	Informant (father of deceased)
PW-2	Nafisa Shaikh (Exh.32)	Witness (mother of deceased)
PW-3	Prashant Padature (Exh.37)	Witness
PW-4	Suresh Kamble (Exh.43)	Panch on Spot & Inquest
PW-5	Ganpat Padade (Exh.49)	Panch on disclosure statement, seizure of clothes of accused and motor-cycle.
PW-6	Surekha Pitale (Exh.54)	Witness
PW-7	Ganesh Gomchale (Exh.59)	Witness
PW-8	Vishwambhar Ture (Exh.61)	Muddemal Carrier
PW-9	Dr. Nitin Patil (Exh.65)	Medical Officer

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
PW-10	Manmath Dhumal(Exh.70)	Muddemal Carrier
PW-11	Dr. Pravinkumar Mundada (Exh.76)	Private Doctor, who gave primary treatment to the accused at Udgir.
PW-12	Rashtrapal Lokhande (Exh. 81)	Investigating Officer

Defence Witnesses, if any:- Nil

Court Witnesses, if any:- Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBIT

Prosecution Exhibits:

Sr.No.	Exh. Nos.	Description
1)	01	Charge sheet
2)	03	Copy of FIR
3)	17	Charge
4)	26	Oral report of Yakub Shaikh, who is father of Reshma (deceased).
5)	34 & 55	Statements of Nafisa & Surekha u/s. 164 of Cr.P.C.
6)	44	Spot panchanama
7)	45	Inquest panchanama
8)	46 & 52	Seizure panchnama of clothes of deceased & motorcycle of accused.
9)	50	Disclosure statement of accused.
10)	51	Recovery Panchanama.
11)	62	Letter issued by M.I.D.C. Police station to R.F.S.L. Nanded.
12)	66	Postmortem Report.
13)	67	Weapon Query report.

Sr.No.	Exh. Nos.	Description
14)	71	Letter issued by M.I.D.C. Police station to R.F.S.L. Nanded.
15)	72, 73,98	Acknowledgments of R.F.S.L. Nanded.
16)	77	Treatment paper issued by Dr. Mundada, Udgir.
17)	82	Letter issued by API to Commissioner of Municipal Corporation, Latur.
18)	83	Arrest Form.
19)	84	Letter issued by API to Regional Office, Latur.
20)	85 & 86	Letter issued by API to M.O. Govt. Hospital, Latur requesting for examination of accused & for issuing P.M. Report.
21)	87	Letter issued by P.I. of Shivaji Nagar, Latur to A.P.I. M.I.D.C. P.S. Latur in respect of whether any another crime came to be registered against the accused.
22)	88	Information i.e. history of crime committed by the accused.
23)	89	Letter issued by API to M.O. in respect of weapon query report.
24)	93 to 97	Chemical Analysis Reports

Defence Exhibits:

Sr.No.	Exhibit Number	Description
1)	78 & 79	Medical bills of Komal Hospital, Udgir, where accused took treatment.
2)	98	RFSL Online Acknowledgment.
3)	99	Letter head of Shri. Hospital Shirur Anantpal, Dist. Latur.
4)	100	Letter issued by API to M.O. Govt. Hospital Latur for medical examination after his arrest.

Court Exhibits: Nil

Material Objects:

Sr.No.	Material Object No.	Description
1)	M.O.1	Knife
2)	M.O.2	Hair of deceased
3)	M.O.3	Small hair
4)	M.O.4 , 5, 8 & 9	Cotton balls
5)	M.O.6	Aadhar card of accused.
6)	M.O.7	Necklace
7)	M.O.10, 11 & 12	pouch containing soil, envelop containing cotton ball, & Plain soil packed in paper
8)	M.O.13	Bed-sheet
9)	M.O.14, 15 & 16	Top, Knicker & Leggings of deceased
10)	M.O.17, 18 & 19	T-shirt, Jerkin & gray colour pant of accused
11)	M.O. 20	Utility box of motorcycle
12)	Article-1,2 & 3	Envelope in which knife, hair & small hair is packed
13)	Article-4, 5, 9 & 10	Envelope in which cotton balls are packed
14)	Article-6 & 7	Envelope containing two small size envelopes & Aadhar card
15)	Article-11	Envelope containing small plastic pouch containing soil
16)	Article-12 & 13	Envelope containing cotton ball in pouch & plain soil
17)	Article-14 & 15	Photographs of spot of incident & inquest panchnama
18)	Article-16	Photograph where accused produced motorcycle and clothes
19)	Article-17/1 to 17/5	Photographs of seizure of clothes
20)	Article 18/1 & 18/2	Photographs of seizure of motorcycle
21)	Exh.-A	Envelope containing necklace in plastic pouch.

J U D G M E N T

(Delivered on 25/03/2026)

01. Accused is facing trial for the offence punishable under Section 302 of the Indian Penal Code.

02. Case of prosecution in brief is as follows:-

First informant Yakub Shaikh, is father of Reshma (deceased), Abdul Shaikh (accused) is husband of Reshma, who got married with her in the year 2019, there was harassment at the hands of Abdul Shaikh to Reshma, hence she started to reside with her parental house, on 03/02/2022, Abdul came to their house and assaulted Reshma by making allegation on her character, on 07/02/2022 Abdul went to the hotel, where Nafisa used to work and gave threat that, "if she fails to sent Reshma to his house for cohabitation, then he will kill Reshma as well as Nafisa".

03. It is further story of prosecution that, on 08/02/2022 at about 5.30 p.m. he received phone call that, some incident occurred at his house, when he reached at his house at about 7.00 p.m., he saw that there was crowd in front of his house and he found Reshma in pool of blood, upon inquiry, he came to know that, Abdul visited his house on that day, he committed murder of Reshma by means of knife (batai) by making assault brutally, hence he lodged report in the police station.

04. On the basis of said report, M.I.D.C. Police Station, Latur registered Crime No. 59/2022 for the offence punishable under Section 302 of the Indian Penal Code against accused, investigation

was handed over to PSI Rashtrapal Lokhande, spot panchanama and inquest panchanama came to be prepared, autopsy came to be performed in the Civil Hospital, Latur, accused sustained injury to his finger of right hand, he took treatment in the hospital of Dr. Mundada, investigating officer got the said information, accordingly, police apprehended accused from the said hospital on 08.02.2022, then necessary surgery came to be performed on accused, after discharge, accused came to be arrested on 13.02.2022, investigating officer recorded disclosure statement of accused and pursuant to that accused produced his blood stained clothes and one motorcycle, which came to be seized under recovery panchanama, doctor gave weapon query report, seized muddemal came to be forwarded for chemical analysis and after completion of investigation charge-sheet came to be filed. As offence is exclusively triable by the Court of Sessions, hence matter was committed.

05. Charge came to be framed by my predecessor below Exh. 17 for the offence punishable under Section 302 of the Indian Penal Code, contents were read over to the accused in vernacular, he pleaded not guilty and claimed to be tried. After examination of prosecution witnesses statement under section 313 of the Code of Criminal Procedure came to be recorded. Defence of accused is of denial and false implication.

06. On the basis of facts of the case, following points arose for my determination and my finding against them with the reasons thereof are as under:

	<u>Points</u>	<u>Findings</u>
1)	Whether prosecution proves that death of Reshma Abdul Shaikh is homicidal death?	Proved
2]	Whether prosecution proves that on 08/02/2022 in between 5.00 to 5.30 p.m. in the house of informant, behind Grand Hotel, Awanti Nagar, Latur accused committed murder of Reshma by intentionally assaulting her by means of knife on her vital parts and thereby committed an offence punishable under Sec. 302 of IPC ?	Proved
3]	What order ?	As per final order.

Submission of Prosecution

07. Learned DGP S.V. Deshpande submits that, Yakub (P.W.1) has lodged the complaint promptly by mentioning specific name of accused, he has deposed about strained relationship between Abdul and Reshma, earlier incident of 03/02/2022 about assault to Reshma by accused, earlier incident of 07/02/2022 about threat to Nafisa by accused, he came to know from the neighbouring persons about the commission of murder of Reshma by accused, Nafisa (P.W.2) has deposed about harassment to Reshma at the hands of Abdul, earlier incident of assault to Reshma by accused dated 03/02/2022, earlier incident of threat to herself by accused dated 07/02/2022 at hotel Savkar, she came to know about the commission of murder by accused, evidence of both the witnesses is consistent with each other and no parent-in-laws would try to implicate their son in law in false case.

08. He further submits that, Advocate Ganesh Gomchale (P.W.7), Surekha Kamble (P.W.4) and police staff rushed on the spot of incident, immediately and all of them came to know that, accused committed murder of Reshma, who are independent witnesses, incident of threat to Nafisa is corroborated by Prashant Padature (P.W.3), Reshma was found in pool of blood, knife was found on the spot of incident itself, Reshma sustained about 33 injuries on her vital parts of her body, which were caused by sharp edged weapon like knife, medical officer proved said injuries and cause of death of Reshma, prosecution proved homicidal death of Reshma by examining Dr. Nitin Patil (P.W.9).

09. He further submits that accused gave disclosure statement and pursuant to that there was recovery of blood stained clothes of him and motorcycle, which was used in commission of offence, said disclosure statement and recovery of article came to be proved by examining Suresh (P.W.4) panch witness and in the evidence of I.O., which are sufficient to connect the accused with present crime. He further submits that prosecution proved spot panchanama, inquest panchanama, seizure of clothes of deceased and accused, by examining panch witness, there was harassment at the hands of accused to Reshma, hence she was reluctant to reside with accused, accused gave threats to Nafisa to send her otherwise he would kill Reshma, that is the motive to commit the crime, prosecution has proved its case beyond all reasonable doubt, and hence accused may be convicted.

Submission of Defence

10. Whereas, learned Advocate Mr. S.S. Nalegaonkar for the accused submits that Yakub Shaikh and Nafisa Shaikh came to know about the assault by accused from one Anita Sonwane, but investigating officer has not recorded her statement and prosecution could not examine her as a witness, though incident occurred in the broad daylight in residential locality, but prosecution could not examine any eye witness to the incident, which creates doubt on the story of prosecution.

11. He further submits that prosecution itself brought on record that accused went to the hospital of Dr. Mundada at Udgir at about 7.00 p.m., as per the case of prosecution incident occurred at about 5.30 p.m., at that time, condition of road to go to Udgir was not good as construction work was in progress, so it is highly impossible for any human being to first go to his home, change the clothes, then go to Babhalgaon to conceal said clothes and then go to Udgir within such a short period of time, hence, disclosure statement and recovery of blood stained clothes are highly doubtful, chemical analysis reports are not helpful to the case of prosecution.

12. He further submits that investigation was carried out casually, there are many lapses on the part of investigating officer, Yakub Shaikh was having grudge against accused as he performed marriage with his daughter against his wish, on the day of incident, some miscreant entered in the house with a view to commit theft, in that incident murder of Reshma took place, Yakub Shaikh took the advantage of said situation and implicated the accused in false case

entire case is based on circumstantial evidence, prosecution miserably failed to prove the charge levelled against accused and hence, he is entitled to be acquitted.

13. I have given thoughtful consideration to the arguments advanced by both the advocates. I have also perused written notes of argument submitted by learned DGP. I have also carefully gone through all the evidence led by the prosecution and proved documents on record. Bearing in mind submissions made by both the advocates and ingredients of Sections 302 of Indian Penal Code, now, I proceed to discuss and appreciate the evidence led by prosecution.

REASONS

AS TO POINT NO.1 :-

14. To prove the fact that, death of Reshma is homicidal, prosecution placed reliance on the evidence of Dr. Nitin Patil (P.W.9), Postmortem report (Exh.66) and inquest panchnama (Exh.45) & evidence of Suresh Kamble (P.W.4), who is panch witness.

15. Dr. Nitin Patil (P.W.9), who conducted autopsy has deposed that, he found about 33 external injuries over the dead body of Reshma, which are as under:

- 1] Incised wound over anterior aspect of neck, 1 cm above suprasternal notch, cutting underlying trachea, both angles acute, tailing towards right side, margin clean cut.

- 2] Incised wound over anterior aspect of neck 1 cm above and right lateral to injury no. 1, muscle deep, margin clean cut, tailing towards left side.
- 3] Incised wound over anterior aspect of neck, 0.3 cm above and parallel to injury no. 2, muscle deep, margin clean cut, tailing towards right side.
- 4] Incised wound over anterior aspect of neck, 1 cm above injury no. 3, muscle deep, margin clean cut, tailing towards right side.
- 5] Stab wound merged with right lateral aspect of injury no. 4, muscle deep, margin clean cut.
- 6] Incised wound over right lateral aspect of neck, starting from right angle of mandible, muscle deep, margin clean cut.
- 7] Incised wound over right mastoid, muscle deep, margin clean cut, tailing towards ear.
- 8] Stab wound over right lateral aspect of neck, posterolateral aspect, muscle deep, margin clean cut.
- 9] Incised wound over occipital region on right side, vertically oblique, margin clean cut.
- 10] Incised wound over right shoulder, margin clean cut, tailing towards lateral end.
- 11] Stab injury over lateral aspect of right clavicular region, cavity deep, margin clean cut.
- 12] Stab injury over right side chest, above and medial to right nipple, muscle deep, margin clean cut.
- 13] Stab wound over right side of chest, and medial to injury no. 12, muscle deep, margin clean cut.
- 14] Stab wound over right side of chest, below and medial to injury no. 13, muscle deep, margin clean cut.
- 15] Stab wound over left side of chest, below and medial to left nipple, muscle deep, margin clean cut.

- 16] Stab wound over right hypochondriac region, below left nipple, muscle deep, margin clean cut.
- 17] Incised wound over left hypochondriac region, below left nipple, muscle deep, vertically oblique, margin clean cut.
- 18] Incised wound over left arm, muscle deep, margin clean cut.
- 19] Incised wound over base of right thumb dorsally, muscle deep, margin clean cut.
- 20] Incised wound over dorsal aspect of right hand, muscle deep, margin clean cut.
- 21] Incised wound over palmar aspect of right hand, bone deep, margin clean cut.
- 22] Incised wound over right forearm, lower third region, medial aspect, muscle deep, margin clean cut.
- 23] Incised wound over right thigh, antero-laterally upper third region, vertically oblique, muscle deep, margin clean cut, tailing towards lower end.
- 24] Incised wound over right thigh medially, vertically oblique, muscle deep, upper third region, margin clean cut, tailing towards lower end.
- 25] Incised wound over left thigh laterally, lower third region, vertically placed, muscle deep, margin clean cut, tailing towards lower end.
- 26] Incised wound over right thigh, posteriorly, upper third region, muscle deep, margin clean cut.
- 27] stab wound over right thigh, lower third region posteriorly, muscle deep.
- 28] Incised wound over left forearm, extensor aspect, muscle deep, obliquely placed, margin clean cut.
- 29] Incised wound over left forearm, below and medial to injury no. 28, muscle deep.
- 30] Incised wound over left ring finger, dorsal aspect of proximal phalynx, muscle deep, margin clean cut.

- 31] Incised wound over left hand, palmar aspect, base of little finger, muscle deep.
- 32] Incised wound over right mandibular region, vertically placed, muscle deep, margin clean cut.
- 33] Abrasion over left thigh, posteriorly, middle third region, vertically oblique, reddish brown, tailing towards lower end.

16. Dr. Nitin Patil (P.W. 9) further deposed that, on internal examination, in respect of head (under the scalp) he found hematoma on right frontal region, of size 4 x 3 cm, which was red in colour and injury to the pleura, he found 200 cc (ml) reddish fluid in right pleural cavity. He further deposed that, all the injuries were ante-mortem injuries and as per his opinion, cause of death of Reshma Shaikh was due to 'multiple injuries'. Dr. Nitin Patil has proved postmortem report, which is at Exh.66, which also shows that, cause of death is due to multiple injuries.

17. On perusal of evidence of Dr. Nitin Patil (P.W.9) and Postmortem Report (Exh. 66), it appears that, Reshma sustained 33 wound injuries on vital parts of her body and said injuries are ante-mortem. It is pertinent to note that Dr. Patil is well experienced doctor, who has conducted many autopsies, though, he was cross-examined at length on the point of autopsy, but nothing fruitful has come on record to disbelieve his version and findings recorded in postmortem report.

18. It has come on record in the evidence of Suresh Kamble (P.W.4) that inquest panchanama (Exh.45) came to be prepared in his presence and he saw that there are multiple injuries sustained to

Reshma. It appears that, similar facts are mentioned in inquest panchnama. After considering evidence of Dr. Nitin Patil (P.W.9), it appears that prosecution proved injuries sustained to Reshma and cause of death through this witness, who is independent and responsible medical officer. After considering above documents and evidence of both the witnesses, this court finds that, the prosecution has proved that death of Reshma Shaikh is homicidal death. Thus, I answer point no.1 as 'proved'.

AS TO POINT NO. 2 :-

19. Admittedly, entire case of the prosecution is based on circumstantial evidence. Before appreciating the evidence on record, it would be beneficial to see the cardinal principle of criminal jurisprudence and some important observations made by Hon'ble Apex Court in few judgments, while dealing the cases in respect of circumstantial evidence.

20. The fundamental presumption in the administration of criminal law is the innocence of the accused, till the charges are proved beyond reasonable doubt on the basis of cogent and credible evidence. Mere suspicion, however, strong it cannot be substituted for the legal proof, required to substantiate the charge of commission of crime.

21. One of the earliest and landmark decision on the point of circumstantial evidence, is in the case of **Hanumant Govind Nargundkar vs. State of M.P.**, [AIR 1952 SC 343], in which the

Hon'ble Apex court held that circumstances from which an inference of guilt of accused is to be drawn, should be fully established, they should be consistent and such circumstances must be proved beyond all reasonable doubts. It is also held that circumstances so relied should be conclusive in nature, must form a complete and unbroken chain, pointing to the accused alone as a guilty person.

22. The law on circumstantial evidence has been discussed at length in case of **Sharad Sarada vs. State of Maharashtra – 1984(4) SCC 116** in which Hon'ble Apex Court has observed as under:

"It is well settled that the prosecution must stand or fall on its own legs and it cannot derive any strength from the weakness of the defence. This is trite law and no decision has taken a contrary view. Before using the additional link, it must be proved that all the links in the chain are complete, which do not suffer from any infirmity and the onus was on the prosecution to prove that the chain is complete, falsity of the defence set up by the accused cannot be made basis for ignoring serious infirmities in the case of prosecution."

23. In **Ramreddy Rajesh Khanna and another vs. State of A.P. [2006 (10) SCC 172]** Hon'ble Apex Court held that it is well settled that suspicion, however grave, it cannot be substitute for a legal proof and the Court shall take utmost precaution in finding the accused guilty only on the basis of circumstantial evidence.

24. In the light of above legal position, now, I consider whether in the present case, the prosecution succeeded in establishing the chain of circumstances leading to an inescapable conclusion that accused has committed murder of Reshma.

Circumstances Relied by the Prosecution.

25. On perusal of documents and evidence on record, it appears that prosecution is relying on the following circumstances to prove the guilt of accused:

- 1) Relation between Reshma and accused were strained.
- 2) Incident of assault on 03/02/2022 by accused to Reshma.
- 3) Incident of threat to Nafisa (P.W.2) on 07/02/2022 by accused.
- 4) On 08/02/2022, multiple injuries found on the person of Reshma, which can be caused by sharp edged weapon like knife.
- 5) One blood stained knife found on the spot of incident, where Aadhar Card of accused was also found.
- 6) Injuries sustained to the finger of accused.
- 7) Name of accused is revealed to police and other witnesses, who rushed on the spot of incident immediately.
- 8) Oral report came to be lodged promptly by Yakub Shaikh.
- 9) Disclosure statement of Abdul and pursuant to that recovery of blood stained clothes.
- 10) Weapon query report.
- 11) Chemical Analysis Reports.
- 12) Motive to commit murder
- 13) Subsequent conduct of Abdul Shaikh (accused) after murder of Reshma.

26. Before appreciating the evidence of witnesses, it is necessary to mention few admitted facts of the present case, which

are as under :

- i) Yakub Shaikh (P.W.1) & Nafisa (P.W.2) are parents of Reshma, whereas Abdul (accused) is husband of Reshma.
- ii) There was love marriage between Reshma and Abdul (accused), both the families were known to each other prior to marriage.
- iii) Before the incident, Reshma started to reside at her parental house, due to matrimonial dispute.
- iv) During the said stay of Reshma at her parental house, accused used to come there at some occasions to meet Reshma.
- v) On the day of incident, Reshma (deceased) sustained multiple injuries on vital parts of her body.
- vi) Accused sustained injury to his right hand finger and on 08/02/2022 he took treatment, in the hospital of Dr. Mundada at Udgir.

27. Before appreciating evidence of above said witnesses, it is profitable to see the judgment of **Balu Sudam Khalde V/s. State of Maharashtra, [2023 SCC On-Line SC 355]**, in which principles relating to appreciation of oral evidence have been discussed by the Hon'ble Apex Court, observing that appreciation of ocular evidence is a hard task, there is no fixed or straight-jacket formula for appreciation of the ocular evidence. In the said judgment the Hon'ble Apex Court has given some guidelines. I will refer the same at appropriate place, as and when required.

28. Now, let's see as to what evidence has come on record to prove above mentioned circumstances, on which prosecution wants to rely. I discuss above said circumstances one after one.

First circumstance is relations between Abdul & Reshma were strained.

29. It is the case of prosecution that after the marriage, relations between Abdul and Reshma were strained due to harassment at the hands of accused, hence, Reshma started residing at her parental house, Abdul used to come on some occasions to meet Reshma at her parental house, at that time also quarrel and assault took place. To prove above circumstance, prosecution wants to rely evidence of Yakub Shaikh (P.W.1), Nafisa Shaikh (P.W.2) and Surekha Pitale (P.W.6).

30. Crux of evidence of Yakub Shaikh (P.W.1) in respect of first circumstance is that Reshma (deceased) was his daughter, who married with accused, after marriage Reshma came to his house and informed that accused used to made demand of unnatural sex on its refusal, accused used to beat her, prior to 1 & 1/2 months of the incident, Reshma started to reside his house due to harassment of accused Abdul.

31. In the cross-examination of Yakub Shaikh (P.W.1) it has come on record that he was against the love affair and marriage of Reshma with Abdul, he consented their marriage at the instance of family member, he has not invited Abdul for naming ceremony of Reshma's son, during stay of Reshma in parental house, Abdul came only once on the occasion of birthday of his son and he gave new dress to his son, discussion took place amongst them about Talaq, Reshma did not issue any notice to Abdul through Kazi or anybody, there was no personal communication between him and Abdul, he did not try to resolve the dispute between Abdul and Reshma.

32. Crux of evidence of Nafisa Shaikh (P.W.2) in respect of first circumstance is that after one month of marriage accused started to beat & harass Reshma for physical relations, accused beat Reshma by putting his fingers in her mouth, Reshma informed said incident to them on phone, accordingly, they went in the house of accused with police and brought Reshma to their house, due to the said harassment, Reshma was unable to eat for 15 days, thereafter Reshma filed complaint before Women Redressal Forum.

33. On perusal of record, it appears that above things in respect of harassment at the hands of accused, has come on record by way of omission. Though above facts have come on record by way of omission, but fact remains that Reshma started to reside in her parental house, which is sufficient to indicate that everything was not smooth in her married life.

34. Crux of evidence of Surekha Pitale (P.W. 6) in respect of first circumstance is that she used to reside in one room of the house of Nafisa as a tenant, Reshma started residing at her mother's house due to quarrels with accused. In the cross-examination of Surekha (P.W.6) it has come on record that accused used to come to meet Reshma intermittently, Abdul & Reshma did not use to allow any third person to speak between their quarrel, she does not know cause of dispute between Reshma and Abdul.

35. On perusal of evidence of Yakub Shaikh, it appears that, he has deposed about the harassment to Reshma at the hands of Abdul, his version is corroborated by Nafisa (P.W.2) and Surekha Pitale (P.W.6). Considering the nature of cross-examination to above

said witnesses, it appears that defence has not seriously disputed that prior to incident Reshma used to reside at her parental house, quarrel used to be taken place between Reshma & accused and their relations were strained. So, prosecution has proved first circumstance that prior to the incident, relations between Abdul and Reshma were strained.

Next circumstance is about the incident of assault to Reshma, which took place on 03/02/2022 i.e. just few days before the incident of murder.

36. It is the case of prosecution that, Surekha Pitale (P.W.6) is tenant of Yakub Shaikh, who used to reside in the same premises, where house of Yakub Shaikh is situated, on 03/02/2022, accused visited parental house of Reshma, at that time accused quarreled with her and said incident witnessed by Surekha Pitale (P.W.6) and Nafisa Shaikh (P.W.2). To prove above circumstance, prosecution wants to rely evidence of Surekha Pitale (P.W.6) and Yakub Shaikh (P.W.1)

37. Crux of evidence of Surekha Pitale (P.W. 6) in respect of second circumstance is that, on 3.2.2022 at about 11:00 p.m., quarrel was going on between Reshma and accused, at that time accused beat Reshma, at that time, she herself, Nafisa & Usha Arjune were sitting in courtyard. Crux of evidence of Yakub Shaikh (P.W. 1) in respect of second circumstance is that, on 3/2/2022, he came to know from his wife Nafisa that accused came to their house and assaulted Reshma, by taking suspicion on her character.

38. On perusal of evidence of Surekha (P.W.6), it appears that she has deposed about the incident of assault, which took place

on 03/02/2022 and her version is corroborated by Yakub Shaikh (P.W.1). Nothing has come on record in the cross-examination to disbelieve version of above both the witnesses in respect of incident dated 03/02/2022. So, prosecution proved the second circumstance i.e. assault made by accused to Reshma on 03/02/2022 by visiting the house of Yakub Shaikh, which took place just five days before the incident of murder.

Next circumstance is incident of life threat to Nafisa (P.W.2) by accused on 07/02/2022 i.e. just one day before the incident of murder.

39. It is the case of prosecution that, Nafisa (P.W.2) used to work in hotel Savkar, where she is known as 'Bhabi', whereas Surekha (P.W. 6) used to work in hotel Biryani Bowl, both the hotels are situated nearby, accused Abdul visited hotel Savkar on 07/02/2022 in the evening and gave threat to Nafisa (P.W.2), which was witnessed by Prashant (P.W. 3). To prove the said circumstance prosecution wants to rely on the evidence of Nafisa (P.W. 2), Prashant (P.W. 3), Surekha (P.W.6) and Yakub Shaikh (P.W.1).

40. Crux of evidence of Nafisa (P.W. 2) in respect of third circumstance is that on 07/2/2022 at about 7:00 p.m., accused came to her work place and asked her to sent Reshma for cohabitation, else he would kill her and Reshma. On perusal of cross-examination, it appears that nothing fruitful has come on record to disbelieve the above version of Nafisa (P.W. 2).

41. Crux of evidence of Prashant (P.W.3) is that, he works in Hotel Sawkar as waiter, on 7/2/2022 at about 7:00 to 7:30 p.m.,

accused came in his hotel and abused Nafisa by giving threats to sent Reshma for cohabitation otherwise he would kill either Nafisa or Reshma. In the cross-examination, it has come on record that nature of work of Nafisa is preparing meals in the kitchen, which is just adjacent to the counter of the hotel, when that person (accused) came in to the hotel, he was working near kitchen and said person made inquiry about Bhabi (Nafisa).

42. Crux of evidence of Surekha Pitale (P.W. 6) in respect of third circumstance is that, on 07/02/2022 she went on work, at about 6:00 to 7:00 p.m. accused has come in Hotel Sawkar and asked her whether Nafisa has come in the hotel. In the cross-examination nothing has come on record as far as above incident is concerned, except giving suggestion, which came to be denied. Crux of evidence of Yakub (P.W.1) in respect of third circumstance is that he came to know from Nafisa about the incident of giving threat by accused at Hotel Sawkar dated 07.02.2022.

43. On perusal of evidence of Nafisa (P.W.2), it appears that she has deposed as to when accused came in Hotel Savkar and how he gave threats to her. It appears that Yakub Shaikh came to know about the said incident from his wife Nafisa, which indicates that Nafisa immediately informed said incident to her husband. So, version of Nafisa in respect of threat is corroborated by Yakub Shaikh (P.W.1).

44. Considering the nature of cross examination of Prashant (P.W.3), it appears that, defence has not disputed presence of this witness in the hotel Savkar at relevant date and time. It is pertinent

to note that, Prashant (P.W.3) is an independent witness and he has corroborated the version of Nafisa (P.W. 2) that, accused gave life threat to her. It appears that presence of accused in hotel Savkar, is also corroborated by Surekha (P.W.6). So prosecution has proved third circumstance in respect of incident of threat to Nafisa (P.W.2) dated 07/02/2022. It is pertinent to note that, incident of threat dated 07/02/2022 is important one, which occurred just one day before the incident of murder of Reshma dated 08/02/2022. Said incident is sufficient to draw an inference, what was going in the mind of accused prior to one day of incident and what was his feeling about Reshma.

Next circumstance is that multiple injuries found on the person of Reshma, which can be caused by sharp edged weapon

45. Prosecution has proved that, Reshma sustained multiple injuries, which can be caused by sharp edged weapon by examining Dr. Nitin Patil (P.W.9) and Suresh Kamble (P.W.4) and placing reliance on postmortem report Exh-66 and inquest panchanama Exh-45. Above evidence has already discussed at length while answering point no.1 and hence, same is not reproduced here. In view of above, prosecution has proved this fourth circumstance, which is not seriously disputed by defence.

Next circumstance is that knife and Aadhar card of accused were found on the spot of incident.

46. It is the case of prosecution that after committing murder of Reshma, accused left the knife on the spot, while making assault, his Aadhar card fell on the floor, Rashtrapal Lokhande (P.W.12) prepared spot panchanama in the presence of Suresh Kamble

(P.W.4) panch witness, at that time one blood stained knife and one Aadhar card of accused came to be seized, from the spot of incident. To prove the said circumstance, prosecution wants to rely evidence of Suresh Kamble (P.W.4), Rashtrapal Lokhande (P.W.12) and spot panchanama (Exh.44) in which there is reference of seizure of above articles.

47. Crux of evidence of Suresh Kamble (P.W.4) is that on 08/02/2022 he acted as a panch, in his presence spot panchanama came to be prepared, at that time blood stained knife, Aadhar Card and other articles came to be seized from the spot, nine photographs came to be taken (Article-14). This witness proved spot panchanama, which is at Exh. 44, he identified knife (MO-1), Aadhar card (MO-6) and all other articles, which came to be seized from the spot of incident.

48. In the cross-examination of Suresh Kamble (P.W.4), it has come on record, as far as seizure of knife and Aadhar card of accused is concerned, that he went to Awanti Nagar (spot of incident) at about 6.00 p.m., police were already present there, house in question, was open, many persons were gathered outside the house, dead-body was on the bed, necklace (mangalsutra) was of gold, Aadhar card (MO-6) was lying on tiles in front of the cupboard, knife (MO-1) was lying on the floor under the bed, he had seen the injuries on the dead-body in the presence of police, panchanama came to be prepared in his presence.

49. On perusal of cross examination of Suresh Kamble (P.W.4), it appears that defence has not seriously disputed blood

stained knife (MO-1), Aadhar card of accused (MO-6) and other 11 articles came to be seized by police and that spot panchanama came to be prepared in his presence.

50. On perusal of evidence of Rashtrapal Lokhande (P.W.12), as far as seizure of knife and Aadhar card is concerned, it appears that he has also deposed similar facts as deposed by Suresh Kamble (P.W.4). It has come in his cross-examination that there was knife (MO-1) stained with blood near the bed, there was one Aadhar card (MO-6) on the name of Abdul Yunus Shaikh (i.e. accused), blood was lying on the floor in the room, knife, Aadhar card and other articles came to be seized from the spot and thereafter spot panchanama came to be prepared.

51. On perusal of evidence of Rashtrapal Lokhande (P.W.12), it appears that he has corroborated version of Suresh Kamble (P.W.4), as far as seizure of knife, Aadhar card and preparation of spot panchanama is concerned. In view of above, it appears that, by examining Suresh Kamble (P.W.4) and Rashtrapal Lokhande (P.W.12), prosecution has proved the circumstance that blood stained knife (MO-1) & Aadhar card (MO-6) of accused were found on the spot, which came to be seized at the time of spot panchanama.

52. It is pertinent to note that no explanation has come on record from accused as to why and how his Aadhar card was found on the spot, soon after the incident. So, seizure of Aadhar card of accused, from the spot of incident is one of the important circumstance to show that, he was present on the spot at the time of

assault of Reshma and said circumstance connects accused with the murder of Reshma.

Next circumstance is in respect of injuries sustained to the finger of accused.

53. It is the case of prosecution that accused assaulted Reshma mercilessly by means of knife, due to which he also sustained injuries to his right hand fingers, which is one of the most important link to connect the accused with the commission of murder of Reshma and for that purpose, prosecution wants to place reliance on the evidence of Dr. Mundada (P.W. 11) of Udgir, who has provided initial medical treatment to accused.

54. Crux of Dr. Mundada (P.W.11) is that, he runs Komal Hospital at Udgir, on 08/02/2022, patient Abdul (accused) came in his hospital, who has sustained injury between thumb and index finger of right hand of size 7 x 5 x 3 cm, which was substantially deep, tendons of the fingers were cut, said patient gave history that he sustained injury while cutting wood, as injury was deep and tendons were cut, so surgery was necessary, he provided primary treatment and advised him to go any hospital for surgery, thereafter police came in his hospital told that, Abdul (accused) committed murder at Latur, he prepared OPD papers and proved the same vide Exh. 77. Dr. Mundada identified the accused.

55. It appears that during his evidence, knife (MO-1) was shown to him, upon which he says that, such injury caused to

accused is possible, if any person tries to assault another person by means of sharp weapon like knife (MO-1).

56. In the cross-examination of Dr. Mundada it has come on record that accused Abdul was treated as OPD patient, he was present in the hospital when police came between 6.00 to 7.30 p.m., he did not make inquiry with police, from which police station they came, OPD papers (treatment sheet of accused Exh. 77) bears signature of him, injury described in it, is possible by any sharp instrument, he handed over said papers to the police on the same day.

57. On perusal of evidence of Dr. Mundada (P.W.11) it appears that accused Abdul went to his hospital on 08/02/2022 between 6.00 p.m. to 7.30 p.m. as he sustained injury between thumb & index finger of right hand, tendons were cut and injury was deep and for that surgery was required, he opined that such type of injury can be possible, if someone tries to make assault by sharp weapon like knife (MO-1). Considering the nature of cross-examination, it appears that defence has not disputed that accused sustained injury on 08/02/2022, he visited the said hospital and took treatment.

58. It has come on record in the cross-examination of the investigating officer that, after the arrest of accused, he was referred in the civil hospital, Latur and surgery was performed. So, version of Dr. Mundada that accused sustained injury is corroborated in view of above cross-examination by defence that medical treatment provided

to accused in the Civil Hospital, Latur.

Next circumstance is that, name of Abdul is revealed as assailant to police and other witnesses, immediately after the incident.

59. It is the case of prosecution that soon after the incident, Ganesh Gomchale (P.W.7), Surekha Pitale (P.W.6), Rashtrapal Lokhande (P.W.12), reached on the spot, where they came to know that Abdul is assailant. To prove the above circumstance, prosecution placed reliance in the evidence of Ganesh Gomchale (P.W.7), Rashtrapal Lokhande (P.W.12) and Surekha Pitale (P.W.6).

60. Crux of evidence of Ganesh Gomchale (P.W. 7) in respect of this circumstance is that on 8/2/2022 he was present near the spot of incident and at about 5:00 to 5:30 p.m., he heard shouting of women by saying 'मारले मारले' (someone made assault), therefore, he went there, 10 to 15 people gathered in front of the house of Yakub, he entered in the house and saw that, Reshma was lying in pool of blood, he came to know from the neighbourers, gathered on the spot that Abdul (accused) committed murder of Reshma and left the house, thereafter he (this witness) made phone call to Yakub Shaik and police informing the incident.

61. In his cross examination, it has come on record that first he made phone call to police and then Yakub Shaikh, he was present on the spot till 9.00 p.m., after his phone call, police came on the spot within 10 to 15 minutes. Considering the nature of cross-examination, it appears that defence has not seriously disputed his presence on the spot, immediately after the incident.

62. Crux of evidence of Surekha Pitale (P.W.6) in respect of above circumstance is that, on 08/02/2022 she went to Hotel Biryani Bowl for her work, at about 4.00 to 5.00 p.m. she came to know that, “Reshma is lying in unconscious condition”, so she came home, at that time persons were talking that, Abdul (accused) committed murder of Reshma. Crux of her cross-examination is that, she reached at house at about 5.30 p.m., at that time many persons were gathered, police had arrived on the spot and she does not know the name of persons, who were discussing about the incident.

63. Crux of evidence of Rashtrapal Lokhande (P.W.12) in respect of revealing name of Abdul as an assailant is that, on 08/02/2022, he along-with other police staff went to the spot of incident, he found dead body of Reshma in the pool of blood, at that time he came to know that, Abdul (accused) is the assailant of the said crime. In the cross-examination, it has come on record that he was having knowledge that, Abdul is the assailant and investigating team was having secrete information that Abdul was in Udgir.

64. On perusal of evidence of Adv. Ganesh Gomchale (P.W.7), it appears that, he is the person, who immediately went on the spot, after the incident, where he came to know that, Abdul (accused) is the assailant. It is pertinent to note that Advocate Ganesh Gomchale is respectable person and nothing has come on record to show that, he was having any enmity against accused to implicate him in false case. It appears that after the incident, Surekha Pitale (P.W.6) and Rashtrapal Lokhande (P.W.12) also reached on the spot immediately, their version are also similar that

they came to know that Abdul (accused) is the assailant. So, Surekha Pitale (P.W.6) and Rashtrapal Lokhande (P.W.12) corroborates the version of Ganesh Gomchale (P.W.7) that, all of them came to know from the persons gathered on the spot that, it is Abdul (accused), who committed the murder of Reshma.

65. It has come on record that after some time of incident, Yakub Shaikh (P.W.1) & Nafisa Shaikh (P.W.2) reached on the spot and they also came to know that it is Abdul (accused), who committed the murder of their daughter Reshma. So, it appears that version of Yakub (P.W.1) and Nafisa (P.W.2) is also similar one that upon inquiry they came to know that, Abdul (accused) is the assailant.

66. On careful perusal of evidence of abovesaid witnesses, it appears that all of them have deposed one and similar thing that they came to know that Abdul (accused) is assailant. It is pertinent to note that all of them are not connected with each other. Nothing has come on record that Ganesh (P.W.7), Surekha (P.W.6) and Rashtrapal (P.W.12) were having any enmity with accused to implicate him in false case and nothing has come on record to disbelieve their version as far as this circumstance is concerned. So, by examining abovesaid witnesses, prosecution proved that, soon after the incident of murder, name of Abdul came to be revealed as an offender.

Next circumstance is Prompt Oral Report by Yakub Shaikh.

67. Yakub Shaikh (P.W.1) has deposed that on 08/02/2022 about 5.00 to 5.30 p.m., he was at Ahmadpur, he came to know on

phone from Adv. Gomsale that some incident took place in his house, he returned to his house at about 7.00 p.m., he found that Reshma was lying in pool of blood, upon inquiry, he came to know that Abdul Shaikh (accused) assaulted his daughter by means of sharp weapon, as she was not ready to come for cohabitation. Hence, he lodged complaint in the M.I.D.C. Police Station, Latur. He proved oral report Exh. 26. In the cross-examination as far as oral report is concerned, he denied the suggestion that on 08/02/2022, he was present whole day in Latur, initially it was his complaint that his daughter was murdered with intention to theft, he has lot of anger and hate against accused, as Abdul performed marriage with Reshma against his wish, hence he intentionally implicated accused in a false case.

68. On perusal of oral report (Exh. 26) it appears that, similar facts are mentioned in the report, as deposed by Yakub Shaikh in his examination in chief, including specific name of accused. It appears that Yakub Shaikh (P.W.1) lodged the said report at 2.04 a.m. in the intervening night of 08/02/2022 and 09/02/2022, which indicates that oral report was given promptly. It is pertinent to note that prompt report eliminates the possibility of false implication. So, prosecution has proved that prompt oral report came to be given mentioning specific name of the accused.

Next circumstance is disclosure statement of Abdul and pursuant to that recovery of blood stained clothes & motor-cycle.

69. It is the case of prosecution that on 15/02/2022, accused gave disclosure statement in the presence of investigating officer and panch witnesses. To prove the disclosure statement prosecution

examined Ganpat Padade (P.W.5), who is one of the panch witness on disclosure statement.

70. Crux of examination-in-chief of Ganpat Padade (P.W.5) is that on 15.2.2022 he visited MIDC Police Station, he met with Lokhande saheb, accused Abdul was in police custody, he made disclosure statement before him that, "he is ready to show the place, where he concealed his clothes, which were on his person at the time of commission of crime", accordingly his disclosure statement came to be recorded, which bears signature of accused, himself, another panch and police officer. This witness proved disclosure statement of accused, which is at Exh. 50.

71. Further crux of his examination in chief is that thereafter he alongwith police and accused went to Babhalgaon road in the Government vehicle, as per the way shown by accused, he took them near one Nali (drainage) and took out one red colour bag from the said Nali, in which there were clothes, which came to be seized under panchanama in his presence. This witness proved recovery panchanama, which is at Exh. 51. He identified the seized clothes i.e. blue colour T shirt (MO-17), gray colour jerkin (MO-18) and one gray colour pant (MO-19).

72. In the cross-examination it has come on record that he alongwith Sushant Kher reached MIDC Police station at about 2.15 p.m., Lokhandesaheb was in his chamber, accused was in police lock-up, at about 4.30 p.m., they proceeded from MIDC Police Station, he

put his signature on all three panchanamas in the police station, he does not remember whether the bag containing clothes was seized or not, there is no reference about jerkin in the contents of portion mark 'A' of recovery panchanama Exh. 51, photographs (Article-17/1 to 17/5) in respect of seizure of clothes are taken at Babhalgaon road near police head quarters.

73. On perusal of evidence of Ganpat Padade (P.W.5), it appears that he is clerk in MIDC Regional Office, Latur, accused made disclosure statement in his presence, which was reduced into writing, which bears signature of accused and all other concerned and thereby he proved disclosure statement, which is at Exh. 50. It further appears that he along-with police staff and accused went to Babhalgaon road, accused produced one red bag containing clothes, which came to be seized under recovery panchanama (Exh. 51).

74. On perusal of disclosure statement (Exh. 50), it appears that, there is reference that accused disclosed that, "he is ready to show the place, where he concealed his clothes". Recovery panchanama (Exh. 51) indicates that, accused produced his clothes, which were kept in red bag and said bag was concealed in newly constructed dry Nali (drainage), which came to be seized, disclosure statement and recovery panchnama bear signature of accused, panch witnesses and investigating officer.

75. It is true that Ganpat (P.W.5) gave admission that he put his signature on all three panchnamas in the police station. But said

admission needs to be examined in the light of other attending circumstances and one of the guiding principle given by Hon'ble Apex Court in case of **Balu Khalde** (cited supra), which is as under :

VII. A witness, though wholly truthful, is liable to be overawed by the court atmosphere and the piercing cross examination by counsel and out of nervousness mix up facts, get confused regarding sequence of events, or fill up details from imagination on the spur of the moment. The sub-conscious mind of the witness sometimes so operates on account of the fear of looking foolish or being disbelieved though the witness is giving a truthful and honest account of the occurrence witnessed by him.

76. If defence had been sure that signature of this panch witness was taken in the police station in all three panchnamas, then defence must have put said question to the I.O., but surprisingly defence has not put said question to the investigating officer. It is pertinent to note that general people do not aware about the legal terminologies like disclosure statement, recovery panchanama etc., and hence, sometimes they commit such type of mistakes during deposition.

77. It is pertinent to note that Ganpat (P.W.5) is government servant, who is independent witness and there is nothing on record to show that he was under the influence of police. When I consider said stray admission given by Ganpat (P.W.5) in the light of above guiding principle in the case of **Balu Khalde** (cited supra), it appears that due to the Court atmosphere and piercing cross examination, he has given the said admission. Though, this witness gave abovesaid stray admission, but said admission itself not sufficient to disbelieve

his evidence on the point of disclosure statement (Exh. 50) and recovery of clothes (Exh. 51).

78. Record indicates that investigating officer has deposed similar facts on the point of disclosure statement and recovery panchanama of clothes of accused and motor-cycle. In addition to that he has deposed that, there was newly constructed three feet deep dry Nali (dry drainage), clothes were not visible from the outside.

79. In the cross-examination of investigating officer in para no. 36, it has come on record that police training center is situated about 100 to 200 meters from the spot, from where the clothes of accused came to be recovered, he does not know that CCTV cameras have been installed, there is no reference in the disclosure statement (Exh. 50) that accused had made statement voluntarily.

80. On perusal of evidence of investigating officer as far as disclosure statement and recovery panchanama is concerned, it appears that he has corroborated the version of Ganpat Padade (P.W.5) and nothing has come on record to disbelieve his version on the above said point. On perusal of disclosure statement (Exh. 50) and recovery panchanama (Exh.51) it appears that similar facts came to be mentioned in those documents, which have been deposed by Ganpat (P.W.5) and Rashtrapal Lokhande (P.W.12). In disclosure statement, there is specific reference that, it is a voluntary statement of accused Abdul.

81. It is case of prosecution that after seizure of clothes, accused also showed readiness to show the place where he parked his motor-cycle. Accordingly, one motor-cycle came to be seized under panchanama (Exh.52). It is the submission of learned advocate for defence that seizure of motor-cycle can not be treated as recovery of articles, pursuant to disclosure statement as per Section 27 of Indian Evidence Act, as there is no reference in the disclosure statement (Exh.50) in respect of motor-cycle.

82. On perusal of Exh. 50 it appears that there is only reference of clothes of accused and there is no reference in respect of motor-cycle. Hence, I found substance in the submission of defence that seizure of motor-cycle under panchanama (Exh.52) can not be treated recovery pursuant to disclosure statement as per Section 27 of Indian Evidence Act, but said seizure of motor-cycle will have to be considered, as recovery of article, as per Section 102 of Cr.P.C.

83. In the present matter, clothes of accused came to be produced by him from the dry drainage (nali), which was mostly covered from outside, said place was not visible to passerby, accused led police directly to the said spot and produced the said clothes, which is sufficient to indicate that he alone was having knowledge about the same. After considering disclosure statement (Exh. 50) and recovery panchanama (Exh.51) and evidence of Ganpat (P.W.5) and Rashtrapal Lokhande (P.W.12) it appears that, prosecution has proved that accused made voluntary disclosure statement (Exh.50) and pursuant to that he produced his blood stained clothes under recovery panchanama (Exh.51).

Next Circumstance is Weapon Query Report of Dr. Nitin Patil.

84. Prosecution examining Dr. Nitin Patil (P.W.9) to prove the weapon query report. Crux of his evidence is that, police forwarded letter dated 02/03/2022 for weapon query alongwith one knife in sealed condition, after examination of the said knife, he opined that injuries mentioned in the P.M. Report, are possible by this weapon. Accordingly, he issued weapon query report, which is at Exh.67. He identified knife (MO-1).

85. In the cross-examination, it has come on record that knife (MO-1) was sent to him for examination on 02/03/2022 and he took eight days for its examination, texture of the knife (MO-1) is smooth, in the weapon query report Exh. 67 there is a reference that one edge of knife is sharp and other is blunt. He denied the suggestion that knife (MO-1) was not referred for examination.

86. On perusal of evidence of Dr. Nitin Patil (P.W.9) on the point of weapon query report, it appears that knife (MO-1) was referred to him and after examination he gave his opinion, which is at Exh. 67. On perusal of his cross-examination it appears that nothing has come on record to disbelieve his version about the weapon query report.

87. On perusal of evidence of Dr. Nitin Patil and weapon query report Exh.67, it appears that, injuries mentioned in the postmortem report of Reshma, can be caused by the seized weapon i.e. knife (MO-1). It appears that, version of doctor, injuries mentioned in postmortem report (Exh.66) and findings mentioned in weapon query report (Exh.67) corroborate the version of Suresh

Kamble (P.W.4) and Rastrapal Lokhande (P.W.12) that, Reshma sustained multiple injuries all over her body, which can be caused by knife (MO-1). In view of above, prosecution has proved the abovesaid circumstance.

Next Circumstance is Chemical Examination Reports.

88. Prosecution examined Manmath Dhumal (PW.10), who is muddemal carrier and crux of his evidence is that on 06.04.2022, seized muddemal in crime no. 59/2022 was handed over to him, accordingly, he deposited said muddemal to R.F.S.L., Nanded, and obtained acknowledgments. This witness proved requisition (Exh. 71) and acknowledgments (Exh. 72 & 73). In the cross-examination nothing has come on record to disbelieve his version.

89. It appears that there are four Chemical Analysis Reports vide Exh. 93, 95 to 97. On perusal of Chemical Analysis Report (Exh. 93), it appears that no poison is detected in viscera samples. Chemical Analysis Report (Exh. 95) indicates that blood group of Reshma cannot be determined, but Chemical Analysis Report Exh. 97 indicates that blood group of Reshma is 'O'.

90. Chemical Analysis Report Exh. 96 indicates that blood stains of blood group 'O' was found on Article Nos. 1, 2, & 3 (clothes of Reshma), Article No. 4 & 6 (T'shirt and pant of accused) Article No. 9 (bunch of hair), Articles No. 16 (cotton swab) & Article No. 19 (bedsheet). So, it appears that blood group 'O' was found on all the above articles. Chemical Analysis Report Exh. 96 further indicates that hair found on knife (Article No. 8) and hair at Article

No. 9 are human hair, which appears similar hair, which found on part of the vehicle (Article No.7). Chemical Analysis Report (Exh. 97) indicates that nail clipping and hair of Reshma are stained with blood, no semen is detected on vaginal and anal swab.

91. Chemical Analysis Report (Exh. 96) indicates that blood stains of blood Group 'O' were found on the T'shirt and pant of accused and Chemical Analysis Report (Exh. 97) indicates that blood group of Reshma is 'O'. It is pertinent to note that no explanation has come on record either at the time of cross-examination or in the statement recorded u/s. 313 of Cr.P.C. as to how blood stains of blood group 'O' (which is blood group of 'Reshma') were found on his clothes. In view of above findings in Chemical Analysis Reports (Exh. 96 & 97), it appears that, they are also helpful to the case of prosecution to connect the accused with present crime.

Next circumstance is Motive

92. It has come on record that relation between Reshma and accused was strained, Reshma started residing with her parental house before the incident, quarrel used to be taken place between Reshma and accused in parental house also, Yakub Shaikh (P.W.1), Nafisa Shaikh (P.W.2) and Surekha (P.W.6) have deposed about the same, which came to be discussed at length, while discussing first circumstance in aforesaid paragraphs. It has come on record that accused used to suspect on the character of Reshma. In view of above, it appears that accused was insisting for cohabitation with Reshma, prior to one day of the incident, he gave threats to Nafisa (P.W.2) by visiting the Hotel Savkar that, "if she fails to send Reshma

for cohabitation, he would kill her”, due to behaviour and harassment of accused, Reshma was reluctant to go for cohabitation, accused was having anger against Reshma and that is the motive to commit the murder.

Subsequent conduct of Abdul after murder of Reshma.

93. It has come on record that, accused is having many family members including his two married brothers and their wives, earlier they used to reside in the same locality, hence they were known to the persons, residing in locality of Yakub Shaikh, at the time of incident all of them are resident of Latur city. It is the case of prosecution that murder of Reshma was committed at about 5.00 to 5.30 p.m. In this backdrop, news of murder must have come to the knowledge of Abdul and his family members, but nothing has come on record that either accused or his family members reached on the spot to see Reshma. On the contrary it has come on record that, Abdul was found at Udgir, at about 7.00 p.m., which indicates that after the incident Abdul fled away to Udgir.

94. Subsequent conduct of the accused, soon after the incident, is one of the important aspect and said conduct can be taken into consideration as per Section 8 of Indian Evidence Act.

95. In the present matter defence of the accused is of total denial. It is pertinent to note that accused is not a stranger, but he is husband of Reshma, in spite of that, he has nowhere stated about his presence at the time of incident. Accused has not taken the defence of alibi. So, it is incumbent upon him to say as to where he was at the time incident, but surprisingly nothing probable has come on

record to that effect. On the contrary, accused was apprehended at Udgir at about 7.00 p.m., which indicates that he fled to Udgir after the incident. So, this subsequent conduct provides additional link to connect him with the present crime in view of Sec. 8 of Indian Evidence Act.

Various submissions on behalf of defence.

96. Learned advocate for accused has taken various defence to create doubt on the story of prosecution and to show that accused is implicated in false case. Now, I discuss and appreciate said defence one by one.

Defence of accused in respect of his false implication.

97. It is a defence of accused that, Yakub Shaikh (P.W.1), was against love affair and marriage of Abdul and Reshma, though he gave consent for marriage, he was having grudge in his mind against accused, on the day of incident some miscreant entered in the house with a view to commit theft, at that time murder of Reshma took place, Yakub Shaikh took the advantage of said situation and implicated the accused in a false case, with a view to take revenge of Abdul.

98. In view of above defence, first and foremost question before this Court is that, whether any theft was committed in the house of Yakub Shaikh on 08/02/2022. Let's see, as to what evidence has come on record to that effect.

99. Admittedly, accused has not examined himself as a witness or examine any witness on behalf of him, though accused

sought sufficient time for the same. So, it appears that accused wanted to place reliance on the cross-examination made to prosecution witnesses.

100. During the cross examination, Yakub Shaikh (P.W.1) denied the suggestions that, initially he lodged the complaint that Reshma was murdered while committing theft of her jewelry. On perusal of cross-examination of Yakub Shaikh, it appears that there is no suggestion that any theft was taken place in his house. It is pertinent to note that there is no suggestion to the investigating officer that, it was transpired to him during the investigation that any theft was taken place in the house of Yakub Shaikh and initially report was given by Yakub Shaikh in the police station that theft was taken place in his house.

101. Considering the defence, it was expected from accused to show his source of information about the incident of theft in the house of Yakub Shaikh. But, surprisingly, nothing has come on record to indicate that as to how, accused came to know that theft was committed in the house of Yakub Shaikh and at that time murder of Reshma was committed.

102. Record indicates that, during the cross-examination of Yakub Shaikh (P.W.1), it has come on record that after the incident necklace of Reshma was missing. It appears that, in view of said admission, accused took a chance defence that, theft was committed in the house of Yakub Shaikh, in which necklace of Reshma was stolen. In this backdrop, it is necessary to see what is the status of necklace of Reshma. For that purpose, it is necessary to see relevant

evidence of Suresh Kamble (P.W.4), Rashtrapal Lokhande (P.W.12) and Yakub Shaikh (P.W.1).

103. It has come on record that, in the evidence of Suresh Kamble (P.W.4), who is panch witness on the spot panchanama (Exh-44) that, thirteen articles came to be seized at the time of spot panchanama, including pendant type necklace, which is marked as MO-7. It appears that similar evidence has come on record in the evidence of investigating officer Rashtrapal Lokhande (P.W.12). It has come on record that, at the time of spot panchnama, Yakub Shaikh was not present. So, it is very natural that, he does not have any information that said necklace came to be seized from the spot of incident. Hence, he has given admission that said necklace was missing.

104. It has come on record in paragraph no. 18 of the cross-examination of Yakub Shaikh that, hospital authority returned him finger rings, ear rings and ankle rings of Reshma. If, really murder of Reshma had been committed for the purpose of theft, then miscreant would have taken all the articles with him. It has come on record that, accused is having many family members including his two married brothers and their wives and they reside in the same locality. If, really, murder of Reshma had been committed for the purpose of theft, then accused and his family members must have reached on the spot of incident, but, surprisingly, nothing has come on record that, anyone of them reached at the spot of incident.

105. It has come on record that, Nafisa Shaikh (P.W.2) was having knowledge about the love affair of Reshma, she persuaded

Yakub Shaikh for marriage of Reshma with accused and she was not having any grievance against accused at any point of time. It has come on record that, on the day of incident, Reshma was found in pool of blood, who sustained multiple severe injuries on her vital parts. Naturally, any parent would be in grief and great shock, due to such brutal assault and untimely death of their young daughter and no one will think to implicate any innocent person, in such a heinous crime, for any silly grudges, if any.

106. Moreover, it has come on record that, Yakub and Nafisa were out of station, Yakub returned to his home at about 7.00 p.m., before his arrival to home, police had already come and started formalities, accused was apprehended by police at Udgir at about 7.00 p.m. In this backdrop, by no stretch of imagination, it can be said that, Yakub Shaikh (PW.1) got time to think to implicate the accused in a false case.

107. In view of defence of accused stated above, it is useful to see the case of Harbans Kaur v. State of Haryana, (2005) 9 SCC 195, in which the Hon'ble Apex Court observed that,

"There is no proposition in law that relatives are to be treated as untruthful witnesses. On the contrary, reason has to be shown when a plea of partiality is raised to show that the witnesses had reason to shield actual culprit and falsely implicate the accused."

108. So, Hon'ble Apex Court made observation that, close relatives of the deceased would normally be most reluctant to spare the real culprit and falsely implicate an innocent one. For the sake of discussion, if it is presumed that, there may be some differences

between Yakub Shaikh and accused, but that does not mean he would implicate accused in false case, who is nothing but his son in law. In the present case nothing has come on record to show that, as to why Yakub Shaikh (P.W.1) and Nafisa Shaikh (P.W.2) would spare the real culprit and implicate the accused in false case.

109. When I carefully evaluated defence of accused alongwith other attending circumstances, I come to the conclusion that, nothing has come on record to indicate that, any theft was taken place in the house of Yakub Shaikh on 08/02/2022. When no theft was taken place in the house of Yakub Shaikh, hence question will not arise that in the said incident, murder of Reshma was committed. No prudent person would believe on such type of improbable defence, which apparently appears to be false and after thought to save himself. Therefore, this Court does not find any substance in above defence.

Time of incident and time to reach at Udgir Hospital does not match.

110. Learned advocate for accused submits that, as per the case of prosecution incident occurred at about 5.00 to 5.30 p.m., whereas accused went to Udgir in the hospital of Dr. Mundada at about 7.00 p.m., which is situated about 67 k.m. away from Latur, at the relevant time, construction of road was going on. So, it is not possible for accused to commit murder at 5.30 p.m., then go to home to change his clothes, then go to Babhalgaon to conceal the clothes and then reach at Udgir at about 7.00 p.m.. Hence, these timings creates doubt in respect of time of incident of murder.

111. Distance between Latur to Udgir is about 67 k.m., and hence in general case, it may take 90 minutes to reach Udgir from Latur. But, in case of emergency, naturally one will try to reach on the desired destination as early as possible. It may possible that incident occurred at about 5.00 p.m. In this backdrop, accused was having sufficient time to reach Udgir at about 7.00 p.m.

112. While giving guiding principle in the case of **Balu Khalde** (cited supra) Hon'ble Apex Court held that, *“by and large a witness cannot be expected to possess a photographic memory and to recall the details of an incident”*. It is pertinent to note that, Yakub Shaikh (P.W.1), Nafisa Shaikh (P.W.2) and Surekha Pitale (P.W.6) are labourers, P.W. 1 & 2 had gone to out of station and they received information about the incident on phone. Dr. Mundada is one of the busiest doctor. Hence, it is not expected from them to depose exact time of incident and exact arrival of accused in his hospital. When I evaluate defence of accused in the light of above guiding principle alongwith other attending circumstances, this Court does not find substance in above defence.

Plea of Alibi

113. It is the defence of accused that on the day of incident, he went to hospital at about 12.00 noon and he was there till 7.30 p.m., so it was not possible for him to remain present at the house of Yakub Shaikh at about 5.00 to 5.30 p.m. In view of above defence, let's see as to what evidence has come on record to that effect.

114. On perusal of cross examination of Dr. Mundada (P.W.9), it appears that he denied the suggestion that accused came in the hospital at about 12.00 noon. On the contrary in the cross-examination itself, it has come on record in his evidence that, accused came in the hospital during 6.00 p.m. to 7.30 p.m. on 08/02/2022. Record indicates that chemist bill came to be proved by the defence in the evidence of Dr. Mundada which was marked as D-79. On perusal of said chemist bill, it appears that there is a reference that Abdul Shaikh (accused) purchased said medicine on 19.05 (i.e. 7.05 p.m.). If really, accused had sustained injury before, 12.00 noon and he had visited hospital at 12.00 noon then he must have been treated immediately and then reference of time i.e. 7.05 p.m. would not have come in his chemist bill. So, there is nothing on record to suggest that, accused went to the hospital at about 12.00 noon.

115. On perusal of statement recorded under section 313 of Code of Criminal Procedure, it appears that question no. 50 to 52 were asked to accused that, he went to the hospital of Dr. Mundada on 08/02/2022 and took treatment as he sustained injury to his right hand finger. It is pertinent to note that accused has answered to all above questions in the negative by saying that they are false. So, it appears that in the cross-examination, attempt was made to show that accused went to the hospital in the 12.00 noon itself and he was there till 7.30 p.m. On the other hand, in above statement, accused denied his visit to the said hospital. So, it appears that, defence has taken inconsistent stand during the cross-examination and while answering questions under section 313 of Cr.P.C., and said

inconsistent stand speaks in volume about the conduct of accused.

116. It is pertinent to note that plea of alibi is the best defence for the accused in such type of cases. In the present matter, no question put to any witness about plea of alibi till prosecution examined Dr. Mundada, who is P.W. 11. No question was put to the investigating officer to that effect. So, it appears that accused wants to take said defence in last moment, which is very casual and chance defence. It is pertinent to note that, nothing has come on record from accused as to how and where, he had sustained said injury and as to why he went to Udgir to take treatment, though he is resident of Latur. So, no explanation on the part of accused, rather strengthen the case of prosecution. Hence, this Court does not find any substance in the defence of plea of alibi.

Delay in recording statement of witnesses is fatal

117. Learned advocate for accused submits that, there is delay in recording statements of witnesses by the I.O., though they were available and no explanation has come on record for said delay, hence such delay is fatal to the case of prosecution and placed his reliance in the case of **Sunil Shambharkar Vs. State of Maharashtra [2008 ALL MR (Cri.) 360]**.

118. Record indicates that statements of Ganesh (P.W.7), Nafisa Shaikh (P.W.2) and Surekha (P.W.6) came to be recorded on 17.02.2022, 24.02.2022 and 25.02.2022 respectively. So, it appears that there is somewhat delay in recording statement of said witnesses.

119. I have gone through above judgment cited by defence. It appears that in the said judgment accused came to be acquitted for considering facts and circumstances of the said case, in which there is one of the point that there was delay in recording statement of witnesses. It is pertinent to note that, in the said case, accused was not acquitted only on the ground of delay in recording statement of witnesses.

120. On the contrary in para 30 of the said judgment, Hon'ble Bombay High Court observed that, "it is no doubt true that, the delay in recording the statement by itself as a rule does not rendered the testimony of such witness unreliable or doubtful and it necessarily depends upon the facts and circumstances of each case.

121. In view of above defence, it is useful to see the case of **Gunnana Pentayya alias Pentadu & ors vs. State of Andhra Pradesh**, reported in **2008 ALL MR (Cri)**, in which Hon'ble Apex Court observed that, "mere delay in recording the statement is not fatal unless a specific question is put to the investigating officer regarding reason for delay".

122. In recent judgment Hon'ble Bombay High Court in case of **Manoj Singh Bhada Vs. State**, Cri. Appeal No.833/2019 decided on 17.10.2025, discussed point of delay in recording statement of witnesses by placing reliance on the above judgment of **Gunnana** (Cited Supra) and discarded submission of accused.

123. It is settle principle of law that, if there is any delay in recording statements, said delay needs to be examined by the Court

concerned in conjunction with the peculiar facts of the case before it. In the present case, though there is delay in recording statement of above witnesses by the investigating officer, defence has not cross examined him on the said point. Moreover, said witnesses appears to be natural and their evidence is found cogent & credible. Considering the facts and circumstances of the present case, this Court does not find that, delay in recording statement, creates doubt on the case of prosecution.

Lapses Committed by Investigating Officer :

124. It is the submission of defence that investigating officer has committed many lapses, due to which case of prosecution has become doubtful and it is not safe to convict the accused by relying on such doubtful case. In view of above now let us see as to what lapses have been committed by the investigating officer during the investigation and whether they are fatal to the case of prosecution.

125. It has come on record, in the cross-examination of investigating officer, that in C.A. report (Exh-95), the description of reference number, number of exhibit received, Cr. No. and mode of receipt is left blank, some muddemal articles were sent back by FSL Nanded due to objection, on 06.04.2022 he again sent vaginal swab of Reshma to FSL, he has requested for DNA analysis vide letter (Exh-71) but said report is not received from FSL, he does not remember the name of dog handler, he did not hand over knife (MO-1) to the fingerprint expert for examination.

126. It has further come on record in his cross-examination that, Imran Sadik Shaikh, who showed the spot of incident, was not

examined as a witness, cellphones of accused and Reshma were not found, police staff was having secret information that, accused was in Udgir, he did not prepare panchanama while collecting documents from Dr. Mundada in respect of treatment of accused, he has not recorded statement of Dr. Mundada, photographs came to be snapped by his cellphone but no certificate u/s. 65-B of the Indian Evidence, Act was given.

127. Learned DGP submits that Yakub Shaikh and Nafisa Shaikh came to know about the involvement of Abdul (accused) from one Anita Sonwane, spot of incident was shown by one Imran Sadik Shaikh, who has informed police about involvement of Abdul Shaikh (accused) as an offender, but investigating officer could not record their statement and prosecution could not examine said persons as a witness, due to their whereabouts. He further submits that one offence punishable under Sec. 363, 302 of Indian Penal Code and other offence punishable under Sec. 353 of Indian Penal Code came to be registered against accused, due to the fear of accused, above witnesses have not come forward, which is genuine difficulty of prosecution, but in spite of that, evidence brought on record is sufficient to convict the accused.

128. It is true that there are some lapses on the part of investigating officer, but case of prosecution cannot be thrown out on the same ground. In view of lapses committed by the investigating officer, it is useful to see the case of **Ranjeet Kumar vs. State of Bihar [2015 ALL MR (Cri) 2455 (S.C.)]** in which Hon'ble Apex Court has observed in para 21 that,

"it is well settled that in criminal trials even if the investigation is defective, the rest of the evidence must be scrutinized independently of the impact of defects in the investigation, otherwise the criminal trial will plummet to the level of investigation. Criminal trials should not be made casualties for any lapses committed by the investigation officer and even if there was deficiencies in the investigation, that cannot be a ground for discrediting the prosecution version".

129. On careful perusal of record, it appears that, nothing has come on record to suggest that investigating officer has deliberately committed said lapses with a view to implicate the accused or for any other reason. If prosecution had been examined Anita Sonwane, and Imran Sadik Shaikh, then case of prosecution would have got stronger. This Court find that possibility cannot be ruled out that due to fear of accused, Anita Sonwane and Imran Shaikh have not come forward to say anything against the accused. In spite of the above said lapses, evidence of prosecution witnesses transpires confidence about their version and prosecution succeeded in establishing the chain of circumstances leading to an inescapable conclusion that it is accused, who has committed murder of Reshma. When I carefully evaluated evidence on record, in the light of observation made by the Hon'ble Apex Court in the case of **Ranjeet Kumar** (cited supra) it appears that, said lapses are not fatal to the case of prosecution and said deficiencies in the investigation cannot be a ground for discrediting the case of prosecution.

Judgments cited by defence :

130. In the present matter defence has placed following judgments on record to substantiate various contentions of accused.

1. **Sharad Birdhichand Sarada Vs. State of Maharashtra 1984 (4) SCC 116**
2. **Sonaji Udaibhan Ambhore & Anr. Vs. State of Maharashtra 2013 ALL MR (Cri) 182.**
3. **Balashab Gurling Todkari Vs. State of Maharashtra 2015 BOM CR (Cri) (3) 51**
4. **Raj Kumar Singh @ Raju @ Batya Vs. State of Rajasthan 2013(3) Bom. C.R.(Cri.) 54.**
5. **Rafiq Hayachand Role Vs. State of Maharashtra 2014 (1) Bom.C.R.(Cri.)337.**
6. **Sunil Chokoba Shambhakar Vs. State of Maharashtra 2008 ALL MR 360 (Nagpur Bench)**
7. **Shri. Balu Hanmant Mohite Vs. Durgappa Yelappa Power & Ors. 2004 ALL MR (Cri) 5.**
8. **Rahim Beg Vs. State of U.P. 1973 AIR (SC) 343**
9. **State of Maharashtra Vs. Kishore Daulat Shirke 2002 (1) B.Gr.C. 733**
10. **Ramchandra Bhiva Bhuwad Vs. State of Maharashtra 2020 All M.R. (Cri.) 3437**
11. **Padman Bibhar Vs. State of Odisha 2026 ALL SCR (CRI) 192**
12. **Harilal Etc. Vs. State of M.P. 2023 SAR 989**

131. Before considering above said judgments, it is necessary to note that each case depends on its own facts and a close similarity between one case and another is not enough because even a single significant detail may alter the entire aspect, in deciding such cases. In **Bhavnagar University vs. Palitana Sugar Mill (P) Ltd. (2003) 2 SCC 111**, it is observed that a little difference in facts or additional facts may make a lot of difference in the precedential value of a decision.

132. Judgment of **Sunil Shambharkar** at serial No. 6, has already been discussed in aforesaid paragraphs. I have gone through all the remaining judgments very carefully and come to the conclusion that, facts of those cases are totally different than the facts of the case in hand. Hence, said judgments are not helpful to the accused in present case.

Whether prosecution has proved its case beyond reasonable doubt.

133. It is true that it is the duty of prosecution to prove the guilt of accused beyond reasonable doubt, but sometimes, accused stretches the said principle without any limit. Hence, it is necessary to understand the said principle in proper perspective and for that purpose, it is profitable to see the Judgment of the Hon'ble Apex Court in the case of **Shivaji Sahabrao Bobade V/s. State of Maharashtra, MANU/SC/0167/1973**, the Hon'ble Apex court held that "the law should not be stretched morbidly to embrace every hunch hesitancy and decree of doubt. Our jurisprudential enthusiasm for presumed innocence must be moderated by the pragmatic need to make criminal justice potent and realistic".

134. It is also useful profitable to see the judgment of **Trimukh Maroti Kirkan Vs. State of Maharashtra, (2006) 10 SCC 681**, in which Hon'ble Apex Court discussed as to what should be the role of Judge in the criminal trial, in which it is observed that,

"A Judge does not preside over a criminal trial merely to see that no innocent man is punished. A Judge also presides to see that a guilty man does not escape. Both are public duties. The law does not enjoin a duty on the prosecution to

lead evidence of such character, which is almost impossible to be led or at any rate extremely difficult to be led.”

Hon'ble Apex Court has further held that,

“Though we are governed by the adversarial system, the court cannot be a mute spectator, particularly in criminal cases and shun it's primary duty of finding out the truth from the material on record.”

135. On perusal of record, it appears that during the time of questioning under section 313 of Cr.P.C. the accused, instead of making an attempt to explain the incriminating circumstances, has taken stand of total denial and thereby lost the opportunity to provide any explanation to show his innocence.

136. When entire evidence of prosecution is evaluated carefully, on the touch stone of settled principle of law of circumstantial evidence, it appears that, relation between Reshma and accused were strained, prosecution proved incident of assault to Reshma by accused dated 03/02/2022, which was occurred just 05 days before the incident of murder, incident of threat to Nafisa (P.W.2) dated 07/02/2022, which was occurred just prior to one day of incident of murder, on 08/02/2022 Reshma was found in pool of blood sustaining multiple injuries, which can be caused by sharp edged weapon, knife (MO-1) and Aadhaar Card of accused (MO-7) were found on the spot of incident, no explanation has come on record from accused as to why his Aadhar Card was found on the spot of incident, name of Abdul (accused) was revealed as an assailant to police, Adv. Ganesh Gomchale (P.W.7), Surekha Pitale (P.W.6), Yakub Shaikh (P.W.1) & Nafisa Shaikh (P.W.2), injury

sustained to the fingers of right hand of accused, which was caused while making assault to Reshma, accused fled away to Udgir and this subsequent conduct connects him to the present crime, Yakub Shaikh (P.W.1) immediately lodged the report in the police station, in which specific name of accused is mentioned.

137. It further appears that, there is disclosure statement of accused and pursuant to that there is recovery of blood stained clothes, chemical analysis reports show that blood group of Reshma is 'O' and said 'O' blood group were found on the clothes of accused, no explanation has come on record from accused to that effect, relation between Reshma and accused were strained, which is motive to commit the murder of Reshma. On careful examination of evidence of prosecution witnesses, it appears that, their version is cogent and reliable and said testimonies can safely be relied upon. No plausible explanation has come on record from accused under section 313 of Cr.P.C. to show his innocence. On the contrary, false defence taken by the accused, provide additional link to connect him to the present crime.

138. In view of above proved circumstances, prosecution unmistakably points to the guilt of accused and said proved circumstances do not indicate the involvement of anyone other than accused, all the above circumstances are of conclusive in nature, they have formed a complete and unbroken chain, pointing to the accused alone as a guilty person. All incriminating circumstances pointed out above, connects the accused with reasonable certainty to the death of Reshma. Hence, I come to the conclusion that prosecution has

succeeded to prove beyond reasonable doubt that on 08/02/2022 between 5.00 to 5.30 p.m. accused committed murder of Reshma by means of knife.

139. Now, question arises as to whether accused is guilty under section 302 or 304 of I.P.C. The offence of culpable homicide is an offence which may or may not be murder. Section 299 of I.P.C. divides the offence into two distinct classes, that is (a) those in which the death is intentionally caused and (b) those in which death is caused unintentionally but knowingly.

140. It has come on record that Reshma sustained 23 incised wounds and 10 stab wounds total 33 wounds on her vital parts of body including neck, which were grievous in nature. Such brutal assault sufficient to indicate as to how accused was determined and in revengeful mind while committing murder of Reshma. It has come on record that Reshma was 21 years young lady having one little child. It is not the case of defence that Reshma caused any provocation to the accused, due to which accused made assault in a heat of passion in a sudden quarrel. These circumstances indicate that accused was determined to commit murder of Reshma.

141 After considering all the evidence on record carefully along-with attending circumstances, I come to the conclusion that, accused is failed to prove that, his case comes under any of exception, carved out under Section 300 of I.P.C. On the contrary, case of accused squarely falls under section 302 of I.P.C. as prosecution proved that with requisite intention accused caused homicidal death of Reshma.

142. Thus, I hold that prosecution has proved its case beyond reasonable doubt that on 08/02/2022 in between 5.00 to 5.30 p.m. in the house of informant, Awanti Nagar, Latur accused committed murder of Reshma by means of knife causing her death and he is guilty for offence punishable under section 302 of I.P.C. Hence, I answer point No. 2 as 'proved'.

143. As accused is held guilty for offence punishable under section 302 of I.P.C. Hence, I proceed to hear him on the point of sentence.

Dt. 25/03/2026

**(S. J. Bharuka)
Sessions Judge, Latur.**

144. Learned Advocate D.K. Deshmukh holding file for Adv. S.S. Nalegaonkar submits that accused is a young-aged person of 30 years, his family is depending upon him, there is no criminal antecedent against him and it is his first offence, this is not a case, which can fall under the head of rare in rarest case.

145. Learned DGP S.V. Deshpande submits that two crimes came to be registered against accused, considering the brutal murder of young lady, who is nothing but wife of accused, maximum punishment, as per law, may be imposed upon the accused.

146. Considering the facts and circumstances of this case in its right perspective, in my opinion, this is not a case, which can be

called as rare in rarest case. Hence, following sentence, would meet the ends of justice. In the result, I pass following order:-

ORDER

- 1} Accused **Abdul Yunus Shaikh** is convicted under Section 235(2) of the Code of Criminal Procedure of the offence punishable under Section 302 of the Indian Penal Code and is sentenced to undergo Rigorous Imprisonment for **life** and to pay fine of **Rs. 10,000/- (Ten Thousand Only)**, in default of payment of fine, he shall undergo S.I. for **3 months**.
- 2} Accused is entitled for set off as per section 428 of Code of Criminal Procedure against substantive sentence, for the period he has already undergone during the investigation, inquiry or trial of this case.
- 3} Muddemal Article MO-1 i.e. knife be sent to the District Magistrate for its disposal, after expiry of one year.
- 4} Muddemal Articles MO-2 to 19 appears to be worthless, be destroyed, after expiry of one year.
- 5} Muddemal Article MO-20 i.e. utility box of motor-cycle be sold in auction and sale proceeds be credited to government as per rules, after expiry of one year.
- 6} Muddemal Article MO-7 necklace, (which is kept in plastic pouch, in envelop Article-A) be handed over to the informant Yakub Shaikh or his any family member, after due verification and after expiry of one year.
- 7} Copy of judgment be given to accused free of cost immediately.

Dated 25/03/2026

(S. J. Bharuka)
Sessions Judge, Latur.

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED
JUDGMENT/ORDER".

C.R. Kulkarni
Stenographer (Grade-1)

Name of the Judge(With Court Room No.)	Shri. S.J. Bharuka, Sessions Judge, Latur. (22)
Date for pronouncement of Judgment/Order	25/03/2026
Judgment/Order signed by P.O. on	25/03/2026