

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO.151 OF 2001@@
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Mahadeo Trimbak Salve Appellant(s)

VERSUS

State of Maharashtra Respondent(s)

(With office report)

DATE : 13-3-2002: This matter was called on for hearing today.@@
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CORAM:
HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant(s): Mr. Sudhir Kulshreshtha, Adv.

For Respondent(s): Mr. S.S. Shinde, Adv.
Mr. S.V. Deshpande, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T...J.
.SP2

Heard learned counsel for the parties from 2.45 p.m.
tp 3.10 p.m.

The appeal is dismissed in terms of the signed
order.

.SP1

(R.K. Dhawan) (D.D. Jindal)
Court Master Assistant Registrar

(Signed order is placed on the file) ~

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.151 OF 2001@@
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Mahadeo Trimbak Salve Appellant(s)

versus

State of Maharashtra Respondent(s)

O R D E R@@

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

The accused is in appeal against an order of conviction and sentence affirming the judgment of the learned Addl. Sessions Judge under Sections 302 and 201 of the Indian Penal Code. The prosecution case proceeds on the basis that the accused has murdered his daughter Pratibha, aged about 3 years, by throttling her and thereafter tried to cause disappearance of evidence by throwing the dead body in the well. The High Court while affirming the judgment of the Sessions Court has been pleased to record the following:

.....L.....T.....T.....T.....T.....T.....T.....J
.SP1

"But the trial court has found that the evidence of these witnesses was unshaken and the witnesses were found to be the witnesses of truth and their evidence has been accepted. We also do not find any reason to discard the evidence of these witnesses. Accepting their evidence, it is clear that the appellant was seen in the morning of 18.3.1994 with daughter Pratibha going towards Raheri Bridge. The witness Digambar has stated that after half an hour, he saw the appellant

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alone returning towards the A.R. Stop. The evidence of these witnesses clinchingly goes to show that the appellant was last seen with the daughter Pratibha and the appellant was found returning alone towards the bus stop."

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Neither the High Court nor the trial court accepted the version of the accused as regards his innocence.

The learned advocate appearing in support of the appeal though very strongly contended that the circumstantial evidence does not clinch the issue against the accused and the chain of events as made out by the prosecution cannot be said to be complete since there is a snap in the chain. We are, however, unable to record our concurrence therewith. The evidence available on record categorically points to the guilt of the accused and there is no doubt as regards the involvement of the accused. On the wake of the aforesaid we also confirm the order of the High Court and resultantly affirm the judgment of the Sessions Court. The appeal is dismissed.

.SP1

.....J.
(U.C.BANERJEE)

.....J.
(B.N. AGRAWAL)

New Delhi,
March 13, 2002