

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 1380 OF 2007

DAMU RAMA SAWAMT

Appellant (s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With office report)

Date: 06/04/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)

Mr. Shiv Kumar Suri,Adv.(A.C.)

For Respondent(s)

Mr. Sachin J.Patil,Adv.
Mr. Sanjay Kharde,Adv.
Mr. Shankar Chillarge,Adv.
Ms. Asha Gopalan Nair,Adv.

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

The fees of amicus curiae is fixed as Rs.7000/-.

The appeal is dismissed.

[SUMAN WADHWA]
COURT MASTER

[VINOD KULVI]
COURT MASTER

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1380 OF 2007

DAMU RAMA SAWAMT

.. APPELLANT(S)

vs.

STAE OF MAHARASHTRA

.. RESPONDENT(S)

O R D E R

The appellant is the father of the deceased Anjana,
a young un-married girl about 17-18 years of age at the
time of her death. As per the prosecution story the

deceased had become pregnant on account of her relationship with PW.1-Maruti and that her parents, the appellant and his wife, had killed her in order to save the family honour. In this case many eye witnesses had been produced by the prosecution in evidence but almost all of them resiled during the course of the trial and the prosecution has ultimately rested on circumstantial evidence to prove its case. In paragraph 6 of the judgment of the High court the circumstances have been spelt out as under:

1. Deceased Anjana had five incised wounds on her body which were ante mortem and there were 100 per cent burns;
2. the incised wounds were inflicted on Anjana in the residential house of the appellant;
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3. She received burn injuries also in the residential house of the appellants. the dead body of Anjana was taken to the hospital at Barshi and brought back in order to create an impression that Anjana was taken to the hospital for treatment of burn injuries when she was alive;
4. At the time of her death Anjana was a minor girl who was unmarried and had two months pregnancy in her uterus;
5. At the relevant time both the appellants deceased Anjana and sister of accused no.1 lived in the house where her dead body was found;
6. Lastly there were superficial burn injuries on the persons of the appellants.

The High Court considered the circumstances one by one and came to the conclusion that the case of murder against the appellant had been clearly proved, more particularly as the defence plea that he had taken was a false one. It was also found by the High Court that as the

incised wounds on the person of the deceased were ante mortem and the burn injuries post-mortem it had to be a case of murder and that the body had been burnt to make it look like a case of suicide. The High Court has also observed that in their statements under Section 313 of the Cr.P.C.

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both the accused had taken a plea of alibi. This plea has been rejected by observing that there was no evidence on this score and in any case the burn injuries on the person of the accused proved that they had been present when Anjana had been burnt. The High Court nevertheless found that as no recovery etc. had been made from the mother of the deceased she was entitled to an acquittal under Section 302 but she was nevertheless liable under Section 201 of the IPC.

We have heard the learned counsel for the parties and gone through the record very carefully. We fully endorse the judgment of the High Court with regard to the involvement of the appellant. The reasons spelt out by the High court are entirely possible on the evidence and no interference is called for. We therefore find no merit in the appeal.

Dismissed.

.....J.
(HARJIT SINGH BEDI)

.....J.
(CHANDRAMAULI KR. PRASAD)

New Delhi,
April 6, 2011.