

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). 76 OF 2005

VISHWANATH RAM MHATRE & ORS.

Appellant (s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and office report)

WITH

CRIMINAL APPEAL NO. 1114 OF 2005

(With office report )

Date: 07/03/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. Sushil Kumar, Sr. Adv.

In 76/2005

Mr. Sushil Karanjkar, Adv.

Mr. Venkateswara Rao Anumolu, Adv.

In 1114/2005

Mr. Sushil Karanjkar, Adv.

Mr. K.N. Rai, Adv.

For Respondent(s)

Mr. Ravindra Keshavrao Adsure, Adv.

In 76/2005

In 1114/2005

Mr. V.N. Raghupathy, Adv. (NP)

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeals are dismissed.

[ Charanjeet Kaur ]

Court Master

[ Om Prakash ]

Court Master

[ Signed order is placed on the file ]

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 76 OF 2005

Vishwanath Ram Mhatre & Ors.

.. Appellant(s)

Versus

State of Maharashtra

.. Respondent(s)

WITH

CRIMINAL APPEAL NO. 1114 of 2005

O R D E R

Heard learned counsel for the parties.

The appellants of these two appeals along with twelve other

accused persons were tried and by judgment rendered by the trial

Court, except Sunil Ramchandra Mokal, were convicted, apart from

other offences, under Section 302 read with Section 149 of the Indian

Penal Code and sentenced to undergo imprisonment for life and to

pay a fine of Rs. 1,000/- each, in default to undergo further

imprisonment for a period of three months. Against the order of

acquittal, no appeal was preferred whereas on appeal being preferred by the seventeen convicted accused persons, including appellants of these appeals, accused Sanjay Pandurang Kedari, Arun Hari Patil, Prabhakar Hari Patil, Nishant Tukaram Mhatre, Baliram Shantaram Mhatre, Vinayak Vishnu Kedari, Namdeo Kanhu Kedari, Mahendra Maruti Patil and Parashuram Mahadeo Patil have been acquitted whereas conviction of these appellants, accused Shankar Ram Mhatre and Sharad Joma Tarekar have been upheld. Against the order of their conviction accused Shankar Ram Mhatre and Sharad Joma Tarekar have not moved this Court whereas the present appeals by special leave have been filed on behalf of six appellants.

Having heard the parties and perused the records, we are of the view that the trial Court as well as High Court have recorded conviction of the appellants upon threadbare discussion of evidence of four eye-witnesses, namely, Namdeo Tarekar (P.W.2), Sadashiv Patil (P.W.3), Dmyanti Patil (P.W. 4) and Arjun Patil (P.W.7) out of whom Dmyanti Patil and Arjun Patil were injured eye witnesses and the prosecution case is supported by medical evidence. For the foregoing reasons, we do not find any ground to interfere with the impugned order.

The appeals, accordingly, fail and the same are dismissed.

.....J

[ B.N. AGRAWAL ]

.....J

[ A.K. MATHUR ]

NEW DELHI ,

MARCH 07, 2006 .