

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. 626 OF 2000

VASANT RAMACHANDRA SHINDE

Appellant (s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With appln(s) for permission to place additional documents on record and office report)

Date: 30/03/2006 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. C.G. Solshe,Adv.

Mr. Vinesh C. Solshe,Adv.

For Respondent(s)

Ms. Aprajita Singh,Adv.

Mr. S.S. Shinde,Adv.

Ms. Mukti Choudhary,Adv.

Mr. V.N. Raghupathy,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is dismissed. Bail bonds of the appellant, who is on bail, are cancelled and he is directed to be taken into custody forthwith to serve out the remaining period of sentence, for which compliance report must be sent to this Court within a period of one month from the date of receipt of copy of this order.

[Alka Dudeja]
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. 626 OF 2000

Vasant Ramachandra Shinde

...Appellant(s)

Versus

State of Maharashtra

...Respondent(s)

O R D E R

The appellant and accused-Ramchandra @ Chandru Appa

Shinde, were convicted by the trial court under Section 304 Part I of the Indian Penal Code [for short, 'I.P.C.'] and sentenced to undergo rigorous imprisonment for a period of seven years and to pay fine of Rs.500/-; in default to undergo rigorous imprisonment for a period of three months. They were further convicted under Section 307 read with Section 34 I.P.C. and sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.100/-; in default to undergo further imprisonment for a period of one month. These two accused persons were also convicted under Section 324 read with Section 34 I.P.C. and sentenced to undergo rigorous imprisonment for a period of one

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year. So far accused-Bapu Panda Shinde and Randurang Yashwant Soude are concerned, they were convicted under Section 323 read with Section 34 I.P.C., but were released after due admonition. Accused-Shahabai Ramchandra Shinde and Mangal Vasant Shinde were convicted under Section 324 read with Section 34 I.P.C., but released on good conduct. Before the High Court, an appeal was filed by the appellant and accused No.1; whereas the State preferred an appeal for enhancement of

sentence of the accused persons. During the pendency of the appeal, accused No.1-Ramchandra died; as such his appeal abated. The High Court upheld the convictions of the appellant and dismissed the appeal filed by the State. Hence, this appeal by special leave.

Having heard learned counsel for the parties and perused the records, we are of the view that conviction is based upon the evidence of three injured eye-witnesses, namely, P.W.3 (Hariba), P.W.4 (Phulabai) and P.W.5 (Hirabai), all of whom have consistently supported the prosecution case in all material particulars and their evidence is corroborated by medical evidence. The trial court as well as the High Court has given cogent reasoning for accepting their evidence and we do not find any ground to interfere with the same.

The appeal, accordingly, fails and the same is dismissed.

Bail bonds of the appellant, who is on bail, are cancelled and he is

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directed to be taken into custody forthwith to serve out the remaining period of sentence, for which compliance report must be sent to this Court within a period of one month from the date of receipt of copy of this order.

.....J.

[B.N. AGRAWAL]

.....J.

[ARUN KUMAR]

.....J.

[A.K. MATHUR]

New Delhi,

March 30, 2006.