IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 1416/2011

ASHOK ...APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA ...RESPONDENT(S)

ORDER

1. The accused appellant has been convicted under Sections 302 and 307 IPC and sentenced to imprisonment for life and to pay fine of Rs.3,000/- with default stipulation under Section 302 IPC and rigorous imprisonment for seven years and to pay fine of Rs.2,000/- with default stipulation under Section 307 IPC by the learned trial Court. The said conviction and sentence has been upheld in appeal by the High Court. Aggrieved, this appeal has been filed.

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Digitally signed by VINOD LAKHINA
Date: 2019.09.20 17:10:52 IST
Reason:

2. We have heard the learned counsels for the parties.

3. Even if we are to discard the evidence of Keshav (P.W. 12) on account of inconsistencies and inaccuracies therein as pointed out by the learned counsel for the appellant what cannot be ignored is the evidence of the Laxman (P.W.1), the complainant who was riding pillion with the deceased on the date of the accident. The said evidence coupled with the report of the Vehicle Inspector (Exhibit 31) clearly demolishes the defence of the accused appellant in the statement recorded under Section 313 Cr.P.C. that the accident/incident had occurred while the vehicle driven by the accused was overtaking the motor-cycle which was being driven by the complainant Laxman (P.W.1).

Exhibit 31 i.e. Vehicle Inspection Report issued by the Vehicle Inspector clearly indicates that it is front portion of the motor-cycle which got damaged and rear portion thereof had remained intact. If that is so, the entire defence version falls through and the case set up by the prosecution that it was a deliberate act on the part of the accused appellant stands proved. The very fact that the accused persons had dragged the motor-cycle for about 50 ft. and had not applied the brakes is another pointer to the culpability of the accused. The previous enmity which was also sought to be established by the prosecution finds credence in the light of the evidence on record.

4. We will, therefore, have no reason to disagree with the concurrent findings of fact recorded by the learned trial Court as

well as the High Court. The appeal has to fail which is accordingly dismissed. The conviction recorded and the sentence imposed is affirmed.

.....,J.
(RANJAN GOGOI)

.....,J.
(NAVIN SINHA)

.....,J.
(K.M. JOSEPH)

NEW DELHI
SEPTEMBER 19, 2018

ITEM NO.104 COURT NO.2 SECTION II-A

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). 1416/2011

ASHOK **APPELLANT(S)**

VERSUS

THE STATE OF MAHARASHTRA **RESPONDENT(S)**

Date : 19-09-2018 This appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)
Mr. Shivaji M. Jadhav, AOR

For Respondent(s)
Mr. Nishant Ramakantrao Katneshwarkar, AOR

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

The appeal is dismissed in terms of the signed order.

[VINOD LAKHINA] **[ASHA SONI]**
AR-cum-PS **ASSISTANT REGISTRAR**

[SIGNED ORDER IS PLACED ON THE FILE]