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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 1257-1259 OF 2012

RANJANA KISANSINGH DUMALE ETC.ETC.

Appellant(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

WITH

CRIMINAL APPEAL NO. 1260 OF 2012

AND

CRIMINAL APPEAL NOS. 1261-1264 OF 2012

O R D E R

Criminal Appeal Nos. 1257-1259 OF 2012:

1) We have heard Mr. Anand Landge, learned Counsel appearing for the appellant-Complainant, Mr. Mahaling Pandarge, learned counsel appearing for the respondent - State of Maharashtra and Mr. Sudhanshu S. Choudhari, learned counsel appearing for the respondent-accused.

2) These appeals have been filed by the original Complainant, challenging the common impugned judgment and order dated 20.07.2011 passed by the High Court of Judicature at Bombay, Bench at Aurangabad, whereby the High Court dismissed the prayer of the Complainant for enhancement of sentence to accused Nos. 1 to 4 and directed compensation of Rs.10,000/- to be paid to her. The High

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Court by the impugned judgment dismissed the appeal insofar as accused No.1 is concerned and allowed the appeals filed by the accused Nos. 2 to 4 and acquitted them of the offences with which they were charged and convicted.

3) After hearing the contentions of learned counsel appearing for the parties and carefully perusing the material available on record and after carefully going through the judgments of the trial Court as well as the High Court, we do not find any reason to interfere with the impugned order passed by the High Court, insofar as it relates to the Complainant's prayer seeking enhancement of sentence and compensation.

4) In view of that, we find no merit in the criminal appeals filed by the Complainant and the same are dismissed.

CRIMINAL APPEAL NO. 1260 OF 2012:

5) The appellant (Kawarsingh Kisansingh Bainade-accused No.1), in this appeal, has come before this Court challenging the order passed by the High Court whereby the High Court dismissed the appeal filed by him confirming the conviction and sentence. However, the High Court altered the conviction of the appellant from Section 302 read with Section 34 to Section 302 of the IPC simpliciter.

6) Learned counsel for the appellant submits that this appeal should be allowed on the ground that the very foundation of acquitting the other accused in the matters in question taking into account the evidence of P.Ws 11 and 12, who were claiming to be the only eye-witnesses to the incident in question, have been

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discarded by the Court.

7) After hearing the learned counsel for the parties, and after going through the material available on record, in particular, the evidence of P.Ws. 11 and 12, in our considered opinion, this evidence cannot stand in the way to acquit the appellant in this appeal. As can be seen, the very foundation of the case, as relied upon by the prosecution, has failed. The evidence which has been placed before this Court and the documents show that none of the documents or the evidence can go against the appellant. Since the case rests on the circumstantial evidence and the chain of such circumstances having already broken, we do not find that any case has been made out against the appellant-herein.

8) Therefore, in our considered opinion, the judgment passed by the High Court is not sustainable in the eyes of law and the evidence adduced by the prosecution in support of its case cannot

be said to be reliable.

9) In these circumstances, we feel that the High Court has erred in holding the appellant as an accused in the matter and the benefit of doubt has to be given to him.

10) Accordingly, we set aside the impugned order passed by the High Court and allow the appeal

11) Since the appellant is on bail, his bail bonds shall stand discharged.

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CRIMINAL APPEAL NOS. 1261-1264 OF 2012:

12) Since the appeals filed by the Complainant have already been dismissed by us, these appeals which were preferred by the State of Maharashtra against the same common judgment of the High Court also stands dismissed.

.....J

(PINAKI CHANDRA GHOSE)

.....J

NEW DELHI; (ROHINTON FALI NARIMAN)

February 02, 2017.

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ITEM NO.103 COURT NO.6 SECTION IIA

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). 1257-1259/2012

RANJANA KISANSINGH DUMALE ETC.ETC.

Appellant(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(with appln. (s) for stay and office report)

WITH

Crl.A. No. 1260/2012

(With Office Report)

Crl.A. Nos. 1261-1264/2012

(With Office Report)

Date : 02/02/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

Counsel for parties:Mr. Anand Langde, Adv.

Mr. Ravindra Keshavrao Adsure,Adv.

Mr. Sudhanshu S. Choudhari,Adv.

Mr. Nilesh Ghanekar, Adv.

Mr. Rajat Kapoor, Adv.

Surabhi Guleria, Adv.

Ms. Pushpa Devi Sikri, Adv.

Mr. Mahaling Pandarge, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR

UPON hearing the counsel the Court made the following

O R D E R

Criminal Appeal Nos. 1257-1259 OF 2012:

The criminal appeals filed by the Complainant are dismissed in terms of the signed order.

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CRIMINAL APPEAL NO. 1260 OF 2012:

The appeal is allowed and the impugned order passed by the High Court is set aside in terms of the signed order.

Since the appellant is on bail, his bail bonds shall stand discharged.

CRIMINAL APPEAL NOS. 1261-1264 OF 2012:

Since the appeals filed by the Complainant have already been dismissed, these appeals which were preferred by the State of Maharashtra against the same common judgment of the High Court also stands dismissed in terms of the signed order.

(R. NATARAJAN)

(SNEH LATA SHARMA)

Court Master Court Master
(Common signed order is placed on the file)