

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1643/2017
(@ SPECIAL LEAVE PETITION (CRL.) NO. 7255 OF 2015)

GURUNATH SHANTARAM PAVASHE . . . APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA . . . RESPONDENT(S)

WITH

CRIMINAL APPEAL NO.1644/2017
(@ SPECIAL LEAVE PETITION (CRL.) NO. 5146 OF 2015)

CRIMINAL APPEAL NOS.1645-46/2017
(@ SPECIAL LEAVE PETITION (CRL.) NOS. 5181-5182 OF 2015)

O R D E R

IN CRIMINAL APPEAL NO.1643/2017
(@ SPECIAL LEAVE PETITION (CRL.) NO. 7255 OF 2015)

Leave granted.

Heard learned counsel for the parties and perused the record.

In view of the report of the District and Sessions Judge, Raigad - Alibaug, the appellant is held to be juvenile. Accordingly, we set aside the sentence awarded to him.

The appellant is on bail. His bail bonds shall stand discharged.

The appeal is, accordingly, allowed in above terms.

IN CRIMINAL APPEAL NO.1644/2017
(@ SPECIAL LEAVE PETITION (CRL.) NO. 5146 OF 2015)

Leave granted.

Heard learned counsel for the parties and perused the record.

For murder of one Madan Mahadu Bhopi on 29.10.1991, total eighteen persons were convicted, namely,

1. Hari Rama Pavashe
2. Arun Shama Hilal, Adv.
3. Dharma Pandurang Pavashe
4. Shivram Laxman Sangade
5. Sudan Govind Sangade
6. Balkrishna Pandurang Pavashe
7. Padu Dharma Madhavi
8. Laxman Namdeo Kathe
9. Narayan Namdeo Kathe
10. Bhau Baliram Sangade
11. Rohidas Mangal Mhatre
12. Ram Madhukar Chaudhari
13. Kacharu Mangal Pavashe
14. Janardan Kacharu Pavashe
15. Vasant Ambo Sangade
16. Ashok Ambo Sangade
17. Gurunath Shantaram Pavashe
18. Vasudeo Kathor Kathe

One of them has died. One of them has been declared juvenile. Seven were acquitted by the Trial Court.

We are thus left with - Shivram Laxman Sangade, Rohildas Mangal Mhatre, Ram Madhukar Chaudhari, Vasudeo Kathore Kathe, Ashok Ambo Sangade, Janardan Kacharu Pavashe, Narayan Namdeo Kathe, Dharma Pandurang Pavashe and Balkrishna Pandurang Pavashe.

As regards Narayan Namdeo Kathe, Dharma Pandurang Pavashe and Balkrishna Pandurang Pavashe, we do not find any consistent evidence about their involvement. Even the Trial Court has found that there is an exaggeration in the prosecution version and the evidence has to be scrutinized carefully applying the rule of corroboration. Having regard to the facts and circumstances of the present case, we are of the view that the appellants - Narayan Namdeo Kathe, Dharma Pandurang Pavashe and Balkrishna Pandurang Pavashe are entitled to benefit of doubt. Accordingly, their conviction and sentence are set aside.

The appellants are in custody. They may be released forthwith, if not required in any other case.

The appeal is, accordingly, allowed.

IN CRIMINAL APPEAL NOS.1645-46/2017
(@ SPECIAL LEAVE PETITION (CRL.) NOS. 5181-5182 OF 2015)

Leave granted.

Heard learned counsel for the parties and perused the record.

We do not find any ground to interfere with the conviction and sentence of the appellants, namely, Shivram Laxman Sangade, Rohildas Mangal Mhatre, Ram Madhukar Chaudhari, Vasudeo Kathore Kathe, Ashok Ambo Sangade and Janardan Kacharu Pavashe. Their conviction and sentence are

upheld.

Their appeals are, accordingly, dismissed.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
12th SEPTEMBER, 2017

.....J.
[UDAY UMESH LALIT]

ITEM NO.19

COURT NO.11

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 7255/2015

(Arising out of impugned final judgment and order dated 03-02-2015 in CRLA No. 10/1995 passed by the High Court Of Judicature At Bombay)

GURUNATH SHANTARAM PAVASHE

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

WITH

SLP(Cr1) No. 5181-5182/2015 (II-A)SLP(Cr1) No. 5146/2015 (II-A)

Date : 12-09-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. A. Sharan, Sr. Adv.
Mr. Amit Kumar, AOR
Mr. Shaurya Sahay, Adv.

For Respondent(s) Mr. Kunal A. Cheema, Adv.
Mr. Yogesh K. Ahirrao, Adv.
Mr. Nishant Ramakantrao Katneshwarkar, AOR

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

IN CRIMINAL APPEAL NO.1643/2017
(@ SPECIAL LEAVE PETITION (CRL.) NO. 7255 OF 2015)

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall also stand disposed of.

IN CRIMINAL APPEAL NO.1644/2017
(@ SPECIAL LEAVE PETITION (CRL.) NO. 5146 OF 2015)

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall also stand disposed of.

IN CRIMINAL APPEAL NOS.1645-46/2017
(@ SPECIAL LEAVE PETITION (CRL.) NOS. 5181-5182 OF 2015)

Leave granted.

The appeals are dismissed in terms of the signed order.

Pending application(s), if any, shall also stand disposed of.

(MADHU BALA)
COURT MASTER (SH)
(Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER