

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.685-687 OF 2017

(@ SPECIAL LEAVE PETITION (CRIMINAL)NO. 6462-6464 OF 2016)

LAXMIBAI MAROTI SODGIR

...APPELLANT(S)

VERSUS

TRIMBAK SAKHARAM SODGIR AND ORS. ETC.

...RESPONDENT(S)

WITH

CRIMINAL APPEAL NO.689 OF 2017

(@ SLP (CRIMINAL)NO.2963 OF 2017) (CRL.M.P.NO. 5331)

O R D E R

Delay condoned.

Leave granted.

Heard learned counsel for the parties. Acquittal of respondent-Shankar is subject matter of consideration in this appeal.

On 13.11.2008 the incident in question took place on account of sewage discharged from the house of the deceased. Respondent-Shankar allegedly caused a single blow from the blunt side of spade resulting in death of Maroti. The trial Court convicted respondent-Shankar under Section 302 of the Indian Penal Code and sentenced him to undergo life imprisonment. On appeal the High Court has reversed the conviction and sentence and acquitted the accused.

We have perused the record and we find that there was no reason to reject the evidence of eye witnesses which was supported by the medical evidence qua respondent-Shankar accused. Accordingly, we are of the view that the judgment of the High Court needs interference.

We find that the incident took place all of sudden and the only role attributed to Shankar is of causing one blow which landed on the head for which he is liable under Section 304 Part II IPC. We, accordingly, convict the respondent-Shankar under Section 304 Part II and sentence him to the period already undergone which is said to be slightly less than three years. He is also sentenced to pay fine of Rs. 25,000/- (Rupees twenty five thousand) to the widow of the deceased within a period of three months from today. In default of payment of fine, the accused-Shankar will undergo one year imprisonment.

The appeals are disposed of in above terms.

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

NEW DELHI
10TH APRIL, 2017

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

ITEM NO.56

COURT NO.13

SECTION IIA

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 (Crl.) No(s). 6462-6464/2016
(Arising out of impugned final judgment and order dated 17/03/2016
in CRLA No. 5737/2015 in CRLA No. 62/2014 in CRLA No. 68/2014
passed by the High Court Of Bombay At Aurangabad)

LAXMIBAI MAROTI SODGIR

Petitioner(s)

VERSUS

TRIMBAK SAKHARAM SODGIR AND ORS. ETC.

Respondent(s)

(With appln. (s) for exemption from filing O.T. and interim relief
and office report)

WITH

SLP(Crl.)...CRLMP No. 5331/2017

(With appln. for c/delay in filing SLP and Office Report)

Date : 10/04/2017 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. Vikrant Yadav, Adv.
MR. Tripurari Rai, Adv.
Mr. M. C. Dhingra, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, Adv.

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

Mr. Sudhanshu S. Choudhari, Adv.

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

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the
signed order.

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

(Madhu Bala)

Court Master

(Signed order is placed on the file)

(Veena Khera)

Court Master