

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO(S) . 1797 OF 2017

THE STATE OF MAHARASHTRA . . . APPELLANT(S)

VERSUS

BHIMRAO . . . RESPONDENT(S)

ORDER

1. The challenge in this appeal by the State of Maharashtra is to an order of acquittal of the accused respondent who has been convicted under Section 302 of the Indian Penal Code, 1860 ("IPC" for short).

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

3. We have perused the materials on record, including the evidence tendered by the relevant prosecution witnesses i.e. P.W.1 (Anjanabai Thood) and P.W.4 (Gulab Atram).

4. The High Court has given cogent reasons for rejecting the prosecution evidence insofar as recovery of the alleged offending weapon and the blood-stained clothes of the accused is concerned. We will, therefore, have no occasion to interfere with the said conclusion of the High Court.

5. The High Court on an exhaustive consideration of the evidence on record assigned four reasons for taking the view that P.W.1 was not a reliable witness. Apart from the fact that P.W. 1 has not explained her presence in the house on the date of occurrence when she is employed as

an agricultural labour there is a contradiction between the evidence of P.W.1 and P.W.4 with regard to the injuries suffered by the deceased prior to the deceased coming to his home. That apart, the High Court has also taken note of the contradiction in the evidence of P.W.1 insofar as the description of the alleged offending weapon is concerned. The fact that the husband of P.W. 1 who was also present in the house and must have witnessed the incident was not examined as a prosecution witness has also been adversely commented upon by the High Court.

6. It is our considered view that the aforesaid reasons assigned by the High Court for acquittal of the accused respondent are good and sufficient reasons and reflect a possible view which we ought not to disturb in an appeal against an

order of acquittal. We, therefore, dismiss the present appeal and affirm the order of acquittal passed by the High Court.

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

....., J.  
(ADARSH KUMAR GOEL)

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

NEW DELHI  
NOVEMBER 07, 2017

ITEM NO.18

COURT NO.3

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

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Date : 07-11-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s)

Mr. Nishant Ramakantrao Katneshwarkar, AOR

For Respondent(s)

Ms. E. R. Sumathy, AOR (A.C.)

UPON hearing the counsel the Court made the following  
O R D E RThe appeal is dismissed in terms of the signed  
order.

[VINOD LAKHINA]

(TAPAN KUMAR CHAKRABORTY)

AR-cum-PS

BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]