

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1075 OF 2024

Ganesh Shankar Paraskar

..Appellant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Shailesh Kharat a/w. Shreyash K. Mone and Onkar Chaudhari
for Appellant.

Smt. M. M. Deshmukh, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.**

DATE : 10 SEPTEMBER 2026

JUDGMENT : (PER SARANG V. KOTWAL, J.)

1. The Appellant has challenged the Judgment and order dated 26.08.2022 passed by the learned Additional Sessions Judge, Pune, in Sessions Case No.33 of 2016. The Appellant was convicted and sentenced as follows:

- i) He was convicted for commission of the offence punishable U/s.302 of the IPC and was sentenced to suffer imprisonment for life and to pay a fine of Rs.10000/-.

- ii) He was also convicted for commission of the offence punishable U/s.307 of the IPC and was sentenced to suffer R.I. for ten years and to pay a fine of Rs.5000/- and in default to suffer S.I. for six months.
- iii) He was further convicted for commission of the offence punishable U/s.323 of the IPC and was sentenced to suffer R.I. for one year.
- iv) He was further convicted for commission of the offence punishable U/s.506 of the IPC and was sentenced to suffer S.I. for two years.

All the sentences were directed to run concurrently. He was acquitted from the charges U/s.498A and 504 of the IPC.

2. Heard Mr. Shailesh Kharat, learned counsel for the Appellant and Smt. M. M. Deshmukh, learned APP for the State.

3. The prosecution case, in brief, is as follows:

The Appellant was a labourer. He and his wife Manisha were residing together in a small room. In the evening of 11.09.2015, the Appellant, the deceased and two friends of the Appellant had gone to Jejuri. There was a quarrel between the

Appellant and the deceased. When they returned to their room, the deceased had not cooked food for him. She went to sleep. In the morning at about 4:00a.m. the Appellant poured kerosene on her person and set her on fire by lighting a matchstick. His friends who were in the adjacent rooms saw the smoke coming out of the room. They raised shouts. They rushed there. They saw that the deceased Manisha-wife of the Appellant had caught fire. They took her to a water tap. She had suffered severe burn injuries. Both the friends took her to Saswad PHC and then to Sassoon Hospital, Pune. Her statement was recorded by the police officer and then by a Nayab Tahsildar on 13.09.2015. The Appellant's wife Manisha succumbed to her burn injuries on 14.09.2015. Based on the statements of the deceased recorded by the police before her death, C.R.No.226 of 2015 was registered at Saswad police station. The Appellant was arrested, the investigation was conducted, various panchanamas were conducted, the dead body was sent for postmortem examination, the statements of various witnesses were recorded and at the end of the investigation, the charge-sheet was filed. The case was committed to the Court of Session.

4. During the trial, the prosecution examined nine witnesses, including the police officers, the Special Executive Magistrate who had recorded the statements of the deceased which were in the nature of the dying declarations, two friends of the Appellant who had reached the spot, the Medical Officer and the Investigating Officer.

5. The Appellant had taken the defence of denial. He gave his written statement in his examination U/s.313 of the Cr.P.C. In his statement, he contended that on 11.09.2015, he, his wife and PW-8 Shivaji Nagulkar had gone to Jejuri. The trip was peaceful. When they returned home, his wife did not cook meal. Both of them slept without eating food. At about 4:00a.m. he started going to work. His wife was making tea on the stove. There was bursting of the stove. Her clothes caught fire. He immediately opened the door and made her sit under a water tap. After extinguishing the fire, she was immediately taken by him to Saswad PHC and then to Sassoon Hospital. On the way, he informed this incident to her parents. They came to the hospital. One person was accompanying them. He had threatened the Appellant. Before her relatives came,

the deceased had given her first statement that she had caught fire because of the bursting of the stove. The said statement was recorded in front of the Appellant. But thereafter she was tutored to give a false statement. Hence, he was falsely implicated. He also criticized the evidence of PW-7 Amol and PW-8 Shivaji, in his statement.

6. The learned trial Judge relied on the written dying declaration, the endorsement given by the Doctor and the evidence of PW-7 and PW-8. The learned Judge did not believe the first statement given by the deceased on 12.09.2015. Based on these reasons, he convicted and sentenced the Appellant, as mentioned earlier.

7. PW-2 Rajendra Waydande is an important witness in this case. He was a resident Nayab Tahsildar, Pune city. He deposed that on 13.09.2015, the PSI of Saswad police station issued a letter to their office requesting for recording dying declaration of Manisha Paraskar. PW-2 went to Sassoon Hospital, Ward No.25 for recording the statement. He met the doctor, who took him to Ward

No.25. PW-2 enquired with the doctor about the patient's condition for recording the statement. The Doctor gave his endorsement in writing that the patient was conscious, oriented and could give a statement. PW-2 then enquired with the injured lady. She narrated her name and address. He asked her as to how the incident had taken place. She told him that her husband had started going for his job. She did not work as she was angry. Therefore, her husband poured kerosene on her person, lit a matchstick and set her on fire. She started shouting. She called Amol. This was the statement given by her. PW-2 again enquired with the Doctor about her condition. The Doctor again gave his endorsement that the patient was conscious and could give a statement. The deceased had a grievance against the present appellant. After the statement was over, PW-2 obtained an endorsement of the Doctor. The statement was readover to the patient. She admitted the contents. PW-2 obtained the impression of her right toe on the statement. The statement is produced on record at Exhibit-17.

In the cross-examination, he deposed that he received

the letter at 1:00p.m. on 13.09.2015. He reached Sassoon Hospital around 1:30p.m. to 1:45p.m. He met the police from Saswad police station in the hospital. He met the doctor in Ward No.25. The patient was on the first bed on the left side. Nobody else was present near the patient. Her relatives were not present. Her face was not covered, but other portion of the body was covered. No intravenous treatment was given to the patient. He did not enquire with the doctor regarding any drug or pain-killer administered to her. He asked the patient about her name and address to assess her medical condition. He did not write this particular fact on the dying declaration. The recording of dying declaration took about ten minutes. While speaking, she was taking small breaks. The dying declaration was written in his own handwriting.

8. The dying declaration at Exhibit-17 described the incident as was deposed by this witness. It bears an endorsement of Dr. Rohit, that the patient was conscious and could give statement. Such endorsement is found at three places on the dying declaration. It was at the beginning of the Statement, in the middle of the main portion of the statement and at the conclusion

of the statement. The starting time of the recording of the statement is mentioned as 2:05p.m. and it ended at 2:15p.m. Both these timings are mentioned in the dying declaration.

9. PW-6 API Rajesh Malegave was the police officer who had recorded the dying declaration before the dying declaration (Exhibit-17) was recorded by PW-2 Rajendra. PW-6 deposed that, he was attached to Saswad police station. On 13.09.2015, they received the information from Sassoon Hospital regarding a burn case. The patient's name was Manisha Paraskar. After making the station diary entry, he reached Sassoon Hospital. He made enquiry with the Medical Officer on duty as to whether the patient was in a position to give statement. When the Medical Officer gave answer in the affirmative, he recorded Manisha's statement in presence of the Medical Officer. She told this witness that, since she was of black complexion, the Appellant was not happy to cohabit with her. He used to illtreat her. At about 4:35a.m. on 12.09.2015 the Appellant poured kerosene on her and set her on fire. PW-6 recorded the statement in detail and obtained impression of her right toe. He obtained the signature of the Medical Officer. The

statement is produced on record at Exhibit-38.

In the cross-examination, he deposed that, he reached Sassoon Hospital at around 12:00p.m. They had received the information at about 10:00a.m. on 12.09.2015. When he reached Sassoon Hospital, Manisha's relatives were not present. He put certain questions to her in order to assess her mental capacity. The recording of the statement lasted for about 30 to 45 minutes. After the recording of the statement was over, he sent a letter-Exhibit-16 to the Tahsildar requesting for recording of the dying declaration. After the Tahsildar came to Sassoon Hospital, PW-6 did not accompany him inside the Ward. The statement recorded by him is produced on record at Exhibit-38. It bears an endorsement of Dr. Rohit Kumar Pandey that the patient was conscious and could give a statement.

10. The statement mentions a detailed history. She has stated that it was her second marriage. It took place on 16.04.2015. The Appellant used to illtreat her. He was not happy about her complexion. PW-8 Shivaji helped both of them to get a

job, but the Appellant continued illtreating her. He wanted a divorce. He wanted to go to their native place. On one occasion, he had tried to assault her with a knife. On 11.09.2015, they had gone to Jejuri. While returning, they had some snacks and, therefore, she did not cook food. They slept without having dinner. In the morning, she was sleeping. The Appellant poured kerosene on her and set her on fire. She sought help from PW-7 Amol and PW-8 Shivaji. They rushed there. They made her sit under a water tap and then took her to Saswad PHC and thereafter to Sassoon Hospital.

Significantly, she mentioned that on 12.09.2015 she had given her statement, in which, she had stated that she had caught fire because of the bursting of the stove, but she explained that the Appellant had threatened her and, therefore, under that pressure, she had given that statement.

11. At this stage, it is necessary to refer to the said statement dated 12.09.2015. Though, it is marked as Exhibit-38A, it is not proved by any witness. The contents of that statement are

not proved. There is an endorsement by the Doctor, but even that endorsement is not proved. That Doctor is not examined. The deceased in that statement had stated that she had caught fire because of the bursting of the stove, but the contents of Exhibit-38A are not proved.

12. Learned counsel submitted that, at least, adverse inference be drawn that there was one statement in favour of the Appellant that the prosecution has suppressed.

13. The next important witness is PW-3 Dr. Rohit Kumar Pandey, who had made endorsements on both these dying declarations Exhibit-17 and Exhibit-38. He deposed that, in 2015, he was working as a resident doctor at BJ Medical College and Sassoon Hospital, Pune. On 13.09.2015, he was on duty. Manisha was treated as an indoor patient in Ward No.25. The police approached him for recording her statement. At that time, she was conscious and oriented to give her statement. He made an endorsement which he identified at Exhibit-22. The said Exhibit-22 is an endorsement on Exhibit-38 i.e. the dying declaration

recorded by PW-6 Rajesh. He further deposed that, on the same day, a Nayab Tahsildar came to his hospital. He also wanted to record the statement of the patient. At that time also the patient was conscious, oriented and could give a statement. PW-3 was shown an endorsement on the dying declaration at Exhibit-17. He identified that endorsement as well. He deposed that, even at the end of the statement, he gave another endorsement about the condition of the patient. He identified all the three endorsements on Exhibit-17. According to him, the orientation of such patient depends upon the percentage of burns and the percentage of intoxication and other injuries.

In the cross-examination, he deposed that he was on duty since 2:15p.m.on 13.09.2015. On that day, for the first time, he examined Manisha. He did not remember if there was anybody else present except his assistants. He examined the patient. He had given I.V. fluid, analgesic and antibiotics as per the protocol. The patient was having burn injuries over the face and neck. He did not remember as to whether, except for the police anyone else was present while the statement was recorded.

14. PW-7 Amol Satav is another important witness. He was working in the same company as that of the Appellant. He was staying nearby. The day before the incident, he had accompanied the Appellant and his wife and PW-8 Shivaji to Jejuri. There was a quarrel between the Appellant and his wife. The Appellant had slapped her. PW-7 and PW-8 Shivaji had intervened and stopped them. They all returned home and had gone to their respective rooms. They got up at 4:00a.m. PW-7, PW-8 Shivaji and four others were residing in one room. The four roommates had left for the work. He saw smoke coming from the Appellant's room. PW-7 and PW-8 rushed there. They broke open the door. They saw that Manisha had caught fire. She came running out of the room. They made her sit under a water tap. The Appellant was standing in the room. Manisha told them that the Appellant had set her on fire by pouring kerosene on her. After that she was taken to the hospital. The police recorded his statement. His statement was also recorded U/s.164 of the Cr.PC. He identified his statement. It is produced on record at Exhibit-43. It substantially corroborates his deposition.

In the cross-examination, he deposed that he was staying in the room which was two rooms away from the Appellant's room. The Appellant, his wife, PW-7, PW-8 Shivaji and others used to go to work at 4:00a.m. to feed chicken at the poultry farm. He deposed that they had asked Manisha to come towards the tap. There was smoke inside the room. Thereafter he had not gone back inside the room. At that time, Manisha was completely burnt from head to toe. They took Manisha in the company's tempo to the hospital. He did not go to the hospital in the same tempo. He went to Sassoon Hospital on the next day. He had seen Manisha's father there. He deposed that, before extinguishing the fire, they had put a blanket on her and after that she had told them as to how she had caught fire. When they extinguished the fire, the Appellant was standing beside her. PW-7 had gone to Sassoon Hospital on the same day in the afternoon. He had met the police. He had told the police as to how she was burnt or how she had suffered burn injuries.

His attention was drawn to portion marked-A in his statement which mentioned that his statement was read-over to

him and it was correctly written. However, he had also deposed that he could not read Marathi. Therefore, the defence wanted to show that he did not understand what the police had written in that statement.

15. Again, in the statement recorded U/s.164 of the Cr.PC which is produced on record at Exhibit-43, there was a similar sentence that he had read his statement which was recorded in Marathi and it was correct. He clarified that the entire statement is correct except that particular sentence.

16. PW-8 Shivaji Nagulkar was another friend. He was Manisha's cousin. His evidence is exactly the same as that of PW-7 Amol. His statement recorded U/s.164 of the Cr.PC is produced on record at Exhibit-45. His cross-examination also proceeded on similar lines. In addition, he deposed that the police had recorded Manisha's statement on 12.09.2015. He could not state who were present when the police had recorded Manisha's statement. Her parents were with her throughout.

17. PW-1 Naresh More was a pancha for the spot

panchanama which is produced on record at Exhibit-12. On 13.09.2015 he was called to conduct the panchanama. The police had seized a half burnt pant, one solapuri chadar, one five liter plastic can, one matchbox and half burnt match stick. According to him, there was smell of kerosene in the room. The police seized and sealed those articles in his presence. The panchanama was conducted between 10:00p.m. to 11:30p.m.

In the cross-examination, he deposed that he was working at Talab Farm, Bhivari, as Supervisor. About twenty people worked under him. He knew PW-7 Amol and PW-8 Shivaji who were the residents of Talab Farm and working there. He admitted that, there was a stove in the corner at the spot. The spot panchanama also refers to a stove in the corner of the room. There is no further description of the stove in the spot panchanama.

18. PW-4 Sudhir Badade was a pancha in whose presence the Appellant made a statement to show his willingness to point out the place where he had kept his clothes. The statement was recorded. It is produced on record at Exhibit-25. The Appellant led

the police and the panchas to Room No.4. The clothes were hanging on the wall in the room. Those clothes i.e. Baniyan, pant and underwear were seized. The clothes seizure panchanama is produced on record at Exhibit-26.

19. PW-5 Dr. Hemant Vaidya had conducted the postmortem examination. He deposed that the deceased had suffered superficial to deep burn injuries. She had suffered injuries on the head, neck, face, chest, abdomen, back and both upper and lower limbs. The total surface area burnt was 87%. The cause of the death was mentioned as "Death due to shock due to burns". The postmortem notes are produced on record at Exhibit-28. The PM notes also mention that there was blue ink mark over the left thumb and on the right big toe.

20. PW-9 API Navnath Babanrao Saste had conducted the investigation from 13.09.2015 onwards. He deposed about conducting the spot panchanama, the seizure of Appellant's clothes panchanama, conducting inquest panchanama etc. The Appellant's clothes were recovered on 16.09.2015 at his instance.

In the cross-examination, he admitted that, the first dying declaration recorded by the police was treated as an FIR. It was mentioned that the deceased had given her statement on 12.09.2015 as well.

This, in short, is the evidence led by the prosecution.

SUBMISSIONS OF SHRI. SHAILESH KHARAT, LEARNED COUNSEL FOR THE APPELLANT:

21. Learned counsel for the Appellant submitted that the prosecution has deliberately suppressed the first dying declaration exonerating the Appellant, recorded on 12.09.2015. Therefore, adverse inference needs to be drawn. Two written dying declarations were recorded on 13.09.2015. No explanation is offered as to why they were not recorded on 12.09.2015. The inquest panchanama does not mention about the ink on the big toe of the deceased. The dying declarations were recorded after the relatives had come to the hospital and after they had tutored the deceased. Therefore, those two dying declarations are not reliable. The statement recorded by PW-6 Rajesh is too elaborate. A seriously burnt patient could not have given too many details.

Different reasons are mentioned in the dying declarations at Exhibit-17 and 38. The reasons for commission of this offence mentioned in both these dying declarations are not consistent. The Appellant is acquitted from the charges of commission of the offence punishable U/s.498A of the IPC. There are contradictions in the evidence of PW-7 Amol and PW-8 Shivaji. If both of them had tried to extinguish the fire, there are no injuries on the persons of PW-7 and PW-8. They did not disclose about the incident to anybody immediately. If their statements were recorded on 12.09.2015, there is no reason as to why the FIR was not lodged based on their statements. There was a lid on the can of kerosene. There was no occasion for the Appellant to put a lid on the can, if he had committed that offence. He submitted that the evidence of the Medical Officer does not inspire confidence and, therefore, endorsements on the dying declarations are not reliable.

SUBMISSIONS OF SMT. M. M. DESHMUKH, LEARNED APP FOR THE STATE

22. Learned APP submitted that this incident took place within four months of the marriage. The incident took place at

4:00a.m. Only the Appellant and the deceased were present in the room, therefore, it was for the Appellant to explain as to how the incident had taken place. Under section 106 of the Evidence Act, the burden to explain these circumstances, which are exclusively within the knowledge of the Appellant, was squarely on him. The chain of events shows that from the previous evening itself there was some altercation between the Appellant and the deceased; which ultimately led to the commission of this offence by the Appellant. The conduct of the Appellant does not inspire confidence. It is completely unnatural. He had not tried to extinguish the fire and if he did so, there are no injuries to his hands. He was merely standing there which shows that he had committed that offence. He had not even taken the trouble to take her to the hospital. There are two written dying declarations and two oral dying declarations made to PW-7 Amol and PW-8 Shivaji. Hence, there is consistent evidence and circumstances against the Appellant.

REASONS AND CONCLUSION

23. We have considered these submissions. As far as Exhibit-38A is concerned, as we have discussed earlier, the contents of that statement are not proved. Neither the prosecution nor the defence had examined the officer who had written that dying declaration. The endorsement on that dying declaration was made by some Doctor; even that Doctor was not examined. Therefore, the contents of that particular statement are inadmissible and are not proved.

24. There is a reference to the statement recorded on 12.09.2015 in the FIR itself which is the statement recorded by PW-6 Rajesh. However, in that very context, it is mentioned in the FIR that she had given the statement on 12.09.2015 under the threats by the Appellant. Thus, the evidence regarding Exhibit-38A which was the purported statement recorded on 12.09.2015 is not helpful to the defence.

25. The main evidence in this case is about the two written dying declarations. The first dying declaration was treated as an

FIR which was recorded by PW-6 Rajesh-the police officer. The Medical Officer was constantly present during the recording of the dying declaration and he had given the endorsement. The Medical officer gave an endorsement that the patient was conscious, oriented and could give her statement. Therefore, the recording of that statement in presence of this Medical Officer can hardly be doubted. The deceased had given more details in her statement than those which she had given in the statement recorded by PW-2 S.E.M. Waydande. That by itself cannot be a reason to discard the statement recorded by the police officer. Importantly, the Medical Officer was present throughout and he has supported the case of the prosecution that the deceased was in a position to give that particular statement.

26. After said statement i.e. Exhibit-38 which was treated as an FIR was recorded, the S.E.M. PW-2 Rajendra had recorded her second dying declaration which is produced on record at Exhibit-17. The said statement bears PW-3 Dr. Rohit Pandey's endorsements at three places; one at the beginning, the second after the middle portion was recorded and third one at the end of

the statement. On all these three occasions, the Medical Officer had mentioned that the patient was conscious, oriented and could give the statement. Thus, this statement, in particular, is quite reliable where she had clearly stated that when the Appellant was about to go to work, she had not helped him as she was angry. She was sleeping and, therefore, the Appellant poured kerosene on her and set her on fire. This statement describes the main incident. We find this statement quite reliable and it bears the opinion and endorsement of the Medical Officer. A specific role is attributed to the Appellant. The evidence of PW-2 SEM Rajendra Waydande inspires confidence and is reliable. Therefore, this is the most incriminating piece of evidence proved by the prosecution against the Appellant.

27. Apart from these two dying declarations, there is evidence of two oral dying declarations made to PW-7 Amol and PW-8 Shivaji. Both of them immediately rushed to the spot when the deceased caught fire. They had helped her reach a water tap. Both of them have deposed that the deceased had told them that the Appellant had poured kerosene on her and set her on fire.

Manisha had told PW-7 Amol about the incident when he had gone to the room itself. The same is the case with PW-8 Shivaji. He also deposed that when he reached the room, he asked Manisha as to what happened. At that time, Manisha told him that the Appellant had poured kerosene on her and had set her on fire. Both these statements are consistent. Both these witnesses are natural witnesses. They were the immediate neighbours of the couple. They both deposed that there was a fight between the couple. Thus, the evidence of PW-7 Amol and PW-8 Shivaji regarding the incident fully corroborates the evidence of written dying declaration.

28. Apart from the circumstance of oral dying declarations, PW-7 Amol and PW-8 Shivaji have also deposed about the conduct of the Appellant when both of them had reached the room. PW-7 Amol had stated that, they broke opened the door of the room. That means, the Appellant had committed this offence and had kept the door closed. Thus, only because of the efforts of PW-7 Amol and PW-8 Shivaji the deceased could come out of the room. The Appellant was merely standing there. He did not help PW-7

and PW-8 to extinguish the fire. He himself did not try to help the deceased. The deceased was burning. She had suffered intensive burn injuries. If he had tried to save the deceased immediately, at least, there could be some signs of injuries on his hands. Learned counsel for the Appellant submitted that same reasoning would also apply to PW-7 Amol and PW-8 Shivaji who also had not suffered injuries to their hands. However, both of them had reached the room subsequently. They had put a blanket on the deceased and then she had gone to sit under the water tap. PW-7 Amol and PW-8 Shivaji have explained their conduct sufficiently, whereas, the Appellant had not uttered a word as to what efforts he had taken to extinguish the fire and as to why he had not called for help from others. The conduct of the Appellant is not in conformity with his defence that the deceased had caught fire accidentally. He had not taken any efforts to get help from others who were residing nearby. He had not called PW-7 and PW-8. They had come on their own after hearing the shouts of the deceased. The conduct of the Appellant is not in consonance with his defence of innocence.

29. The finding of the lid on the can of kerosene also does not make much difference to the prosecution case in view of the fact that there is consistent evidence in the form of oral and dying declarations and other circumstances which we have discussed herein above. Learned counsel for the Appellant submitted that the police had not recorded the statement on 12.09.2015. However, there is a reference to recording of the statement on 12.09.2015, but at that time, the deceased had not made any allegation and, therefore, no steps were taken by the police. It is only on 13.09.2015 when she made specific allegations against the Appellant, an FIR was lodged and then her statement was recorded by PW-2 S.E.M. Rajendra. The postmortem notes mention that Manisha had succumbed to her injuries on 14.09.2015 at 5:15p.m. Thus, she had survived more than a day after her dying declarations were recorded. As mentioned earlier, the medical evidence in this case is satisfactory that she was in a position to give the statement. There is nothing to show that the dying declarations were given because she was tutored by her relatives. Even before her relatives arrived, she had made oral dying

declarations to PW-7 Amol and PW-8 Shivaji. Their evidences corroborate the written dying declarations. Considering all these aspects, we are satisfied that the prosecution has proved its case beyond reasonable doubt; that the Appellant had poured kerosene on her and set her on fire. However, we find that the learned Judge committed an error in convicting and sentencing the Appellant for commission of the offences punishable under sections 307 and 323 of the IPC. To that extent, we do not find any evidence to support the conviction and sentence under these two sections. There is no evidence to support the conviction and sentence U/s.506 of the IPC, as well. The conviction and sentence recorded under sections 307, 323 and 506 of the IPC are required to be set aside.

30. Hence, the following order:

O R D E R

- i) The Appeal is partly allowed.
- ii) The conviction and sentence for commission of the offence punishable under section 302 of the IPC for which he is sentenced to suffer

imprisonment for life and to pay a fine of Rs.10000/- are maintained.

iii) However, the conviction and sentence recorded for commission of the offences punishable under sections 307, 323 and 506 of the IPC are set aside.

iv) He is entitled to set off U/s.428 of the Cr.PC.

(RANJITSINHA RAJA BHONSALE, J.) (SARANG V. KOTWAL, J.)