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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.154 OF 2008**

Shri Ankur Ashok Thorat	]	
age: 23 years, Occn.Education	]	
R/o House No.154,	]	
Labour Colony, Behind I.T.I.	]	<u>... Appellant.</u>
Nanded, District: Nanded	]	Ori. accused
	]	
At present lodged in Central Prison	]	
Yerwada, Pune.	]	

V/s.

The State of Maharashtra	]	
Through Sahakarnagar Police Station	]	 Respondent
Pune	]	

Mrs. Nasreen S. K. Ayubi, appointed Advocate, for the Appellant.
Mrs. G. P. Mulekar, A.P.P., for the Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 11TH AUGUST, 2015.

ORAL JUDGMENT : [Per: SMT. V.K.TAHILRAMANI, J.]

1. The appellant original accused has preferred this appeal against the judgment and order dated 26.11.2007,

passed by the learned 8th Ad Hoc Additional Sessions Judge, Pune in Session Case No.569 of 2006. By the said judgment and order the learned Session Judge convicted the appellant under Section 302 of Indian Penal Code and sentenced him to life imprisonment and fine of Rs.1,000/- in default rigorous imprisonment for one year.

2. The prosecution case briefly stated is as under :-

P.W.2 Bandekar was working as a Manager in Vishal Lodge which was situated on the Pune Satara Road at Dhankawadi, Pune. One Sunil Dethe and Hanuman Kute (P.W.1) were the room boys. On 8.7.2006, when Bandekar was at the counter of the lodge, at about 10.15 a.m. one person i.e. appellant came to the lodge alongwith one woman (deceased). One travelling bag was with the appellant. The appellant asked Bandekar about the availability of room. Then Bandekar asked appellant whether the lady accompanying him is his wife. Thereupon the appellant replied that the lady was his wife. P.W. 2 Bandekar then allotted room No.10 in the lodge to the appellant and his wife. Bandekar asked the appellant to enter his name in the register kept in the lodge. Accordingly the appellant entered his name as "Pradeep

Jaiswal, age 27 years, and the name of that lady as Sunita Jaiswal. The appellant wrote in the register that they are resident of Nandanwan Garden, Aurangabad. The appellant wrote all these details in English language and signed on the said register.

Thereafter P.W.2 Bandekar called room boy P.W.1 Hanuman Kute and asked him to carry the luggage of that person to room No.10. Thereafter the couple stayed in room No.10. On that day they called their meals in the room itself through room boy Hanumant Kute. The appellant, on the next day i.e. on 9.7.2006 at about 1.30 p.m. came to the counter with his travelling bag. P.W.2 Bandekar asked him whether he is going to check out from the room. Thereupon the appellant told that he wanted to go outside for sometime. Bandekar then asked the appellant whether he is not taking his wife with him. The appellant replied that his wife is ill and therefore, he is not taking his wife with the him. Then Bandekar told the appellant that he will not allow the appellant to keep the lady alone in the room though she is ill. The appellant then stated that he is going to call his friend and then he will decide about the same. The appellant then gave phone call to his friend. Thereafter the appellant told

Bandekar that he is going to his room and to send his bag later on. Then Bandekar sent back the appellant's bag to room No.10 with room boy P.W. 1 Hanuman Kute. Within 10 to 15 minutes one Indica car came near the lodge. Bandekar noticed there was mud on the front side as well as on the back side number plate of the said car. Due to this suspicion was aroused in the mind of Bandekar, hence he gave a call on phone to his employer Vikas Pawar and told him the facts. The employer Vikas, then came to the Hotel. Both of them then went to room No.10. Bandekar knocked on the door of room No.10. The appellant opened the door and his friend who had come with Indica car was also present in the room. Bandekar asked the appellant whether there is any problem. The appellant replied in the negative.

Bandekar asked the appellant where was his wife, the appellant told Bandekar that his wife is ill and therefore she is sleeping. Bandekar asked the appellant to show his wife and after seeing his wife he will leave the place. The appellant stated that he will show his wife within five minutes. Thereafter the appellant immediately closed the door of the room and latched it from inside. Suspicion of PW.2 Bandekar was again aroused and he started knocking on the door

forcefully, but the appellant did not open the door. At the same time, Bandekar heard some sound, hence Bandekar ran towards ground floor and came outside the lodge. Bandekar noticed that the appellant had jumped from the gallery of room No.10 into the gallery of room No.5 which was situated below room No.10. Meanwhile police also arrived at the spot. Thereafter they went to room No.5 which is situated on the first floor. Police entered in the gallery of room No.5 via gallery of room No.4. They saw friend of the appellant was standing in the gallery of room No.10. Police then entered in the gallery of room No.9 and caught hold of the friend of the appellant. Then somebody opened the door of room No.10. Thereafter Bandekar, police and others entered in room No.10. They noticed that a lady was sleeping by covering her face with blanket. The police removed the blanket from the person of that lady. They noticed that there were injuries on the face of that lady and the lady was motionless. There was turkish towel lying near the lady which had blood stains on it.

Thereafter the police made enquiry with the appellant. He then gave his name as Ankur Ashok Thorat, resident of Nanded. The police made enquiry with the friend of the appellant, who disclosed his name as Shardul Momin Khan, r/o

Nanded. On enquiry with the appellant, the appellant told police that he had illicit relations with that lady since last one year. He also disclosed that the lady was doing business of prostitution. Due to sexual relations with appellant, the lady got pregnant and she was insisting that the appellant should marry her. Therefore, the appellant obtained room on rent at Bhayendar in Mumbai and kept the lady there for some time. The appellant further stated that earlier night the lady insisted that he should marry her, therefore, he caught her mouth. He pressed her neck with both hands and thereafter caused injuries to her face with blade. Thereafter the police took him to the police station. P.W.2 Bandekar lodged F.I.R. Thereafter investigation commenced. The Muddemal register Article 13 which was the register of Vishal Lodge was seized. The entry No.3835 in the register was stated by Bandekar to be in the hand writing of the appellant, hence, sample handwriting and signature of the appellant were obtained. They were sent to the Hand Writing Expert. After completion of investigation, chargesheet came to be filed.

3. Charge came to be framed against the appellant under Section 302 of IPC for committing murder of Rani

Rajmardi. The appellant pleaded not guilty to the said charge and claimed to be tried. His defence is that of total denial and false implication. After going through the evidence adduced in this case, the learned Session Judge convicted and sentenced the appellant as stated in paragraph No.1 above, hence this appeal.

4. We have heard learned counsel for the appellant and learned APP for the State. We have carefully considered their submissions, the judgment and order passed by the learned Sessions Judge and the evidence in this case. After carefully considering the matter, for the below mentioned reasons, we are of the opinion that there is no merit in the appeal.

5. There are no eye witnesses in the present case and case is based only on circumstantial evidence. The circumstances against the appellant are as under :-

- i. The appellant and deceased were allotted room No.10 in Vishal Lodge on 8.7.2006. However, when P.W.2 Bandekar the Manager of Vishal Lodge asked the appellant to show his wife, the appellant closed the door

from inside and jumped from balcony of room No.5 to balcony of room No.9 which was on the first floor and thus, tried to run away and dead body of Rani was found in room No.10.

- ii. The shirt of the appellant at the time of arrest was found stained with blood of "A" group. The blade found in the pant pocket of appellant was stained with blood of "A" group. The Chemical Analyzer's report shows that the shirt of appellant and blade were stained with blood of "A" group. The blood group of appellant was "B".
- iii. The Muddemal register article No.13 which was register of Vishal Lodge shows that entry was made therein by the appellant in his hand writing giving name as *Pradeep Jaiswal* and address of Aurangabad. The evidence of P.W.5 Hand Writing Expert shows that hand writing in the register at Entry No.3835 was that of the appellant.
- iv. The appellant called his driver with car to the lodge and the front and backside number plates of the car were covered with mud.

6. The first circumstance against appellant is that *the appellant and the deceased on 8.7.2006 stayed in room No.10 of Vishal Lodge. However, when P.W.2 Bandekar the Manager of Vishal Lodge asked the appellant to show his wife, the appellant closed the door from inside and jumped from*

balcony of room No.10 to balcony of room No.5 which was on the first floor and thus, tried to run away and dead body of Rani was found in room No.10.

P.W.2 Bandekar was working as Manager in Vishal Lodge. Said lodge was run by one Vikas Pawar. Bandekar has stated that Sunil Dethe and P.W. 1 Hanuman Kute were the room boys in the lodge. Bandekar has stated that on 8.7.2006 when he was on the counter of the lodge at about 10.15 a.m. one person i.e. appellant came to the lodge alongwith one woman(deceased). One travelling bag was with the appellant. The appellant asked Bandekar about the availability of room. Then Bandekar asked appellant whether the lady accompanying him is his wife. Thereupon the appellant replied that the lady was his wife. P.W. 2 Bandekar then allotted room No.10 in the lodge to the appellant and his wife. Bandekar asked the appellant to enter his name in the register kept in the lodge. Accordingly the appellant entered his name as "Pradeep Jaiswal, age 27 years and the name of that lady as Sunita Jaiswal. The appellant wrote in the register that they are residents of Nandanwan Garden, Aurangabad. The appellant wrote the details in English language and signed on the said register.

Thereafter P.W.2 Bandekar called room boy P.W.1 Hanuman Kute and asked him to carry the luggage of the appellant to room No.10. Thereafter the couple stayed in room No.10. On that day i.e. 8.7.2006, they called for meals in the room itself through room boy. The appellant, on the next day i.e. on 9.7.2006 at about 1.30 p.m. came to the counter with his travelling bag. P.W.2 Bandekar asked him whether he is going to check out from the room. Thereupon the appellant told that he wanted to go outside for sometime. Bandekar then asked the appellant whether he is not taking his wife with him. The appellant replied that his wife is ill and therefore, he is not taking his wife with him. Then Bandekar told the appellant that he will not allow him to keep the lady alone in the room though she is ill. The appellant then stated that he is going to call his friend and then he will decide about the same. The appellant then gave phone call to his friend. Thereafter the appellant told Bandekar that he is going to his room and to send his bag later on. Then Bandekar sent appellant's bag to room No.10 with room boy P.W. 1 Hanuman Kute. Within 10 to 15 minutes one Indica car came near the lodge. Bandekar noticed there was mud on the front side as well as back side number plate. Hence Bandekar became

suspicious and gave a call on phone to his employer Vikas Pawar and told him the facts.

The employer Vikas, then came to the Hotel. Both Vikas and Bandekar then went to room No.10. Bandekar knocked on the door of room No.10. The appellant opened the door, the appellant's friend who had come with Indica Car was also present in the room. Bandekar asked the appellant whether there is any problem. The appellant replied in the negative. Bandekar asked the appellant where was his wife, the appellant told Bandekar that his wife is ill and therefore she is sleeping. Bandekar asked the appellant to show him the wife of the appellant and after seeing his wife he (Bandekar) would leave the place. The appellant stated that he will show his wife within five minutes. Thereafter the appellant immediately closed the door of the room and latched it from inside. Suspicion of PW.2 Bandekar was again aroused and he started knocking on the door forcefully, but the appellant did not open the door. At the same time, Bandekar heard some sound. Hence Bandekar ran towards ground floor and came outside the lodge. Bandekar noticed that the appellant had jumped from the gallery of room No.10 into the gallery of room No.5 which was situated on the first floor. Meanwhile

police and public gathered at the spot.

Thereafter they went to room No.5 which is situated on the first floor. Police entered in the gallery of room No.5 via gallery of room No.4, and caught hold of the appellant. They saw that friend of the appellant was standing in the gallery of room No.10. Police then entered in the gallery of room No.9 and caught hold of the friend of the appellant. Then the door of room No.10 was opened. Thereafter Bandekar, police and others entered in room No.10. They noticed that lady was sleeping by covering her face with blanket. The police removed that blanket from the person of that lady. They noticed that there were injuries on the face of that lady. Lady was motionless. There was turkish towel lying near the lady which had blood stains on it.

Thereafter the police made enquiry with the appellant. He then gave his name as Ankur Ashok Thorat, resident of Nanded. The appellant made enquiry with the friend of the appellant, who disclosed his name as Shardul Momin Khan, r/o Nanded. Thereafter they made enquiry with the appellant, the appellant then told police that he had illicit relations with that lady since last one year. He also disclosed that the lady was doing business of prostitution. Due to sexual relations with

appellant, the lady got pregnant and she was insisting that the appellant should marry her. Therefore, the appellant obtained room on rent at Bhayendar in Mumbai and kept the lady there for some time. The appellant further stated that earlier night the lady insisted that he should marry her, therefore, he caught her mouth, he pressed her neck with both hands and thereafter caused injuries to her face with blade.

7. P.W. 1 Hanuman was working as room boy in Vishal lodge. He has stated that P.W. 2 Bandekar was the Manager of the said lodge. 5 to 6 months ago, one couple had came to the lodge at about 10 to 10.15 a.m. The Manager allotted room No.10 to them. The Manager called P.W.1 Hanuman and told him to take passengers to room No.10. P.W.1 Hanuman also carried their bag. Thereafter within half an our, they called him by ringing bell. They told him to bring break-fast. On the same day at about 10 p.m. the couple called him and told him to bring dinner for them. Accordingly he provided dinner to them. On the next day at about 1 to 1.30 p.m. the customer whose name was Pradeep Jaiswal alone came near the counter. The Manager had talk with said Pradeep Jaiswal. Thereafter the Manager called Hanuman and asked him to

take bag of that person to room No.10. Hanuman took bag to room No.10. At that time woman who was with Pradeep Jaiswal was sleeping in the room with her face covered with blanket. Within 10 to 15 minutes one person had come to the lodge. He told the Manager that somebody had called him to the lodge. The Manager told that person to go to room No.10. That person had come in Indica car. Hanuman stated that the number plate of the car was not visible as mud was applied to it. Therefore, the Manager suspected that something is wrong, then Manager gave a telephone call to their lodge owner, who came to the lodge. The Manager told the lodge owner that he suspected something was wrong. The Manager also pointed out Indica car to the owner. Thereafter the Manager Bandekar, the owner of the lodge and Hanuman Kute went to room No.10. The Manager knocked on the door of room No.10. The person who was inside room opened the door. The Manager and owner of the lodge asked that person to show face of the woman who was with him. The person told them to wait for five minutes and he closed the door. They all were waiting outside the door of the room. Then they heard some noise, therefore, they came down and noticed that the person who was staying in room No.10 was standing in the gallery of

room No.5 as he had jumped there. Meanwhile police also came there and they caught person who was standing in the gallery of room No.5. The driver of that person was standing in gallery of room No.10. Then one room boy entered in room No.9 and via gallery, he entered in room No.10 and opened the door of room No.10. Then police also entered room No.10. They saw one woman was lying on the bed. There were scratch marks on her face and some whitish item was oozing from her mouth. The evidence of P.W.2 Bandekar establishes that the appellant was the same person who was referred to as Pradeep Jaiswal.

8. The evidence of P.W.2 Bandekar clearly shows that the appellant and the deceased had taken room No.10 on rent on 8.7.2006 at 10.15 a.m. On the next day at about 1.30 p.m. the appellant came to the counter with his travelling bag. Bandekar asked the appellant whether he is going to check out from the room. The appellant thereupon stated that he wanted to go outside for some time. Bandekar asked the appellant whether he is not taking his wife with him, the appellant replied his wife is ill, therefore, he is not taking her with him. Then Bandekar told the appellant that he will not

allow him to keep the lady alone in the room though she was ill. The evidence of Bandekar further shows that his suspicion was aroused especially when the appellant had called car of which front side as well as back side number plates were covered with mud so that the number could not be seen. Hence Bandekar called his employer. Then they all went to the room of the appellant and insisted that the appellant should show his wife. Thereupon the appellant stated that he would do so and he immediately closed the door of the room No.10 and latched it from inside. Then the appellant jumped from the balcony of room No.10 to balcony of room No.5 and tried to run away. This is further corroborated by the evidence of P.W.4 API Desai.

9. API Desai has stated that he was posted at Sahakarnagar police station, Pune. On 9.7.2006, at about 2.00 p.m. he was on patrolling duty on Pune Satara Road. When they came near Vishal Lodge at 2.00 p.m., they noticed some person had gathered there. He noticed one person i.e. appellant who was in the gallery on the second floor was trying to get down into gallery on the first floor of Vishal Lodge. On seeing him, the Manager of the lodge P.W.2

Bandekar, told him that the person who was getting down from the gallery of second floor into the gallery of the first floor is trying to run away by leaving his wife in the lodge. API Desai saw that the appellant succeeded in getting down to the gallery of the first floor. When the appellant saw them, he stopped there. API Desai has stated that thereafter he alongwith constable Shinde and the Manager P.W. 2 Bandekar, went to room No.10 where the wife of the appellant was staying. He noticed that room No.10 was bolted from inside. They then came to room no.5 which was situated on the first floor of the lodge. The door of room No.5 was also latched from inside. Therefore, the room boy Dethe entered in room No.4, API Desai also followed the room boy. Then they caught hold of the person who was standing in the gallery of room No.5 on the first floor. API Desai has identified the said person as the appellant. API Desai further stated that the appellant gave his name as Pradeep Jaiswal, however, later on he revealed his name is Ankur Thorat, resident of Nanded.

Thereafter they took the appellant to room No.10. Room No.10 was bolted from inside. Hence API Desai told room boy Dethe to go in room No.10 via gallery of room No.9 and open the door of room No.10. Accordingly room boy Dethe went and

opened the door of room No.10. When they entered in room No.10, they saw one lady was lying on the bed. There were several cut injuries on the face of the lady. They also found one male person in the room and the Manager P.W.2 Bandekar told him that he is the same person, who had come in an Indica car which is standing in front of lodge and mud was applied to number plates of the said car. API Desai noticed that the lady was dead. It was also noticed that the lady was pregnant. On going through the luggage, API Desai came to know that the name of the woman was Raj Mardi. Then API Desai informed this fact to his superior, who also came to Vishal Lodge.

10. The second circumstance is that *"the shirt of the appellant at the time of arrest was found stained with blood of "A" group. The blade found in the pant pocket of appellant was also stained with blood of "A" group. The Chemical Analyzer's report shows that the shirt of appellant and blade were stained with blood of "A" group. The blood group of appellant was "B".*

P.W.3 Sagar is the panch witness, who has deposed about seizure of blood stained blade and clothes from the

appellant. Sagar has stated that on 9.7.2006, at about 5 to 5.30 p.m. police asked him to act as panch. He showed his readiness. The appellant was present at that time. The police took personal search of the appellant in Sagar's presence and they arrested the appellant. In personal search of the appellant, one piece of Super Max Company blade having blood stains on it, was found with the appellant. Sagar has stated that the police also seized the clothes which were on the person of the appellant i.e. his shirt and pant. The evidence of Investigating Officer shows that these articles were sent to the Chemical Analyzer. As per Chemical Analyzer's report Exh.6, the blade was found stained with blood of "A" group. The clothes of the deceased were found stained with blood of "A" group from which it can safely be inferred that the blood group of the deceased was "A". Exh.7 shows that blood group of the appellant was "B". The appellant has not given any explanation for the presence of blood of "A" group on his shirt and on the blade which was found during his personal search. The finding of blood of "A" group on the shirt of the appellant and on the blade found in his personal search, is a strong incriminating circumstance.

11. The third circumstance is that *the “Muddemal register article No.13 which was register of Vishal Lodge shows that entry was made therein by the appellant in his hand writing giving name as Pradeep Jaiswal and address of Aurangabad. The evidence of P.W.5 Hand Writing Expert shows that hand writing in the register at Entry No.3835 was that of the appellant”.*

The appellant took room No.10 on rent in Vishal lodge on 8.7.2006 at about 10.15 a.m. This is stated by P.W.2 Bandekar who was the Manager of the Lodge. Bandekar has stated that the appellant made entry in the lodge register, wherein the appellant stated his name, address and other particulars. This is further borne out by Exh.22 which is entry in Muddemal register Article No.13 which was the register of Vishal Lodge. Entry No.3835 in the said register shows that the appellant entered his name as “Pradeep Jaiswal” and gave name of woman with him as “Sunita Jaiswal” and he stated that they were residents of Nandanwan Garden of Aurangabad. The appellant made these entries in English in the hotel register. This, as stated earlier, is clearly stated by P.W. 2 Bandekar, who was the Manager of Vishal Lodge. Bandekar has identified the appellant as the same person, who made entries

in the register. The evidence on record shows that sample hand writing of the appellant was obtained which is deposed by P.W.3 panch witness Sagar. Register alongwith sample handwriting of the appellant were sent to the Hand Writing Expert P.W.5 Deepak Pandit, who was Assistant State Document Examiner. He examined the hand writing in the register as well as sample hand writing of the appellant and came to the conclusion that writing in the hotel register is written by the same person who wrote writing marked as "S-1 and S-12 which is sample hand writing taken from the appellant. This entry further corroborates that the appellant took room No.10 on rent on 8.7.2006.

12. The last circumstance is that *"the appellant called his driver with car to the lodge and the front and backside number plates of the car were covered with mud"*.

P.W.2 Bandekar who was Manager of Vishal Lodge has stated that on 8.7.2006 appellant came with lady (deceased) and took room No.10 on rent. On the next day at about 1.30 p.m, the appellant came to the counter with his travelling bag. Bandekar asked him whether he was going to check out; whereupon the appellant stated that he was going outside for

some time. Bandekar asked the appellant that he is not taking his wife with him; whereupon the appellant replied that his wife is ill, therefore, he is not taking her alongwith him. Then P.W.2 Bandekar told the appellant that he will not allow the appellant to keep the lady alone in the room even though she was ill. Then the appellant stated that he is going to call his friend and he will decide about the same. Then appellant gave a phone call to his friend. Within 10 to 15 minutes, one Indica car came to the lodge. One person came from that car near the hotel counter and told Bandekar where is that person who called him on phone and called his car. Bandekar, then sent the said person to room No.10. On looking outside, Bandekar noticed that mud was applied to the front number plate of the car. Then Bandekar went to backside of car and noticed that mud was also applied on the rear number plate of the car. Therefore, his suspicion was aroused. Hence he called his employer. Then he went to room No.10 and asked the appellant to open the door and asked him to show his wife. However, the appellant bolted the door from inside and jumped into the balcony of room No.5. The evidence of P.W.7 Shardul Khan shows that the appellant had employed him as a driver. Shardul has stated that he received call on his mobile

from the appellant who told him to come to Vishal Lodge. Accordingly he came to Vishal Lodge. Thereafter this witness has turned hostile and has not supported the prosecution. However, his evidence shows that the appellant called him with a vehicle to Vishal lodge. The fact that number plates on the front and backside of the car were covered with mud further shows the guilty mind of the appellant. From this it becomes clear that the appellant had murdered Rani @ Rajmardi and he probably wanted to dispose of the dead body by taking it in a car and in order to avoid being caught and identified, the appellant instructed to cover the number plate with mud. Thus, the conduct of the appellant of trying to escape from room No.10 which is stated by P.W.2 Bandekar and P.W.4 API Desai and calling for a car whose number plates were covered with mud further underlines the mens rea of the appellant.

13. It is the prosecution case that the appellant caused death of Rani @ Raj Mardi by smothering her and thereafter caused more than 50 injures on the face of Rani. This is clear from the evidence of P.W.6 Dr. Wable, who conducted postmortem on the dead body of Rani. The external injuries

found by him are as under :-

- i. Contusion of right cheek 6 x 4 cms. Purple coloured.
- ii. Contusion of both the lips purple coloured.
- iii. Contusion of lower lip against right canine 1 cm diameter.
- iv. Vertical linear abrasions, five in number on middle of forehead and parallel to each other, size varying from 1.5 to 4.00 cm. Separated by a distance of 1.5 cms from each other - Reddish brown in colour.
- v. Horizontal incised wound on middle of forehead 2 cm. Above eye brow 4 cm, long, tailing medially for 1 cm.
- vi. Horizontal incised wound on right eye brow 5 cm x 0.25 cms.
- vii. Horizontal incised wound on left eye brow 4 x 0.25 cms.
- viii. Oblique incised wound on right ala of nose 2.5 x 0.1 cm.
- ix. Five linear oblique abrasions on nose size varying from 1 cm to 2.5 cms. Reddish brown in colour.
- x. Multiple incised wounds (29 in number), criss crossing each other left, forehead and cheek up to mandible size varying from 1 to 8 cms. Tailing downwards.
- xi. Three vertical incised wounds on upper lip 1.5 cm long each one on right angle, middle and left angle of mouth.
- xii. Four oblique incised wounds on lower lip, size varying from 1.5 cm to 2.5 cms. Tailing to right.
- xiii. Right liner abrasion of different directions criss crossing each other on chin size varying from 1 to 2 cms. Reddish brown in colour.

- xiv. Oblique incised wound, middle and chin 5 x 0.25 cms. Tailing to right.
- xv. Multiple incised wounds (26 in number) on right forehead and cheek criss crossing each other of 2.5 – 9 cms.

Dr. Wable stated that out of these injuries, injury Nos 1 to 3 were antemortem and rest of the injuries were postmortem. He also found haematoma on middle and frontal bone 2 cm in diameter. Uterus enlarged, the size was 27 x 18 cm. On opening female foetus with attached placenta and umbilical was found present. The length of the foetus was 34 cms long and head circumference was 23 cms. Dr. Wable opined that death was due to asphyxia as a result of smothering. Evidence of disfigurement of face was also present. According to Dr. Wable, injuries Nos 1 to 3 are also possible by forceful application of hands on mouth and nose to obstruct the air. Injury Nos 1 to 3 are also possible by forceful closure of mouth and nose by hands or other such object and injuries Nos 4 to 15 are the postmortem injuries and they were caused to disfigure the victim. According to Dr. Wable, injury No. 1 to 3 were responsible to cause the death.

14. On going through the record, we find that there is sufficient evidence to prove beyond reasonable doubt that the appellant committed murder of Rani @ Rajmardi by smothering her. Thus, we find no merit in the appeal. Appeal is dismissed.

15. The Fees payable to appointed advocate by Maharashtra State Legal Services Authority, are quantified at Rs.5,000/-.

[DR.SHALINI PHANSALKAR-JOSHI, J.] [SMT. .V. K. TAHILARAMANI, J.]