

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO.897 OF 2011**

Dilshad Hussain Siddiquie

..Appellant
(Accused No.1)

Vs.

1.The State of Maharashtra

2.The Senior Inspector of Police

(At the instance of Jogeshwari Police Station,
Mumbai.)

..Respondents.

WITH

CRIMINAL APPEAL NO.1078 OF 2012

Shafi @ Bhaiya Iqbal Shaikh

..Appellant
(Accused No.3)

Vs.

The State of Maharashtra.

..Respondent.

Mrs. Nasreen S.K. Ayubi, for Appellant in Appeal
No.1078/2012.

Mrs. A.A. Mane, APP for the Respondent-State.

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CORAM : A.S. GADKARI, J.**1st April, 2015.****ORAL JUDGMENT:**

1. The aforesaid two Appeals have been filed by the Original Accused Nos.1 and 3 respectively, thereby challenging the judgment and order dated 28th July 2011 passed by the learned Ad-Hoc Additional Sessions Judge, Sewree, Mumbai in Sessions Case No.800 of 2008. When the present Appeals were called out for hearing, neither

the Advocates for the Appellant in Appeal No.897 of 2011 nor the Appellant i.e. Original Accused No.1 were present in the Court. Mrs.Nasreen S.K. Ayubi who has been appointed from the Legal Aid Committee to represent the Original Accused No.3 in Appeal No.1078 of 2012 was present in the Court at the time of hearing. It was pointed out to this Court that the Original Accused No.1- Dilshad Siddiqui has been released on bail during the pendency of this Appeal. Since neither the Advocate for Original Accused No.3 nor Accused No.3 himself are present in the Court at the time of hearing of the present Appeals, this Court requested the learned Advocate Mrs. Ayubi appointed by the Legal Aid Committee to espouse the cause of the Accused No.1 also. As she was prepared throughly to argue the matter on the basis of facts and evidence on record, she acceded to the request of this Court to represent the Accused No.1 also who is the Appellant in Appeal No.897 of 2011.

2. The Appellants herein have preferred the aforesaid two Appeals against the impugned judgment and order dated 28th July 2011 in Sessions Case No.800 of 2008 thereby convicting them for the offences punishable under Section 394 read with Section 397 of the Indian Penal Code and are sentenced to suffer rigorous imprisonment for 7 years each and to pay fine of Rs.10,000/- each, in default of payment of fine to suffer further rigorous imprisonment for 6 months.

3. The learned Trial Court has given set off to the period which the Appellants have already undergone in jail during the pendency of the Sessions case and as per Section 428 of the Criminal Procedure Code. The record discloses that the Original Accused No.2 - Asif Qureshi expired during the pendency of trial and therefore, the case against him stood abated. The Appellants have impugned the judgment and order dated 28th July 2011 by way of preferring the present two separate Appeals as stated herein above.

4. The facts which are necessary for deciding the present Appeals can briefly be stated as under :

i) P.W.1 - Rajendrakumar Bholakumar Gupta, the complainant was plying an auto-rickshaw in Mumbai for last nine years before the date of incident. That on 11th July 2008 at about 6.00 a.m. he had parked his auto-rickshaw near Santacruz Highway Bridge. He was waiting for passengers in order to proceed towards Goregaon. At about 6.10 a.m. three persons came to him and told him that they had to go to Sahar Airport and asked him whether he was willing to travel them through the auto-rickshaw. The said three persons boarded in his auto-rickshaw. Before reaching to Sahar Airport, there was a lane known as 'Pipeline galli'. The said passengers took him in that lane from the

said auto-rickshaw and by telling him that they had to go to Andheri, directed him to take the auto-rickshaw towards Andheri. When the complainant along with the said passengers reached at Jogeshwari (East), through Amboli Fatak, near Saraswati Baug, the said passengers compelled him to take the auto-rickshaw in "No entry" of the said lane. After that, all the three passengers alighted from his auto-rickshaw and one passenger out of three by name Dilshad put a knife on the throat of the complainant. The said accused persons dragged him from the driver's seat and compelled him to sit on the rear seat of the auto-rickshaw. That accused No.2 checked his pant's pocket and took out a mobile phone of Nokia company bearing model No.6300. Accused No.3 pulled down both the curtains of his auto-rickshaw and the said accused No.3 took out money purse from the dickey of the auto-rickshaw. The said purse was containing Rs.440/-. After that accused No.3 himself started the auto-rickshaw. At that time accused No.1 and accused No.2 were sitting on the rear seat of his auto-rickshaw on both the sides of the complainant. Accused No.3 plied the auto-rickshaw and took it out from Saraswati Baug area. Accused No.1 - Dilshad threatened the complainant not to shout, else he would kill the complainant. After taking the auto-rickshaw at some distance, accused No.1 - Dilshad pushed the complainant out of the auto-rickshaw. Since accused No.1 - Dilshad had put a knife on the throat of the complainant, the complainant sustained bleeding injuries

and therefore, he got scared. After pushing the complainant from the auto-rickshaw, the accused persons took the auto-rickshaw and went away. During the course of the said incident, the complainant noticed two policemen coming on a motorbike. The complainant raised alarm and stopped the policemen and told them that the thieves have robbed him and also taken his auto-rickshaw.

ii) The police personnel who were on motorbike immediately chased the robbers and after reaching at some distance, two accused persons ran away with the auto-rickshaw and accused No.1 – Dilshad jumped out of the auto-rickshaw and started running. At some distance there was a building. Accused No.1 – Dilshad entered into the said building and concealed himself in the said building. At that time there was shouting from the residents of building and crowd gathered. The police personnel and one milkman apprehended accused No.1 – Dilshad from the said sport. The police took accused No.1 – Dilshad and the complainant to Jogeshwari Police Station. The complainant thereafter lodged his complaint.

iii) The two policemen who were doing their petrolling duty at the time of the said incident are P.W.8 – Sharad Rama Nimale, ASI attached to Malad Police Station and P.W.10 – Suresh Budhaji Kamble, Police Naik. After accused No.1 – Dilshad was brought to Jogeshwari

Police Station along with the complainant, PSI Murari Naik who was then attached to Jogeshwari Police Station and was on duty on 11th July, 2008 at about 7.40 a.m., registered the First Information Report as per the version given by the complainant P.W.1 - Rajendrakumar. That on the basis of the First Information Report C.R. No.111 of 2008 came to be registered under Section 394 read with Section 397 of the Indian Penal Code. The search of the person of accused No.1 - Dilshad was taken in the presence of two panch witnesses. Accused No.1 was thereafter arrested by effecting an arrest panchanama which is at Exhibit 36. P.W.14 - PSI Murari Pundlik Naik thereafter along with the complainant went to the spot of incident and prepared the spot panchanama which is at Exhibit 128. The auto-rickshaw of the complainant bearing No.MH-02-UA-2294 was seized under a seizure panchanama which is at Exhibit 40. P.W. 14 - PSI Naik thereafter handed over the further investigation of the said crime to P.W.15 - P.I. Shyam Parulekar.

iv) P.W.15 - Shyam Daulat Parulekar, Police Inspector, then attached to Jogeshwari Police Station took over the investigation of the said crime on 12th July, 2008 from P.W.14 - PSI Naik. During the course of investigation P.W.15 - PI Parulekar recorded the statements of other witnesses. He also effected seizure of knife at the instance of accused No.1 - Dilshad by effecting memorandum statement and the seizure

panchanama which are at Exhibits 131 and 132 respectively. During the course of investigation, it was transpired to P.W.15 - PI Parulekar that accused No.2 - Asif was also involved in the crime and hence, efforts were made to trace him out, but he was not found. On 19th July, 2008 the accused No.2 - Asif surrendered to the police and came to be arrested. Accused No.3 - Shafi was arrested in another crime on 22nd July, 2008 and during the process of interrogation of the said crime, he revealed his involvement in the present case. Therefore, accused No.3 - Shafi was arrested in the present crime on 22nd July, 2008. On 23rd July, 2008 when the accused No.3 was in police custody, expressed his desire to show the place where he had concealed the robbed property. After effecting the memorandum statement which is at Exhibit 42, the accused No.3 led the police to the room of Smt. Rahina Shaikh. Smt. Rahina Shaikh was not present in the said room and Sabina Shaikh was present at the relevant time. A mobile phone which the accused No.3 had given to Sabina Shaikh came to be recovered at the instance of the accused No.3 from the said room by effecting a seizure panchanama which is at Exhibit 42-A. During the course of investigation, P.W. 15 - Police Inspector Parulekar moved an application before the learned Magistrate seeking permission to arrange T.I. Parade. On 26th July, 2008 T.I. Parade of the accused Nos.2 and 3 was conducted at Central Jail, Mumbai. The accused Nos.2 and 3 were identified by the complainant and P.W.10 -

Suresh Kamble, Police Naik. P.W.15 - Police Inspector Parulekar recorded the supplementary statements of the said witnesses. After receipt of the injury certificate from the Cooper Hospital of the complainant, investigating officer i.e. Police Inspector Parulekar submitted charge-sheet under Section 394 read with Section 397 of the Indian Penal Code before the Court of competent jurisdiction. As the offences punishable under Section 394 read with Section 397 of the Indian Penal Code are exclusively triable by the Court of Sessions, the learned Metropolitan Magistrate committed the said case to the Court of Sessions as per the provisions of Section 209 of the Criminal Procedure Code.

5. The learned Trial Court framed the charge against the accused persons below Exhibit 5. The said charge was read over and explained to the accused persons in the language known to them, to which they pleaded not guilty and claimed to be tried. Their defence was of total denial and false implication.

6. The learned Trial Court after recording the evidence and after hearing the parties to the said Sessions Case convicted the accused persons by the impugned judgment and order dated 28th July, 2011 as stated herein above. The record discloses that accused No.2 - Asif expired during the pendency of the trial and the trial stood abated as

against him.

7. Mrs. Ayubi, learned counsel appearing for the Appellants submitted that the injury certificate of the complainant discloses that though the accused No.1 put knife on the throat of the complainant, the injury which was caused during the said scuffle is a simple injury. The medical certificate mentions that there is a linear scratch on the neck. She further submitted that no blood was found on the clothes of the complainant. The learned counsel for the Appellants submitted that the knife which was recovered at the instance of accused No.1 – Dilshad after two days, was from the same place where the accused No.1 was apprehended by police immediately after the incident took place. She further submitted that the said spot was accessible to the public at large and therefore, recovery of the knife stands vitiated. She further submitted that as far as accused No.3 – Shafi is concerned, the role attributed to him is that he drove the auto-rickshaw at the time of incident and took out the money from the dickey of the auto-rickshaw. She further submitted that the accused No.3 did not participate in the attack on the complainant. She submitted that if this Court is not inclined to interfere with the conviction of the accused No.3, lenient view may be taken while awarding sentence to him as the role played by the accused No.3 is in comparison lesser than the accused No.1.

8. The learned APP per contra supported the impugned judgment and order and submitted that the learned Trial Court has rightly convicted the accused persons after taking into consideration the evidence available on record. She prayed before this Court that both the present Appeals lack merit and therefore, may be dismissed.

9. With a view to effectively deal with the rival submissions made by the respective parties, it is necessary to note the evidence in brief of the prosecution witness. The prosecution in support of its evidence has examined in all 15 witnesses.

10. P.W.1 - Rajendrakumar Bholakumar Gupta, is the complainant and the victim in the present crime. P.W.1 - Rajendrakumar Gupta in his testimony has stated that he was plying an auto-rickshaw in Mumbai for last nine years before the date of incident. The auto-rickshaw was owned by one Deepak Bhavsar. The registration number of said auto-rickshaw was MH-02-UA-2294. That on 10th July, 2008 in between 9.00 to 9.30 p.m., he had taken his auto-rickshaw and went to the house of his brother-in-law who was residing in Gaodevi, Vakola, Santacruz (East) Mumbai. On that night, he took his meals and stayed there. On the next day i.e. on 11th July 2008 after sunrise, at about 6.00 a.m. he came near Santacruz Highway Bridge and parked the

auto-rickshaw there. He was waiting for passengers in order to proceed towards Goregaon. Thereafter at about 6.10 a.m. three persons had come towards his auto-rickshaw. They told him that they want to go to Sahar Airport and asked him whether he was willing to travel them through his auto-rickshaw. The said three persons then boarded in his auto-rickshaw. Before reaching to Sahar Airport, there was a lane known as 'Pipeline galli'. The said passengers took the complainant in that lane from the said auto-rickshaw and told him that they had to go to Andheri and directed him to take the auto-rickshaw towards Andheri. He along with the accused persons then proceeded towards Andheri through Kurla Road. When they reached at Jogeshwari (East), through Amboli Fatak, near Saraswati Baug area, the said passengers compelled the complainant to take the auto-rickshaw in a "No entry" of one lane. After that, all the three passengers alighted from his auto-rickshaw. They looked around in the neighbouring area and that one of the passengers out of three by name Dilshad took out a knife and put it on the throat of the complainant. The said accused persons thereafter dragged him from the driver's seat and compelled him to sit on the rear seat of the auto-rickshaw. Then accused No.2 checked the pant's pocket of the complainant and took out a mobile phone of Nokia company bearing model No.6300. Accused No.3 pulled down both the curtains of the auto-rickshaw and thereafter the said accused No.3 took out money purse from the dickey of the auto-

rickshaw. The said purse was containing Rs.440/-. Thereafter the accused No.3 himself started the auto-rickshaw. At that time the complainant was sitting on the rear seat of the auto-rickshaw and on his both sides the accused No.1 and accused No.2 were sitting. Accused No.3 thereafter plied the auto-rickshaw and took it out from Saraswati Baug area. Accused No.1 - Dilshad threatened the complainant not to shout, else the complainant would be killed. After taking the auto-rickshaw at some distance, accused No.1 - Dilshad pushed the complainant out of the auto-rickshaw. As accused No.1 - Dilshad, had put a knife on the throat of the complainant, the complainant sustained bleeding injuries and therefore, he got scared. After pushing the complainant out of the auto-rickshaw, the accused persons took the auto-rickshaw and went away. At that relevant time, the complainant noticed two policemen coming on a motorbike. The complainant raised alarm and asked the policemen to stop. He immediately informed the policemen about the incident. The police personnel thereupon immediately chased the robbers. After reaching at some distance, two accused persons ran away along with the auto-rickshaw and the accused No.1 jumped out of the auto-rickshaw and started running. At some distance, there was one building and accused No.1 - Dilshad entered in that building and concealed himself in the said building. The complainant in his testimony has further stated that at that time there was shouting from the residents

of the building and crowd gathered there. The police personnel and one milkman apprehended accused No.1 – Dilshad from the said sport. The police took accused No.1 – Dilshad along with the complainant to Jogeshwari Police Station. The complainant thereafter lodged a complaint which was treated as the First Information Report. On 22nd July, 2008 the police called the complainant to Jogeshwari Police Station and showed him one knife. He identified the said knife. The complainant had further stated that on 26th July, 2008 he was called by the police at Jogeshwari Police Station. From there he was taken to Arthur Road Jail for identification parade of two accused persons. That during the course of identification parade, he identified the accused Nos.2 and 3 i.e. Asif and Shafi respectively by pointing out to them as robbers. The complainant subsequently took the custody of his auto-rickshaw and mobile phone by making an application to the Court and the said articles were released on bond.

P.W.1 – Rajendrakumar Gupta was cross-examined at length by the Appellants. Though the cross-examination of P.W.1 -Rajendrakumar Gupta is a lengthy and detailed cross-examination, what transpires is that except extracting some minor omissions at the hands of P.W.1, his examination-in-chief has not at all been shaken and the testimony remains unshattered. It further appears that P.W.1 – Rajendrakumar Gupta has remained confident about his testimony in

examination-in-chief.

11. P.W.2 - Sudhakar Ramlu Karnati is a panch witness to the seizure / recovery of knife at the instance of the accused No.1. The recovery panchanama is at Exhibit 132.

12. P.W.3 - Abdul Taher Shaikh is a panch witness to the spot panchanama dated 11th July, 2008 which is at Exhibit 128. P.W.4 - Sachin Silimkar is a panch witness to the seizure panchanama dated 11th July, 2008 of the auto-rickshaw which is at Exhibit 40. P.W.5 - Mohd. Shaikh is a panch witness to the memorandum statement of the accused No.3 dated 23rd July, 2008 which is at Exhibit 42.

It is to be noted here that P.W.3 - Abdul Shaikh and P.W. 5 - Mohd. Shaikh are panch witnesses to the respective panchanamas which are at Exhibits 128 and 42, did not support the prosecution case and therefore, were declared as hostile. P.W.2 - Sudhakar Karnati and P.W.4 - Sachin Silimkar, the panch witnesses to Exhibits 132 and 40 are the formal witnesses and during the course of cross-examination, no material which would be beneficial to the said persons have been brought on record. In other words, their testimony has remained unshaken.

13. P.W.6 – Pramod Laxman More is a milkman who assisted the police personnel in apprehending the accused from the spot. P.W.6 – Pramod More in his testimony has stated that he was running Arey milk center (stall) situated on the address mentioned therein for last three years prior to the date of incident. Daily he used to open the milk center at about 4.00 a.m. and used to start selling of the milk at about 4.00 a.m. He has further stated that the incident in question took place on 11th July, 2008 at about 6.45 a.m. On that day as usual he open his milk center at 4.00 a.m.. After giving the delivery of milk to the regular customers, he was coming back to his milk center. At about 6.45 a.m. one person was coming opposite to him. The said person was running at that time. He saw two policemen and some persons from the public were chasing the said person. They were shouting as 'Chor ! Chor !'. After that the culprit had rushed towards the water tank of Reliance which was at the backside of Samarth building. The culprit had hidden himself below the said water tank. The two policemen and the members of public apprehended the said culprit and took him out from the place. P.W.6 – Pramod More thereafter went to his business place. When the culprit was apprehended by the police on the spot, he informed his name as Dilshad. P.W.6 – Pramod More identified the accused No.1 in the Court.

The cross-examination of P.W.6 – Pramod More is a cryptic

one and nothing fruitful has been brought on record which would discredit the evidence given by P.W.6 in his examination-in-chief.

14. P.W.7 - Deepak Gangaram Joshi is the watchman of the said Shree Samarth building and had assisted the police in apprehending accused No.1 - Dilshad. Though the cross-examination of P.W.7 is a detailed cross-examination, nothing beneficial to the accused persons have been brought on record by the defence. P.W.7 - Deepak Joshi has specifically denied all the suggestions put to him by the accused persons during the course of cross-examination.

15. P.W.8 - Sharad Rama Nimale and P.W.10 - Suresh Budhaji Kamble are the Assistant Sub-Inspector and Police Naik respectively then attached to Jogeshwari Police Station who after receiving information from the complainant immediately chased the accused persons on their motorbike and were successful in apprehending the accused No.1 from the precincts of Samarth building. P.W.8 - Sharad Nimale and P.W.10 - Suresh Kamble have in their testimony in detail narrated the events which took place on 11th July, 2008 between 6.40 a.m. till the accused No.1 along with the complainant were brought to Jogeshwari Police Station. It appears that their cross-examination proceeds by putting stock questions to them which the said witnesses have denied. The said two witnesses were firm about the facts

mentioned by them in the examination-in-chief.

16. P.W.11 - Sabina Ajju Shaikh is the wife of the friend of the accused No.3. In her testimony P.W.11 has stated that her husband as well as the accused No.3 used to drive auto-rickshaw. Her husband, accused No.3 and friends of her husband used to consume drugs i.e. gard powder. She has further stated that the accused No.3 pledged his mobile instrument for a period of one day and in lieu of it took Rs.1,000/- from her. Thereafter police along with the accused No.3 came to her house and the said handset was produced by her mother-in-law - Rehana Shaikh. The said mobile phone instrument was seized by the police. It appears from the record that the cross-examination of this witness is a formal one and her testimony in the examination-in-chief has not at all been shaken in the cross-examination.

17. P.W.12 - Arun Ramchandra Nagvekar, Police Head Constable then attached to Jogeshwari Police Station is a witness to the facts that he noticed the auto-rickshaw which was parked near Amboli Fatak along with its keys. This witness is a formal witness.

18. P.W.9 - Arvind Fouzdar Gupta was a Special Executive Officer who conducted the test identification parade on 26th July, 2008 at

Central Jail, Arthur Road, Mumbai wherein the accused Nos.2 and 3 were identified by P.W.1 and P.W.10 as the persons who drove away the auto-rickshaw.

19. P.W.13 – Dr. Prafool Hindurao Bansode is the Medical Officer then attached to Cooper Hospital. P.W.13 examined the complainant on 11th July, 2008 at Cooper Hospital and issued the medical certificate dated 11th July, 2008. P.W.13 – Dr. Bansode has stated that the patient to whom he had examined, reiterated history of assault by knife on neck. On examination P.W.13 Dr. Bansode found an injury i.e. linear scratch on neck. The nature of injury was simple and the age of injury was old i.e. more than 24 hours. He has further stated that the said injury was possible by sharp weapon like the knife (Article B) shown to him in the Court. The said medical certificate is at Exhibit 126. P.W.13 is also a formal witness and this witness during the course of cross-examination has denied all the suggestions put to him.

20. P.W.14 – Murari Pundlik Naik was the then Police Sub-Inspector and P.W.15 – Shyam Daulat Parulekar was the then Police Inspector attached to Jogeshwari Police Station on the date of incident. As stated in paragraph No.2 these two officers carried out the investigation of the present crime and submitted charge-sheet before the Court of competent jurisdiction.

21. It is to be noted here that during the cross-examination of these two witnesses i.e. P.W.14 and P.W.15, no material which is useful to the accused persons has been extracted and / or brought on record by the defence and their testimony has remained unshaken. The learned counsel appearing for the Appellants also did not dispute about this factual position.

22. Thus, after taking into consideration the entire evidence available on record, it is clear that accused No.1 - Dilshad was apprehended immediately after the incident by P.W.8 and P.W.10 with the help of P.W.1 complainant from the precincts of Samarth building. The identify of the accused No.1 is not in question. The recovery of knife at the instance of the accused No.1 which is at Exhibit 132 has been duly proved through P.W.2 - Sudhakar Karnati. As far as the identify of original accused Nos.2 and 3 is concerned, the complainant and P.W.10 at the first instance during the conduction T.I. parade and subsequently during the course of trial have also identified the accused No.3 in Court. That P.W.8 has also identified the accused No.3 in Court during trial. Therefore, the identify of the accused No.3 is also not in question. P.W.13 - Dr. Prafool Bansode has proved the medical certificate dated 11th July, 2008 of the complainant which is at Exhibit 126. It may be noted here that the evidence laid down by the

prosecution of P.W.1, P.W.6, P.W.7 P.W.8 and P.W.10 is trustworthy and reliable. I find that during the cross-examination, no material has been brought on record which would create doubt in the mind of this Court about the truthfulness of their evidence. P.W.14 and P.W.15 the Investigating Officers in their testimony have in detail narrated about the various steps taken by them during the course of investigation. As stated herein above, the cross-examination of these two witnesses is also of no help to the defence for either creating doubt in the mind of this Court or discrediting their testimony. Cumulative effect of the entire evidence on record is that the prosecution has proved beyond reasonable doubt the offence as alleged against the Appellants under Section 394 read with Section 397 of the Indian Penal Code. I find that the learned Trial Court has not committed any error either in law or on facts while convicting the accused persons in the present crime. As far as the sentence is concerned, I hereby confirm the sentence of accused No.1 Dilshad who is Appellant in Appeal No,897 of 2011. The conviction and sentence of the accused No.1 - Dilshad is hereby confirmed. As far as the accused No.3 - Shafi is concerned, it appears from the record and evidence led by the prosecution that the accused No.3 has played comparatively lesser role in the entire episode and therefore, I am inclined to reduce his sentence. Though I confirm the conviction of the accused No.3, the accused No.3 is hereby released from the present crime on the sentence which he has already undergone.

23. Hence, the following order :

- i) Appeal No.1078 of 2012 is partly allowed.
- ii) The conviction of accused No.3 - Shafi @ Bhaiya Iqbal Shaikh is confirmed. However, the sentence of accused No.3 - Shafi @ Bhaiya Iqbal Shaikh is reduced for the period for which he has already undergone the sentence.
- iii) Accused No.3 - Shafi @ Bhaiya Iqbal Shaikh be released forthwith from jail if not required in any other case.
- iv) Appeal No.897 of 2011 is dismissed thereby confirming the conviction and sentence passed by the learned Trial Court.
- v) The bail bond of accused No.1 - Dilshad stands cancelled.

24. Before parting with the judgment, it is necessary to appreciate the efforts put in by Mrs. Nasreen S.K. Ayub, learned counsel appointed by the Legal Aid Committee as she without any hesitation accepted the request made by this Court for conducting the Appeal for and on behalf of the Appellant in Criminal Appeal No.897 of 2011 as stated herein above. The fees payable to the learned counsel appointed by the Legal Aid Committee are quantified at Rs.5,000/-.

(A.S. Gadkari, J.)