

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO.917 OF 2015

Saraswatibai w/o. Kiran Kadam,
Age:60 years, Occ.Nil,
R/o. Ambedkar Nagar, Nanded ..Appellant

Vs.

The State of Maharashtra,
Through Police Station Officer,
Akhada Balapur Police Station,
Tq. Kalamnuri, Dist. Hingoli
and ors. ..Respondents

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Mr.R.J.Nirmal, Advocate for appellant

Mr.D.R.Kale, APP for respondent no.1

Mr.V.A.Bagadiya, Advocate for respondent nos.2 to 5

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : OCTOBER 15, 2016**

PER COURT :

Heard the learned Counsel for the
appellant/victim. Perused the evidence of the
witnesses.

2. Admittedly, there is no direct evidence to
connect respondent nos.2 to 5/original accused. The

case is depending on the circumstantial evidence, however, the learned Counsel for the appellant could not show any evidence to indicate any circumstance connecting the accused persons with the death of Kiran. Even the medical evidence also shows that the external injuries noted in Clause 7 of the memorandum of the post-mortem report, were not ante-mortem. Even if it is accepted for a while that the death of Kiran was due to 'sudden Cardio-respiratory arrest secondary to strangulation', as opined by Dr.Rahul (PW 12), in the absence of any evidence to connect respondent nos.2 to 5 with the death of Kiran, they cannot be held responsible for his murder. As seen from paragraph 77 of the impugned judgment, the deceased Kiran was addicted to liquor. Even from C.A. report, it is disclosed that he had consumed liquor when he died. The learned Trial Judge, after evaluating the evidence on record, came to hold that there is neither direct nor circumstantial evidence worth relying to

establish guilt of respondent nos.2 to 5 for the offence of murder of Kiran. The findings recorded by the learned Trial Judge are based on the evidence produced on record. In the circumstances, we do not find any good reason to admit this appeal against acquittal.

3. In the result, the following order :-

The appeal stands dismissed.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]