

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.324 OF 2007

Shri. Kailas Sitaram Adagale	]	
Age 27 Years, Occu. Driver,	]	
R/at Padwal Nagar, Village Thergaon,	]	 Appellant /
Dist. Pune	]	[Original Accused]

Versus

1. State of Maharashtra	]	
Through Yerawada Police Station, Pune	]	
	]	
2. Neha Ajay Malviy	]	 Respondents /
Age 26 Years, Occu. Service,	]	[Resp. No.2 - Original
Bharti Vidyapeeth, Pune	]	Complainant]

ALONG WITH
CRIMINAL APPEAL NO.686 OF 2007

The State of Maharashtra	]	
Through Yerwada Police Station, Pune	]	 Appellant

Versus

Kailas Sitaram Adagale	]	
Age : about 25 years, Occu. Driver,	]	 Respondent /
R/of Padval Nagar, Thergaon, Pune.	]	[Original Accused]

Mrs. Nasreen S. K. Ayubi, Appointed Advocate for the Appellant
in Cr. Appeal No.324 of 2007.

Mrs. A.S. Pai, A.P.P., for Respondent No.1-State in Cr. Appeal
No.324 of 2007 and for the Appellant-State in Cr. Appeal
No.686 of 2007.

Mr. Dorman J. Dalal, i/by Mr. Sugandh B. Deshmukh, for
Respondent No.2 in Cr. Appeal No.324 of 2007.

**CORAM : SMT. V.K. TAHILRAMANI, ACTING C.J. &
DR. SHALINI PHANSALKAR-JOSHI, J.**

RESERVED ON : 9TH FEBRUARY, 2016.

PRONOUNCED ON : 18TH FEBRUARY, 2016.

JUDGMENT : [Per Dr. Shalini Phansalkar-Joshi, J.]

1. Criminal Appeal No.324 of 2007 is preferred by the Original Accused, who stands convicted by the Judgment and Order dated 5th March 2007 of Additional Sessions Judge, Pune, in Sessions Case No.308 of 2005 for the offence punishable under Section 307 of IPC and sentenced to suffer R.I. for seven years and to pay fine of Rs.2,000/-, in default to suffer S.I. for two months, challenging his conviction and sentence. Whereas, Criminal Appeal No.686 of 2007 is preferred by the State seeking enhancement of sentence of the Appellant. Thus, as both these Appeals are arising out of one and same Judgment of the Trial Court, they are being decided by this common Judgment.

2. Brief facts of the Appeals can be stated as follows :-

PW-1 Neha Malviy, at the time of incident in the year 2005, was serving at Info-sys Company in Kalyani Nagar as Customer Care Associate. Prior to that, she was serving on the same post at Wipro Spectromat. At that time, her Company had provided Indica Car for

commuting facility. Appellant herein was working as Driver on the said Indica Car. Hence, she was knowing him. He used to create intimacy and friendship with her, which was not approved by her. She was avoiding him. Even after she left the job in Wipro Company on 17th December 2004 and joined new job in January 2005 in Info-sys Company, Appellant used to make phone call to her on her mobile and express his liking and one sided love for her. She was not giving any response to him. Even then he used to wait for her on her way to the College and Company. He was also making attempt to talk with her. She had informed about this to her parents and they had asked her to ignore him and not to talk with him.

3. Despite this conduct of PW-1 Neha towards the Appellant, Appellant was keen to develop his intimacy and friendship with her. Towards that attempt, on 31st January 2005, at about 5:30 to 5:45 pm, when PW-1 Neha was proceeding in the company car to her office, she received phone call on her mobile from the Appellant making enquiry as to where she was and he informing her that he wanted to meet her. PW-1 Neha made it clear that she does not want to meet him and disconnected the phone. Even then, when she reached in her office at Kalyani Nagar and entered the campus of the Company, the Appellant came there in front of her and insisted that he wanted to talk with her. PW-1 Neha again refused to talk with him saying that she wants to go to office. Even then, Appellant

insisted that he would not take her to any other place; she should only come and sit in his cab as he wanted to say something to her. He further threatened her that if she refuses, he will create scene. Since PW-1 Neha was a new employee in the Company, she did not want to create a scene in the campus of the Company. She also thought that there would be no harm to listen to what Appellant wants to say and, therefore, she went with him and sat in his car.

4. When they were in the car, the Appellant again started stating that he wants to marry with her and settle his life. He was also ready to persuade her parents, if she wanted. PW-1 Neha refused and asked him as to how he dare to say like that. Thereupon, Appellant removed one bottle, which was containing acid, and threw that acid on her face. The acid not only burnt her face and eyes, but it also dropped and spread on her neck, both hands, legs and other parts of the body. When she shouted for help, PW-3 Shoyeb Shaikh and PW-4 Amjad Sayyed, who were working there as Drivers and present nearby, rushed to her help. They caught hold of the Appellant, who was trying to run away from the spot. They handed over Appellant to the Security Supervisor of the Company. PW-1 Neha was then taken to Jahangir Hospital. There PW-7 Dr. Noella Godimho, who was on duty as Casualty Medical Officer, attended her and on examination, found that she has sustained deep chemical burns on

forehead, right eye, eye-lid, nose, both cheeks, lips, right ear and many other parts of the body. After preliminary treatment, she was admitted in the I.C.U. PW-9 Dr. Shirish Daddi conducted multiple operations on her, including the plastic surgery. She was in the hospital till 23rd February 2005 and even thereafter she was not completely cured and was undergoing treatment, at the time of recording of her evidence also.

5. In the hospital itself, on the same day, her complaint came to be recorded by PW-10 PSI Pratap Poman On her complaint (Exhibit-26), C.R. No.46 of 2005 was registered against the Appellant. During the course of investigation, the Spot Panchanama was made. From the spot, the acid bottle, burnt pieces of seat cover and foam were seized under Panchanama (Exhibit-54). PW-10 PSI Poman then seized clothes of PW-1 Neha under Panchanama (Exhibit-56). On the arrest of the Appellant on the same night, PW-10 PSI Poman seized his clothes also under Panchanama (Exhibit-67). The Appellant was also referred to the Sassoon Hospital, as there were some minor burn injuries of acid on his person. As a part of further investigation, statements of witnesses were recorded. Seized muddemal articles, including the bottle of the acid recovered from the spot, were sent to Chemical Analyzer by PW-11 PSI Mohan Nanavate. On the receipt of C.A. Report (Exhibit-71), disclosing that residues of Sulfate-ion from Sulfuric Acid were detected on the muddemal articles,

Charge-Sheet came to be filed in the Court against the Appellant.

6. On committal of the case to the Sessions Court, the Trial Court framed charge against the Appellant vide Exhibit-2. Appellant pleaded not guilty and claimed to be tried, raising the defence of denial and false implication. In support of its case, the prosecution examined in all 11 witnesses. The Appellant also led evidence of the Chemical Analyzer Suhas Bakare and on appreciation of this oral and documentary evidence on record, as adduced by the prosecution and the Appellant, Trial Court was pleased to hold the guilt of the Appellant to be proved beyond reasonable doubt for the offence punishable under Section 307 of IPC and convicted and sentenced him as aforesaid.

7. Being aggrieved thereby, Appellant has challenged his conviction and sentence, whereas, being aggrieved by the inadequate sentence imposed by the Trial Court on the Appellant, the State has also preferred Appeal for enhancement of the sentence.

8. At this stage, it may be stated that, while the Appellant was undergoing the sentence imposed by the Trial Court, at Yerwada Central Jail, he was released on furlough, for a period of 14 days, on 1st August 2007. It was extended for further 14 days and the Appellant was expected to return to Jail on 29th August 2007. However, the Appellant has not done

so. Since then, he has remained absconding. The efforts of the Police to trace him have proved in-vain. His Advocate on record Shri. Uday Warunjikar has, therefore, filed 'no instruction pursis' and sought discharge. In view thereof, we had appointed Advocate Mrs. Nasreen Ayubi, who is on the panel of the Advocates of High Court Legal Services Committee, to represent the Appellant in both the Appeals. We put our words of appreciation on record to learned counsel Mrs. Nasreen Ayubi for elaborately and painstakingly taking us through the entire evidence on record and effectively pleading the case of the Appellant. Learned A.P.P., in his turn, has supported the Judgment of the Trial Court so far as conviction is concerned, by submitting that it is based on the cogent and reliable evidence on record of the injured herself and supported with the medical evidence. However, so far as the sentence part is concerned, learned A.P.P. has urged that, taking into consideration the gravity of the offence, which has resulted into permanent disfigurement of PW-1 Neha, and the fact that she has yet not been completely cured, the punishment imposed by the Trial Court is too meager and inadequate, especially, to act as a deterrent to others.

9. In our considered opinion, in order to appreciate the rival submissions advanced at bar by learned counsel for Appellant and learned A.P.P., it would be useful to refer to the evidence on record.

10. The star witness for prosecution in this case is PW-1 injured Neha. Her evidence goes to prove that she was knowing the Appellant since prior to the incident, as the Appellant was working as a Driver on the Indica Car engaged by Wipro Spectramind Company, where she was serving as Customer Care Associate upto 17th December 2004. As per her evidence, since 6th January 2005, she has joined the Info-sys Company at Kalyani Nagar and, therefore, she had no concern with the Appellant. Despite that, on 31st January 2005, at about 5:30 to 5:45 pm, when she was proceeding in the Company Car to her office, she received phone call from the Appellant on her mobile. Appellant made enquiry with her as to where she was and told her that he wanted to meet her. Though she told him that she does not want to meet him and disconnected the phone, when she entered the campus of the Company at about 6 pm and got down from the car, Appellant came there in front of her and insisted that he wants to talk with her. She told him that she does not want to talk with him and she wants to go to her office. Thereupon, Appellant assured her that he will not take her anywhere; she should only come to his cab and sit with him as he wanted to say something to her. He further threatened her that he will create a scene, if she refuses. As per evidence of PW-1 Neha, since she was a new employee in that Company, she did not want any scene to be created. She further felt that there would be no harm to

listen to what Appellant wants to say. Therefore, she went along with him and sat in his car.

11. Once they were in the car, as per her evidence, the Appellant started pleading to her that he wants to marry with her and settle in his life with her. He was also ready to talk with her parents about the proposal of marriage. PW-1 Neha, as deposed by her, refused the marriage proposal and further confronted him as to how he can dare to make such proposal. Thereupon Appellant showed her a bottle saying that it was containing poison and if she refuses the marriage proposal, he would consume it. PW-1 Neha told him that Appellant can do whatever he wants to do and she was not bothered. Appellant again asked her once again whether she was ready to marry with him. When PW-1 Neha said 'no' to him and attempted to get out of the car, Appellant caught hold of her hand and thrown the contents of the bottle on her face. Due to the burning sensation, PW-1 Neha realized that the contents of the bottle were acid and not the poison. The acid fell on her face, neck and spread on her hands, legs and other parts of the body. Then she shouted and on hearing her shouts, the Drivers of the other cars, who were nearby, rushed there. One Ubale and others then poured water on her person and took her to Jahangir Hospital in the company car. In Jahangir Hospital, her complaint came to be recorded by Police vide Exhibit-26, in which she had given all

the details of the incident. In evidence before the Court, she has identified the bottle of acid and also her clothes, which were burnt at some places due to acid thrown on her.

12. Her evidence further reveals that she was admitted in Jahangir Hospital for treatment for about one month and her treatment continued even thereafter also, till her evidence was recorded on 6th October 2005. She has further deposed that she was having marks of burn injuries on the visible parts of her body like face, neck, hands and even on the chest. Those parts of her body, as deposed by her, are disfigured. At this stage, it may be stated that the Trial Court, while recording her deposition, was shown those injuries and found that those injury marks were still present on her face, neck and both hands.

13. This witness is cross-examined at length by learned counsel for the Appellant, but, except for some minor discrepancies in her evidence and the complaint, nothing worthwhile is elicited in her cross-examination. Her evidence has remained completely unshattered on record and it is also fully corroborated from the contents of the complaint (Exhibit-26) lodged immediately after the incident and also from the evidence of two other eye-witnesses, namely, PW-3 Shoyeb Shaikh and PW-4 Amjad Sayyed. Both these witnesses were serving as Drivers in the company car of Infosys, where PW-1 Neha was serving. At the time of incident, they were

chit-chatting at the gate of the company. They found that one white colour Indica Car was standing outside the gate. They heard the shouting of one girl from inside the car. Hence, they went near the car and noticed that Appellant was sitting on the Driver seat and PW-1 Neha was sitting on the front left side seat. By the time they reached to the car, Appellant had already thrown some liquid from a bottle on the face of PW-1 Neha. Neha then came out of the car and started running inside the company gate. The Appellant also came out of the car and sat in the rickshaw standing nearby. Both PW-3 Shoyeb and PW-4 Amjad caught the Appellant and brought him out of the rickshaw, took him to the Security Guard. As per their evidence, when they saw inside the car, in which the Appellant and PW-1 Neha were sitting, they noticed that mattress of the car seat and the floor-mat were burnt. Therefore, they realized that liquid thrown on PW-1 Neha must be the acid.

14. Both of them have identified the Appellant to be the same person, who had thrown the acid on the face of PW-1 Neha. In the cross-examination of PW-3 Shoyeb, it is brought on record that they were standing at the distance of just about 5 ft. from the car in which Neha and Appellant were sitting. It is also further brought on record that after they handed over Appellant to the Security Guard, the Security Guard had phoned to Police immediately. Then Police came there and took the

Appellant with them.

15. If at all any further corroboration is required, the vital corroboration to the evidence of PW-1 Neha is coming from the medical evidence. PW-7 Dr. Noella Godimho, who was attached to Jahangir Hospital as Casualty Medical Officer and has examined PW-1 Neha there at about 6:30 pm., when she was brought there by some persons. She has given the history that, about half an hour before, the Appellant in the case, i.e. Kailash Adagale, the Driver of the car, had thrown acid on her person and, therefore, she has sustained the acid burns. Her history was recorded by PW-7 Dr. Noella Godimho in her case-papers (Exhibit-59). On her examination, he noticed that she has sustained deep chemical burns on forehead, right eye, eye-lid, nose, both cheeks, lips, right ear, neck, chest, both forearms, hands, left thigh, knee and both lower legs. He gave her primary treatment and admitted her for further treatment. As per his evidence, PW-8 Dr. Salil Gadkari, the Eye-Specialist, and PW-9 Dr. Shirish Daddi, the Plastic-Surgeon, have given her further treatment and she was still undergoing treatment in the said hospital.

16. Further there is evidence of PW-8 Dr. Salil Gadkari, who was attached to Jahangir Hospital as an Eye-Specialist. On the day of incident, he examined PW-1 Neha, at about 7:30 pm, within 45 minutes of the occurrence of the incident. He noted burns on her both the eye-lids. Her

right eye showed the presence of acid burns. He gave her the eye-wash and started immediate treatment. During the course of next few weeks, the condition of her right eye improved considerably. As per his evidence, if immediate treatment was not given to her, there was possibility of loss of vision of the right eye, which had acid burns.

17. Lastly, there is evidence of PW-9 Dr. Shirish Daddi, the Plastic Surgeon attached to Jahangir Hospital, who has treated PW-1 Neha since the date of incident. According to his evidence also, on her examination, he has found deep chemical burns on her body involving face, right eye, right eye-lid, right ear, neck, chest, both upper limbs and lower limbs. When he examined her, she was having severe and serious burns over all the above said areas, threatening loss of vision and complications of burns. Hence, he referred her to PW-8 Dr. Salil Gadkari, the Ophthalmic Surgeon, for treatment to her eye. So far as her remaining burn injuries are concerned, he has given treatment to her. He has conducted multiple operations on her including the plastic surgery of skin grafting for healing of the burns. He has given her the treatment known as *escharectomy*. As per his evidence, PW-1 Neha was still not completely cured and there was no possibility also that she would be cured completely. He has given categorical opinion that chemical like Sulfuric Acid, which was thrown on PW-1 Neha by the Appellant, is very dangerous and threatening to the life.

It is also likely to cause the death if it remains in the skin for long time, as it goes to destroy the deeper tissues. He has further opined that the injuries sustained by her were of such a nature that if they were not treated immediately and properly, she would have succumbed to those injuries or she could have developed complications like loss of vision. In his opinion, despite all the possible treatments meted out to her, permanent dis-figuration of all the parts of the body, on which she has sustained the acid burns, was incurable and she will never become normal even by the plastic surgery. His cross-examination shows that he had noticed that the acid was flown from face towards downwards, which has resulted into burn injuries to other parts of her body also. As per his evidence, PW-1 Neha was admitted in the hospital upto 23rd February 2005. In his cross-examination it is further brought on record that Neha's burns were to the extent of 40% and they included third and second degree burns.

18. Further, there is evidence of PW-2 Ajay Malviya, Neha's father, who has visited her in the hospital immediately and came to know from her that Appellant had thrown acid on her. His evidence also reveals that Neha was admitted in the hospital for treatment for more than 25 days. Even after her discharge, she was being treated and her treatment is continuing. So far, he has spent the amount of Rs.4,50,000/- for her

treatment and he would be required to spend more amount for her further treatment.

19. The circumstantial evidence in the present case further gives complete support and corroboration to oral and medical evidence on record. As deposed by PW-10 PSI Poman, on the receipt of the phone call from Security Officers of M/s. Info-sys Company, he has rushed there and took the Appellant in custody. The clothes, which Appellant was wearing, were seized under Panchanama (Exhibit-67). From the spot, he collected the blue colour bottle containing some acid and one cloth used for cleaning the car seat burnt by the acid. He also collected the burnt pieces of the foam of the car seat under Panchanama (Exhibit-67). As there were some minor acid burn injuries on the hands of the Appellant, the Appellant was also referred to Sassoon Hospital. Thereafter PW-10 PSI Poman has recorded the complaint of PW-1 Neha in the hospital. The burnt clothes of PW-1 Neha were also seized under Panchanama (Exhibit-56). The Panchanama of the clothes of PW-1 Neha (Exhibit-56) is proved through the evidence of Panch Witness PW-6 Sayyed Mahamed, which proved the holes on the clothes of PW-1 Neha due to the burns from the acid.

20. As per evidence of PW-11 PSI Mohan Nanavate, these seized muddemal articles were sent to Chemical Analyzer. The C.A. Report produced on record at Exhibit-71 proves that the Sulphate Ion from

Sulfuric Acid was detected on all the articles, namely, the clothes of PW-1 Neha, clothes of Appellant and also the bottle and the articles seized from the spot. On the application of the Appellant, the Chemical Analyzer Suhas Bakare was also examined and his evidence also proves that the articles were having the residues of Sulfuric Acid.

21. In this case, thus, there is overwhelming evidence on record to prove not only the occurrence of the incidence, but also the nature of the offence. The medical evidence is categorical to the effect that, if immediate proper medical treatment of the experts was not given to PW-1 Neha, there was likelihood of further complications, which might have resulted into even the loss of life. The medical evidence is also further categorical that the injuries sustained by her were not only dangerous and threatening to her life, but they have resulted into her permanent disfigurement, despite best possible medical treatment being given to her for a period of more than 9 to 10 months, after the incident. As stated above, at the time of recording of her evidence in the Court, in March, 2006 also, she was undergoing the medical treatment. Therefore, we have absolutely no hesitation in upholding the conviction of the Appellant for the offence punishable under Section 307 of IPC.

22. Coming to the quantum of sentence imposed on the Appellant by the Trial Court, that of seven years of imprisonment and payment of

compensation of Rs.10,000/- to her father, under Section 357(3) of Cr.P.C., having regard to the entire evidence on record, especially, the fact that a young girl like PW-1 Neha is not likely to lead a normal life due to the permanent disfigurement caused to the visible parts of her body like face, neck, hands, in our considered opinion, the punishment imposed by the Trial Court is too meager and inadequate and it calls for the interference.

23. The facts of the case are such that even the Trial Court in its Judgment in Para No.74 was constrained to observe that, *“the act of the Appellant of throwing acid on the face of PW-1 Neha was not a sudden act, but premeditated with full knowledge and intention. He had come prepared there carrying the bottle of Sulfuric Acid with him. On the pretext of talking with PW-1 Neha, he called her in the car, made her sit nearby him so as to enable him to throw acid on her face from close distance, thereby acid can hit her face directly and can cause deeper burns”*.

24. Therefore, the intention on the part of the Appellant to cause permanent life threatening danger and injury to PW-1 Neha is writ large on the face of record. It was clearly a one sided infatuation or a madness on the part of the Appellant. Despite the fact that Neha was not responding to his overtures and advances, he was following her and insisting on her to marry him. On her refusal to do so, he had, by his act of throwing acid on

her, ensured that if she does not want to marry with him, she cannot marry with anyone else also. Thus, with the specific intention of spoiling her prospects of marriage with other persons and to cause a life time injury to her, he had thrown Sulfuric Acid on her, which is in itself very dangerous one. He has not spared even the delicate part of the face like eyes, cheeks, lips. Conversely, he has purposefully thrown acid on these parts, which will result into permanent disfigurement of her face and also might result into the loss of vision. It is clear that any how, by hook or crook, Appellant wanted to have her and with that sheer madness, he has endangered her life and left her incapable to marry any other person also. It is thus apparent that the punishment of merely seven years imprisonment for this inhuman and cruel act on the part of the Appellant is thus definitely a miscarriage of justice.

25. It is pertinent to note that the Trial Court itself has observed in Para No.83 of its Judgment that, *“PW-1 Neha is a young girl of 21 years, who was having bright career and entire future life, which is spoiled due to the act of the Appellant”*. In Para No.84 of its Judgment, the Trial Court further observed that, *“the act of the Appellant was so eminently dangerous that, in all probabilities, it would have resulted into the death”*. Hence, when the Appellant pleaded for the leniency on the ground that it was his first offence and he is the only earning member of his family, the Trial Court

has refused to accept the said plea by observing in Para No.94 of its Judgment that, *“Appellant is not at all entitled to any leniency and the punishment to be imposed on him has to be deterrent”*.

26. It is surprising that despite making such observations and refusing leniency in award of punishment to the Appellant, the Trial Court has imposed merely the imprisonment of seven years only. The punishment provided for the offence under Section 307 of IPC is that of imprisonment for life, if hurt is caused to the victim on account of the act of the Accused. Here in the case, it was not only a simple or grievous hurt, which is caused to PW-1 Neha, a young girl with bright future, but the hurt is such that it has left an indelible mark and a permanent disfigurement of her face. Needless to state, that the injuries caused by the acid are the most painful and they result into a permanent damage. As deposed by PW-9 Dr. Daddi, even after several such operations, including the operation of skin grafting, her injuries cannot be cured completely. She will never become normal on account of permanent disfigurement of her face, neck, hands and other parts of the body. Therefore, here in the case, the hurt caused is a permanent damage to her physically and psychologically. Hence, no other punishment except that of the maximum punishment of life imprisonment can do real justice to her. Awarding of amount of compensation of Rs.10,000/-, when already her father has incurred the

expenses of Rs.4,50,000/-, is not going to give any solace to PW-1 Neha. Therefore, that cannot be a reason to award punishment less than the life imprisonment to the Appellant.

27. Moreover, this Court has to take note of the fact that in these days and time, the cases of acid throwing on young girls are increasing and hence Legislature has also taken note of the said fact and has, by way of Criminal Amendment Act, 2013, introduced separate provisions under Section 326(A) and (B) of IPC, incorporating stringent punishment extending upto life imprisonment in case of grievous hurt by use of acid caused and imprisonment extending upto seven years in case of attempt to throw the acid with intention to cause permanent or partial damage or deformity or burn. The Government has also imposed restrictions on sale and purchase of acid. The entire intention behind doing so is to curb the acts of throwing acid, which has the far reaching damaging consequences on the victim.

28. As observed by the Apex Court in ***State of M.P. Vs. Kashiram and Ors., AIR 2009 SC 1642***, *“the punishment to be awarded to the crime must not be irrelevant, but it should confirm and be consistent with the atrocity and brutality with which the crime has been perpetrated, the enormity of crime warranting public abhorrence and it should respond to the society's cry for justice against the criminal.*

29. *The imposition of sentence without considering its effect on the social order in many cases may be in reality a futile exercise. The social impact of the crime e.g. where it relates to offence against women, dacoity, kidnapping etc. involving moral turpitude to moral delinquency, which have great impact on social order and public interest cannot be lost sight of and per se require exemplary treatment. Any liberal attitude by imposing less sentence or taking too sympathetic view on account of lapse of time in respect of such offence, may be otherwise counter productive in the long time and against social interest which needs to be cared for and guaranteed by string of deterrence inbuilt in the sentencing system.”*

30. One of the object of imposing punishment on the accused is to create a deterrent effect so that other like minded persons do not dare to indulge in such acts or offences. The punishment imposed by the Trial Court does not achieve that deterrent object or effect also. Therefore, we are of the firm opinion that the Appeal preferred by the State for enhancement of punishment of the Appellant has to be allowed, thereby increasing the imprisonment upto life and enhancing the amount of compensation also. Hence, the order.

“O R D E R”

- Appeal No.324 of 2007 preferred by the Appellant stands dismissed, confirming his conviction for the offence punishable under Section 307 of IPC.
- Criminal Appeal No.686 of 2007 preferred by the State for enhancement of sentence of the Appellant is allowed. The Appellant is sentenced to suffer imprisonment for life and to pay fine of Rs.2,00,000/-, which shall be awarded as compensation, to PW-1 Neha under Section 357(1) of Cr.P.C. In default of payment of fine, Appellant to undergo further Rigorous Imprisonment for two years.
- Police are directed to intensify their efforts to trace the Appellant and to bring him to book to undergo the sentence and punishment imposed by this Court.
- Fees quantified @ Rs.5,000/- be paid to Mrs. Nasreen S.K. Ayubi, the Appointed Advocate, from the High Court Legal Aid Panel, to represent the Appellant-Original Accused in these Appeals.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [ACTING CHIEF JUSTICE]