

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

CRIMINAL APPEAL NO.257/2013

Mahadeo Manohar Chatre
Age 30 years, Occu-Agriculture
R/o Utka No.1,
Tq.Ausa, Dist.Latur

..Appellant
[Orig.Accused]

Versus

The State of Maharashtra,
Through Killari Police Station,
Taluka Ausa, District Latur.

(Copy to be served on Addl.P.P.
High Court of Bombay
Bench at Aurangabad)

..Respondent

Mr.N.B.Suryawanshi, Advocate (appointed) for appellant
Mr.D.R.Kale, APP for Respondent-State

**CORAM : S.S.SHINDE AND
MANGESH S. PATIL,JJ.
RESERVED ON : 03/11/2017
PRONOUNCED ON : 31/01/2018.**

JUDGMENT :- [Per Mangesh S.Patil,J.]

This is an Appeal under Section 374 (1) of the Cr.P.C.
against the judgment and order passed by the learned Additional

Sessions Judge, Latur convicting the appellant for the offence punishable under Section 302 of the IPC and sentencing him to suffer imprisonment for life and to pay a fine of Rs.2000/- in default to suffer further R.I. for two years.

2] The appellant was charged for uxoricide. He and deceased Varsha were married for five years and were staying at their village Utka, Tq. Ausa. After four years of their marriage, he started suspecting her fidelity. On 19/12/2008 at about 11 a.m. there was a quarrel between the couple. The informant Lalita (PW1) who happens to be the mother of the deceased had intervened. Lalita (PW1) was staying in the same village. In the evening at about 5 p.m., when Lalita (PW1) again visited the house of the couple, it was found bolted from inside. She knocked at the door and the appellant opened it. He told her about having killed the deceased. When she rushed inside the house, she saw that Varsha was lying dead on the cot having ligature marks around the neck and an electric wire was lying nearby. Intimation was given to Police and even the Police arrived there. The appellant was arrested. Lalita (PW1) lodged the FIR. An offence was registered. The electric wire was seized. In due course of time the appellant was charge sheeted.

3] The learned Additional Sessions Judge framed the charge and conducted the trial and by the impugned judgment and order has convicted the appellant as mentioned hereinabove. Hence this Appeal.

4] The learned Advocate for the appellant submitted that the appellant has been suffering from Schizophrenia and since before the incident has been taking treatment of Dr.Milind Potdar (DW1). The psychologist has duly stated about such mental disorder of the appellant. He has specifically stated that he had treated the appellant during the period between 1/9/2008 and 17/9/2008. The appellant had given the history of having become suspicious since 1½ month that some one was going to kill him. There were suicidal thoughts coming to his mind. He was admitted in the hospital. It was revealed during the course of treatment that he was also harbouring suspicion about the character of his wife and he had diagnosed that he was suffering from Schizophrenia. The learned Advocate further submitted that Dr.Potdar (DW1) has also specifically stated that the conduct of such patients suffering from Schizophrenia depends upon their thoughts. The judgment of such patient is impaired. When he is symptomatic such patient cannot judge the course of his action as well as consequence of his action in the proper perspective. The delusion can lead to violence. The learned Advocate also pointed out that Dr.Potdar (DW1) has further stated that when the appellant was discharged on 17/9/2008 he was in much better condition as compared to the condition on the date of his admission but has specifically stated that immediately after going out of his hospital, the appellant had beaten his wife and the fact was disclosed to him by his relatives. In the evening again the relatives of the appellant had

approached Dr.Potdar (DW1). The doctor had also brought a concrete record in the form of case papers in support of his deposition. Thus according to the learned Advocate there is cogent and reliable evidence to demonstrate that the appellant was suffering from Schizophrenia and considering the fact that he was under such disorder during the period of 1/9/2008 to 17/9/2008 and the incident having taken place just after 3 months of his discharge from the hospital of Dr.Potdar (DW1), there is every room to believe that in all probability the appellant must have killed the deceased while he was symptomatic of Schizophrenia.

5] The learned Advocate also submitted that considering the conduct of the appellant immediately after occurrence of the incident which is relevant under Section 8 of the Indian Evidence Act also corroborates such inference that in all probabilities he must have been symptomatic of schizophrenia when the incident had occurred. He pointed out that it is unbelievable for a normal human being to have acted in the manner in which the appellant is stated to have behaved after killing his wife. The door of the house was bolted from inside. When Lalita (PW1) knocked at the door the appellant himself opened it and straightway confessed to her about having killed the deceased. Even his conduct thereafter of remaining unmoved in the house itself till the villagers and Police arrived and took him away clearly shows that he was not acting/behaving in the manner expected of a normal human being. Anybody in his place would

have left the spot immediately after the occurrence.

6] The learned Advocate also pointed out that even during the course of trial, he had to be referred to the mental hospital at Yerwada and the learned Additional Sessions Judge had to follow the procedure prescribed under Chapter XXV of the Cr.P.C. His behaviour in the jail was abnormal. The jailer had sought a direction from the C.J.M. by his letter (Exh.38) to issue a reception order under the relevant provisions of the Mental Health Act. The learned Additional Sessions Judge after satisfying himself on the basis of the papers, passed an order and referred the appellant to the Mental Hospital, Yerwada. The learned Advocate also pointed out that the Committee from the Mental Hospital, Yerwada submitted its report (Exh.45) and it is only after he was certified to be of sound mind and fit for trial, that the trial could be proceeded. Thereafter, a report of the Lecturer from the Psychology Department of B.J. Medical College, Pune (Exh.49) was obtained in respect of symptomatic assessment of the appellant and it was reported that the appellant was suffering from Paranoid Schizophrenia. Thereafter a Committee consisting of Medical Superintendent, Resident Medical Officer and Head of the Department of Psychiatric, Government Medical College, Latur certified the appellant to be fit for trial vide a letter (Exh.50/1) and it is only thereafter that the trial could be proceeded.

7] Thus in substance, according to the learned Advocate for

the appellant, there is ample evidence to prove that the appellant has been suffering from Schizophrenia Paranoid type mental disorder since before the incident. There is evidence to show that even during the course of incident he must have been suffering from that disorder and therefore, the appellant must be given benefit of doubt about having committed the murder. He was incapable of understanding the consequence of his act. He has discharged the burden as is required under Section 105 of the Indian Evidence Act.

8] The learned Advocate referred to the decision of the Supreme Court in the case of **Shrikant Anand Bhosale V/s State of Maharashtra; 2002 Cr.L.J. 4356** and submitted that in the similar set of facts where the accused was suffering from Paranoid Schizophrenia and had killed his wife in day light making no attempt to hide or run away and the motive attributed was weak and there was evidence to show that the accused was suffering from mental unsoundness preceding the occurrence and following the occurrence, a reasonable inference is discernible that he was under delusion at the relevant time and the accused was held to be entitled to get benefit of Section 84 of the IPC.

9] The learned Advocate for the appellant, in the alternative, further submitted that even if it is found that the appellant has not been able to discharge the burden cast upon him under Section 105 of the Indian Evidence Act of establishing/proving

the defence of insanity under Section 84 of the IPC, the peculiar facts and circumstances of the case warrants that a course that was adopted by the Division Bench of this Court in the case of **Sunil Damodhar Gaikwad V/s State of Maharashtra; 2009 (3) B.C.R. (Cri) 504** ought to be followed. The learned Advocate pointed out that like it was a fact in the case of Sunil Damodhar Gaikwad (supra), even in the matter in hand, the Principal District Judge, Latur has reported that Advocate Mr.P.T.Reddy who was appointed to represent the appellant as his Advocate during the trial works on Motor Accident Claim Cases, he had not handled any sessions case before conducting the sessions case of the present appellant and he has a standing practice of more than 9 years. He works with his colleague Shri S.A.Kale, Advocate and it is Mr.Kale who looks after criminal cases. The learned Advocate further pointed out that even it has been reported that Shri P.T.Reddy, Advocate was not on the panel of Advocates maintained by District Legal Services Authority, Latur and still he was appointed to represent the appellant through it. Thus according to the learned Advocate, the course followed by the Division Bench in the case of Sunil Damodhar Gaikwad (supra) needs to be followed. There was no fair trial. The appellant was not given appropriate opportunity of defending himself and the matter should be remanded with a direction for recalling the witnesses and reexamining them by appointing a senior lawyer having sufficient experience. Thus according to the learned Advocate for the appellant, the learned Additional Sessions Judge has grossly erred in appreciating all the above

aspects in their proper perspective and has without any justifiable reason concluded about the appellant having failed to discharge the burden cast upon him. The appellant is entitled to acquittal since his case squarely falls under General Exception under Section 84 of the IPC.

10] Per contra, the learned APP strongly opposed both the submissions of the learned Advocate for the appellant advanced in the alternative. The learned APP vehemently submitted that the appellant had quarreled with the deceased in the morning. Lalita (PW1) the mother of the deceased has specifically stated that he was suspecting her character and she had to intervene. In the evening when she again went to their house and knocked at the door the appellant opened it and confessed to have killed the deceased. Thus apart from the extra judicial confession made to her, even the very fact that the deceased was found murdered in her house and it is the appellant who had opened the door when Lalita (PW1) knocked at it seals the case for the prosecution. The learned APP further submitted that even though the appellant has brought some evidence in the form of testimony of Psychologist Dr.Potdar (DW1) and although during the course of trial the appellant is stated to have been suffering from Paranoid Schizophrenia, the burden cast upon him under Section 105 of the Indian Evidence Act has not discharged. Even on the touchstone of preponderance of probabilities, assuming for the sake of arguments that he has been suffering from such mental disorder, there is no evidence to show that when the

incident had taken place he was under an attack of such disorder. Dr.Potdar (DW1) has stated that when the appellant was discharged in the month of September, his condition was quite improved. His subsequent version about he having heard that even after he was discharged the appellant had attacked the deceased is merely a hearsay which is inadmissible in evidence. There is no evidence to show that from the time he was discharged from the hospital of Dr.Potdar (DW1) till the date of the incident, he was suffering from the same degree of severity of the disorder which would have been sufficient to lose the balance and would have been a cause of the attack. Thus according to the learned APP in the absence of any such material, the attack cannot be attributed to his such mental disorder.

11] The learned APP then submitted that merely because there is a similarity in the facts in hand and the facts obtaining before the Division Bench in the case of Sunil Damodhar Gaikwad (supra), the similarity is only to some extent. In that matter, though it is only after going through the cross examination of the prosecution witness conducted therein and having been satisfied that the witnesses were required to be cross examined afresh maintaining the earlier cross examination, a suitable direction was given instead of outrightly setting aside the judgment and order of conviction and sentence and remanding the matter for holding a fresh trial and accordingly such a course was followed. In the matter in hand, if the cross examination of

the prosecution witnesses is perused and even attempt made on behalf of the appellant to discharge the burden of proof cast upon him under Section 105 of the Indian Evidence Act by examining the Psychiatrist Dr.Potdar (DW1) is considered, this Court need not follow the same course as has been adopted in the case of Sunil Damodhar Gaikwad. In that matter, no such attempt to discharge the burden by examining the Psychiatrist on behalf of the accused was made. Therefore, because of the peculiar facts and circumstances of the matter in hand, no such course is available to be followed as was followed in that case. Thus according to the learned APP, firstly the prosecution has led sufficient, reliable and cogent evidence to bring home the charge and secondly the appellant has failed to discharge the burden cast upon him under Section 105 of the Indian Evidence Act to make out his case an exception under Section 84 of the IPC and the Appeal may be dismissed. The learned APP lastly referred to the decision in the case of **Siddhapal Kamala Yadav V/s State of Maharashtra; AIR 2009 S.C. 97.**

12] We have carefully gone through the evidence led before the learned Additional Sessions Judge as also carefully considered the rival submissions of the learned Advocate of the appellant as also the learned APP and have also gone through the decisions cited by them. There is an extra judicial confession of the appellant made before Lalita (PW1) and he was found in the house where his wife has been killed, which are certainly important circumstances and material weighing against him as

to the authorship of the crime and we shall advert to it a little later. The *post mortem* notes Exh.81 prepared by Dr.Lokhande (PW11) clearly establish that a circular ligature mark was found around the neck admeasuring 30 c.m. in length, $\frac{1}{2}$ c.m. deep and $\frac{1}{2}$ c.m. wide with red brown colour. In addition there were two ligature marks anterior of neck admeasuring 10 c.m. long, $\frac{1}{2}$ c.m. deep and brown colour with a petechial haemorrhage under knee and fracture of larynx and tracheal ring. He further opined that all the injuries were *ante mortem* and the deceased having died of "Asphyxia due to Strangulation". This clearly establishes the fact that the deceased has died a homicidal death.

13] This takes us to the authorship of the crime. Obviously Lalita (PW1) is the first witness, to whom an extra judicial confession has been allegedly made and secondly who had reached the house of the appellant and having knocked at the door he opened the bolt from inside and the deceased was found dead inside the house are the vital circumstances to reveal authorship of the crime. She has specifically stated that on the date of the incident in the morning there was a quarrel between the couple and it had ensued because he was suspecting the character of the deceased. She has then stated to have pacified the quarrel and went home. She resides in the same village. In the evening at 5 p.m. she returned to the house of the appellant and when she knocked at the door and gave a call, the appellant opened the door and then she entered into the house. She has further stated that while she was entering the house first the

appellant told her about having killed the deceased and when she rushed inside the deceased was found lying dead on the cot and there were ligature marks around her neck and electric wire was lying nearby. Nothing could be extracted during her cross examination so as to disbelieve her version in respect of both the extra judicial confession and presence of the appellant inside the house, the door having been bolted from inside. In the absence of any other material to conclude or even to infer that there was any other reason for causing death of the deceased, these circumstances in our considered view clearly establish authorship of the crime to the appellant.

14] The fact whether the appellant was suspecting character of the deceased which fed the aspect of motive, in our considered view is not very material. It is trite that motive for commission of the crime may not be all that vital in every case. The above two vital circumstances seal the case for the prosecution to establish authorship of the crime and in our view the facts of the case are peculiar and one need not expect the prosecution even to establish the motive, although witnesses Dhondiram (PW2), Shivaji (PW3), Kasturbai (PW4) and Hanumant (PW5) have all deposed that the appellant was suspecting character of the deceased. The learned Additional Sessions Judge has rightly considered all these aspects and has on the correct appreciation of the evidence has reached a right conclusion. We find no hesitation in subscribing to it, about the appellant having killed the deceased.

15] This takes us to the vital issue as to if the case falls under exception provided for in Section 84 of the IPC and the appellant can be said to have discharged the burden cast upon him under Section 105 of the Indian Evidence Act. Needless to state that the degree of burden of proof expected to establish the defence of insanity under Section 84 of the IPC is not the same as is required to be discharged by the prosecution to bring home the guilt. As has been rightly borne in mind by the learned Additional Sessions Judge, the burden cast under Section 105 of the Indian Evidence Act is expected to be discharged merely on preponderance of probabilities and no strict proof is expected.

16] However, in our considered view, inspite of having born in mind such a settled principle, the learned Additional Sessions Judge has erred in applying it to the facts and circumstances of the case in the proper perspective. Indeed it is settled law that the crucial time for deciding availability of the benefit under Section 84 of the IPC, is the time when actually the offence takes place. The observations of the Supreme Court in the case of Siddhapal Yadav (supra) in paragraph 11 are crucial. The observations read as under :

11] The Section itself provides that the benefit is available only after it is proved that at the time of committing the act, the accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or

that even if he did not know it, it was either wrong or contrary to law then this Section must be applied. The crucial point of time for deciding whether the benefit of this section should be given or not, is the material time when the offence takes place. In coming to that conclusion, the relevant circumstances are to be taken into consideration, it would be dangerous to admit the defence of insanity upon arguments derived merely from the character of the crime. It is only unsoundness of mind which naturally impairs the cognitive faculties of the mind that can form a ground of : exemption from criminal responsibility. Stephen in 'History of the Criminal Law of England', Vol. II, page 166 has observed that if a person cuts off the head of a sleeping man because it would be great fun to see him looking for it when he woke up, would obviously be a case where the perpetrator of the act would be incapable of knowing the physical effects of his act. The law recognizes nothing but incapacity to realise the nature of the act and presumes that where a man's mind or his faculties of ratiocination are sufficiently dim to apprehend what he is doing, he must always be presumed to intend the consequence of the action he takes. Mere absence of motive for a crime, howsoever atrocious it may be, cannot in the absence of plea and proof of legal insanity, bring the case within this section. This Court in *Sherall Walli Mohammed v. State of Maharashtra* : (1972 Cr LJ 1523 [SC]), held that the mere fact that no motive has been proved why the accused murdered his wife and child or the fact that he made no attempt to run away when the door was broken open would not indicate that he was insane or that he did not have necessary *mens rea* for the offence. Mere abnormality of mind or partial delusion,

irresistible impulse or compulsive behaviour of a psychopath affords no protection under Section 84 as the law contained in that section is still squarely based on the outdated Naughton rules of 19th Century England. The provisions of section 84 are in substance the same as that said down in the answers of the Judges to the questions put to them by the House of Lords, in M. Naughton's case (1843) 4 St. Tr. (NS) 847. Behaviour, antecedent, attendant and subsequent to the event, may be relevant in finding the mental condition of the accused at the time of the event, but not that remote in time. It is difficult to prove the precise state of the offender's mind at the time of the commission of the offence, but some indication thereof is often furnished by the conduct of the offender while committing it or immediately after the commission of the offence. A lucid interval of an insane person is not merely a cessation of the violent symptoms of the disorder, but a restoration of the faculties of the mind sufficiently to enable the person soundly to judge the act; but the expression does not necessarily mean complete or perfect restoration of the mental faculties to their original condition. So, if there is such a restoration, the person concerned can do the act with such reason, memory and judgment as to make it a legal act; but merely a cessation of the violent symptoms of the disorder is not sufficient (emphasis ours).

17] The observations which we emphasised clearly show that the behaviour, antecedents and subsequent events are relevant to find out the mental condition of the accused at the time of occurrence of the incident which should have some proximity in time. In the matter in hand, the testimony of Dr.Potdar (DW1)

who is a Psychiatrist is all the more vital. He has specifically stated that he is a MBBS and holds Diploma in Psychological Medicine. According to his record, the appellant was admitted in his hospital between 1/9/2008 and 17/9/2008, history as was narrated by appellant himself was, for 1½ months he was suspicious that someone was going to kill him, someone was after him and there were suicidal thoughts coming to his mind. During the treatment, the appellant also revealed to Dr.Potdar (DW1) that he was also suspecting character of his wife. He had diagnosed the disorder to be Schizophrenia. He has specifically stated that the conduct of such patient depends upon his thoughts and the judgment is impaired when the patient is symptomatic. The patient cannot judge the course of his action in the proper perspective. Delusion can lead to violence. On 17/9/2008 when the appellant was discharged, he was in a much better condition than the date of admission. True it is that he has stated that some relatives of the appellant had come to him in the same evening and had told him about the appellant having beaten his wife, is a hearsay evidence and inadmissible. During his cross examination by the learned Additional Public Prosecutor he has stated that the appellant was aware of the disease he was suffering from and that he has not mentioned in the discharge card that the appellant was suspicious about the character of his wife. Obviously, this witness was unable to state what was the mental condition of the appellant on 19/12/2008 when the incident had taken place. He flatly denied that the appellant was completely cured when he was discharged from

his hospital. When the learned Additional Sessions Judge recording the deposition put few questions, this witness specifically admitted that the appellant had not approached him between the period he was discharged and the date of incident. He further deposed that the disorder is recurring and is not completely curable. He has also stated that the patient of Schizophrenia can be intermittently asymptomatic if the patient takes the treatment properly and regularly. Dr.Potdar (DW1) being an independent witness, being a Psychiatrist himself, his testimony deserves to be relied upon. Atleast there is nothing on the record to discard his testimony. One can therefore, safely conclude that the appellant was suffering from Schizophrenia which is a mental disorder and was treated by Dr.Potdar (DW1) in the first half of September 2008.

18] The incident has taken place on 19/12/2008 that is barely 3 months after the appellant was discharged from the hospital of Dr.Potdar (DW1). There is no evidence as to the exact mental state of the appellant for the intervening period. However, Dr.Potdar (DW1) has specifically stated that such patient could be intermittently asymptomatic and it all depends upon the fact as to if the patient is taking the treatment properly and regularly. Indeed as there is no material to suggest that he was taking proper and regular treatment, for the intervening period, there is also no evidence to suggest otherwise. However, as has been laid down in the case of Siddhapal (supra), the behaviour, antecedents, attendant and subsequent events are relevant in

finding the mental condition of the accused at the time of event which should not be remote. It is difficult to prove the precise state of mind of the accused at the time of commission of the offence, but some indication thereto is often furnished by the conduct of the offender while committing it or immediately after its commission.

19] Bearing in mind these aspects, in our considered view, the conduct of the appellant immediately after occurrence of the incident is indeed crucial and vital. Even according to the prosecution and particularly witness Lalita (PW1) the appellant was present inside the house and immediately after she knocked at the door he opened it and straightway confessed to her about having killed the wife as is mentioned hereinabove. However, it is equally important to note that even after her arrival he continued to remain at the spot. Not only that but even thereafter when the other witnesses (supra) arrived there, he was very well present there. At no point of time, he made any attempt to run away which is usually a tendency of any offender. In our considered view, taking into account the fact that he was taking treatment for Schizophrenia barely 3 months prior to the incident coupled with such behaviour during the course of the incident and immediately thereafter clearly gives a hint that probably the appellant was symptomatic of the mental disorder. Considering the opinion expressed by Dr.Potdar (DW1) that depending upon the regularity of the treatment a person may become symptomatic, the period of 3 months in our view,

between the period of appellant's taking treatment for Schizophrenia and the incident is indeed proximate and cannot be said to be remote.

20] It is a matter of record that even during the course of trial, as is submitted by the learned Advocate for the appellant, the appellant was suffering from Paranoid Schizophrenia and had to be treated and his mental disorder was assessed by a Lecturer from the Psychiatric Department of B.J. Medical College, Pune. It is only after he was certified to be fit for trial by the Committee that the trial could be proceeded.

21] All these circumstances, that the appellant has been suffering from Paranoid Schizophrenia since atleast 3 months prior to the incident and his continuing to suffer from the same disorder even subsequent to the incident and his behaviour immediately after occurrence of the incident referred to hereinabove, which is indeed abnormal, clearly shows that there are preponderance of probabilities to indicate that his mental faculties at the time of incident were impaired by the psychological disorder he has been suffering from.

22] Though not in exactly the same set of evidence but identical fact situation, the Supreme Court in the case of Shrikant Anand Bhosle (supra) had uphold the defence of insanity under Section 84 of the IPC. To follow the same course, we point out the following circumstances which stand proved

and are sufficient to conclude that the appellant has discharged the burden to establish the defence under Section 84 of the IPC :

I] The appellant has been suffering from Schizophrenia atleast 3-4 months prior to the incident.

II] He was treated therefor by Dr.Potdar (DW1).

III] Within a short span of barely 3 months of his discharge from the Hospital, the incident has occurred.

IV] The appellant has killed his wife in a broad day light at his home.

V] The appellant made a confession to Lalita (PW1)-mother of the deceased immediately after he opened the door.

VI] The conduct of the appellant to remain inside the house inspite of having killed the wife and not attempting to run away.

VII] The behaviour of the appellant to continue to remain present even when the other witnesses from the village gathered.

VIII] The continuance of the disorder even during the trial and being diagnosed as suffering from Paranoid Schizophrenia.

In our considered view, all these facts which have been established on the record cumulatively are sufficient to draw a conclusion that the appellant must have killed his wife while he was symptomatic of Schizophrenia.

23] Taking into account all these aspects, we find no hesitation in concluding that the learned Additional Sessions Judge has clearly erred in bearing in mind all the aforementioned facts and circumstances and has refused to follow the same course as has been followed in the case of Shrikant Anand Bhosle (supra), expecting the present appellant to bring about exactly the similar situation as was obtaining before the Supreme Court. He should have borne in mind that there cannot be exactly a similar fact situation and a more pragmatic approach was expected while appreciating the principles of law. Simply by referring to some factors which are not identical he has held that the present appellant is not entitled to derive any benefit from the decision in the case of Shrikant Anand Bhosle (supra). In our considered view, the fact situation may be a little different but the aforementioned facts deserve the appellant the course similar to the one followed by the Supreme Court.

24] We therefore, hold that though the prosecution has established that the deceased has died homicidal death and its authorship is attributable to the appellant, at the same time he has been able to discharge the burden cast upon him under Section 105 of the Indian Evidence Act and has established the plea of insanity available to him under Section 84 of the IPC. We allow the Appeal. Set aside the judgment and order of conviction. The learned Additional Sessions Judge, Latur shall take further steps as contemplated under Section 335 of the

Cr.P.C.

25] Since Mr. N.B.Suryawanshi, learned Advocate is appointed to prosecute the case of the appellant/accused his fees and expenses are quantified at Rs. 7500/- (Rupees Seven Thousand Five Hundred) only.

(MANGESH S. PATIL,J.)

[S.S.SHINDE,J.]

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