

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 533 OF 2021
ALONG WITH
INTERIM APPLICATION NO. 857 OF 2021
IN
CRIMINAL APPEAL NO. 533 OF 2021**

Jalinder @ Vicky @ Vivek Ramchandra
Jadhav
Age- 28 Years, R/o. Diva Road,
Jai Matadi Chawl, Near Adarsh,
School, Diva.
District- Thane
At present in Nashik Central Prison,
Nashik.

...APPELLANT

Versus

The State of Maharashtra
At the instance of Mumbra Police
Station.

...RESPONDENT

...

Mr. Aniket Vagal for appellant.
Mr. S S Hulke, APP for State.

...

**CORAM : S. S. SHINDE &
N. R. BORKAR, JJ.**

**RESERVED ON : 15th FEBRUARY, 2022.
PRONOUNCED ON: 21st FEBRUARY, 2022.**

JUDGMENT: [PER S.S. SHINDE, J.]

1. The present appeal is directed against the judgment and order dated 30.11.2015 passed by Sessions Judge, Thane, thereby convicting the appellant-original accused for the offence punishable under Section 302 of Indian Penal Code, 1860 (for short 'IPC) and sentenced to suffer life

imprisonment and to pay fine of Rs. 500/- (Rupees Five Hundred Only) and in default R.I. for 15 days.

2. The prosecution case in brief can be summarized as under:-

Complainant Karan @ Samir Kedar (PW5) used to reside at Diva, Akash Nagar area with his wife Ashwini Giri (PW8). Initially Nirale Shaikh used to work with complainant as his helper for conducting the business of sale of cutlery articles in the train. Vijay Gulab Patil (PW2), Munna Shaikh (PW7) also used to conduct same business of sale of cutlery in the train. One month before the incident, Nirale Shaikh (deceased) left the job of complainant and started living with Vijay Bali (PW2). Therefore, Samir Giri engaged the appellant-accused as his helper on daily wages. On 04.05.2013 at about 11.00 pm, Samir Giri had his dinner with his wife Ashwini Giri, Munna Shaikh and accused person. Thereafter, accused went to his residence. However, after half an hour accused called Samir on his mobile phone and informed him that Nirale Shaikh (deceased) had quarreled with accused and during that quarrel accused was assaulted by Nirale Shaikh (deceased). Therefore, to give understanding to the Nirale Shaikh (deceased), Samir Giri, Ashwini Giri and Munna Shaikh went to the house of Vijay Bali at Appachi Wadi. That time, Nirale Shaikh (deceased) was taking dinner with Vijay Bali and his wife Saburi Bali. Samir Giri called Nirale Shaikh (deceased) out of the house of Vijay Bali and took him near

grocery shop for settling the dispute between accused and Nirale Shaikh (deceased), at about 12.00 midnight. When the discussion in between Samir Giri and Nirale Shaikh (deceased) was in progress, that time accused reached on the spot holding knife in his hand and inflicted single knife blow on the abdomen of Nirale Shaikh (deceased). Nirale Shaikh (deceased) fell down and intestine was protruding from his stomach. However, there was no severe external bleeding from the injury sustained by Nirale Shaikh (deceased). Samir Giri, Vijay Bali and other person took Nirale Shaikh (deceased) initially to Sai Hospital at Diva. However, doctor from Sai Hospital refused to admit Nirale Shaikh (deceased). Therefore, Nirale Shaikh (deceased) was taken to Kalsekar Hospital at Mumbra, where Nirale Shaikh (deceased) succumbed to injury at about 3.42 am. By that time, Police Station, Mumbra was informed by the Medical Officer from Kalsekar Hospital. As Nirale Shaikh (deceased) was unconscious, his dying declaration could not be recorded. On 05.05.2013, at about 4.15 am, Karan @ Samir Giri lodged FIR (Exhibit-26) with Police Station, Mumbra. In the result, CR No. 364/2013 was registered at Police Station, Mumbra under Section 302 of IPC.

3. Initially, PSI, Shri. Pawar conducted the investigation and prepared spot panchnama (Exhibit-33) and inquest panchnama (Exh.11). On 06.05.2013 investigation of this crime was handed over to PI Shri. S.R.

Nagarkar (PW9). On the same day he arrested the accused at 9.15 pm, and seized his clothes under seizure panchnama (Exhibit-12). He also referred the accused to Chhatrapati Shivaji Hospital, Kalwa for medical examination and for collecting blood sample of accused. The investigating officer had also seized blood stained clothes of the Nirale Shaikh (deceased) under seizure panchnama. The dead body was referred for post mortem examination. Dr. Mangesh Ghadge performed autopsy examination and submitted post mortem notes. When accused was in police custody on 08.05.2013, he made disclosure statement (Exh.22) and as per his disclosure statement he showed knife which was thrown in one ditch near Tata Electric Power Line at Prashant Nagar, Diva. That knife was seized under panchnama in presence of panch Saeed Baig and panch Mohammed Samaseaalam. During investigation, all the seized articles were referred to chemical analyzer along with blood samples of the accused on 12.05.2013. By submitting C.A. reports, chemical analyzer reported that on the clothes of Nirale Shaikh (deceased) and on the knife human blood was detected. However, no blood stains were detected on the clothes of accused. He also reported that blood group of accused is 'O'. However, blood group of Nirale Shaikh (deceased) could not be ascertained as blood sample was not suitable for blood grouping.

4. After completion of investigation, charge sheet came to be submitted against the accused before JMFC, Thane. As the offence punishable under Section 302 of IPC is exclusively triable by the Court of Sessions, JMFC, Thane was pleased to commit the case to the Sessions Court for trial. The Sessions Court framed charge against the accused. Accused pleaded not guilty and claimed to be tried.

5. After a full fledged trial, the trial Court convicted the accused-appellant for the offence punishable under Section 302 of IPC by its judgment and order dated 30.11.2015.

6. In order to prove prosecution case, the prosecution has examined Medical Officer Dr. Mangesh Ghadge (PW1), who performed autopsy examination on the dead body of Nirale Shaikh (deceased). As eye witnesses prosecution has examined Vijay Bali (PW2), Saburi Bali (PW4), Karan @ Samir Giri (PW5), Munna Shaikh (PW7), Ashwini Giri (PW8) and as panch witness Shri. Saeed Baig (PW3). Dr. Imran Shaikh (PW6) is the Medical Officer where the Nirale Shaikh (deceased) was admitted after occurrence of incident. PI Shri. S.R. Nagarkar (PW9), is the investigating officer.

7. In order to find out whether the death is homicidal, suicidal or accidental, it is necessary to discuss the evidence of Dr. Mangesh Ghadge (PW1). In his examination-in-chief he deposed that, on 05.05.2003, he was attached to Chhatrapati Shivaji Hospital, Kalwa as Associate Professor. On that day, he performed the post mortem on the dead body sent by PSI Shri. Pawar from Mumbra Police Station. He has also prepared post mortem report and signed the same. The post mortem report entries are in his own handwriting. During his examination-in-chief the post mortem report was shown to him. He identified the contents of said report. There was one external injury in column No. 17 and it was stab wound over front of abdomen, left lumbar region, vertical with upper angle acute, clean cut margin, 3 X 0.6 c.m. X cavity deep, 3 c.m. to left of umbilicus horizontally, coils of intestine protruding out. On dissection corresponding internal injuries, he found cut skin, subcutaneous tissue fat, peritoneum and omentum at two places. Said injury was antemortem. In Column No. 21, he has mentioned that, in cavity there was blood and blood clots in abdomen 2000 c.c. i.e. two liters. He also found evidence of perforation of omentum at two places (there was hole to the layer attached to the intestine). Because of such injuries instant death can occur and the said injury is sufficient to cause the instant death. Said injuries are possible due to sharp pointed object. The blood and nail clippings and scalp hair were preserved for blood group (C.A. analysis). The cause of death written by him is hemorrhage and

shock due to injury to vital structures caused by sharp pointed weapon. Such type of injuries are possible with sharp pointed weapon or sharp knife.

8. In his cross examination, he stated that some blood must have come out of the body.

9. The prosecution has examined Mr. Vijay Gulab Bali (PW2). In his examination-in-chief he stated that in the year 2013, he was residing at Appachi Wadi, Vaibhav Ganesh Chawl, Diva, and was selling cutlery material in the train. He know the accused because he was also doing the similar business in the train. He know deceased Nirale Shaikh because he was also doing the similar business with them. The accused and Nirale Shaikh were also residing in the same chawl. One Samir Giri was also residing in their chawl, but after his marriage with Ashwini, he shifted to other premises. Nirale Shaikh and Munna Shaikh were taking food with him and used to sleep in other premises in other chawl. Eight days before the incident Nirale Shaikh and Munna Shaikh came to reside in their chawl. There were disputes between Nirale Shaikh and Samir Giri, however, the cause of dispute was that Samir Giri married with Ashwini. Samir employed the accused for his business.

He further stated that on 05.05.2013, he himself, Nirale Shaikh and Munna Shaikh were consuming liquor near 'Diva Beer Shop' in the night time at about 8.30 pm. The accused and Samir came at the spot. Samir and accused were showing new shopping material to Nirale Shaikh and Munna were teasing them. Thereafter, Vicky, Munna and Samir went to Samir's house. They finished their Beer drink and were sitting near Raj Kirana store. At that time, the accused Vicky came near them, Nirale Shaikh went to Vaibhav Dhaba and was convincing the accused not to go for job with Samir. Therefore, they were abusing each other and fighting. Nirale fell down. Vicky was sitting on his body and giving fist and blows to him. He went to separate the quarrel, but at that time Vicky pushed him, thereafter, he removed the waist belt and started beating Vicky. Therefore, he ran away from the spot. Thereafter, he himself, and Nirale Shaikh came to his house and were taking food. At that time, Samir, Ashwini and Munna also came to his house. Then he called Nirale Shaikh outside the house as he wanted to talk something to him. He prevented Samir for calling Nirale Shaikh outside till he finished his dinner. However, Samir told that he has urgent work and therefore, by keeping hand on shoulder, Samir took Nirale Shaikh outside to Raj Kirana store. He himself, his wife, Munna followed Samir and Nirale Shaikh. Samir was saying to Nirale Shaikh that, do not keep grudge against the accused- Vicky as he was employed by him. At that time, all of sudden Vicky came on the spot and gave forceful stab to Nirale Shaikh on his

stomach and Nirale Shaikh fell down and then they saw that there was knife in the hands of Vicky. They thought that Nirale Shakh was doing action of felling down, but then they saw by going near to him and they found that his intestine came out. Thereafter, they tried to catch hold the accused-Vicky, but he ran away from the spot. Thereafter, he called one taxi driver from the chawl and in his taxi they took Nirale Shaikh to Sai Hospital, Dival. In the said hospital, they were told that there was no doctor. Therefore, they went to Diva Hospital, there also Nirale Shaikh was not admitted by saying that it is a police case and advised them to go Government Hospital. Thereafter, by auto rickshaw they went to Mumbra at Kalsekar Hospital and there Nirale Shaikh was admitted. However, in night time, Nirale Shaikh died. After two days, his statement was recorded on 07.05.2013.

10. Upon careful perusal of cross examination of PW2, nothing useful to the defence in relation to the case in hand has been elicited. It appears that suggestion was given that this witness and Samir killed Nirale Shaikh and to escape from the said act, he did not inform police and Nirale was not taken to the public hospital. The said suggestion has been denied by PW2.

11. The prosecution has examined Saburi Vijay Bali (PW4). In her examination-in-chief she deposed that, in the year 2013 in the month of

May, she was residing at Appachi Wadi, Vaibhav Dhaba, Ganesh Chawl, Diva. She know Karan @ Samir Kedar Giri and she know the accused, who was sitting in the Court, who was her neighbor and he was residing in the chawl behind her chawl. Nirale Shaikh was working with her husband. Therefore, she knew him. The accused Nirale Shaikh and her husband were selling the cutlery material in the train. Alongwith her and her husband since last two days of the incident Nirale Shaikh had come to stay.

On 05.05.2013, at about 11.30 pm, in the night, she herself, her husband and Nirale Shaikh were taking dinner in her house. At that time Munna Shaikh, Samir Giri and his wife Ashwini came to their house and Nirale Shaikh and they wanted to speak with him and therefore, Nirale Shaikh was called outside the house. Thereafter, she herself and her husband followed them. Nirale Shaikh, Munna Shaikh, Samir Giri and his wife were standing near one grocery shop. At that time, accused came running at the said spot. He was having article similar to knife and immediately he stabbed with the said article to Nirale Shaikh and accused ran away from the said spot. At that time, Nirale Shaikh fell on the ground by holding his stomach. They thought that Nirale Shaikh was playing some drama because they could not see any blood. However, later on they saw that his intestine came out. They were afraid. Therefore, they took him to the hospital by putting him in the auto rickshaw to Diva Sai Hospital. The hospital persons told that the case is very serious and therefore, they refused

to admit Nirale. Thereafter, they took him to Kalsekar Hospital. Nirale was admitted in the hospital, but he could not survive for long and he was declared dead at 3.00 in the midnight.

12. During the cross examination, it appears that this witness was asked whether street lights and electric lamps were working on the date of incident. This witness stated that there were no street lights and electric lamps of the shop was not working. Along with Nirale, her husband and she herself were in one auto rickshaw. Munna, Ashwini and Samir were in another auto rickshaw. She was sitting next to the driver. Blood was not oozing, but intestine had come outside the stomach of Nirale Shaikh. It appears that since the husband of PW4, accused Vicky, Nirale Shaikh, Munna Shaikh were known to each other, the question whether there were street lights or not was not relevant, when the incident was witnessed by more than one witness.

13. The prosecution has examined Karan @ Sameer Kedar Giri (PW5). He stated that on 04.05.2013 in the night at about 11.00 pm. He himself, his wife, accused and Munna were taking meal at his house. After dinner accused went to his house. After 15 minutes accused called him on his mobile phone and reported that his brother Nirale Shaikh was beating him. Thereafter, he himself, his wife and Munna went to Bali's house where

Nirale was staying. Nirale and others were taking food, therefore, he called Nirale outside the house. Thereafter, he himself, his wife Nirale, Bali, Bali's wife and Munna were discussing near Kirana shop. There was a shop light. Accused was also present. At that time, he asked Nirale why he is quarreling with the accused. Thereafter, he told accused to call his mother, so he went for calling his mother. Immediately accused came running after sometime i.e. within 2-3 minutes. He gave one fist blow on the stomach of Nirale. Immediately, Nirale fell down. They thought Nirale got some mugging injury. However, they saw the intestine came out and knife was in the hand of accused. Thereafter, accused Vicky ran away from the spot. Thereafter, injured Nirale was taken to hospital at Diva. However, they refused to admit Nirale, therefore, they went to another hospital at Diva. There also Nirale was not admitted. Therefore, they went to Kalsekar hospital at Diva. However, doctor informed them that Nirale is dead.

14. In the cross examination PW5 deposed that there was no street light in the said area. He further stated that he has not seen accused coming with knife in his hand. However, in his examination-in-chief he stated that accused gave one fist blow on the stomach of Nirale and he saw intestine came out and knife was in the hand of accused. Therefore, merely because he stated in the cross examination that he did not see accused coming with knife would not wipe out his deposition in the examination-in chief.

15. Dr. Imran Riyaz Khan was examined by the prosecution as PW6. In his examination-in-chief he stated that he was Chief Medical Officer in Kalsekar Hospital since January, 2013 for about eight months. On 05.05.2013, one patient by name Nirale Shaikh had come to their hospital with stab wound injury in left para umbilical region with bulging of intestine. Immediately, the patient was taken in emergency room and he informed Mumbra Police Station. The patient was in shock, his blood pressure was not recordable, pulse count was below 60, saturation level was upto 90%, breathing was shallow. There was loss of blood, therefore, the patient was intubated for the airway protection and the oxygen level was reducing. However, pulse rate of patient was still going down upto 30. Therefore, he was taken on C.P.R. (Cardiac Purbunary Resuccusion). Emergency medicines were given. These facts were explained to the relatives. He further told that emergency operation was required and therefore, the patient was to be shifted to Government hospital. However, before he shifted the patient, the patient died.

16. In his cross examination he deposed that after information given to the police station, police arrived at the hospital within half an hour. He cannot name the relatives who was accompanied the deceased. The relatives may be about 8 to 10 in numbers. There is no possibility of blood coming out in large quantity when there is stab injury.

17. As already, we have discussed the evidence of various witnesses which fully support the prosecution case. The prosecution case is based upon the eye witnesses. The medical evidence fully corroborates with the version of eye witnesses. It is also evident from the evidence of PW6 that when he examined patient on 05.05.2013, he found that the patient was in shock, his blood pressure was not recordable, pulse count was below 60, saturation level was upto 90%, breathing was shallow. There was loss of blood, therefore, the patient was intubated for the airway protection and the oxygen level was reducing. However, pulse rate of patient was still going down upto 30. Therefore, he was taken on C.P.R. (Cardiac Purbunary Resuccusion). He advised to shift the patient to Government Hospital, however, before shifting the patient died.

18. Munna Hasanman Shaikh (PW7) in his examination-in-chief stated that on 05.05.2013 he himself, Nirale, Vijay Bali were consuming liquor near Jayesh Wine Shop in open ground. Accused Vicky and Samir came at the said spot after some time. Samir was telling to Nirale that he had gone for shopping and purchases some clothes with intention to tease Nirale. Thereafter, Samir with his wife and Vicky went away and thereafter, he also left said spot. They were having dinner at the house of Samir along with his wife and Vicky. Vicky left the house after some time and he stayed in house of Samir. Thereafter, after some time Vicky called Samir on mobile

phone. Thereafter, they decided to go to Bali's house for convincing Nirale. Accordingly, he himself, Samir's wife Ashwini and Samir went to Bali's house. At that time, Nirale, Bali and his wife were taking dinner. Then Samir called Nirale outside the house. Nirale came out of the house. Then Samir took Nirale near Kirana Shop. Then Bali's wife and Bali came on the spot. Then Samir was convincing to Nirale. Thereafter, Vicky came running with knife from his house and stabbed Nirale on the stomach. Nirale and Samir both fell down. They thought that Nirale was playing some drama. Others have caught hold Vicky and thereafter he ran away from the spot. They saw that Nirale's intestine came out but there was no blood oozing. Knife was taken away by Vicky while running from the spot. They shifted Nirale by taxi to Diva in Sai hospital. Hospital authority denied to admit Nirale, therefore, they took Nirale to Mumbra in Kalsekar hospital and was admitted in the hospital. Thereafter, police came in the hospital, but Nirale died.

19. Nothing fruitful has been elicited in the cross examination of PW7. He stated that he has not seen knife while stabbing Nirale, however, he was witness to shifting of deceased in the hospital in the injured condition. Therefore, he can be considered as witness to the spot where the incident had taken place and the fact that he saw Nirale lying in the injured condition.

20. There are eye witnesses which are examined by the prosecution. Suffice it to say that, the prosecution did examine eye witnesses who fully supports the prosecution case. Already, we have discussed their evidences. The medical evidence clearly states that the death of Nirale (deceased) was homicidal. Therefore, evidence of eye witnesses corroborates with each other and medical evidence also corroborates with the evidence of eye witnesses. Therefore, the trial Court has rightly convicted the appellant.

21. At this stage, Mr. Vagal, the learned counsel appearing for the appellant submits that the appellant did not come prepared, there was scuffle and in the said scuffle there was provocation and accused-appellant assaulted Nirale (deceased). Therefore, relying upon the judgment of Hon'ble Supreme Court in the case of Stalin Vs. State represented by the Inspector of Police¹, learned counsel appearing for the appellant submits that the appellant at the relevant time was hardly 20-22 years and it is the case of one blow, therefore, the conviction of the appellant may be altered from under Section 302 to 304-II of IPC.

22. Learned APP appearing for Respondent-State relying upon the evidence of eye witnesses, medical evidence and two judgments of Hon'ble

¹ Criminal Appeal No. 577/2020

Supreme Court in the case of Mahesh Balmiki Alias Munna Vs. State of M.P.² and Sadakat Kotwar & Anr. Vs. The State of Jharkhand³, submits that the prosecution has proved its case beyond reasonable doubt. He submits that in the present case, it is not the case that when quarrel ensued between appellant and Nirale (deceased), in the same transaction, the appellant was provoked and assaulted Nirale (deceased) by knife. It is submitted that after the quarrel accused went to his home, brought knife and stabbed Nirale (deceased) on his stomach and as a result intestine of Nirale (deceased) came out and by the time he was shifted to Government Hospital, Nirale (deceased) died.

23. We have considered the prayer of learned counsel appearing for the appellant, however, we are unable to accede to said prayer in view of overwhelming evidence brought on record by the prosecution in the nature of direct evidence, so also medical evidence. As rightly submitted by the learned APP, it is not the case that when there was quarrel between appellant and Nirale (deceased), in the same transaction the appellant assaulted Nirale (deceased) by knife. However, accused-appellant went to his house brought knife and then he stabbed Nirale (deceased) on his stomach i.e. vital part and as a result intestine came out and Nirale died. There is no doubt that not only the appellant had knowledge that such

² (2000) 1 SCC 319

³ Criminal Appeal No. 1316/2021

assault on vital part by the knife would cause death of Nirale, but also the said assault was well intended.

24. We have carefully perused the facts in the case of Stalin (supra). The Hon'ble Supreme Court in para 9 held as under:-

Applying the law laid down by this Court in the aforesaid decisions, more particularly the decisions on the single injury and the facts on hand, it is required to be considered whether the case would fall under Section 302 IPC or any other lesser offence. PW3 – Nelson, who is an eye witness to the incident right from the beginning, deposed that when the deceased – Kalidas served extra beer to two persons who came from outside, the accused became angry and told the deceased why he is giving more beer to out town people and not giving to local people and thereafter the problem started and in that scuffle the accused took out the knife and stabbed from behind. From the medical evidence, the deceased sustained the following injuries:

“External Injuries:

A stab wound about 3 x 1.5 cm and 8 cm deep with clean edges present over the back on the right side corresponding to D11 vertebra present. Wound edges swollen, red with adherent blood.”

25. It is evident from the observation made by Supreme Court in Para 9 herein above that in that case PW3- Nelson, who is an eye witness to the incident deposed that when the deceased- Kalidas served extra beer to

two persons who came from outside, the accused became angry and told the deceased why he is giving more beer to out-town people and not giving to local people and thereafter the problem started and in that scuffle the accused took out the knife and stabbed the deceased therein.

26. Therefore, the said blow by knife by the accused in that case was during the scuffle between accused and victim therein, and it appears that in the said scuffle, the accused got provoked and took out knife and stabbed the deceased. It is not the case that there was pre meditation or pre planning by the accused therein. However, he got annoyed because Kalidas served extra beer to the out-town people and not to the local people, and therefore, he started quarreling with the Kalidas and then there was scuffle and in that process accused took out knife and stabbed the victim therein.

27. The facts of the present case as already discussed in foregoing paragraphs are clearly distinguishable *vis a vis* the facts in the case of Stalin (supra). On the contrary, the learned APP has rightly placed reliance on the judgment of the Supreme Court in the case of Mahesh Balmiki (supra). In para 8 of the said judgment the Supreme Court held as under:-

On the facts of this case, it cannot be said that the fatal injury was inflicted without premeditation. Indeed, the appellant asked the deceased to come to a particular place to receive the watch. There, three associates of the appellant caught hold of the deceased and

the appellant gave the fatal blow with the knife. The stab wound was given on the chest on the left side of the sternum between the costal joint of the 6th and 7th rib and both the ribs have been fractured. It appears that truck of the wound had gone through sternum, pericardium anterior and posterior after passing the ribs and thereafter entered the liver and perforated a portion of stomach. Total depth of wound was 19 cm and direction of truck was going downwards posteriorly. The impact of the single blow with knife has been disastrous. Therefore, it cannot be said that the appellant has not taken undue advantage or not acted in cruel or unusual manner. In our view, Exception 4 has, therefore, no application on the facts of this case.

28. In the facts of the present case also initially there was quarrel between the appellant and Nirale (deceased) and after that quarrel was over, appellant-accused went to his house and brought knife and when the deceased was unaware, accused came with the knife and assaulted Nirale (deceased) on the stomach i.e. on vital part of body.

29. Therefore, in the light of discussion in Para 23 to 28 herein above, we are not inclined to accede to the said alternate prayer of the learned counsel appearing for the appellant, hence, same stands rejected.

30. In the light of discussion in foregoing paragraphs, we are of the considered view that the trial Court has recorded definite findings in consonance with the evidence brought on record by the prosecution and

rightly convicted the accused-appellant. Hence, appeal is devoid of merits, same stands dismissed.

31. In view of disposal of appeal, nothing survives for consideration in Criminal Interim Application No. 857 of 2021. Hence, same stands disposed of.

(N. R. BORKAR, J.)

(S. S. SHINDE, J.)