



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

CRIMINAL APPEAL NO.55 OF 2024

- 1) Rohidas s/o Chagan Devkar,
Age 49 years, Occ. Agriculture,
R/o Lakh-Khandala, Tq. Vaijapur,
District Chhatrapati Sambhajnagar
- 2) Devidas s/o Chagan Devkar,
Age 45 years, Occ. Agriculture,
R/o Lakh-Khandala, Tq. Vaijapur,
Dist. Chhatrapati Sambhajnagar ...**APPELLANTS**

VERSUS

The State of Maharashtra
(Copy to be served on Public
Prosecutor, High Court of Bombay,
Bench at Aurangabad) ...**RESPONDENT**

.....
Mr. Rahul P. Mote, Advocate for appellants
Mrs. K.B. Patil Bharaswadkar, A.P.P. for respondent
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

Date of reserving judgment : 30th January, 2025

Date of pronouncing judgment : 3rd March, 2025

J U D G M E N T (PER : R.G. AVACHAT, J.) :

The challenge in this appeal is to the judgment
and order of conviction and consequential sentence, dated

06/12/2023, passed by the Court of Additional Sessions Judge, Vaijapur, District Aurangabad in Special Case No.28/2020. Vide impugned judgment and order, the appellants herein have been convicted and consequently sentenced as detailed below:

Appellants	Sections	Sentence of imprisonment
Appellants No.1 & 2	302 r/w 34 IPC	Imprisonment for life and to pay fine of Rs.5000/- (Rupees five thousand) each, in default, S.I. for 6 months.
Appellants No.1 & 2	307 r/w 34 IPC	R.I. for 5 years and to pay fine of Rs.3000/- (Rupees three thousand) each, in default S.I. for 4 months.
Appellants No.1 & 2	449 r/w 34 IPC	R.I. for 3 years and to pay fine of Rs.2000/- (Rupees two thousand) each, in default S.I. for 3 months.
Appellant No.2	201 IPC	R.I. for 1 year and to pay fine of Rs.1000/- (Rupees one thousand), in default, S.I. for 1 month.
All the substantive sentences have been directed to run concurrently.		

Along with these appellants, two more persons were tried. One of them was for harbouring the appellants when the other one for committing the offence along with the appellants herein. Both of them have been acquitted. Neither

the State nor the victim has preferred appeal against their acquittal.

2. The facts in brief, giving rising to the present appeal are as follows :-

The appellants are the real brothers. They would reside at village Lakh-Khandala along with their family members. Appellant Devidas has a grown-up daughter - "P" (name withheld). P.W.1 Alkabai along with her husband Balasaheb (P.W.2) and their two sons – Amol and Bhimraj were residing in a house constructed by them on their land. The houses of both, the informant and the appellants were nearby of each other. Amol was a grown-up son of the informant. About 4 days before the incident dated 14/3/2020, Amol left the house under the pretext of going for work. He did not return. The daughter of Devidas too went missing from the very day. The appellant suspected her to have eloped with Amol. They along with two others had, therefore been to the house of the informant and threatened them with dire consequences, if their daughter did not return safe immediately.

3. By little past 8.00 p.m. on 14 March, both Alkabai and Balasaheb were sitting on the Opla of their house after their dinner was over. Their son Bhimraj (deceased) was sleeping in the house. Both the appellants came to their house, armed with sharp weapons. They first mounted attack on Balasaheb. Alkabai intervened to save her husband. She too was not spared. Both Alkabai and Balasaheb started running with a fear. They reached the house of Dadasaheb, brother of Balasaheb. Both had suffered multiple injuries. While running away, they heard the screams of Bhimraj. Due to fear, they did not return to save Bhimraj. Dadasaheb rushed Alkabai and Balasaheb to Ghati Hospital, Aurangabad in a mini-tempo. On the following morning, after having verified Alkabai to have been conscious, police recorded her statement-cum-F.I.R. Within hours of the assault on both of them, it was realised that, Bhimraj was done to death with sharp weapon/s. Mortal remains of Bhimraj was rushed to the hospital. It was subjected to inquest and autopsy.

4. The crime was investigated. The crime scene panchanama was drawn. Blood spots were collected from crime scene. The appellants were arrested. The appellant

Devidas made a disclosure statement, pursuant to which a sickle came to be recovered besides a motorbike, ash of burnt clothes etc. The clothes on the person of deceased/ injured and the appellants were seized. The seized articles were forwarded to Forensic Science Laboratory (FSL). Statements of persons acquainted with the facts and circumstances of the case were recorded. On completion of the investigation, the charge sheet was filed.

5. The Trial Court framed the Charge (Exh.33). appellants pleaded not guilty. Their defence was of false implication. According to them, Balasaheb had money with him, received on sale of agricultural produce. Thieves entered their house and committed robbery.

6. To bring home the charge, the prosecution examined 18 witnesses and produced in evidence certain documents. On appreciation of the evidence on record, the Trial Court passed the order impugned herein.

7. Heard. The learned Advocate for the appellants would submit that, there was delay in lodging of the F.I.R. Dadasaheb, who was instrumental in lodging of the F.I.R., has

not been examined. Both the injured gave evidence inconsistent with each other. Their multiple statements were recorded. In each statement, they changed the kinds of weapons with which they were allegedly assaulted. According to them, both of them suffered Contused Lacerated Wounds (C.L.Ws.), which could only be caused with hard and blunt object. As such, the medical evidence is inconsistent with the eye witness account. It rules out the assault with sharp weapons. No person from the nearby has been examined. Panch witnesses were the relative of the informant. There is nothing to indicate the appellants and others had threatened the informant and her family members a few days before the fateful night. P.W.2 Balasaheb had a low vision. It was dark in the night. The time of incident has been changed with the spot as well. P.W.2 Balasaheb testified that, he was assaulted while he was returning after urinating. There was a fencing to the house of the injured. Height thereof was such that nothing happened on the other side was visible from the front yard of the house of the informant.

8. The learned Advocate would further submit that, P.W.1 Alkabai stated that, at the time of the incident, daughter

of Devidas was in her house. As such, there was no motive for the incident. Dadasaheb has not been examined. It was he who discussed with the appellants on behalf of P.W.1 Alkabai.

He would further submit that, the earlier incident of extending threats has not been proved. No report in that regard was lodged. Both P.W.1 and P.W.2 had never discussed about the relationship of Amol with "P", daughter of Devidas. He would further submit that, had the assailants relieved the injured, they could have described the weapons in their hands correctly. The attack was sudden. It was made from behind. The possibility of quarrel preceding the assault is thus ruled out. The endorsement of the doctor, on Page 203 was adverted to. The endorsement lost its efficacy. The doctor, without examining P.W.1 Alkabai, gave the endorsement. The one who recorded the statement, has not been examined. P.W.3 Shrikant did not depose as to kind of weapon was stated by the accused Devidas during disclosure statement. The police officer had already disclosed to P.W.3 where they were supposed to go and reason therefor. As such, this witness had a prior knowledge. The recovery of weapon thus loses its efficacy. The disclosure statement

would, therefore, not be relevant under section 27 of the Evidence Act. The photos of the weapon were not placed on record. Then he brought to our notice the timing of the disclosure statement and recovery pursuant thereto. He would further submit that, one Gaurav Tribhuvan, whose name appears on seizure panchanama, has also not been examined. The timing of seizure of clothes is contrary.

9. The learned Advocate also relied on the following set of authorities :-

- (1) Subhan Usman Shaikh & ors. Vs. State of Maharashtra 2022 (4) Mh.L.J. (Cri.) 33
- (2) Shahbuddin Abdul Khalik Shaikh Vs. State of Gujarat (Criminal Appeal No.242/1994, decided on 5/4/1995)
- (3) Durbal Vs. State of U.P. (Criminal Appeal No.1398/2008, decided on 25/1/2011)
- (4) Jandel Singh Vs. State of M.P. (Criminal Appeal no.1690-1691/1996, decided on 8/5/2003)
- (5) Komal s/o Babusingh & ors. Vs. State of Maharashtra 2022 (3) Mh.L.J. (Cri.) 292
- (6) Anil Phukan Vs. State of Asam 1993 AIR (SC) 1462
- (7) Baliter & anr. Vs. State of U.P. 2022 (6) ALJ 739
- (8) Mahendra s/o Tularam Dehmukh Vs. State of Maharashtra (Criminal Appeal No.519/2012, decided

on 19/7/2013)

- (9) Shahaja @ Shahajan Ismail Mohd. Shaikh Vs. State of Maharashtra (Criminal Appeal No.739/2017, decided on 14/7/2022)
- (10) Adina & ors. Vs. The State of Maharashtra & ors. (Criminal Appeal No.12/2022, decided on 29/7/2024)
- (11) Vithal & ors. Vs. State of Maharashtra (Criminal Appeal No.550/1984, decided on 3/8/1995)

10. We have perused all the authorities. It needs no mention that, each case is required to be decided on the facts and circumstances thereof and the evidence adduced. Law precedent can hardly be of any assistance to decide the criminal case except when the Court interprets any provision of law such as Section 27 of the Evidence Act or alike. While appreciating the evidence in the case, the authorities relied on mind.

11. The learned A.P.P. would, on the other hand, submit it to be an open and shut case. He would submit that, the injured were rustic and illiterate. Although the incident took place somewhat late in the evening, the appellants were the neighbours of the injured. A person acquainted with the injured could even be identified by appearance. The appellants had

assaulted from very close range. The injured had, therefore, no difficulty in identifying them. The appellant had a strong motive. The case is based on eye witness account of the injured. Their evidence carries greater weight. Pursuant to the disclosure statement, a sickle used in the commission of crime was seized. The offence was nothing short of a honour killing. The learned A.P.P. reiterated the reasons given by the Trial Court in support of the order of conviction. She, therefore, urged for dismissal of the appeal.

12. Let us advert to the evidence on record and appreciate the same. P.W.9 Dr. Ashish was the Medical Officer on duty at Sub-District Hospital, Vaijapur on 15/3/2020. He conducted autopsy on the mortal remains of Bhimraj during 9.30 a.m. to 10.30 a.m. He noticed following injuries on the person of Bhimraj :-

- (i) Incised wound extending from lower margin of eye up to the base of nose with almost complete cut of nostril irregular with lane of 8 cm. and maximum width 4 cm. in middle.
- (ii) Incised wound below cricoid cartilage extending from sterno cleidmastoid muscle to another irregular with

length 11 cm. and width maximum 3 cm. midline with cut major vessels and trachea cut seen.

- (iii) Stab wound over right side chest extending from nipple towards midline obliquely with length 8 cm. and width maximum 3 cm. with lungs protruding from it.
- (iv) Stab wound two over left arm anterolaterally and posteriorly approximate 4 x 2 cm. in dimension.
- (v) Stab wound over left side lower axillary region approximate 3x2 cm.
- (vi) Stab wound over left side of back laterally approximate 3x2 cm.
- (vii) Stab wound over back and neck midline approximate 3x2 cm. obliquely directed.

13. P.W.9 Dr. Ashish issued post mortem report (Exh.83). In his opinion, cause of death of Bhimraj is "Injury to trachea and major vessels of neck due to incised wound over neck and stab wound over right side chest with other multiple incised wounds as mentioned.

14. During his cross-examination, he testified to have perused inquest panchanama before conducting autopsy.

According to him, in the inquest panchanama, injury to left hand of the deceased and on his back were not noted. According to him, normal incised wound is caused due to sharp cutting edged weapon. He denied that incised wound was not possible due to sickle like object or a hook. He testified the injuries on the person of the deceased were very serious. Those were caused with full force. He admitted that he should have mentioned the width of the weapon used. He was unable to give characteristics of injuries in gaping shape. According to him, there are two types of incised wounds – spindle shape and gaping shape. He did not notice any dragging injury on the dead body.

15. The learned Advocate for the appellant would submit that, the Medical officer did not testify that the injuries were sufficient to cause death in ordinary course of nature. In our view, the nature of injuries suffered by the deceased suggest the intention of the assailant was to do away with him (Bhimraj).

16. P.W.13 Dr. Arti examined P.W.1 Alkabai and P.W.2 Balasaheb and noticed following injuries :-

P.W.1 Alkabai:-

- (i) CLW on left parietal region size 2x1x1 cm. margin sharp clean reddish. Age of injuries were 2 to 3 hours, caused by sharp and heavy weapon.
- (ii) CLW left vertex region of head size 12x3x2 cm. Margin sharp deep reddish, age of injuries within 2 to 3 hours, caused by sharp and heavy weapon.
- (iii) CLW left palm measuring 10x4x3 cm. margin sharp deep reddish, age of injury within 2 to 3 hours, probable weapon sharp and heavy.
- (iv) CLW over nose size 2x1x1 cm. sharp, deep and reddish, age of injury within 2 to 3 hours. Probable weapons harp and heavy. Nature of injury opinion reserved. Patient advised CT brain plain surgery opinion, ortho opinion, so patient referred to GMC Hospital, Aurangabad for further management, nature of injury can be given on the basis of investigation.

P.W.2 Balasaheb :-

- (i) CLW over left forehead size 6x2x1 cm. oblique, age of injury within 2 to 3 hour, caused by sharp and heavy weapon.

- (ii) CLW suprapubic region size 2x2x2 cm. horizontal within 2 to 3 hours, caused by sharp and heavy weapon.
- (iii) CLW over left chest size 4x2x2 cm. horizontal within 2 to 3 hours, caused by sharp and heavy weapon.
- (iv) CLW over left hand, size 15x10x3 cm. horizontal within 2 to 3 hours, caused by sharp and heavy weapon.
- (v) CLW over right buttock size 2x2x1 cm. horizontal within 2 to 3 hours, caused by sharp and heavy weapon.
- (vi) CLW left axilla, size 5x3x2 cm. oblique within 2 to 3 hours, caused by sharp and heavy weapon. Patient advised CT brain (plain), surgery opinion and ortho opinion so patient referred to GMCH Aurangabad for further management. Opinion as to nature of injury reserved till arrival of investigation report.

She referred to the injury certificates (Exhs.94, 95 and 96, 97 respectively.

17. During cross-examination, she testified that the final opinion was given on the basis of discharge card issued by Ghati Hospital, Aurangabad. It is a Government Hospital.

The discharge card is issued in the official course of business and there is no reason for us to disbelieve the same.

18. The crime scene panchanama (Exh.56) indicate it to be a residential house of P.W.1 Alkabai and P.W.2 Balasaheb. As such, the fact that the incident took place by 9.00 p.m. on 15/3/2020 in front of and in the house of these two witnesses is the fact duly established.

19. The question is, whether the appellants are the authors of the crime. Although number of witnesses have been examined, the fate of this appeal is dependent on the evidence of two injured eye witnesses. If their evidence is found to be cogent, reliable and fit to act upon, the appeal is bound to fail. We even need not advert to the other evidence on record which has even no much relevance.

20. P.W.1 Alkabai testified that, she would reside along with her husband (P.W.2 Balasaheb), elder son Amol and Bhimraj (deceased) at Lakh-Khandala. Her house was on their agricultural land. The front yard of the house has a fencing of a human height. In the neighbourhood, there are agricultural lands and houses of others. The appellants (brothers inter-se)

would reside in their neighbourhood along with their family. On the way to their house, there is house of appellants. It is at a distance of half a Km. There is no other way between the two houses. She rear goats. Goats are tied in the house. Field of Punjaram was towards west of her residence. Kum. "P" was daughter of one of the appellants. She further testified that, a few days before the incident, both the appellants and Sagar (son of Devidas, since acquitted) had come to their house. They told her that Amol eloped "P". They were told that, Amol was out for work. They threatened them that if their daughter did not return home, they (P.W.1 and P.W.2 and their family members) would not be spared.

21. P.W.1 Alkabai further testified that, it was little past 8.30 p.m. of 24/3/2020. After taking dinner, she along with her husband (P.W.2 Balasaheb) was sitting at the entrance of her residence. Bhimraj was sleeping in the house. Both the appellants arrived. They were armed with weapons – sickle and sword. Both of them started assaulting Balasaheb and her as well. Both assaulted them indiscriminately. They, therefore, started running away to save their lives. They went to the house of Dadasaheb (brother-in-law of P.W.1). Dadasaheb

had his residence at a short distance. They told Dadasaheb the incidence. He immediately brought them to Primary Health Centre, Vaijapur. On the following day, police arrived and recorded her statement-cum-F.I.R. (Exh.47).

22. She further testified that, before the incident, her family did not have any quarrel or dispute with the appellants. Their relations with the appellants were cordial. After taking meal, she along with her husband had come out of the house for a brief walk. Her son Amol was studied up to 12th Standard. The appellants were on talking terms with Amol. He even used to go for work with them. Amol left the house 4-5 days prior to the incident. He informed that, he was going for work. He did not return. A missing person's report was lodged. They even made enquiry with the appellants. They, however, did not make enquiry of "P". They even did not suspect that Amol and "P" eloped together. According to her, "P" was in the house by the time of the incident.

23. She further testified that, the incident took place when she and her husband were outside the fencing. Both of them were together until lasting of the incident. Her husband was attacked while he was on way back after relieving himself

(urination). She admitted that, in her subsequent statement she stated different weapon in the hands of the appellants. She, however, clarified that, she was mentally disturbed. She denied the suggestion that due to darkness, she could not visualize who were the assailants and what kind of weapons they were armed with. On first assault, her husband fell on the ground. While she was proceeding towards her husband, she was attacked from behind. She too collapsed. Without thinking anything, both of them started running to save themselves. Bhimraj was in the house. She even did not remember who took her to the hospital. She claimed to have been unconscious in the hospital. She, however, testified that, in the hospital at Vaijapur, she was semi-conscious. Dadasaheb (brother-in-law) discussed with the police on her behalf. She denied that no such incident did take place.

24. P.W.1 Alkabai was subjected to a searching cross-examination. It has been brought on record that, there is a shed outside her house. The front yard has a fencing. No other person would reside along with them except they four. Dadasaheb was the only brother of her husband. Her father-in-law would reside with him. Her field was separate from the

field of Dadasaheb. At the time of the incident, there was cotton crop in her field.

25. P.W.2 Balasaheb testified describing topography of his residence and surrounding area. The said evidence is consistent with the evidence of P.W.1 Alkabai. He went on to state that, his son Amol left the house under the pretext of work. He did not return. Thereafter, daughter of Devidas left the house. It so happened 4 days prior to the incident, the appellant suspected that she eloped with the Amol. On 12 March, the appellants along with Sagar had come to their residence. They abused and threatened to kill them, if the daughter did not return on the next day. He went to Vaijapur Police Station on the following day and lodged missing person's report.

26. P.W.2 Balasaheb further testified that, by 9.00 p.m. on 14 March, both the appellants came armed with sickle and sword. He along with his wife (P.W.1 Alkabai) were outside of their house. They first attacked him. His wife Alkabai too was not spared. Both of them, therefore, started running to save their lives. They went to the house of his brother Dadasaheb. They disclosed him the incident. Due to fright, he did not

return to his residence. His relations brought them to the hospital at Vaijapur in a small vehicle. The police recorded his statement. He was thereafter shifted to Ghati Hospital, Aurangabad.

27. He too was subjected to a searching cross-examination. It was suggested to him, maize crop in his field was harvested about 15-20 days before the incident. He stated to have had sold his goats to one Akhil for Rs.28,000/-. The defence meant to say that he was having hefty amount with him. It was the case of the appellants that robbers/thieves had come to Balasaheb's residence. They assaulted them and robbed of money. The injured did not buy this theory. According to him, he did not discuss about Amol and "P" with anybody else. He did not lodge the report with police about the alleged incident of the appellants and Sagar visiting his house and extending threats. He explained that, since no incident (fight) had taken place and hence, no report was lodged. He was confronted with his statement under Section 164 of the Cr.P.C. and particularly the matter portion marked "A" therein, which reads that, he has lodged missing person's report on the day of the incident (about Amol). We do not find

this contradiction to be material one to disbelieve the evidence of P.W.2 Balasaheb. According to him, the said report was written by Vishwas Bagul. Be that as it may. The fact remains that he had been to the police station to report that his son Amol left the house and did not return.

28. It has also been brought on record through his cross-examination that, he had low vision. He, however, flatly denied to have not seen the appellants/ assailants. He admitted to have stated different weapon in his different statements. He clarified that, his mental condition was not normal and therefore, such thing happened. He denied that, attack on him was, while he was returning after urination. It was a sudden attack on him. According to him, there were repeated attacks. He had fallen down 3-4 times before he reached his brother's house running. According to him, his condition was fluctuating while he was in Ghati Hospital. He did not remember when the police repeatedly visited the hospital to enquire about the progress of his health. He did not remember the police and doctor to have had come together. He flatly denied that he was unable to speak in Ghati Hospital. He was confronted with his police statement, to bring on record

that, after assaulting him, both the appellants entered his house. The word “entered” is only missing from the statement. It has been brought on record that his statement to police is silent to record that he heard cries of his son.

29. P.W.3 Shrikant is a witness to multiple panchanamas. First one is a disclosure statement made by appellant Devidas (Exh.55). He then taking the police and the panch first to the house of the injured. There the crime scene panchanama was drawn (Exh.56). Then he took to the field and took out a sickle from the bushes on the embankment of a field. Then he took to another place wherefrom an ash of burnt cloth was seized (panchanama Exh.57).

30. We do not propose to give much importance to the evidence of this witness and, therefore, the judgment of the Apex Court relied on in respect of recovery under Section 27 of the Evidence Act is not referred to in extenso.

31. The fact that the crime scene panchanama was drawn immediately on the following morning is evident from the testimony of P.W.4 (investigating officer). There was blood all over in the room. Bed sheet was blood stained. The learned

Advocate brought to our notice the variance in the timing of the panchanamas. He also submitted that, one Gaurav Tribhuvan, whose name appears in the panchanama (Exh.51) was not examined.

32. P.W.5 Laxman is a witness to the panchanama relating to seizure of clothes of injured (P.W.1 and P.W.2). It is at Exh.64. This witness is a real brother of P.W.1 Alkabai.

33. We do not propose to advert to the other evidence on record. The injuries on the person of P.W.1 and P.W.2 have been duly proved. Both of them were the injured eye witnesses. They are uneducated and rustic as well. On the same night, their son Bhimraj was killed in the house. The evidence of both the injured witnesses lead us to infer that their son Amol was in emotional relationship with daughter of one of the appellants. The injured belong to Scheduled Caste. The appellants were necessarily opposed to the relationship. Although no police report of the incident dated 12 March was lodged, we find no reason to disbelieve the testimony of both the injured witnesses that, on the given day the appellants accompanied by Sagar (since acquitted) had visited their house and extended threats.

34. The record indicates that, the incident had not been witnessed by any other person. It was little past 9.00 in the evening. Both P.W.1 and P.W.2 being rustic and illiterate, testified somewhat inconsistent with each other. Inconsistencies are as to the actual spot whereat the appellants mounted attack on them. Although it was somewhat late in the evening, the appellants were known person to the injured victims. They had assaulted them from very close range. Even if we assume that there was somewhat dark, it is not difficult to identify a known person. It is true that, there is no direct evidence as regards assault on Bhimraj. We have, however, to infer that, after mounting assault on P.W.1 and P.W.2, the appellants entered the house and killed Bhimraj (an innocent boy). The injuries on his person indicate the appellants had intended to do away him. Their target might be Amol and therefore, the appellants appear to have not continued assault on P.W.1 and P.W.2. True, the injuries on the person of P.W.1 Alkabai and P.W.2 Balasaheb are in the nature of C.L.Ws., which could be caused by hard and blunt object. They being rustic, were unable to describe the nature of weapon, whether sharp or hard and

sharp. The attack on Bhimraj took place immediately after P.W.1 and P.W.2 were assaulted. Injuries on his person indicate he suffered injuries with sharp edged weapon. Although according to the prosecution, one third person was accompanying them (Sagar), the evidence of both these witnesses (P.W.1 and P.W.2) indicate that the assailants were the appellants and none else. Their previous statements were not referred to, to bring on record omissions amounting to material contradictions.

35. The F.I.R. was lodged within hours of the incident. To be specific, it was lodged by 4.00 a.m. The informant's brother-in-law had accompanied the informant. One can understand what kind of mental state the informant and her husband had while the incident took place and little thereafter, more so when they learnt about their young son to have been done to death. True, P.W.1 Alkabai's brother-in-law Dadasaheb had accompanied her to the Police Station. His thumb impression is on the F.I.R. He put his thumb impression in proof of the F.I.R. to have been recorded in his presence. He has not been examined. Although P.W.1 Alkabai testified that Dadasaheb interacted with police on her behalf, her

examination-in-chief goes a long way to infer that she narrated the incident. We have to believe the same, since Dadasaheb was not around while the incident took place. His non-examination is not found to be fatal. At the cost of repetition, it is observed that, P.W.1 Alkabai and P.W.2 Balasaheb are the injured eye witnesses. The appellants had a strong motive to assault them. No sooner they were assaulted, their son Bhimraj was killed in a very short while. We have, therefore, to infer that the killers of Bhimraj were none other than the appellants. We find the evidence on record to have established the appellants to have first made a bid on the life of P.W.1 Alkabai and P.W.2 Balasaheb and then killed Bhimraj. The Trial Court has rightly appreciated the evidence on record and convicted the appellants. We find no reason to interfere with the impugned order. The appeal sans merit. The appeal is, therefore, dismissed.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-