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

**CRIMINAL APPEAL NO.608 OF 2016
WITH
INTERIM APPLICATION NO. 4636 OF 2024
IN
CRIMINAL APPEAL NO.608 OF 2016**

Shankar Kallappa Koli ...Appellant/Applicant
Age 42 years,
R/o. Kamewadi, Talukla Chandgad
District Kolhapur

Versus

The State of Maharashtra
(Through Senior Inspector of Police) ...Respondents
Chandgad Police Station,
Dist.Kolhapur

Ms. Nasreen S. K. Ayubi, Advocate appointed for the Appellant
Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

**CORAM: SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.**
RESERVED ON: 21st JULY 2025
PRONOUNCED ON: 1st AUGUST, 2025

JUDGMENT : (PER : SHYAM C. CHANDAK, J.)

1. The instant Appeal has challenged the Judgment and Order dated 29/04/2016, in Sessions Case No.3 of 2015, passed by the Court of the learned Additional Sessions Judge, Gadhinglaj, Dist. Kolhapur. Thereby the Appellant was convicted for the offence punishable under Section 302 of the Indian Penal Code, 1860 (for short "I.P.C.") and sentenced to suffer imprisonment for life and to

pay fine of Rs.5,000/-, in default to undergo simple imprisonment for three months.

2. We have heard Ms. Ayubi, learned appointed Counsel for the Appellant (“**accused**”) and Ms. Dabholkar, learned APP for the Respondent-State. Perused the entire material on record.

3. The prosecution story is that deceased Ganga was sister of the first informant-P.W.1-Shri Siddharai Patil, r/o *Kamewadi*, Taluka *Chandgad*, District Kolhapur. Ganga was married with the accused 15 years prior to the incident. After the marriage, Ganga cohabited with accused for six months, at village *Krishna Kittur*, District Belgaum. For some days, the couple resided at Belgaum as the accused was working there in a hotel. After some days, Ganga visited P.W.1 and complained him that the accused was addicted to liquor, he used to beat her by consuming liquor and demand money from her. Therefore, the family members of P.W.1 decided to let Ganga and accused reside in their village *Kamewadi* for Ganga’s happy cohabitation. Accordingly, the couple resided there. Meanwhile, the couple was blessed with two children – Prashant, aged 6 years and Rutuja, aged 3 years. However, there was no change in the conduct of the accused towards Ganga. Four years before the incident, P.W.1 built a house for Ganga and the accused, to stay at *Kamewadi*. Yet, the accused would take money from Ganga and consume liquor. If money was not given, the accused used to beat Ganga. The accused had even sold domestic articles for liquor. The accused used to demand the marriage string (मंगळसूत्र) Article ‘Q’ of Ganga and threatened that, if money was not given to him, he would kill her. Ganga had informed her plight to P.W.1 and other family members.

4. As the prosecution story goes further, on 4/10/2014, at about 5.30 pm, Ganga visited P.W.1 to see his daughter Pujarani, who had sustained a fracture on her leg. At about 7.30 pm, Ganga returned to her house alongwith Vitthal (P.W.4), son of P.W.1. At that time, the accused had brought fritters to eat. P.W.4, Ganga and the accused ate the fritters. Then, P.W.4 went home to take study books. Thereafter, P.W.4 had dinner and again he went to Ganga's house, for study. At that time P.W.4 had carried a mobile phone No.774** *34**. But, the light at the door of Ganga's house was switched off and the door of the house was locked. Therefore, P.W.4 called up home on a mobile No.708** 02*** and informed the said fact. In turn, mother of P.W.1 and his wife Kalpana (P.W.5) carried the available key of Ganga's house and went there. Then they opened the house and switched on the light. At that time, Ganga was lying on a bed, in a pool of blood, with deep injury over the neck. So, they made hue and cry. Immediately, P.W.1 went there. Ganga's marriage string was missing. A sickle, soaked in blood, was lying there. The accused was not present. Therefore, P.W.1 filed a Report (Exh.16) with *Chandgad* police station, alleging that since Ganga did not give money to the accused to consume liquor, he committed her murder assaulting her with a sickle.

5. The police registered the Report (Exh.16) at Cr.No.106 of 2014, under Section 302 of the I.P.C. Investigation Officer-P.W.15 visited at the spot and recorded the Inquest Panchnama (Exh.32). He then recorded the Spot Panchnama (Exh.18). On 5/10/2014, at about 4.35 am, body of Ganga was received at the hospital. The postmortem examination was conducted between 6.30 am to 9.30 am. The cause of the death was severe hemorrhage and injuries

due to severing of the spinal cord, caused by sharp edged heavy weapon with curved tip.

6. The police seized the blood stained clothes and other articles removed from Ganga's body before the postmortem examination. P.W.15 arrested the accused on 5/10/2014, at 19.10 hours, under Arrest Panchnama (Exh.28) and seized a Shirt, Pant, a Key, a Towel and a Wallet on the person of the accused. On 7/10/2010, the accused made a voluntary disclosure (Exh.35) that he had concealed the marriage string of Ganga and he would recover the same by showing the place where he had concealed it. Then, accused led the police and panchas to the said place and recovered the marriage string. P.W.15 seized it under Recovery Panchnama (Exh.34). Meanwhile, P.W.15 recorded the statements of the witnesses, collected the postmortem report, sent the seized articles to the F.L.S. and lastly, he submitted the charge sheet.

7. At the trial, the prosecution examined the following 16 witnesses and relied several documents in evidence.

PW Nos.	Name of the Witnesses	Nature of the Evidence
1	Siddharai Patil	First Informant.
2	Prabhakar Patil	Spot Panch.
3	Parsharam Patil	Panch - Seizure of clothes of accused.
4	Vitthal Patil	Last seen.
5	Kalpana Patil	Wife of P.W.1/Sister-in-law of Ganga.
6	Parsharam Patil	Neighbour of Ganga.
7	Shivling Dange	He spotted the accused walking hurriedly, after the murder.
8	Siddharai Patil	Panch - seizure of clothes of deceased.
9	Basavani Patil	Panch - seizure of clothes of daughter

		of Ganga.
10	Dundappa Patil	Neighbour of Ganga.
11	Gulab Sankeshwari	Hotelman at village <i>Daddi</i> , from whom the accused took fritters parcel.
12	Rekha Patil	Panch - Inquest Panchnama.
13	Neelkanth Kothari	Panch - recovery of marriage string.
14	Dr. Abhijit Shinde	Medical Officer - Post-Mortem.
15	Prakash Ghodake	Investigation Officer.
16	Jamir Makandar	Produced marriage string in the trial.

8. On closure of the prosecution evidence, the trial Court questioned the accused under Section 313 Cr.P.C. wherein he denied the incriminating evidence and circumstances. The defence of the accused was of total denial and false implication.

9. On appreciation of the evidence, the trial Court concluded that the prosecution established the link in all the circumstantial evidence which safely lead to only one hypothesis that except the accused no other person had committed the murder of Ganga. Therefore, convicted and sentenced him as stated in paragraph 1.

10. Ms. Ayubi, learned appointed Counsel submitted that till the date of the incident, no report or complaint was filed against the accused by Ganga or her relatives that, the accused used to demand money from Ganga for liquor and used to beat her under the influence of the liquor when she did not give money.

That, the fact that Ganga and the accused were last seen together by P.W.4 was not proved. Because, said fact was not stated by P.W.1 in his Report (Exh.16).

That, the evidence of P.W.1, P.W.4 and P.W.5 is not clear as to whether first P.W.4 had called up home or to P.W.1 and informed that the house of Ganga was locked. Said inconsistency created doubt about the claim of the said witnesses that after the dinner, P.W.4 went to the house of Ganga, for study.

That, the evidence as to disclosure statement and recovery of the marriage string is not reliable. That, there is no evidence about the date, time and place of apprehending the accused. As such, the seizure of his alleged blood stained clothes and other articles, was not reliable.

That, the evidence of P.W.7 that he saw the accused walking hurriedly after the murder is not reliable due to the darkness.

Therefore, according to the learned Counsel, the prosecution case was not established. Yet, the trial Court convicted the accused for the murder of Ganga, which is not legal.

12. Ms. Dabholkar, the learned APP, appearing on behalf of Respondent-State has opposed the appeal, contending that the prosecution had fully met the standard of proof required to convict a person in a case of circumstantial evidence. The circumstances relied upon by the trial Court fully established the involvement of the accused and the chain of evidence furnished by the circumstances is also complete. The appeal thus lacks merit and is liable to be rejected.

13. Looking at the rival submissions, first, we would deal with the question of homicidal death. The evidence of P.W.14 coupled

with his postmortem report show that, there were following antemortem external and internal injuries on the body Ganga :-

External Injuries :- a) 9 cm long incised wound extending from spinous process of C-7 vertebrae slanting deepens in inch, spindle shaped. b) Incised wound 2 cm X 2 cm X 1.5 cm deep with intact skin on neck. c) Incised wound with spindle shape, caused with curve tip of weapon on neck. d) Multiple chop wounds horizontally over neck with two cuts, spinal cord is severed between C-4 and C-5 vertebrae, and e) Abrasion on acromion. **Internal Injury :-** Larynx was cut open posteriorly, exposing the epiglottis. The injuries were caused by a sharp weapon. The cause of death was severe hematoma. P.W.14 deposed that said external injuries were possible by the sickle Article 'D'. This evidence hardly met any challenge in the cross-examination. In fact, the accused did not dispute the homicidal death nor the proof thereof. Hence, said aspect does not require further discussion.

14. The evidence of P.W.1 and P.W.5 is that Ganga was married with the accused 15 years prior to the incident. Initially, Ganga co-habited with accused at village *Krishna Kittur*, District Belgaum. Thereafter, the couple stayed at Belgaum. P.W.1 deposed that, after some days, the accused came to stay at *Kamewadi*. At that time, Ganga told them that the accused was beating her and demanding money for consuming liquor. P.W.1 deposed that he constructed two rooms there for the stay of accused and Ganga. P.W.5 also deposed this fact. Accordingly, the couple resided there. Meanwhile, Ganga gave birth to the two children. P.W.1 and P.W.5 stated that accused was addicted to liquor. They deposed that the accused used to sell household articles for liquor. They deposed that the accused used to demand Ganga's marriage string.

P.W.1 deposed that, the accused used to threaten Ganga that if she would not give him money for liquor, he would kill her.

15. In support of the aforesaid testimony of his parents, P.W.4 deposed that the accused used to demand money from Ganga and consume liquor. He deposed that if money was not given, then the accused used to threaten Ganga. Frequently, there used to be quarrels between Ganga and the accused. Ganga used to tell P.W.1 about her said plight. P.W.1 used to persuade her.

16. On a careful scrutiny of the aforesaid evidence of P.W.1, P.W.4 and P.W.5, it is clear that, their testimony is very consistent and corroborated with the Report (Exh.16). Ganga being closely related to these witnesses, and residing in the same village, it was natural that, she would share with them the rough conditions through which she was going because of the accused's behaviour towards her. Secondly, both the families were residing in the same village. Hence, Ganga's plight would not remain hidden from P.W.1 and others in the family. In the cross-examination of the three witnesses, nothing has come to disbelieve their evidence as to what was informed to them by Ganga, about the addiction of the liquor as well as the behaviour and conduct of the accused.

17. The evidence of P.W.1 that he had built two rooms for the couple to stay at his village remained unchallenged. In fact, the accused did not dispute the said fact. This indicates that, indeed, P.W.1 used to love Ganga, care for her and wanted the couple to lead a happy married life. As such, question does not arise of P.W.1, P.W.4 and P.W.5 deposing falsely against the accused that too after 15 years of the marriage of Ganga.

18. P.W.6, P.W.7 and P.W.10 were neighbour of Ganga. Their evidence show that they were familiar with the environment at Ganga's house. P.W.7 and P.W.10 deposed that the accused would regularly consume liquor and physically assault Ganga, while intoxicated. The accused used to demand money and ornaments from Ganga for consuming liquor. P.W.6 and P.W.10 deposed that they tried to make the accused understand not to consume liquor and quarrel. But, there was no change in his conduct. P.W.10 deposed that 2-3 days prior to the incident, there was a quarrel between the accused and Ganga. The accused had assaulted Ganga. P.W.10 deposed that, at that time, P.W.1's mother gave an understanding to the accused. P.W.6 deposed that after the murder, he searched for the accused, but he was not found.

19. The aforesaid evidence of P.W.6, P.W.7 and P.W.10 is very consistent and of sterling quality. Their evidence indicates that, being neighbors, they had concern for Ganga and the accused. Therefore, they persuaded the accused not to consume liquor. Having regard to Section 114 of the Indian Evidence Act, in villages, such a prevailing by neighbour for one's improvement, is very common, sensing it as a human kinship, social binding and responsibility. The conduct of P.W.6 searching for the accused also highlights that human aspect. For these reasons, the evidence of P.W.6, P.W.7 and P.W.10 cannot escape reliance by the Court. Thus, their said testimony provided additional strength to the evidence of P.W.1, P.W.4 and P.W.5, on the same line.

20. In cross, P.W.1 stated that he himself had arranged marriage of Ganga with accused. P.W.5 admitted that Ganga had told them that the accused used to demand marriage string after second year of marriage. P.W.1 admitted that he used to give an understanding

to the accused. P.W.1 and P.W.4 have stated that the accused was employed as a waiter in a hotel at Belgaum. P.W.1 admitted that the accused was getting the salary of Rs.5,000/- per month.

On the strength of the aforesaid evidence in the cross, the learned Counsel for the accused submitted that the accused was earning enough. It was not the case that the accused was not providing money for domestic and other needs of the family. According to P.W.5, Ganga had told them that the accused used to demand marriage string after second year of the marriage. But, evidence of P.W.1 and P.W.5 indicates that since 2006 to 2014 P.W.1 did not lodge complaint of harassment against the accused. Therefore, the learned Counsel submitted that the prosecution case is false that the accused used to demand money from Ganga for liquor and he used to beat her if the money was not given.

However, considering the evidence as a whole, we decline to accept the aforesaid submissions, because the evidence of P.W.1, P.W.4, P.W.5 and their neighbour is consistent that the accused was addicted to liquor and he used to demand money from Ganga for liquor. P.W.1 constructed the house for Ganga and the accused to stay at his village and cohabit happily. This fact substantially supported the relevant evidence of the three and their neighbour. That apart, in cross of P.W.1, it has been brought that except the reason of demanding money for liquor, there was no other reason for dispute between the accused and Ganga. Thus, the accused admitted that he had habit of consuming liquor.

21. In the backdrop, we hold that there was trouble to Ganga as the accused was addicted to liquor, he demanded money from her

for liquor and beat her, if the money was not given. This conduct was sufficient to attribute the motive for the accused to commit the murder of Ganga.

22. P.W.4 deposed that, at the relevant time, he was studying in standard 'X'. He used to go to Ganga's house, for study. Ganga's son Prashant was also studying with him. This evidence is supported with the evidence of P.W.1 and P.W.5 that P.W.4 was regularly going to Ganga's house, for study. In the cross of P.W.1. also it has come that, P.W.4 used to go to the house of Ganga at 8.00 pm for studying. P.W.4 being student of Std. 'X', it was quite normal that he would go to his aunt's house to study alongwith her son Prashant. Therefore, said evidence is worthy of reliance.

23. P.W.1, P.W.4 and P.W.5 deposed that on 4/10/2014, in the evening Ganga visited at P.W.1's house to see his daughter, who had suffered fracture on her leg. That, at 7.30 pm, P.W.4 and Ganga went together at Ganga's house. P.W.4 deposed that, at that time, the accused had brought fritters which they three ate.

This evidence is supported with the testimony of P.W.11 that he was having a small hotel at *Daddi*, Taluka *Hukkeri*. He knew the accused since two years prior to incident. The accused used to take fritters from his hotel. The accused always used to be under the influence of liquor. P.W.11 stated that on 4/10/2014, at 5.30 pm, the accused had visited his hotel and ate fritters. Additionally, the accused took three plates of fritters as parcel. P.W.11 deposed that sometimes the accused was unable to pay therefore, he had dues of Rs.300/- with him.

In view of the above discussion, we have no hesitation to accept that, just before the murder of Ganga, P.W.4 had last seen Ganga and the accused together.

24. The evidence of P.W.4 and P.W.5 indicates that, after eating the fritters, P.W.4 came home and had dinner. Their evidence further showed that, thereafter, P.W.4 went to Ganga's house and carried a mobile phone. The evidence of P.W.1, P.W.4 and P.W.5 is that, at that time, P.W.4 saw that the house of Ganga was locked and the lights were switched off. P.W.4 deposed that he called Ganga but did not get response. Thereafter, P.W.4 phoned to his family member by the mobile phone he had carried, and informed them that Ganga's house was locked. Evidence of P.W.1, P.W.4 and P.W.5 is that, thereafter P.W.1's mother and wife-P.W.5 came at Ganga's house. They carried the available key. Then they opened the house and switched on the lights. At that time, they saw that Ganga was lying in a pool of blood in the room. Thereafter P.W.1 came there. They saw that Ganga had deep wound over the neck. The sickle article 'D' was lying there and it was stained with blood. Ganga's daughter Rutuja was sleeping by her side. They deposed that, the marriage string of Ganga was missing. This evidence is in conformity with the Report (Exh.16) filed by P.W.1 immediately after witnessing the scene at the spot. There is no improvement in the said version. There was no reason for the witnesses to concoct such a story. As such, their said evidence cannot be brushed aside.

25. P.W.1 admitted that on 4/10/2014, Ganga and her children were at his house for the whole day. In cross, P.W.5 admitted that on the day of incident, Ganga returned to her house at 5.30 pm. This evidence is against the prosecution story that, on that day,

Ganga had returned home at about 7.30 pm. Therefore, the learned Counsel for the accused submitted that, there is discrepancy in the evidence of P.W.1 and P.W.5. She further submitted that, in cross, P.W.1 and P.W.5 stated that Ganga was doing labour work from 10.00 am and returning home at 6.00 pm. Therefore, the learned Counsel submitted that it is very doubtful that, on the date of the incident, Ganga had visited at the house of P.W.1, at about 5.30 pm and left at 7.30 pm alongwith P.W.4 and then the couple and P.W.4 were together.

But we find it difficult to accept the aforesaid submissions because there is no challenge to the evidence of P.W.1, PW.4 and P.W.5 that the daughter of P.W.1 had sustained fracture on leg. As such, it was probable that Ganga being the aunt, she would go to see the daughter of P.W.1. Moreover, there was no much time gap in Ganga's usual timings of returning from her work and her visit at the house of P.W.1. That apart, in cross of P.W.4 it has come that Ganga had visited his house at 5.00 pm and she stayed there for a couple of hours. Thus, the defence conceded the said visit by Ganga and the time, when she left after meeting P.W.1's daughter.

26. P.W.1 admitted that, the accused used to work till late in the night and he used to stay there. In cross, P.W.5 stated that due to his work, the accused used to come home after 15 days. P.W.1 admitted that on 2nd October 2014, accused had gone to Belgaum for work. P.W.5 admitted that accused had gone for his work at the hotel on 2nd October 2014. In cross, P.W.5 stated that on the day of the incident, Ganga did not tell her that the accused demanded her marriage string.

In view of the aforesaid evidence in the cross-examination of the witnesses, the learned Counsel for the accused submitted that as usual, on the date of the incident, the accused had gone for his work. As admitted by P.W.4 and P.W.5, the accused used to return home every fortnight. As such, the prosecution story is not reliable that, on the date on the incident the accused was present at his house as claimed by P.W.4, he committed the murder of Ganga in the evening for the marriage string and then fled away.

However, we are not in agreement with this submissions, because, P.W.11 clearly deposed that, on that day, at about 5.30 pm, the accused had taken fritters parcel from him. P.W.4 and the couple enjoyed the fritters at about 7.30. pm. This evidence is supported with the postmortem report mentions that the time of the death within two hours of having meal as suggested by the contents of the stomach. No doubt, P.W.14 admitted that he did not state the age of the injuries in the postmortem report. But he stated that, the injuries were fresh and were caused before half an hour of the death.

27. From the testimony of P.W.8, P.W.12 and P.W.15 it has been proved that, the Gown (Article-A), petticoat (Article-B) and Nicker (Article-C) were on the person of Ganga, at the time of recording the Inquest Panchnama. It has been further proved that, on 6th October 2014, the police seized the aforesaid clothes of Ganga under the Seizure Panchnama (Exh.26).

28. With the help of the evidence of P.W.2 and P.W.15 the prosecution proved that, P.W.15 recorded the Spot Panchnama (Exh.18) in the presence of P.W.2 and the co-panch. The sickle

Article 'D', earth mixed with blood, simple earth and other articles stained with blood were seized from the spot by P.W.15.

29. P.W.1, P.W.2, P.W.8, P.W.12 and P.W.15 have identified the said clothes of Ganga, the sickle (Article-D), Quilt (Article-J) etc., which were seized after the postmortem examination and during the Spot Panchnama action.

30. On the basis of the evidence of P.W.3 and P.W.15, it is proved that, on 05/10/2014, P.W.15 seized the Shirt (Article-E) Pant (Article-F) one Key of the house (Article-G), Towel (Article-I) and Wallet (Article-O). Accordingly, P.W.15 recorded the arrest-cum-seizure panchnama (Exh.20). P.W.3 and P.W.15 have identified the said clothes and other articles found on the person of the accused.

31. Evidence of P.W.15 further indicates that, he obtained the blood sample of the deceased and the accused as per Requisitions at Exhs.45 and 44, respectively. He forwarded the seized material articles and the samples to the RFSL Pune, for chemical analysis. The CA Report (Exh.52) shows that the blood of the accused was of "Group-B". The CA Report (Exh.53) states that, the blood found on the clothes and the towel on the person of the accused was of human origin. The blood found on the clothes of the deceased was of human origin. The blood found on the other articles seized from the spot including the sickle Article 'D' and the marriage string, was of human origin.

32. The accused has not explained the murder of Ganga which was committed immediately after Ganga was last seen in his

company, in their own house. The accused has also not explained the blood on his clothes and the towel. It was not his defence that Ganga had enmity with some third person. Therefore, the question does not arise of such third person would commit her murder.

33. Now coming to the voluntary disclosure statement made by the accused and recovery of the marriage string by him. The evidence of P.W.13 and P.W.15 is that, on 07/10/2014, while in the police custody, the accused made a voluntary statement that he had concealed the marriage string of Ganga, at village *Kamewadi* and that, he is ready to hand over it. P.W15 recorded the Memorandum (Exh.35) of the said disclosure. They deposed that, thereafter, the accused led the police and panchas to village *Kamewadi*. Then they crossed the river *Tamraparni* and stopped the vehicle as told by the accused. Then, the accused took them to an electrical pole and there, he discovered the marriage string which was concealed in grass. P.W.15 seized it under Recovery Panchnama (Exh.34).

The aforesaid evidence of P.W.13 and P.W.15 hardly met challenge in the cross-examination. Their evidence is consistent with one-another and the documents (Exhs.35 & 34). There was no reason for the witnesses to foist the recovery on the accused or to create the said evidence against him. As per the CA Report (Exh.53), the marriage string was stained with human blood. Therefore, we hold that the voluntary disclosure by the accused leading to the recovery of the marriage string was proved.

In cross, P.W.13 admitted that many times he was called by police to act as a panch. He deposed in Court on 5 to 6 occasions.

But, said admissions by P.W.13 would not be enough to reject the recovery of the marriage string. Because, the testimony of P.W.13 and P.W.15 is supported by the testimonies of the other witnesses. Secondly, it was not the case of the accused that, P.W.13 was doing no work to earn and he was totally dependent upon police for his livelihood. To support this conclusion, we place our reliance on the decision of this Court in ***Mohammed Salim Mohammed Issak Shaikh vs. State of Maharashtra*** reported in **(2000) 102 (2) Bom. L.R. 243**. In this reported case, a Division Bench of this Court held that the circumstances that the public panch is a habitual panch would certainly weigh with the Court if it finds that the evidence of police witnesses is not free from blemish. In that situation the circumstance that the public panch was professional would certainly be an impediment in the way of the Court. In view of this observations and having found the evidence of the police witnesses beyond reproach, the Court accepted the evidence of the panch although he had acted as panch in 7 cases, on earlier occasions. In this regard this Court took into consideration the decision in ***Deepak Ghanshyam Naik vs. State of Maharashtra*** reported in **1989 Mh.L.J. 276**.

34. The evidence of P.W.7 is that, his farm was situated by the side of river *Tamraparni*. Evidence of P.W.7 indicates that, on the date of the incident, between 7 pm to 8.30 pm, P.W.7 and Prakash Patil were returning from the farm of P.W.7, riding on P.W.7's motorcycle. P.W.7 deposed that, at that time, the accused was proceeding by *Daddi* road. He deposed that he called the accused and asked him as to where he was proceeding. The accused was walking hurriedly. He deposed that then they came to village *Kamewadi*, near the house of the accused. There, they heard hue and cry. He deposed that he went inside the house and saw the

scene of the occurrence. The marriage string on the person of Ganga was missing. The sickle was lying there.

The aforesaid evidence of P.W.7 is very natural, because, normally, agriculturists return from their fields in evening time. His evidence is not suffering from any omission and contradiction. P.W.7 had no reason to depose falsely against the accused. Moreover, the marriage string was recovered from the same area. In cross, P.W.7 specifically stated that his motorcycle had the lamp. Therefore, it was probable that he could see the accused on the road, even though there was darkness. As such, the contention by the learned Counsel for the accused cannot be accepted that the testimony of P.W.7 is not reliable for the reason of the darkness.

35. The aforesaid discussion leads us to a safe conclusion that, after P.W.4 left the house of the accused and Ganga, the accused committed the murder of Ganga by assaulting her with the sickle (Article-D) and by removing her marriage string, he fled away. Therefore, there was human blood on his shirt (Article-E), pant (Article-F), the towel (Article-I) and the marriage string (Article-Q). And immediately after the murder, the accused was spotted by P.W.7 walking hurriedly on *Daddi* road. This conduct of the accused is relevant under Section 8 of the Indian Evidence Act.

36. The upshot of the aforesaid discussion is that, on careful scrutiny and re-appreciation of the evidence on record in the light of the settled principle of law, we are of the considered view that the prosecution has proved the complete chain of all the circumstances leading to the only hypothesis that, except the Appellant, no other person has committed the murder of Ganga.

No reasonable doubt lingers with respect to the probability or conclusiveness of the circumstance relied on by the prosecution, forming a link in the chain of circumstances pointing to the guilt of the Appellant. Accordingly, we hold that, the impugned Judgment of conviction and sentence recorded by the Trial Court against the accused is based on appreciating the prosecution evidence in its correct perspective. There is no perversity of any kind. Hence, in our opinion, the said Judgment and Order is proper and does not call for an interference by this Court.

37. As a result, the Appeal is liable to be dismissed. The Appeal is accordingly dismissed.

With the disposal of the Appeal, the pending Interim Application does not survive and hence, stand disposed of.

SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)