

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.994 OF 2018
WITH
INTERIM APPLICATION NO.4995 OF 2024

Vinu Janakya Kadali
V/s. ...Appellant

State of Maharashtra
Through Jawhar Pol. Station,
Tal. Jawhar, Dist. Palghar. ...Respondent

WITH
CRIMINAL APPLICATION NO.1334 OF 2018
IN
CRIMINAL APPEAL NO.994 OF 2018

Vinu Janakya Kadali, Indian Citizen,
Aged- 45 years, Occ- Agriculturist,
Residing at Dabheripaiki, Holipada,
Taluka- Jawahar, Dist. Palghar, Maharashtra
At present serving sentence at
Amravati Central Prison. ...Applicant
V/s.

The State of Maharashtra
at the instance of Jawhar Police Station,
through Government Pleader, PWD Building
High Court, Bombay 400 032. ...Respondent

Mr. Samay Pawar, for the Appellant.
Mr. Vinit A. Kulkarni, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

RESERVED ON : 01st JULY, 2025.
PRONOUNCED ON : 09th JULY, 2025.

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

1) Present Appeal challenged the Judgment and Order dated 18/11/2017, in Session Case No.364 of 2015, passed by the Court of learned District Judge-6th and Additional Sessions Judge, Thane. Thereby the Appellant (“**the accused**”) has been convicted for commission of the offence punishable under Section 302 of the Indian Penal Code, 1860 and was sentenced to suffer rigorous imprisonment for life and to pay a fine of Rs.10,000/-, in default to undergo rigorous imprisonment for six months, with a benefit of set off under Section 428 of the Code of Criminal Procedure (Cr.PC.).

2) Heard Mr. Pawar, learned counsel for the accused and Mr. Kulkarni, learned APP for the Respondent-State. Perused the record.

3) The prosecution story is that, first informant – Kalu Kadali (PW-1), a native of Dabheripaiki, Holipada, Tal. Jawhar, Dist. Palghar, was paternal uncle of the accused. Somi Kadali (“**the deceased**”) was wife of the accused. The deceased, accused, PW-1 and others were doing labour work at village Behadgaon, and there, they were residing in a mango orchard, under *Kumbheri* (stack of grass/ makeshift hut), in the field of Mr.Gangaram Malgavi. The accused was frequently quarreling with the deceased by suspecting her character.

On 16/04/2015, at 12:00 p.m., PW1, his wife Gulabi and his brother-in-law PW4-Yashwant Pawar went to take bath in the nearby river. At that time, they saw that the accused and the deceased had stopped at their hut and a quarrel was going on between them. They asked the accused and the deceased to join them, but they refused. Therefore, PW-1 and the others went away. At about 1:30 p.m., PW-1 and others with him, returned to the place of their stay. At that time, they found that the deceased was lying on the ground near her hut and the accused was seated near the deceased, and possessed a crowbar. The accused told them that he assaulted the deceased over her both the ears (mandible region) by the crowbar and she was dead. Therefore, PW-1 and others with him got frightened and ran away. In the evening, at about 5 p.m. to 6 p.m., PW-1 went to the village Sarpanch and informed him about the incident. Then, they came at the place of their stay. At that time, they saw that the accused had removed the body of the deceased to another place in the field. The deceased had injuries on the mandible region. Blood was oozing from her nose and mouth. She was dead. Meanwhile, police were informed about the incident on the phone. Police arrived at the spot and recorded the Report (Exh.7) of PW-1 wherein he narrated the

incident as above. PW-5 recorded the Occurrence Report (Exh.23). PW-6 forwarded the Report (Exh.7) and the Occurrence Report to the Police Station by hand with PW-5. The Report (Exh.7) was registered at F.I.R. No.31 of 2015, under Section 302 of the I.P.C. Then PW-5 returned to the spot, carrying a torch. PW-6 recorded the Inquest Panchnama (Exh.10) in the presence of panchas and referred the body for postmortem. Then, in the morning, PW-6 recorded the Spot Panchnama (Exh.11) The crowbar was lying at the spot. PW-6 seized the same. The postmortem examination revealed that the deceased had sustained following external and internal injuries :-

External Injuries

- (i) Contusion on left cheek over mandibular area 8 cm x 1 cm.
- (ii) Contusion on right cheek on mandibular area 6 cm x 1 cm.
- (iii) Fracture ramus of left mandibular area.

Internal Injuries

- (i) Fracture of ramus of left mandible.
- (ii) Fracture at atlanto occipital joint on palpation seen, 1st and 2nd cervical vertebra fracture at body and transverse process.

PW6 recorded the statements of witnesses and arrested the accused on 17/04/2015. Investigation revealed that the accused committed the murder of the deceased suspecting her character.

Accordingly, charge sheet was submitted before the Court of Judicial Magistrate, First Class. In turn, the case was committed to the Court of Sessions, at Thane.

4) To prove the charge, the prosecution examined following witness:- PW1-Kalu Kadali, First Informant. PW2-Shantaram Budhar, panch witness to the Inquest and Spot Panchnama. PW3-Dr. Shashikant Awari, Medical Officer, Nashik Civil Hospital, who conducted the postmortem examination. PW4-Yashwant Pawar, Uncle of the accused. PW5-Bhimrao Badade, Police Head Constable, who recorded the Occurrence Report. PW6-Dilip Thombre, the then PSI, who conducted the investigation and filed the charge sheet.

5) The learned Judge of the Trial Court found the evidence led by the prosecution as sufficient, cogent and reliable. Therefore, convicted and sentenced the accused as noted above. Hence, this Appeal.

6) With a view to appreciate the contentions that would come from learned counsel for the accused and the learned APP, the scrutiny of the prosecution evidence is necessary.

7) PW-1 deposed that, the accused was his cousin. The deceased was wife of the accused. The hut of the accused was situated at some distance from his residence. PW-1 deposed that, at

the time of the incident, he was going to the river to take a bath. The accused and the deceased were waiting at the *Kumbheri*. The accused had told them that on that day, he would not go to work along with them. PW-1 deposed that, when they returned from the river, the accused told them that he had killed the deceased. The accused was having a crowbar. PW-1 deposed that the accused had assaulted the deceased on her neck with the crowbar. There was bleeding from the mouth and nose of the deceased. PW-1 deposed that, he informed the Sarpanch about the incident. In turn, the Sarpanch informed the incident to the police. Police visited the spot. Meanwhile, the accused removed the body of the deceased in the agricultural land of Mr.Malgavi. PW-1 deposed that, police recorded his Report (Exh.7). PW-1 identified the seized crowbar used in the offence.

In the cross-examination, PW-1 admitted that on the day of the incident, he had been to the river to take bath at about 8:00 a.m. They returned from the river at about 12:00 noon. He admitted that, the deceased was lying at a distance of five minutes from the village. He himself had not gone to the Sarpanch. He volunteered that one village boy had phoned the Sarpanch. But, he admitted that he did not state that fact in the Report (Exh.7). He admitted that,

immediately the Sarpanch phoned the police. He admitted that, there was heavy bleeding from the mouth of the deceased and there were blood stains on the ground. PW-1 denied that he falsely deposed that the accused told him that he killed the deceased. He denied that, the accused was not present at the spot of the incident. He denied that, since the deceased was demanding her share in their house, he, his wife and his wife's brother killed the deceased and falsely implicated the accused in this case.

8) PW-4 deposed that, Gulabi Kadali was his sister. PW-1 was husband of Gulabi. The deceased was his niece and the accused was his nephew. PW-4 deposed that, at the time of incident, he was doing labour work at Bhelpada. The accused, the deceased, PW-1 and Gulabi were also working with him. PW-4 deposed that, the accused was suspecting the fidelity of the deceased. He deposed that, on the day of incident, at about 1.30 p.m., he, PW-1 and Gulabi had been to the river. At that time, they called the accused and the deceased. The accused and the deceased were quarreling with each other under the makeshift hut. He deposed that, the accused inflicted crowbar blows on both the ears of the deceased and caused her injuries. The deceased was lying on the ground and blood was oozing from her

nose. He deposed that, the accused was seated by the side of the deceased. He deposed that, the accused told them that he killed the deceased by means of the crowbar. He identified the said crowbar. He deposed that, the accused threatened them with the crowbar. Therefore, he, PW-1 and Gulabi ran away. He informed the incident to the village Sarpanch. The police recorded his statement.

In the cross-examination, PW-4 admitted that he had not personally witnessed the incident of assault on the deceased by means of the crowbar. He could not assign any reason as to why the fact that the accused threatened them with the crowbar is not mentioned in his statement before the police. He admitted that, he has not stated before the police as to in whose presence and at what time the accused told them the said fact of the assault. He admitted that, before they returned from the river, the village Sarpanch had informed the incident to the Jawhar police station. He denied that, he deposed false that the accused told them that he had assaulted the deceased by means of the crowbar. He denied that, he, PW-1 and Gulabi killed the deceased on account of a land dispute. He denied that, as the accused questioned them about the same, therefore, they deposed false against him.

9) PW-2 deposed that, on 17/04/2015 police had called him at the spot, in the agricultural land of Mr. Malgavi, at Behadgaon. The body of the deceased was lying at the spot with injuries over her neck and ears. There, the police showed him the body. He deposed that, the police recorded the Inquest Panchnama in his presence. He deposed that, then the police visited at the spot. The crowbar was lying at the spot. The police recorded the Spot Panchnama and seized the crowbar in his presence. He deposed that, the Accused was present at the spot at the time of the Panchnama.

In the cross-examination, PW-2 stated that, before signing the Panchnama, he was readover the same. The Inquest Panchnama was recorded between 2:00 a.m. to 2.45 a.m. and the Spot Panchnama was recorded between 9.30 a.m. to 10.00 a.m. He stated that, the accused was resident of the village *Dabheripaiki – Holipada*. He admitted that, crowbar like the seized crowbar was available with every farmer. He denied that, both the Panchnamas were prepared in the Police Station and he signed the same, there.

10) PW-3 deposed that, on 17/04/2015, at about 11:00 a.m., the dead body of the deceased was brought to the hospital by ASI-Thombre. He held the postmortem examination on the body of the

deceased and noted the aforesaid external and internal injuries on her body. He deposed that, the cause of death of the deceased was neurogenic shock due to injury to vital organ and spinal cord by a hard and blunt object. Accordingly, he issued the postmortem report (Exh.19). He deposed that, the said injuries were possible by the seized crowbar.

In the cross-examination, PW-3 admitted that the aforesaid injury to spinal cord was possible due to a fall on hard surface of stone. He admitted that, the injuries mentioned in the postmortem report were possible due to falling from a tree and that, instant death is possible on account of the said injuries.

11) PW-5 deposed that, on 16/04/2015 he was working as Police Naik and was present at Jawhar Police Station. He deposed that, after receiving the information of the incident, he and other police visited the spot in the agricultural land of Mr. Malgavi. The accused was found seated at the side of the deceased. The spot of the incident was at about 500 mtrs. distance from the river. He deposed that, PW-6 recorded the Inquest Panchnama. He deposed that, he prepared the Occurrence Report (Exh.23). Thereafter, the dead body was handed over to Police Naik- Nandu Gaikwad for the postmortem

examination. He deposed that, then PW6 recorded the Spot Panchnama.

In the cross-examination, PW-5 admitted that, on 16/04/2015, he was on duty for 24 hours from 9:00 a.m. to 9:00 a.m. of the next day. He admitted that, there is interpolation in the time and date of the incident, mentioned in the Occurrence Report. He stated that he was present at the time of the Inquest Panchnama and the Spot Panchnama. He admitted that, at the time of the Spot Panchnama, the accused was told to sit elsewhere, hence, it is not mentioned therein that the accused was found seated near the deceased. He denied that, he has deposed false that the spot of the incident was at the distance of 500 mtrs. from the river. He denied that, he has deposed false that accused was found seated at the side of the deceased and he was having the crowbar.

12) PW-6 deposed that, on 16/04/2015, he was present on duty in the Police Station. At that time, he received a telephonic information of this incident from village Behadgaon. Thereafter, he proceeded to the spot alongwith PW-5, Police Naik Mr. Patil and other police staff. They reached at the spot at about 8.00 p.m. The spot was situated in the agricultural land of Mr. Malgavi. The deceased was

lying there dead. The Accused was seated there. He deposed that, he inquired with the relatives and there itself he recorded the Report (Exh.7) of PW-1. Then he sent the Report to the Police Station alongwith the forwarding letter (Exh.27) with PW-5. Accordingly, this crime was registered. He deposed that, then PW-5 returned to the spot carrying a torch. He deposed that he recorded the Inquest Panchnama in the torch light and handed over the dead body to Police Constable Mr.Gaikwad for the postmortem. He deposed that he apprehended the accused on the spot, took him to the Police Station and then arrested him under the Arrest Form (Exh.28). He deposed that, thereafter he again visited the spot and recorded the Spot Panchnama in the presence of two panchas. The crowbar was lying on the spot. He seized the same. He deposed that, he recorded the statements of the witnesses and collected the postmortem report. He deposed that, the investigation revealed that the accused committed the murder of the deceased as he was suspecting her character. Hence, he submitted the charge sheet.

In the cross-examination, PW-6 admitted that he received the phone call about the incident from the Sarpanch Budhar, at about 7:00 p.m. He admitted that he did not take entry of the said phone

call. He admitted that he did not record the names of the persons who apprehended the accused on the spot. He admitted that, the accused was not present at the spot at the time of the Spot Panchnama. He admitted that, no blood stains were found at the spot of the incident. He admitted that there were no blood stains on the crowbar. He did not send the crowbar for C.A. He denied that, he recorded a false Report (Exh.7). He denied that, he wrongly investigated this crime and filed a false charge sheet against the accused.

13) Assailing the aforesaid evidence, Mr. Pawar, the learned counsel for the accused submitted that there is a material inconsistency in the evidence of the prosecution witnesses. He pointed out that as stated in the Report (Exh.7), PW-1 and others went to the river at about 12.00 noon and returned at about 1.30 p.m. and at that time they saw the incident. However, as admitted by PW-1, they had been to the river at about 8:00 a.m. and returned from the river at about 12:00 noon. But PW-4 deposed that, he, PW-1 and Gulabi had been to the river at about 1:30 p.m. and at that time they saw the incident. PW-1 did not depose that his wife Gulabi and PW-4 were with him when he went to the river. He submitted that PW-1 did not depose that he called the accused and the deceased and

that, they were quarreling with each other. He submitted that, although PW-1 and PW-4 claimed that, they found the deceased dead in the noon time and at that time, the accused had told them that he killed the deceased, they did not immediately inform the said fact to the village Sarpanch or any other responsible person. The Report is silent as to the fact of threatening by the accused by showing the crowbar. He submitted that, PW-1 admitted that immediately the Sarpanch had phoned the police. PW-4 admitted that, before they returned from the river, the village Sarpanch had informed the incident to the Jawhar police station. But according to PW-6, he received the said information at about 7.00 p.m. on 16/04/2015 and thereafter he proceeded to the spot and arrived at the scene at about 8:00 p.m. He submitted that according to PW-1 and PW-4, blood was oozing from the mouth and the nose of the deceased. But PW-6 admitted that no blood stains were found at the spot nor on the crowbar, allegedly used to assault. He submitted that, the fact that the accused was found seated near the dead body, is not recorded in the Inquest Panchnama nor in the Spot Panchnama. Said fact is also negated by the arrest of the accused on 17/04/2015, at about 7.15 a.m.

Therefore, Mr. Pawar, the learned counsel emphatically submitted that the claim of PW-1 and PW-4 is doubtful that they saw the accused and the deceased together; that, at that time the couple was quarreling; that, when PW-1, PW-4 and Gulabi returned from the river, they saw that the deceased was lying dead on the spot; that, there were injuries on her body; and that, the accused was seated at the side of the dead body. Thus, in short, Mr.Pawar urged that the prosecution has failed to prove the chain of circumstances, leading to the hypothesis that, except for the accused no other persons has committed the murder.

14) In contrast, Mr.Kulkarni, the learned APP submitted that when PW-1, his wife Gulabi and PW-4 went to the river to take bath, they saw that the accused and the deceased were together and they were engaged in a quarrel. Both were asked to come to the river but they refused and soon thereafter, the witnesses saw the deceased dead. This all occurred within a short duration. The accused was seated near the body of the deceased and he was having the crowbar. That apart, immediately, the accused confessed the crime before PW-1 and PW-4 which is natural in such cases, as PW-1 and PW-4 were related to the accused. Therefore, the conclusion is

inescapable that only the accused committed the murder of the deceased as he was suspecting her character. As such, the conviction and sentence is lawful.

15) We have considered the rival submission. Admittedly, there is no direct evidence showing that the accused has committed the murder of the deceased. Therefore, the prosecution has been depending on circumstantial evidence to prove the murder.

16) As held in the case of ***Sujit Biswas vs. State Of Assam*** reported in ***AIR 2013 SC 3817***, “... In a criminal trial, suspicion no matter how strong, cannot and must not be permitted to take the place of proof. This is for the reason that the mental distance between “may be” and “must be” is quite large, and divides vague conjectures from sure conclusions. In a criminal case, the Court has a duty to ensure that mere conjectures or suspicion do not take the place of legal proof. The large distance between “may be” true and “must be” true, must be covered by way of clear, cogent and unimpeachable evidence produced by the prosecution, before an accused is condemned as a convict, and the basic and golden rule must be applied. In such cases, while keeping in mind the distance between “may be” true and “must be” true, the Court must maintain the vital

distance between mere conjectures and sure conclusions to be arrived at, on the touchstone of dispassionate judicial scrutiny, based upon a complete and comprehensive appreciation of all features of the case, as well as the quality and credibility of the evidence brought on record. The Court must ensure, that miscarriage of justice is avoided, and if the facts and circumstances of a case so demand, then the benefit of doubt must be given to the accused, keeping in mind that a reasonable doubt is not an imaginary, trivial or a merely probable doubt, but a fair doubt that is based upon reason and common sense.”

It is further laid down that, *“In a case of circumstantial evidence, the Judgment remains essentially inferential. Inferences are drawn from established facts, as the circumstances lead to particular inferences. The Court must draw an inference with respect to whether the chain of circumstances is complete, and when the circumstances therein are collectively considered, the same must lead only to the irresistible conclusion, that the accused alone is the perpetrator of the crime in question. All the circumstances so established must be of a conclusive nature, and consistent only with the hypothesis of the guilt of the accused.”*

17) In the case of ***Sharad Birdhichand Sarda vs. State of***

Maharashtra reported in ***AIR 1984 SC 1622***, the Hon'ble Supreme Court held that, "*Graver the crime, greater should be the standard of proof*". In ***Kali Ram vs. State of Himachal Pradesh*** reported in ***AIR 1973 SC 2773***, the Hon'ble Supreme Court enunciated that, "*Another golden thread which runs through the web of the administration of justice in criminal cases is that, if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. This principle has a special relevance in cases wherein the guilt of the accused is sought to be established by circumstantial evidence*".

18) Keeping in mind the aforesaid settled legal propositions, we have considered the prosecution evidence in the case in hand. The following circumstances emerged from the evidence, on the strength of which the prosecution has claimed to have proved the charge :

- i) The accused and deceased were last seen together.
- ii) At that time they were quarreling with each other.
- iii) Within short time thereafter, the deceased was found dead at the spot, with the injuries on her body.
- iv) The accused failed to explain the death of the deceased in his custody.
- v) The crowbar was seized from the spot.

- vi) The medical evidence proved the injuries and its cause.
- vii) Immediately after the incident, the accused confessed to have assaulted the deceased with the crowbar and caused her death.

19) The internal and external injuries on the body of the deceased clearly indicate that the said injuries were due to a violent assault and intentionally inflicted to cause the death of the deceased. PW-3 deposed that the said injuries were possible by the crowbar. The deceased died due to the neurogenic shock produced by the said injuries. Therefore, clearly the death of the deceased was homicidal.

20) The evidence of PW-1 and PW-4 is consistent that when they were going to the river to take a bath, at that time, they saw that the accused and the deceased were together present under the makeshift hut. PW-4 specifically deposed that, at that time, they called the accused and the deceased, but, they were quarreling with each other. Further, the PW-1 and PW-4 consistently deposed that when they returned from the river, they saw that the deceased was lying dead on the ground and there were injuries on the body of the deceased. PW-4 deposed that, the accused was found seated near the body of the deceased and he possessed the crowbar. Further, PW-1 and PW-4 deposed that when they arrived at the spot, the accused told them that he killed the deceased with the crowbar. The aforesaid

evidence is corroborated with the Report (Exh.7), medical evidence of PW-3 and the seizure of the crowbar from the spot. Nothing material has emerged in the cross-examination of PW-1 and PW-4 to disbelieve their said testimony. The accused has not explained as to why both PW-1 and PW4 have deposed against him. Therefore, there is no hurdle to accept the evidence of the said witnesses.

21) The deceased was last seen in the company of the accused and thereafter, within short time, she was found dead in his company and at the same place of their makeshift residence. It is not the defence of the accused that, at the time of the incident, he was not present at the spot or he was elsewhere. No other person had any reason to commit the murder of the deceased. The evidence of PW-1 and PW-4 shows that the accused was found seated to the side of the deceased. However, the accused has not explained as to how the deceased sustained the said injuries, died shortly after they were last seen together and why he had not informed the incident to police immediately. As such, the accused has not discharged his burden under Section 106 of the Evidence Act.

22) PW-4 has specifically deposed that the accused was suspecting the fidelity of the deceased. This evidence went

undisputed in the cross-examination. The evidence does not show that the accused caused the death of the deceased on account of a grave and sudden provocation and in a fit of anger. On the contrary, the accused assaulted a helpless woman, selectively, on the vital parts of the body.

23) In the backdrop, we hold that the accused was doubting the character of the deceased, and therefore, the accused only committed the murder of the deceased by assaulting her with the crowbar.

24) No doubt, there is some inconsistency in the evidence of PW-1 and PW-4 as to the timings when the accused and the deceased were last seen together. However, said inconsistency is natural looking at their age above sixty years, as well as their social and economical status. Secondly, the said inconsistency is not of such a magnitude so as to cast doubt on the entire the prosecution story. Non-collection of the blood from the spot is also much emphasized by Mr. Pawar, the learned counsel, but looking at the entire evidence, said short coming in the investigation is of no avail to the accused.

25) The links in the chain of the circumstances and the sufficiency, cogency and reliability thereof is essential to prove the

charge. Herein, all the circumstances established by the prosecution are of a conclusive nature, and consistent only with the hypothesis of the guilt of the accused.

26) In the chain of the circumstances another important circumstance that prosecution heavily relied upon is the extra-judicial confession of the accused. Both PW-1 and PW-4 have deposed that the accused confessed before them that he had killed the deceased with the crowbar. Such confession can be accepted during criminal proceedings if it is found to be of sterling quality and in line with the chain of evidence produced before the Court. It is no more *res integra* that an extra judicial confession must be accepted with great care and caution. There should not be any shadow of doubt on the same as due to the self-incriminating nature of such a confession, such a piece of evidence is generally treated as a weak piece of evidence as has been held in *Gopal Sah vs. State of Bihar* reported in (2008) 17 SCC 128 and *Prabhatbhai Aatabhai Dabhi vs. State of Gujarat* reported in 2023 INSC 1003.

27) In the case of *Sahadevan & Anr. vs. State Of Tamil Nadu* reported in (2012) 6 SCC 403, the Apex Court culled out certain principles regarding the reliability of an extra-judicial confession. Said

principles are as reproduced below :

“16. Upon a proper analysis of the aboveresferred judgments of this Court, it will be appropriate to state the principles which would make an extra-judicial confession an admissible piece of evidence capable of forming the basis of conviction of an accused. These precepts would guide the judicial mind while dealing with the veracity of cases where the prosecution heavily relies upon an extra-judicial confession alleged to have been made by the accused.

i) The extra-judicial confession is a weak evidence by itself. It has to be examined by the court with greater care and caution.

ii) It should be made voluntarily and should be truthful.

iii) It should inspire confidence.

iv) An extra-judicial confession attains greater credibility and evidentiary value, if it is supported by a chain of cogent circumstances and is further corroborated by other prosecution evidence.

v) For an extra-judicial confession to be the basis of conviction, it should not suffer from any material discrepancies and inherent improbabilities.

vi) Such statement essentially has to be proved like any other fact and in accordance with law.”

28) In the case in hand, we have noticed that, the accused has not seriously denied or disputed his relationship with the PW-1 and

PW-4. There was no enmity between PW-1, PW-4 and the accused. They all were neighbours and doing labour work together, at the same place. Considering their close relations, it was not unnatural that the accused would make the confession before PW-1 and PW-4. The accused made the extra-judicial confession immediately after the arrival of PW-1 and PW-4 on the scene of the crime. The confession is supported with the medical evidence as in the opinion of PW-3, the injuries of the deceased were possible by the seized crowbar. As such, the extra-judicial confession of the accused is of sterling quality, is in line with the other circumstances proving his crime and thus, inspiring confidence. Therefore, we have no hesitation to rely upon the said confession as reproduced by the witnesses.

29) The upshot of the above discussion that the impugned Judgment and Order 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.

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

With the disposal of the Appeal, the pending Interim Applications do not survive and hence, stand disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)