

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 846 OF 2021
WITH
INTERIM APPLICATION NO.676 OF 2025
WITH
INTERIM APPLICATION NO.2570 OF 2025
IN
CRIMINAL APPEAL NO.846 OF 2021**

Ram Hari Jadhav
Aged – 37 years, Occ. - Labourer
Ori. R/o Dahigaon Adiwasiwadi
Tal. - Sudhagad, Dist. Raigad.

(Presently lodged at Kolhapur Central Jail
as convict prisoner No.C-7415)

.... Appellant

Versus

State of Maharashtra
(Through Pali Police Station
u/s 302 of IPC
vide C.R. No.66/2018)

.... Respondent

.....

Mr. Sushil A. Inamdar, Advocate for the Appellant/Applicant.
Mr. Vinit A. Kulkarni, APP for the State/Respondent.

.....

**CORAM : SARANG V. KOTWAL &
ADVAIT M. SETHNA, JJ.**

DATE : 21st AUGUST 2025

ORAL JUDGMENT (Per SARANG V. KOTWAL, J.):

1. The Appellant has challenged the judgment and order dated 13th December 2019 passed by the learned Additional

Sessions Judge, Mangaon- Raigad in Sessions Case No.03 of 2019. The Appellant was convicted for commission of offence punishable under Section 302 of the Indian Penal Code, 1860 (“**IPC**”) and was sentenced to suffer life imprisonment and to pay fine of Rs.10,000/- (Rupees Ten Thousand only), in default, to suffer rigorous imprisonment for Two years.

2. Heard Mr. Sushil A. Inamdar, learned counsel for the Appellant and Mr. Vinit A. Kulkarni, APP for the State.

3. The prosecution case is that the Appellant was suspecting the character of his wife Kusum. They had six children. The deceased in this case was the youngest daughter aged about 4 years. The appellant used to constantly suspect Kusum. He even used to threaten her with an axe. On 17th October 2018 he again picked up a quarrel with his wife. He took his youngest daughter to Dahigaon and stayed with his maternal aunt Laxmi Waghmare. On 19 October 2018, he took his daughter to a secluded spot in a jungle and committed her murder by inflicting an injury with sickle on her throat. He brought the dead body back to the house of his maternal aunt. The villagers apprehended him there. He

confessed of his crime to his aunt and to the Police Patil of the village. Kusum and her brother were informed. Kusum's brother lodged his FIR at Pali Police Station vide C.R. No.66 which was registered at 6.41 pm on 19th October 2018. The investigation was carried out. The Appellant was arrested. The statements of witnesses were recorded. Various panchanamas were carried out. As per the prosecution case, the murder weapon was recovered at the instance of the Appellant. The seized articles were sent for chemical analysis. Appellant's clothes were seized at the time of his arrest. The DNA profile shows the presence of blood of the deceased on the clothes of the Accused – Appellant. At the conclusion of the investigation, the charge sheet was filed and the case was committed to the Court of Session.

4. During trial, the prosecution examined 7 witnesses including the Appellant's wife Kusum, her brother – Dattaram who had lodged the FIR, the Appellant's Aunt, the Police Patil, the Medical Officer, Pancha and the Investigating Officer.

5. The defence of the Appellant was of total denial. He did not take up any specific defence.

6. The learned Judge relied on the evidence of P.W. 1 and P.W.2 to consider motive behind the murder. The learned Judge relied on the extra-judicial confession made by the Appellant to his aunt and to the Police Patil. He also referred to the recovery made at his instance. Based on all this, the learned Judge convicted and sentenced the Appellant as mentioned earlier.

7. P.W. 1 – Dattaram Pawar was the first informant. He was maternal uncle of the deceased and brother-in-law of the Appellant. He deposed that Kusum was his sister. She was married to the Appellant. They had six children. The deceased was 4 years old then. PW 1 further deposed that the appellant was addicted to liquor and used to assault Kusum. P.W.1 had brought Kusum to Zap Adivasi Wadi. She had come along with the Appellant and her children. However, the Appellant's behaviour did not show any change. During the rainy season, the Appellant, Kusum and their children had gone to Kopargaon, District Ahmednagar for work. Their son Sunil telephonically informed PW1 that the Appellant used to assault him and used to threaten Kusum by putting an axe on her neck. He used to suspect Kusum's character. PW1 advised

all of them to come back to Zap. All of them, including the Appellant went back to Zap on 17th October 2018. Again there was a quarrel between the Appellant and Kusum. He was expressing his suspicion against her. In anger he left their house and went to Dahigaon. He took his youngest daughter with him. The Appellant stayed at Dahigaon with his maternal aunt Laxmi Waghmare. On 19th October 2018, one Rohidas telephonically informed him that the Appellant had killed his own daughter. P.W. 1 and others went to Dahigaon. They saw that the child's neck was cut. Rohidas told him that the Appellant had taken his daughter outside the village and killed her. She was brought to the house of his aunt Laxmi Waghmare. P.W. 1 then went to the Police Station and lodged his FIR. It is produced on record and marked at **Exhibit 10**. In the cross-examination, nothing much was elicited from this witness which could help the accused. The suggestions that P.W. 1 was deposing falsely was denied by him. The FIR produced on record at **Exhibit 10** substantially corroborates his deposition before the Court.

8. PW 2 – Kusum was wife of the Appellant and mother of the unfortunate child. She deposed that the Appellant used to suspect her character and used to assault her. In the year 2018, they had gone to Ahmednagar for work, there also he had quarreled with her and assaulted her with sickle and axe. She had sustained injury on her cheek. Their elder son informed her brother i.e. PW. 1 about this assault. As per the advise of her brother, all of them had gone to Zap, even the Appellant had accompanied them. They used to earn their livelihood by cutting paddy crop. Again her husband quarreled with her and assaulted her. On 17th October 2018 her husband i.e. the Appellant took their youngest daughter to village Zap. He had carried three sickles and two axes with him. He then went to Dahigaon along with their youngest child. On 19th October 2018, one Rohidas informed one Sayaji telephonically that the appellant had killed their youngest daughter. PW. 2 and others then went to Dahigaon to the house of Laxmi Waghmare. She saw that her daughter's throat was cut and she was wrapped in a quilt. The Villagers had caught the Appellant. After that, her brother had lodged the FIR. She

identified the weapons, three plastic bangles and the plastic necklace before the Court.

9. In the cross-examination, she stated that she had not informed the Police that the Accused has assaulted her. The rest of the cross examination is only in the form of suggestions which were denied by her.

10. P.W. - 3 – Laxmi Waghmare was the maternal aunt of the Appellant. She deposed that on 17th October 2018, the Appellant had come to her house along with his youngest daughter. On the next date that on 18th October 2018 she had gone to an agricultural field for work. The Appellant had accompanied her. He told PW 3 that he was going back to Zap with his daughter. But he did not go to Zap, but instead he had taken his daughter to Kolthare Jungle. She further deposed that the Appellant came back along with his daughter. Her throat was cut. Her clothes were soaked with blood. Even the Appellant's clothes were soaked with blood. PW 3 then asked the Appellant as to why he had killed his daughter. He answered that because of the quarrel with his wife,

he had killed his daughter. The dead body was kept in her house. The villagers gathered there. The police reached there. The dead body was taken to hospital. The police arrested the Appellant.

11. P.W. 3 identified the clothes and anklet of the deceased before the Court. In her cross-examination, she denied the suggestion that she was falsely deposing all the incidents described by her.

12. P.W. 4 – Santosh Deshmukh was Police Patil of the village. He deposed that the Appellant was from his village. On 19th October 2018 he was in his house. He got the news that the Appellant had killed his own daughter. P.W. 4 then went to the house of P.W.3. He saw that the deceased had a cut injury and an incise wound on the throat. He made enquiry with the Appellant who told this witness that, because of his quarrel with his wife, he had killed the deceased. PW-4 informed the incident to the police. In the cross-examination, he stated that he learnt about the incident on 19th October 2018 at about 7.30 am. There were

houses of other persons at a distance of about 50 ft. from the house of PW 3. He denied the suggestion that Appellant had not told him that he had killed the deceased.

13. P.W. 5 – Pandurang Sambhaji Pawar – was a panch. In his presence, the Appellant showed willingness to show the place where he had concealed the weapon. P.W. 5 deposed that the Police called him on 22nd October 2018. The Appellant was taken out from the lock up. He told this witness and the Police that he would show the place where he had concealed the sickle used in commission of the offence. Accordingly, memorandum of panchanama was prepared. It is produced on record at **Exhibit 21**. After that, the panchas, the Police and the Appellant went to the spot in a jeep. He took them at about 5 km away from Dahigaon diversion. He led them to the jungle. He took out a sickle hidden under a mango tree under dry leaves. It was blood stained. The Police seized that sickle. They also found blood at that place. The sample of the soil was taken. In addition, they found broken plastic necklace, three plastic bangles, two pieces of blouse stained with

blood and empty cover of sim card, a money purse and two broken chappals of the child. At the same time two more sickles were produced by the appellant from the spot. He also produced one axe. The photographs were taken. This witness identified all the articles. In the cross-examination he deposed that they left the Police Station at about 3.53 pm and reached the spot at around 5 to 5.30 pm. The spot of the incident was inside jungle area. They returned back to the Police Station at 8.00 pm. He accepted that the panchanama did not mention that sickle was taken out by the Appellant from under the dry leaves. These panchanamas are produced on record at **Exhibits 21 and 22**. The articles mentioned by these witnesses are all reflected in the panchanama.

14. P.W. 6 – Dr. Sadanand Bhise, is the Medical Officer who had conducted the post-mortem examination. He had noticed one cut throat injury over left antero lateral aspect of neck, horizontally placed, extending from right to left of the size 16 cm x 5 cm, left sterno cleido mastoid muscle. There was cut injury to trachea and larynx oesophagus above thyroid cartilage. There was

cut injury to internal carotid and jugular vessels. According to him, the death was due to hemorrhage and shock due to cut throat injury. According to him, the injuries were possible with the help of sickle. In the cross-examination, he denied the suggestion that the injuries to the neck were caused by bangle or plastic bangle. Post-mortem notes were produced on record at **Exhibit 27**.

15. P.W.7 is PI Ravindra Shinde, Investigating Officer. He deposed that the FIR was lodged vide C.R. No. 66 of 2018 at Pali Police Station. He conducted the investigation. He prepared spot panchanama. He referred the body for post-mortem examination. He visited the house where the dead body was kept. The Appellant was arrested, his clothes were attached under the panchanama. On 22nd October 2018, at the instance of the Appellant, sickle was recovered. From the same spot, other articles mentioned by the pancha were recovered. He recorded the statement of the witness. He called for the CA report and DNA report. He filed charge-sheet after investigation was over. The CA report is produced on record at **Exhibit 41** which shows that apart from the clothes of the

deceased, the Appellant's clothes and the sickle as well as the bangles and the anklet were stained with blood but the blood group was inconclusive. The DNA report is produced on record at **Exhibit 45**. The conclusion of the DNA report was that blood stained cuttings from the Appellant's full shirt had the same DNA profile as that of the scalp hair of the deceased. Meaning thereby, the blood on the Appellant's shirt was that of the deceased. This, in short, is the evidence led by the prosecution.

16. The learned counsel for the Appellant submitted that the case is based only on the circumstantial evidence. The prosecution has to establish all the circumstances independently and then form a complete chain. In such cases, the motive plays an important part. The learned counsel submitted that the prosecution has not established motive for committing murder of the deceased. If at all the motive was against the Appellant's own wife, it does not stand to reason as to why he would commit murder of his daughter. He further submitted that, the earlier threat given by the Appellant to his wife is not proved by the

prosecution. The son was present at that time. He had allegedly complained to the Appellant's brother-in-law. But their son is not examined and therefore, there is no corroboration to the allegation that the Appellant had threatened his wife with an axe. Thus, motive is not proved by the prosecution. P.W.1 and P.W.2 have referred to one Rohidas who had informed them about the incident but said Rohidas is not examined and there is no linking evidence to show who that person was and what information was actually conveyed to both these witness. He submitted that there was no pre-meditation and no intention to commit the murder. They submitted that the circumstances of extra-judicial confession is a weak piece of evidence. There was no reason for the Appellant to confess his crime before his aunt and the Police Patil of village. The learned counsel submitted that the confession made before the Police Patil was not admissible. He further submitted that the recovery from the jungle is extremely doubtful. The panchnama does not show that the Appellant had taken out that weapon from that spot.

17. The learned APP submitted that the prosecution has proved that the Appellant was suspecting his wife's character and therefore, it is quite obvious that he was suspecting that the deceased was not his daughter and that is the reason why he had committed the murder. Even otherwise, he had confessed to his aunt and Police Patil that he had committed the murder of his daughter because he had quarreled with his wife. He submitted that it is sufficient motive for commission of the crime. He further submitted that there are strong circumstances against the Applicant in the form of recovery of weapons, recovery of blood stained clothes and recovery of the articles belonging the deceased from the spot from where the sickle was recovered. He submitted that it was a cold blooded murder committed with pre-meditation, preparation, intention and knowledge.

18. We have considered these submissions. Undoubtedly, it is the case based on circumstantial evidence but we find that each of these circumstance is strong and is proved by the prosecution beyond reasonable doubt. The motive is provided by the PW.1 and

P.W.2. Both of them have consistently deposed that the Appellant was suspecting the character of his wife. He was threatening his wife. He used to pick up quarrel with her. A day prior to the incident he had brought only one child to a different village and stayed with his maternal aunt. The second circumstance is that he had told his aunt that he was taking the deceased with him. He came back carrying the dead body of the deceased. The deceased was throughout with him. He came back with the deceased having grievous injury on her neck. This is yet another strong incriminating circumstances against him. P.W.3 i.e. his own aunt has seen him coming back with the dead body. The next circumstance is about the extra-judicial confession. Both P.W.3 and P.W. 4 are the important witnesses in that regard. Both of them had inquired with the Appellant about this incident and the Appellant confessed before both of them.

19. The learned APP relied on the judgment of the Hon'ble Supreme Court in the case of *Sadashiv Dhondiram Patil vs. State of Maharashtra*¹ to submit that confession before a Police Patil is

¹ (2025) 4 SCC 275

not inadmissible under Section 25 of the Indian Evidence Act because a village Police Patil was not a police officer within meaning of Section 25 of the Evidence Act. We find substance in his submission based on the ratio laid down by the Hon'ble Supreme Court in the case of ('**Sadashiv Patil**'). Apart from that P.W. 3 was the Appellant's own aunt. She has narrated about the extra-judicial confession made by the Appellant to her. She is a natural witness. She has no grudge against the Appellant. He had brought the dead body of the deceased to her house and therefore, she was well within her rights to enquire about the incident. At that time the Appellant had confessed to his crime. This circumstance by itself is sufficiently strong enough to base a conviction because we find that the evidence of extra-judicial confession is absolutely reliable and is free from doubt.

20. The next circumstance is about recovery of the sickle at the instance of the present Appellant. He had led the Police and the Panchas to a secluded spot deep in a jungle. A blood stained sickle was recovered from the spot. Apart from the sickle the other

articles worn by the deceased were lying at that spot. The blood was found at that spot. This is another strong incriminating circumstance against the Appellant. When the Appellant was arrested his clothes were seized. As mentioned earlier, the DNA report shows presence of blood of the deceased on his clothes.

21. The Appellant has not explained any of these incriminating circumstance against him. The Medical Officer i.e. P.W. 6 has described the injury suffered by the deceased and it can be seen from his evidence that those injuries were possible by the sickle recovered at the instance of the present Appellant. Thus, there are many strong incriminating circumstances against the present Appellant. As mentioned earlier each of these circumstances is proved beyond reasonable doubt by the prosecution. All of them form a complete chain of circumstances leading to the only unerring conclusion pointing out to the hypothesis of guilt of the Accused – Appellant. It is the Appellant who has committed this offence and no one else. Therefore, in our opinion, the prosecution has proved its case beyond reasonable

doubt. We do not find any merit in the Appeal.

22. The appeal is accordingly dismissed. With the dismissal of the Appeal, the connected Interim Applications are disposed of.

(ADVAIT M. SETHNA, J.)

(SARANG V. KOTWAL, J.)