



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Appeal No. 91 of 2021

Mansi Alisha Dhurve
@ Manshi Alisha Tumdam
@ Manshi Gurujilal Dhurve
Aged about - 36 years,
R/o. Bedadhana, Dharkarwadi,
Tq. Jamai, District – Chindawada (MP)

... Appellant

- Versus -

State of Maharashtra
Through Police Station Officer,
Warud, District - Amravati.

... Respondent

Mr. N. H. Samundre, Advocate for the appellant
Mr. I. J. Damle, APP for the State/respondent

**CORAM : ANIL L. PANSARE AND
RAJ. D. WAKODE, JJ.**

Date of reserving judgment : 27-11-2025
Date of pronouncing judgment : 02-12-2025

JUDGMENT (Per : ANIL L. PANSARE, J.)

The appellant has taken exception to the judgment and order dated 23-8-2019 passed by the Additional Sessions Judge, Amravati in Sessions Case No. 130/2019 thereby convicting the appellant for the offence punishable under Section 302 of the Indian Penal Code (IPC) and sentenced her to suffer imprisonment for life.

2. Briefly stated, the allegations against the appellant were that on 18-11-2018 at about 11.00 p.m. or prior thereto, at her house situated at the field of Ashish Sudhakar Bande, Village Bahada, Taluka Warud, District Amravati, she committed murder of her husband, namely, Santu Dhurve.

3. The law was set in motion by P.W. 1 Prakash Wankhade, who, upon receiving information of the incident, lodged report with police. The investigation culminated into filing charge-sheet. The appellant did not plead guilty. Prosecution then examined six witnesses. The trial Court, after taking into consideration the material placed before it and upon hearing both sides, held appellant guilty of offence. This finding is challenged by the appellant.

4. We have heard Mr. N. H. Samundre, learned counsel for the appellant and Mr. I. J. Damle, learned Additional Public Prosecutor (APP) for the State/respondent. We have gone through the impugned judgment, evidence, documents etc. We will refer to the same to the extent necessary to find out whether the prosecution had proved appellant's involvement in the crime.

5. There is no dispute that deceased Santu Dhurve suffered homicidal death. We need not, therefore, discuss the evidence on this

point. The only question, that requires answer is whether the appellant has committed the crime. The defence of appellant is of false implication.

6. P.W. 4 is the only eye witness examined by the prosecution. She deposed that she was residing at Bahada and was working in the field of Dr. Bande. He had built labour rooms. Deceased and his wife i.e. appellant were residing adjoining to P.W. 4's room. P.W. 4 then states that relations between appellant and her husband were not good. They used to have fights amongst them. She never intervened in their quarrel as her husband used to abuse. On the day of incident, P.W. 4, her husband, appellant and her husband and Zibli and her husband had gone to the market and returned at about 7.00 p.m. After returning from the market, there occurred quarrel between the appellant and her husband. P.W. 4 heard noise of quarrel and saw the quarrel from her room. The torch was kept on the pillar of house of appellant and, therefore, there was light. They were fighting in the *Verandah*. P.W. 4's husband returned home at about 9.00 p.m. At that time also, fight between the two was going on. Appellant was having sickle in her hand. She assaulted her husband on his stomach by means of sickle. The deceased fell down and quarrel stopped. Appellant thereafter left

the room after locking the door. P.W. 4's husband went to Police Patil and incident was reported.

7. In the cross-examination, the defence has brought on record that prior to incident, P.W. 4 had quarreled with deceased for 7-8 times. She denied the suggestion that deceased used to make allegations on her character. It is then brought on record that on that day, police had come to the spot during night and made enquiry with her and recorded her statement. She admitted that sickle and other agricultural equipments were lying scattered on the field. Thereafter suggestion was given, which was denied by the witness, that she herself and her husband killed deceased owing to old rivalry and that appellant has been falsely implicated.

8. On the basis of above evidence, learned counsel for the appellant submits that the possibility of P.W. 4 and her husband committing murder cannot be ruled out. We do not find substance in the aforesaid argument. Merely because P.W. 4 had on earlier occasion quarreled with deceased, that itself will not lead to a conclusion that she and her husband have committed murder. The appellant has not brought on record any other material to show that P.W. 4, in someway or other, involved in the crime. Even, while cross-examining P.W. 6, Investigating Officer, appellant has not brought on record any

circumstance that would indicate needle of suspicion towards P.W. 4. There is absolutely nothing in the cross-examination of P.W. 6 that he should have or that there were reasons to have investigation from the point of view of involvement of any other person in the crime. In fact, it is not even suggested that P.W. 4 or her husband has committed the murder. Thus, there is no reason to suspect involvement of P.W. 4 or her husband.

9. So far as other evidence is concerned, P.W. 1 lodged First Information Report (FIR). He stated that on 18-11-2011, at about 11.00 a.m. (it should be 11.00 p.m. in terms of FIR and other evidence), while he was in the field, P.W. 4's husband came towards him and informed about the incident. Thereafter they went to the spot where he saw pieces of broken bangles lying in front of the room. Blood stains were visible on the floor. He opened the door of the room and saw deceased lying in supine condition. Thereafter he informed Police by phone. Appellant was not in the room. There were stab wounds on the abdomen, ribs and chest on the person of deceased.

10. In the cross-examination, he stated that there were three huts for the labourers. Thus, it is established that three labourers were working in the field. This evidence will corroborate testimony of P.W. 4 that appellant was residing in the adjoining room. His evidence also

supports the evidence of P.W. 4 that the appellant, after committing murder, latched the door and went away because P.W. 1 deposed that appellant was not in the house. He also stated that he has opened the door. Thus, evidence of P.W. 4 finds corroboration at the hands of P.W. 1.

11. P.W. 2 is a panch witness to the spot as also to seizure of clothes and discovery of weapon at the instance of appellant. His evidence as regards spot is in tune with P.W. 1's testimony. He has also seen pieces of broken bangles and body lying in supine position. The saree worn by appellant was stained with blood. The blood group was 'A', which is of the deceased. The Forensic Science Laboratory report in support is placed on record.

12. So far as seizure of weapon is concerned, since no blood stains were found and since P.W. 4 has not identified the said weapon to be the one by which deceased was killed, one cannot say that prosecution has proved connection of seized articles with the crime. Therefore, seizure of weapon will be of no significance.

13. P.W. 3 is a Doctor, who conducted postmortem. He found three external injuries and three internal injuries. All the injuries were ante-mortem. The cause of death is injury on vital organ.

14. P.W. 4's evidence is already discussed. P.W. 5 is another labour, namely, Zibli. She deposed that there was scuffle between appellant and her husband. She saw the same from her room. She did not go to separate the quarrel. She however, did not depose about commission of murder. In the cross-examination, she stated that in the night of incident, police had enquired with her and she had informed that she knew nothing about the incident.

15. Thus her testimony, to certain extent, will support prosecution's case. In the chief-examination, she has mentioned about the quarrel between the appellant and her husband. In the cross-examination, however, she submitted that she did not disclose the same to the police when enquired immediately after the incident. There could be many reasons why witness will not speak about the incident immediately after the incident. The reasons would include the psychological impact of the incident. The other reason could be that the incident was indeed not seen. In such circumstances, the prosecution should have in re-examination obtained clarification. However, merely because the witness has not disclosed about the incident immediately after the incident, by itself, cannot be a reason to infer that she had not seen the quarrel. The evidence before the Court is important, which appears to be reliable.

16. Be that as it may, the fact remains that P.W. 4's testimony is trustworthy. There is no reason why she should falsely implicate the appellant in crime, particularly, when there is nothing on record to show that P.W. 4 has played any role in the crime. More so, when the incident has occurred in the house where except for appellant and her husband, none else was residing. The appellant has not taken plea of alibi. Such status coupled with the evidence discussed above leaves no room of doubt that appellant is guilty of offence.

17. Learned Additional Public Prosecutor has rightly argued that the trial Court has considered all the circumstances and passed a well reasoned judgment. No interference, therefore, is called in the impugned judgment. The appeal is accordingly dismissed.

(RAJ D. WAKODE, J.)

(Anil L. Pansare, J.)