



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4678 OF 2025
IN
CRIMINAL APPEAL NO. 942 OF 2025

Rumabai Arun Padvi
Age : 40 years, Occ : Labour,
R/o Bhatyuaphali, Korai, Tq. Akkalkuwa,
District Nandurbar.

... APPLICANT

...VERSUS...

The State of Maharashtra
Through Police Station Officer,
Police Station, Akkalkuwa,
Tq. Akkalkuwa, Dist. Nandurbar.

... RESPONDENT

-
- Mr. Sudhakar T. Mahajan, Advocate for Applicant
 - Mr. A.V. Lavte, APP for Respondent/State
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...

CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL – JADHAV, JJ.

RESERVED ON : APRIL 04, 2026

PRONOUNCED ON : APRIL 15, 2026

ORDER [Per Vaishali Patil – Jadhav, J.] :

. By this application, the applicant / accused, who has been convicted by the learned Additional Sessions Judge, Shahada, District Nandurbar under Sections 302 and 201 of the Indian Penal Code and sentenced to suffer life imprisonment in Sessions Case No.33 of 2019, seeks suspension of substantive sentence of life imprisonment.

2. The accused was charged for committing murder of deceased Dhirubhai Chotulal Tadvī on 27.01.2019.

3. Learned Advocate for the applicant strenuously submitted that the conviction is based on confessional statement, which is actually retracted by accused, the accused was not knowing Marathi, Hindi and English languages, except local Adivasi language, so interpreter was appointed and the interpreter is not examined to establish that whatever confessed by the accused is correctly interpreted by him. Learned Advocate would further submit that the conviction is also based on Chemical Analyzer's report, wherein DNA profile of accused has matched with the bunch of hair found in the fist of deceased as well as the blood stains on the clothes of accused were of blood group "B" which was the blood group of deceased. But the learned Sessions Court has overlooked the fact that in the spot panchanama, there is no endorsement to the effect that seized articles were sealed properly and there is no proof of sending samples immediately after its collection.

4. Per-contra, learned A.P.P. has vehemently opposed the application by submitting that there is overwhelming evidence in the form of confessional statements of accused no.1 and accused no.2 and in the form of positive Chemical Analyzer's report against the applicant/accused. The entire evidence is properly appreciated by the

Trial Court, and the accused, therefore, does not deserve to be released on bail.

5. Heard learned Advocates for the respective parties. With the assistance of learned Advocate for the applicant and learned A.P.P., we have perused the record.

6. Accused nos.1 and 2, both have given confessional statements. Both were produced before the Magistrate, who had asked them near about 16 questions to know whether they wanted to make confessional statement voluntarily and freely. Thereafter, the applicant has confessed that she has committed murder of the deceased.

7. The evidence on record goes to show that, the Investigating Officer forwarded the articles seized during investigation to the Forensic Laboratory and letter is having acknowledgment of Forensic Laboratory, city name vide Exhibit-125 letter. The said communication gives time, details of the articles sent for the chemical analysis. The Chemical Analyzer's reports are at Exhibit-132 to 135. In the fist of the deceased, some hairs were found. As per DNA report, the said seized hairs are of female origin and matched with DNA profile i.e. blood stain of accused/applicant. As per Forensic Laboratory Report, seized clothes of applicant comprising saree, scarf and ladies shoes were having human blood group "B". On the shirt and pant of deceased, there was human

blood of "B" group. The hair wrapped in paper were found to be of "B" blood group of the deceased. The blood group of applicant is group "A".

8. Considering the overwhelming evidence in the nature of confessional statement, D.N.A. report and Forensic Laboratory report, connecting the applicant to the murder of the deceased, prima facie, we are of the view that the trial Court has rightly convicted the applicant after proper appreciation of evidence. No case is made out by the applicant for suspension of substantive sentence of life imprisonment. The application being devoid of merit is rejected.

[VAISHALI PATIL – JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]