

MPBalekar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 209 OF 2025
WITH
INTERIM APPLICATION NO. 830 OF 2025
IN
CRIMINAL APPEAL NO. 209 OF 2025

Laxman Tukaram Dhawade ... Appellant
V/s.
State of Maharashtra and Anr. ... Respondents

Dr. Uday Warunjikar i/by Sonali Chavan, for the appellant.

Mr. H.J. Dedhia, APP for the State.

Mr. Swapnil R. Patil for respondent No.2 (Original Complainant)

Ms. Mohini Ramsing Thakur, Respondent No. 2-present in the Court.

Ms. Reshma Salunkhe, PSI, Sinhagad Police Station, Pune city, present.

CORAM : R. M. JOSHI, J.

DATED : FEBRUARY 2, 2026

P.C.:

1. This appeal takes exception to the judgment and order dated 23rd January, 2025 passed in Sessions Case No. 376 of 2019 convicting the appellant for the offences punishable under Sections 307, 341 and 506 of Indian Penal Code, 1860 and Sections 37 (1) R/w 135 of the Bombay Police Act, 1951 and Section 4 R/w 25 of the Arms Act, 1959 and sentencing him to suffer imprisonment for a period of 10 years and fine of Rs. 20,000/- for offences under Section 307 and sentences were imposed with fine in respect of other offences.

2. The Informant/victim is present before this Court. She duly

identified by the learned counsel, Mr Swapnil Patil. She makes a statement that she has no objection if the Appellant/Accused is sentence to suffer imprisonment which he has already undergone till date.

3. By consent of counsel for both sides appeal is heard finally on merit.

4. Learned counsel for the Appellant submits that this is a fit case for acquittal of the accused. However, without prejudice to these submissions, he submits that having regard to the nature of offence and also in view of the no objection noted by the Informant/Victim, for reduction of sentence, Appellant be sentenced to suffer imprisonment already undergone. Learned counsel for Respondent No. 2, on instructions, recorded no objection for the same.

5. Learned APP opposes the said contention. It is his submission that the prosecution was able to prove the charges against the Appellant by leading cogent evidence and having regard to the seriousness of the crime, this is not the case for reduction of sentence.

6. The first informant, Mohini Thakur claimed that she had love affair with the accused. After she came to know that the accused is married and had two children, she stopped meeting him. The accused thereafter however started assaulting and blackmailing her. It is claimed that for over a period of one year, he was causing harassment to the informant. On 15th September, 2019, at about 10.45 a.m., she had been to her place of work, i.e., Blush Beauty Parlour at Umbraya Ganpati Chowk, Dhayari, and after completion of her work, at around 8.00 p.m., she left on his Aactiva moped along with her colleague. The accused crossed them on the way in his car bearing No. MH-12-0191. Thereafter, accused started following them. He then stopped the car in front of the Aactiva moped of the informant and took out a chopper from the

backseat of his car. After coming near to her, he assaulted her on head, neck back and both hands with the said chopper resulting into causing of serious injuries to her. Amongst other injuries, she also had fracture to her finger. She was admitted in ICU and reported the incident to the police. On the basis of said report, offence came to be registered vide Crime No. 119 of 2019 with Sinhagad Road Police Station, Pune.

7. The said offence came to be investigated. The statements of the witnesses were recorded. Spot Panchnama was drawn. Blood stained clothes of the accused were recovered at his instance as per the memorandum statement under Section 27 of the Indian Evidence Act, 1872. Seizure of incriminating articles was effected under Panchnama. On completion of the investigation, charge-sheet came to be filed against the appellant before the Competent Court.

8. Charge is framed against the accused vide Exh. 35. Since he pleaded not-guilty, prosecution examined following 12 witnesses, i.e., 1) Mohini Ramsing Thakur (PW-1), 2) Yogita Ramsingh Thakur (PW-2), 3) Sameer Dnyaneshwar Badade (PW-3), 4) Manish Shivaji Kurhadkar (PW-4), 5) Pradeep Vasant Kendale (PW-5), 6) Sandip Ganpat Karanje (PW-6), 7) Dr. Santosh Balasaheb Aware (PW-7), 8) Prafulla Narayan Halande (PW-8), 9) Varsha Mahadevrao Mahajan (PW-9), 10) Rajesh Kanchan Gosavi (PW-10), 11) Anuradha Arihant Magdum (PW-11), 12) Hanumant Mahadevrao Nanaware (PW-12). Apart from the oral evidence prosecution has also placed reliance on documentary evidence which includes the memorandum statement of the accused, seizure Panchnama of clothes, Medico-Legal Certificate and other relevant documents.

9. PW-1 - injured deposed in accordance with the First Information Report. She specifically stated about the manner in which her two-

wheeler was stopped by the accused and as to how he caused assault on her with chopper. She also disclosed the nature of the injuries caused to her. Her version gets support from the testimony of eye-witness of the occurrence of the incident who deposed consistently with the statement of the victim / injured. During the cross-examination of these two witnesses, defence could not elicit anything in order to discard their testimony.

10. The evidence of injured is further corroborates by the medical evidence on record. The Medical Officer (PW-7) has categorically stated with regard to the causing of following injuries to the injured :-

- a] CLW admeasuring 3 x 0.5 x 0.5 cms over right parietal region.
- b] CLW admeasuring 6 x 0.5 x 0.5 cms in left parietal region. c] Two CLWs admeasuring 3 x 0.5 cms. Each over occipital region.
- d] CLW admeasuring 2.5 x 0.5 cms over right side neck region.
- e] large degloving CLW over right forearm admeasuring approximately 15 x 1 x 10 cms.
- f] CLW over left middle finger with extensor tendon injuries. g] Half amputated index finger till proximal phalanx.

The evidence of Medical Officer shows that the injured sustained serious injuries and said injuries are attributable to the assault caused with a chopper. There is recovery of the chopper as well as clothes stained with blood at the instance of the accused under Section 27 of the Indian Evidence Act.

11. There is candid opinion of Medical Officer about those injuries being serious in nature. The defence was not able to show that the said

injuries were caused to the injured due to any other reason than the assault caused on her. The nature of injuries caused to victim and the weapon used in the crime, leaves no room of doubt that it was an attempt made by the accused to kill her. Merely because of timely medical assistance, the life of the injured is saved, that does not reduce the gravity of the offence.

12. The learned Trial Court has rightly taken into consideration the evidence laid by the prosecution on record and held the appellant guilty for the offences punishable under Section 307, 341 and 506 of IPC, Section 37 (1) R/w 135 of the Bombay Police Act and Section 4 R/w 25 of the Arms Act.

13. Having regard to the evidence on record, this Court finds no reason or justification to cause interference in the judgment of conviction of the accused for the offences under Sections 307, 341, 506 of the Indian Penal Code and Sections 4(25) of the Indian Arms Act and Sections 37(1) and 135 of the Bombay Police Act. However, as the Appellant has already undergone actual sentence of more than six years out of 10 years, excluding remission, coupled with no objection recorded by the victim for reduction of the sentence, the following order is passed:

ORDER

- (a)** The Appeal stands partly allowed.
- (b)** The Judgment and Order of conviction of the Appellant/Accused passed on 23rd January 2025 in Sessions Case No. 376 of 2019 stands confirmed.
- (c)** The Appellant, however, is directed to undergo the substantive sentence for the period already undergone.

14. In view of disposal of the Appeal, Interim Application also stands disposed of.

(R. M. JOSHI, J.)