

Suresh @ Surya Sitaram

Vs

State of Maharashtra

Criminal Appeal No. 145 of 1974

(P. K. Goswami, K. K. Mathew JJ )

14.01.1975

JUDGMENT

MATHEW, J. -

1. When special leave was granted in this appeal, the Court had limited it to the question of sentence to be imposed upon the appellant.
2. There were two accused in the case. The appellant was the first accused. The charge against them was that they murders Manibai, Laxman Kharva and thus committed an offence under Section 302, read with Section 34 of the Indian penal Code. In the alternative the appellant alone was charged under Section 302 for committing the murder of Manibai.
3. The prosecution case was as follows : In Haji Kassam Chawl there were residential quarters. The deceased Manibai, one Luiza and the appellant were resident in the quarters. The deceased and Luiza were carrying on trade in illicit liquor. The appellant used to supply them with illicit liquor. About a month before the incident, i.e., on July 14, 1972, a woman customer came to the room to take drink. The appellant and the second accused happened to be there at that time and the appellant misbehaved towards that customer. This was resented by Luiza. Then the deceased Manibai came there. She also joined Luiza in rebuking the appellant for his misbehaviour towards the woman customer. Abusive words were exchanged between Luiza and Manibai on the one hand and appellant and the second accused on the other. Thereafter Manibai and Luiza filed a complaint before the police about the misbehaviour of the appellant. This enraged the appellant. On August 12, 1972, at noon, Manibai was resting on a cot in her room. The appellant came and inflicted stab wound on her with a knife. Although she attempted to run away, the appellant followed her and inflicted further stab wounds. As a result of these stabs she died.
4. On the evidence adduced by the prosecution, the Sessions Court as well as the High Court found that it was the appellant alone who inflicted the stabs and thereby caused the death of the deceased. On the question of sentence, the Sessions Court found no extenuating circumstances and sentenced the appellant to death. The High Court confirmed the sentence, on the basis of its finding that Manibai was unarmed, that the appellant came to the room with the intention to murder her, that although she tried to run away when She received the first stab, the appellant pursued her and inflicted several stabs on the vital parts of her body. There were as many as 12 injuries on her body and according to the medical evidence, each of the seven among them was fatal.
5. We see no mitigating circumstance and therefore, we confirm the sentence and dismiss the appeal.

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