

Amruta

Vs

State of Maharashtra

Criminal Appeal No. 37 of 1983

(D. A. Desai, O. Chinnappa Reddy JJ)

22.04.1983

JUDGMENT

CHINNAPPA REDDY, J.-

1. The appellant, Amruta was convicted by the learned Additional Sessions Judge, Beed of committing the murders of his wife, Janabai and daughter, Shashikala. He was sentenced to death. The High Court having confirmed the conviction and sentence, the appellant has preferred this appeal by special leave under Article 136 of the Constitution. The prosecution case briefly was that there were frequent quarrels between Amruta, the accused and his wife, Janabai for the last one and a half years, as the accused suspected her chastity. Since about two weeks before the occurrence. Janabai with her daughter, Shashikala had gone away to the house of her parents and was staying with them. On June 28, 1981, Janabai with her daughter, Shashikala (aged about 6 years) had gone to the field of one of her relatives to reap jowar crop in the field. Her relative Parubai (PW 11), a young girl about 12 years was also with them. While so, the accused, Amruta came there and asked Janabai to go with him to the brook to wash clothes. Janabai and Shashikala went with him while Parubai continued the work of reaping. In a short while, she heard the cries of Shashikala. She ran towards the side from where she heard the cries. She saw Janabai lying in the channel with a bleeding injury on the neck. She also saw the accused delivering a blow on the head of Shashikala with an axe. When she tried to protest, the accused threatened and chased her and so she ran away. When she reached the Durgah, she saw Syed Abbas there and told him about the others. Her uncle Nana reported the occurrence to the Police and thereafter investigation proceeded.

2. The case against the accused, as evident from the facts mentioned in the previous paragraph, rests primarily on the evidence of the sole eye-witness, Parubai. Her evidence has been accepted by the learned Sessions Judge and by the High Court and we have not been shown any reason why she should be disbelieved. We have ourselves gone through her evidence and we think that learned Sessions Judge and the High Court were right in accepting her evidence as true. There are a few minor discrepancies, but they are on borated by the evidence of Syed Abbas, who was informed by her about the occurrence within almost a few seconds. Syed Abbas stated that Parubai came running to the Durgah and told him that Amruta had killed Janabai and Shashikala with an axe and that he had also chased her. In fact, according to Syed Abbas, he even saw the accused with an axe in his hand. In cross-examination, it was elicited from Syed Abbas that he did not tell the Police that Parubai came to the Durgah and told him that the accused had killed Janabai and her daughter, Shashikala in the field of Nana with an axe. The statement made by Syed Abbas had in fact told the Police that Parubai had come to the Durgah and told him that the accused had killed Janabai had come to the Durgah and told him that the accused had killed Janabai and her daughter Shashikala by assaulting them with an axe and that he had also chased her. It is clear that the question put to the

witness, Syed Abbas in cross-examination was a misleading question and it is a pity that the learned Additional Sessions Judge was not more watchful and allowed such a misleading question to be put to the witness. We are satisfied that Parubai is a truthful witness and that her evidence is worthy acceptance without hesitation. The conviction has to be confirmed.

3. We have anxiously considered the question of sentence. While on the one hand, it is clear that the murders were premeditated and there was really no justification whatsoever for the murder of Shashikala, on the other hand, we have the circumstance that the accused suspected the chastity of his wife. Janabai had in fact left the house of the accused with her daughter about two weeks prior to the occurrence. We do not know that there was any basis for the suspicion entertained by the accused regarding Janabai's chastity, but we do know that the accused nurtured and was labouring under a sense of grievance and was often dejected and moody presumably because of his suspicions. He was apparently inclined to brood over the wrong suspected by him to have been done to him. While no one can hold a brief for a modern Othello, we cannot also lose sight of the fact that sexual jealousy and injured vanity often combine together to furnish powerful motive for murder, particularly among rustic rural folk to which class the accused belongs. After considering all the circumstances, we do not think that there are sufficient grounds for departing from the rule of normal punishment and imposing the sentence of death. We, therefore, allow the appeal, set aside the sentence of death and substitute the sentence of imprisonment for life. The conviction for murder is confirmed.

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