

State of Maharashtra

Vs

Madhukar Govind Pakhare

(G. T. Nanavati, S. P. Kurdukar JJ)

16.04.1998

JUDGMENT

NANAVATI J

1. The State has filed this appeal against the acquittal of the respondent who was convicted by the trial court but acquitted by the High Court. This is a case of circumstantial evidence. The circumstances which were relied upon by the prosecution were as under:

"1. Motive;

2. The accused and the deceased last seen in the company of each other;

3. Finding of blood-stained clothes and footwear in the house of the accused under panchnama;

4. Finding of human blood on the pyjama seized from the person of the accused at the time of arrest of the accused.

5. Recovery of the stone at the instance of the accused and the same being blood-stained with human blood of 'A' Group; and

6. False explanation alleged to have been given by the accused to the inmates of the house of the deceased-Dnyany on 14th April 1982."

2. The trial court did not rely upon circumstances No.2 and 3 but relying upon other circumstances, it convicted the respondent.

3. The High Court did not place any reliance upon the recovery of blood stained shirts from the house of the accused as in the panchanama under which they were seized it was not at all stated that there were blood stained on those shirts. On the 'chapals', which were recovered from the house, no human blood was detected. Therefore, no reliance was placed by the High Court on that circumstance also. The High Court doubted recovery of the stone with which the deceased was alleged to have been killed on the ground that the whole story was improbable particularly when it was found from a distance of 1&1/2 furlongs. Moreover, the prosecution had failed to establish where the incident had taken place.

4. We have gone through the evidence and we find that the view taken by the High Court is not unreasonable. The appeal is, therefore, dismissed. Bail bond of the respondent is cancelled.