

SUPREME COURT OF INDIA

Basavaraj alias Basavannappa Parmeshwar Bangargir

Vs.

State of Maharashtra

Crl.A.No.114 of 2012

(Ranjan Gogoi,CJI., Navin Sinha and K.M.Joseph,JJ.,)

03.10.2018

JUDGMENT

Navin Sinha,J.,

The appellant has been convicted under Section 302,

1. P.C. and sentenced to life imprisonment on the charge of killing his own father.
2. The occurrence is stated to have taken place in the night of 01.12.2003. The police report was lodged next morning by PW-2 Ratanchand, another son of the deceased. The appellant was stated to be a wayward, addicted to alcohol, and nursed a grudge against his father with regard “to his claim to a share in the lands of the deceased. There is Reason: no eye witness to the occurrence and the conviction is based on circumstantial evidence.
3. PW-2 stated that while he was at the shop, the appellant came at about 9.00 p.m. and asked for a torch light which was given to him by the witness. The deceased had gone to the agricultural fields in the night and did not return till next morning. The appellant was also seen going towards the fields that night and did not return home. The police report was lodged by PW-2 the next morning. The appellant was absconding. He was ultimately arrested on 17.03.2004. On information furnished by the appellant, his blood stained clothes, confirmed in the FSL report Exhibit 41, were recovered from the Someshwar Milk Dairy belonging to his friend PW-6 Mahadeo Pailwan. PW-8, who owned the adjacent agricultural field, was declared hostile. Nonetheless his admission, elicited during cross-examination, being admissible in evidence, testified the presence of the appellant proximate in time to the incident. The witness had seen the appellant in the fields with an axe. The postmortem conducted by PW-3 Dr. S.M. Vaidya confirmed death due to cardio-respiratory failure caused by obliquenetic and neurogenic shock due to multiple, deep incised wounds over the scalp, face and neck.
4. Learned counsel for the appellant submitted that the conviction is based on surmises and conjectures in absence of any cogent and convincing evidence. The chain of circumstances

cannot be said to have been conclusively established. There was no motive for the appellant to kill his own father. Suspicion no matter how strong could not take the place of proof. No blood has been found on the axe.

5. We have heard learned counsel for the State also.

6. The High Court has rightly held that motive stood established because of the grudge that the appellant nursed against his father with regard to agricultural lands. The evidence of PW-2 and PW-8 cumulatively established that the appellant had gone to the agricultural fields where the deceased had gone at night. The lands of PW-8 were adjacent to that of the deceased. The evidence of the witness conclusively establishes the presence of the appellant in the agricultural fields. No explanation has been offered by the appellant with regard to the presence of blood on his clothes. It is not the case of the appellant that he had suffered injuries in any other manner leading to the presence of blood. The recovery was at his instance. The conduct of the appellant in absconding till he was arrested, and abstaining during the funeral rites of his father, was completely contrary to normal human conduct, and is therefore considered an additional incriminating factor against the appellant.

7. In the entirety of the facts and circumstances of the case, we see no reason to interfere with the conviction of the appellant. The appeal is dismissed.