

no role in sanctioning the loan or entering into the agreement with the owners of the land-Accused Nos. 1 and 2. He discharged his duties as Block Development Officer and only on the basis of the report submitted by Junior Engineer (Accused No.6), who was the competent person in submitting and recommending the issue of cheques in question. The appellant has merely sanctioned those cheques based on the factual and verification report furnished by the Junior Engineer. In other words, it is the Engineering Department that actually sanctioned the said loan to Accused No. 1 for digging of the well.

12. In the circumstances, there is no material or evidence to substantiate the charges leveled against the appellant herein in this case. The trial Court and subsequently the two appellate Courts have committed legal error and wrongly convicted the appellant. We, therefore, allow the appeals and set aside the conviction of the appellant. Ordered accordingly.

CRIMINAL APPEAL NO. 1104 OF 2009

13. It is submitted by learned counsel for the appellant in this case that the appellant has died.

14. In view of the above statement made by the learned counsel, this appeal stands dismissed as abated.

Result:- Ordered accordingly.

**ABC 2018 (I) 4 SC
ACQUITTAL & BAIL CASES
SUPREME COURT OF INDIA**

(N.V. Ramana & Prafulla C. Pant, JJ)

Criminal Appeal No.2081 of 2011 With Criminal Appeal No.2082 of
2011

(From Bombay High Court)

Decided On 17 August, 2017

BABURAO BANDU BHOSALE

- Appellant(s).

Versus

DNYANDEO DHANDIBA JADHAV & OTHERS

- Respondent(s)

**Law Covered:- (A) CrPC — Section 154 — FIR — Delay in
— Occurrence between two political groups — the complainant did**

January 2018

a **not immediately go to the police station to lodge a complaint— next morning police arrived on the spot and started enquiring— complaint was recorded & treated as FIR— fatal to prosecution. (Para 5)**

(B) Defective Investigation — Not properly reporting the case by Police Patil to the concerned higher authorities & not bringing the real facts to the notice of the police— fatal to prosecution. (Para 9)

b **Held:-** It is to be noted that the complainant did not immediately go to the police station to lodge a complaint. It was on the next day morning, when the police arrived on the spot and started enquiring, that the complaint of complainant (P.W.1) was recorded treating it as first information report. (Para 8)

c It is to be noted that there was considerable delay in reporting the matter to the police and registering a first information report. Apart from PW-1, there was no other eye witness to the actual incident of assault on the deceased. Similarly, PW-4, a Police Patil has not properly reported the matter to the concerned higher authorities and has not brought the real facts to the notice of the police. (Para 9)

d **Counsel:- For Appellant(s):** Mr. Sushil Karanjkar, Adv.

For Respondent(s): Mr. K. N. Rai, Mr. Nishant Ramakantrao Katneshwarkar, Adv.

e JUDGMENT

f **N.V. RAMANA, J.:** - Criminal Appeal No. 2081 of 2011 by special leave is directed against the judgment and final order, dated 20.4.2009, passed by the High Court of Judicature at Bombay in Criminal Appeal No. 14 of 1995, whereby the High Court acquitted the original accused Nos. 1, 2, 5 and 7 and thus reversed the order of Signature Not Verified Digitally signed by conviction and sentence under Section 302 read with section 149 of the Indian Penal Code .

g 2. The State of Maharashtra has also filed Criminal Appeal No. 2082 of 2011 questioning the very same judgment.

3. We have heard learned counsel for the parties at length.

h 4. The incident has taken place between two political groups one of Rajaram Bhosale and another of Tukaram Bhokare, in a village, on the day of immersion of Ganesh idol. Both the groups had practice of installing the statue of Ganesh during the Ganpati festival. In the night at about 8.30 or 9.00 p.m. the procession of Ganesh idol

immersion reached near Gram Panchayat in the village. All the accused persons attacked the procession, and some of them were armed with axes, while others were armed with the sticks. Because of this attack on the procession, the people ran helter-skelter. a

5. The appellant who is the original complainant (P.W.1) and an injured eye witness, his father Bandu and his uncle Rajaram (deceased) were also in the procession. They started running towards their house. The accused persons followed them, came near and assaulted the deceased with axes and sticks. Rajaram received bleeding injuries on various parts of his body and started falling down. P.W.1 intervened and tried to catch hold of Rajaram. However, he was also beaten by accused persons by means of sticks. Some other persons were also injured in the said riot as they were beaten by the accused. Due to such assault, the complainant also received some injuries and fearing greater harm at the hands of the accused he left the spot, leaving his severely injured uncle in the pool of blood. Rajaram died on the spot. It is to be noted that the complainant did not immediately go to the police station to lodge a complaint. It was on the next day morning, when the police arrived on the spot and started enquiring, that the complaint of complainant (P.W.1) was recorded treating it as first information report. b
c
d

6. The trial Court, out of the 20 accused persons, had acquitted 16 persons and convicted the remaining 4 persons i.e. A1, A2, A5 and A7. e

7. During the pendency of the appeal, A2 had died and the appeal against A2 stood abated.

8. A1, A5 and A7 were acquitted by the High Court vide impugned judgment. f

9. The High Court, while appreciating the evidence of the witnesses and the judgment of the trial Court came to a conclusion that the failure on the part of PW1 in disclosing such serious incident and death of his uncle to the police immediately, casts a reasonable doubt on the veracity of his evidence. It is to be noted that there was considerable delay in reporting the matter to the police and registering a first information report. Apart from PW-1, there was no other eye witness to the actual incident of assault on the deceased. Similarly, PW-4, a Police Patil has not properly reported the matter to the concerned higher authorities and has not brought the real facts to the notice of the police. g
h

a 10. We are of the considered opinion that in such circumstances, there being no evidence to establish the case of the prosecution, it was not possible to sustain the conviction of the accused. Thus, taking into consideration the facts and circumstances of this case, the High Court has rightly acquitted the accused. Therefore we see no reason to interfere with the impugned order.

b 11. The appeals are, accordingly, dismissed. Pending applications, if any, also stands disposed of.

Result:- Appeals dismissed.

c **ABC 2018 (I) 7 SC**
ACQUITTAL & BAIL CASES
SUPREME COURT OF INDIA
 (Mohan M. Shantanagoudar & Arun Mishra, JJ.)
 Criminal Appeal Nos. 1787-1789 of 2017
 d (Arising from SLP(CrI.) Nos.637-639/2016)
 (From Patna High Court)
 Decided On 13 October, 2017

DEO NATH RAI

- Appellant.

Versus

e **STATE OF BIHAR ETC. ETC.**

- Respondents

f **Law Covered:- (A) Indian Penal Code 1860- Sections 149, 302 — Murder — Sudden quarrel —escalated without any premeditation — deceased succumbed to the injury during the course of transit to the hospital —Evidence of the doctor & the post-mortem corroborates the testimony of the eye witnesses —only one accused was actually involved in causing injury on the deceased — Sentence u/s 304 Pt- II held as proper. (Para 9)**

g **(B) Indian Evidence Act, 1872 — Section 3 — Relevant fact — Injury sustained by the accused — Explanation by prosecution — Accused caught hold of the deceased — during which time he also sustained injuries because of the assault by other accused — Held, injuries on accused explained. (Para 8)**

h **Held:-** The injuries on the accused – Wakil Rai were explained by the prosecution. The evidence on record discloses that Wakil Rai was holding the deceased – Mohan Rai from the back at the