



NON-REPORTABLE
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO(S). 1021 OF 2012

**MANOHAR KESHAVRAO
KHANDATE** **....APPELLANT(S)**

VERSUS

STATE OF MAHARASHTRA **....RESPONDENT(S)**

J U D G M E N T

1. The accused-appellant was tried by the learned Additional Sessions Judge, Amravati¹, in Sessions Trial No. 197 of 2006, for the offence punishable under Section 302 of the Indian Penal Code, 1860, with the allegation that he committed the murder of his own wife Smt. Ranjana.

¹ Hereinafter, referred to as “trial Court”.

2. The trial Court, *vide* judgment and order dated 14th August, 2007, convicted the accused-appellant and sentenced him to rigorous imprisonment for life and fine of Rs.5,000/- and in default of payment of fine to suffer further rigorous imprisonment for one year. Criminal Appeal No. 465 of 2007 preferred by the accused-appellant against his conviction stands rejected by the High Court of Bombay, Nagpur Bench², *vide* judgment dated 1st April, 2011. The said judgment is assailed in this appeal by special leave.

3. We have heard and considered the submission advanced at bar and have gone through the evidence available on record.

4. The fact regarding the death of Smt. Ranjana being homicidal, was not disputed by learned counsel representing the accused-appellant. Otherwise also, the evidence of the Medical Jurist (PW-4), who conducted the autopsy upon the body of the deceased Smt. Ranjana, establishes beyond all manner of doubt that the death of Smt. Ranjana was homicidal

² Hereinafter, referred to as “High Court”.

in nature having been caused by blunt weapon injuries inflicted on her vital body part, *i.e.*, head.

5. On a perusal of the impugned judgments and the evidence available on record, it is clear that the case of the prosecution is based on the evidence of accused-appellant's own daughter Ms. D (PW-3) who was indisputably present in the house at the time of incident. The child witness (PW-3)³, aged 9 years, gave convincing evidence stating that her father (accused-appellant) used to pull a cycle rickshaw and her mother (Smt. Ranjana) used to perform the household duties and also worked as a maid servant. Her father often beat her mother after consuming liquor. On the date of the incident, she was sleeping besides her mother. She was roused from sleep upon hearing some commotion and noticed that her mother was coughing. Her father was sitting nearby her mother who had been covered up by a *chaddar* (bedsheet). When the child witness enquired from her father, he told that her mother was not feeling well and that he would bring a Doctor. He forbade her

³ Hereinafter, "child witness".

from removing the *chaddar* and taking a look at her mother. Thereafter, the accused-appellant went away from the house not to return. The child witness removed the *chaddar* and noticed that bleeding injuries on the head of her mother who was immobile. Upon noticing these bleeding injuries, she panicked and called their landlord i.e., Shri Arun Bhagwantrao Khandetod (PW-1) and his wife, who came to their house.

6. In cross-examination, the child witness stated that her father was sick and did not do any work and used to be at the house. Her brother Nitin used to help her mother by selling ice-candy and sometimes he used to come home late. For this reason, her mother and father used to quarrel with each other. A pertinent answer was given by the child witness in cross examination that she along with her father and mother were sleeping in the house after taking meals. She agreed to a suggestion that her father went out of the house in search of her brother Nitin. However, she denied the theory of false implication set up by the defence and stood firm on the aspect that the accused-appellant was sitting nearby her mother

when she woke up on hearing the commotion. Apparently thus, the child witness remained unshaken in cross examination and stood firm on the version set out by her in the examination-in-chief. She has given unimpeachable evidence on the aspect that her father used to harass and beat her mother after consuming liquor and that she, along with her mother and father, were the only people present in the house at the time of the incident. Moreover, the testimony of the child witness stands duly corroborated on material aspect by the testimony of the accused-appellant's landlord Shri Arun Bhagwantrao Khandetod (PW-1).

7. It is thus clear that the accused-appellant was the only able bodied person present in the house apart from the child witness when Smt. Ranjana was beaten to death while she was sleeping besides the child witness. The child witness woke up, on hearing a noise and noticed that her father was sitting nearby her mother whose body had been covered up by a *chaddar*. The accused-appellant instructed the child witness not to remove the *chaddar* which strongly suggests towards his guilty state of mind because he

did not desire that the child should see the condition of her mother.

8. After giving an evasive reply to the child witness, the accused-appellant absconded from his house, never to return. The perturbed child witness removed the *chaddar* covering her mother, only to find that she had sustained severe injuries on her head and was not responding. The child witness immediately rushed to the landlord's house (PW-1), who, along with his wife, reached the place of incident. Having found Smt. Ranjana unresponsive, the landlord Shri Arun Bhagwantrao Khandetod (PW-1) stepped out and alerted a nearby police constable *i.e.*, Shri Shilendra Fulsingh Thakur (PW-2) and also informed the Police Station at Rajapath whereafter the police arrived at the scene and the body of Smt. Ranjana was sent for the postmortem and Crime No. 221 of 2006 was registered against the accused-appellant. The evidence of the witnesses examined by the prosecution clearly establishes that Smt. Ranjana had been killed by the head injuries caused by physical violence.

9. The blank denial offered by the accused-appellant in his statement under Section 313 of Code of Criminal Procedure, 1973⁴ is rendered futile upon perusal of the cross-examination of the child witness wherein, the presence of the accused-appellant in the house at the time of the incident has been reinforced by way of answers solicited from the child in response to suggestions given to her in cross-examination.

10. Suffice it to say, that the child witness had no reason whatsoever to give false evidence implicating her own father for the murder of her mother. The bald plea of denial advanced by the accused-appellant in his statement under Section 313 CrPC, is clearly an after-thought and insufficient to discharge the burden cast upon him by Section 106 of the Evidence Act, 1872⁵.

11. Having thoroughly appreciated the evidence of the child witness (PW-3), we find her testimony to be absolutely natural, and she is a witness of sterling worth. The lame suggestions given by the defence to the child witness that she might have been tutored

⁴ Hereinafter, referred to as "CrPC".

⁵ Hereinafter, referred to as "Evidence Act".

by her grandmother and maternal uncle to give evidence against the accused-appellant do not carry any weight whatsoever. Her evidence is duly corroborated by the testimony of the landlord, Shri Arun Bhagwantrao Khandetod (PW-1) and the Medical Jurist (PW-4).

12. Moreover, at the time of his arrest, the shirt worn by the accused-appellant was found to be stained with blood of “group A” *i.e.*, blood group of deceased Smt. Ranjana, thereby connecting the accused-appellant to the incident.

13. It is thus discernible that the accused-appellant and none else was responsible for causing the fatal injuries to his wife Smt. Ranjana.

14. The High Court, upon reappreciating the evidence led by the prosecution, arrived at the conclusion that the evidence of the child witness was reliable and trustworthy and that the defence of denial taken by the accused-appellant was flimsy and unacceptable. On the contrary, in terms of Section 106 of the Evidence Act, the burden rested upon the accused-appellant to offer a credible explanation as

to under what circumstances the deceased Smt. Ranjana, sustained the fatal injuries, particularly when the incident took place within the four walls of the house where the accused-appellant resided with the deceased Smt. Ranjana.

15. Accordingly, the High Court affirmed the finding of guilt of the accused-appellant as recorded by the trial Court by a well-reasoned judgment dated 1st April, 2011. It is our firm opinion that the conviction of the accused-appellant as recorded by the trial Court *vide* judgment dated 14th August, 2007, and affirmed by the High Court *vide* judgment dated 1st April, 2011, does not suffer from any infirmity.

16. Thus, the appeal fails and is dismissed as being devoid of merits.

17. It is pertinent to note that accused-appellant was directed to be enlarged on bail by this Court *vide* order dated 10th December, 2018, in I.A. No. 171539 of 2018. In wake of dismissal of this appeal, the bail bonds of the accused-appellant stands cancelled, and he is directed to surrender before the concerned trial Court within four weeks from today and undergo the

remainder of the sentence, failing which, the concerned trial Court shall take appropriate steps to ensure that the accused-appellant is apprehended, and he serves out the sentence in accordance with law.

18. Pending application(s), if any, shall stand disposed of.

.....**J.**
(ARAVIND KUMAR)

.....**J.**
(SANDEEP MEHTA)

NEW DELHI;
JULY 30, 2025.