

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 240 OF 2007

DHONDIRAM

.....

APPELLANT

VERSUS

STATE OF MAHARASHTRA

.....

RESPONDENT

O R D E R

1. We have heard the learned counsel for the parties.

2. The only prayer made by the learned counsel is that the case of the appellant fell within Exception IV of Section 300 of the Indian Penal Code. We see from the evidence in the case that this cannot be the position in this matter. It is the admitted position that the appellant had been estranged from his wife, Archana, who had accordingly gone to live with her maternal grandmother, the deceased. It is in evidence that three days prior to the incident the appellant had gone to the home of the deceased and had insisted that his wife return with him and on her refusal to do so he had quarreled with her. It is also in evidence that the appellant had returned to the house of the deceased a little after midnight three

days thereafter and caused an injury to his wife with an axe and when the deceased attempted to intervene he caused her a very severe injury on the middle of the head leading to her immediate death. The post mortem report reveals a fracture of the parietal bones across the skull. We also find that in the facts mentioned above, that the murder was pre-meditated that the appellant took undue advantage of his position and committed the murder of a helpless old woman who was in fact urging the wife of the appellant, to return to her matrimonial home. We thus find no merit in this appeal which is, accordingly, dismissed.

.....J
[HARJIT SINGH BEDI]

JUDGMENT
.....J
[C.K. PRASAD]

NEW DELHI
JULY 29, 2010.