

CASE NO.:
Appeal (crl.) 668 of 2007

PETITIONER:
Bhanudas Natha Mohite

RESPONDENT:
State of Maharashtra

DATE OF JUDGMENT: 13/02/2008

BENCH:
B.N. AGRAWAL, ALTAMAS KABIR & G.S. SINGHVI

JUDGMENT:
JUDGMENT
O R D E R

Heard learned counsel for the parties.

The sole appellant was convicted by the Trial Court under Section 302 of the Indian Penal Code and sentenced to undergo imprisonment for life and to pay fine of Rs.500/-; in default, to undergo further imprisonment for a period of fifteen days. On appeal being preferred, the High Court confirmed the conviction. Hence, this appeal by special leave.

In the present case, the conviction of the appellant is based upon the evidence of Smt. Chandrabhagabai (P.W.4), who is an eye-witness to the occurrence, and immediately after the occurrence, she disclosed about the same to Asha Bhanudas Mohite (P.W.2), who is nobody else than her grand daughter. The evidence of these two witnesses is corroborated by the medical evidence. In our view, the High Court was quite justified in upholding the conviction of the the plea of appellant and rejected the case of the defence in relation to/2/

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insanity as for proving the same, the defence has not adduced any evidence whatsoever. This being the position, no ground for interference is made out.

Accordingly, the criminal appeal fails and the same is dismissed.