

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1360 OF 2002

Lahu Laxman Pabale & Ors.

...Appellant(s)

Versus

State of Maharashtra

...Respondent(s)

With Criminal Appeal No.1359 of 2002

O R D E R

Heard learned counsel for the parties.

Thirty persons were charged by the police with the allegation of having murdered Namdeo. One of them, namely, Shivaji Bapurao Pabale was found to be juvenile and, therefore, his case was separated and referred to Juvenile Court at Pune. The remaining accused were tried for committing offences under Sections 147, 148, 149, 302, 449, 427 read with Sections 120-B and 34 of the Indian Penal Code (for short 'I.P.C.'). During the trial, accused No.15, Tukaram Haribhau Hinge died. By judgment dated 4.2.1986, the trial Court acquitted all the twenty-eight accused.

The State of Maharashtra challenged the judgment of acquittal in Criminal Appeal No.313/1986. During the pendency of the appeal, accused No.18, Dhondu Hari Pabale died. On a re-appreciation of evidence, the High Court upheld the acquittal of fourteen accused but convicted the remaining thirteen under Section 302 read with Section 34 I.P.C. and sentenced them to undergo imprisonment for life. All of them have appealed against the judgment of conviction.

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We have been taken through the entire evidence and the judgments rendered by the trial Court as well as the High Court. In our view, the judgment of acquittal recorded by the trial Court is based on wholesome appreciation of evidence and the finding recorded by it cannot be said to be perverse in any manner. This being the position, the High Court was not justified in interfering with the same.

Accordingly, the appeals are allowed, impugned judgment rendered by the High Court in relation to the appellants is set aside and their acquittal by the trial Court is restored.

The appellants, who are on bail, are discharged from the liability of bail bonds.

.....J.
[B.N. AGRAWAL]

.....J.
[G.S. SINGHVI]

.....J.
[AFTAB ALAM]

New Delhi,
August 19, 2009.