



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO. 138 OF 2021

Mahendra Mahadeo Binekar C-10486
 Aged 34 Years, Occ. Labour
 R/o Binaki Sonar Toli, Behind Joshipura,
 Near Satpute Control Nagpur,
 Detained in Central Prison, Nagpur.

...Appellant

// VERSUS //

State of Maharashtra through Police Station
 Officer, Yashodharanagar, Dist. Nagpur

...Respondent

Shri A.S.Band, Advocate for the appellant.
 Shri K.R.Lule, APP for the respondent/State.

CORAM : ANIL L. PANSARE
NIVEDITA P. MEHTA, JJ.

Reserved on : 8th January, 2026.
 Pronounced on : 19th January, 2026

JUDGMENT : (PER : NIVEDITA P. MEHTA J.)

The appellant has preferred the present appeal challenging the judgment and order dated 05.09.2019 passed by the learned District and Sessions Judge-11, Nagpur in Sessions Trial No. 442/2016, by which the appellant was convicted for offences punishable under Sections 302 and 324 of the Indian Penal Code, 1860 (for short, "IPC"). The appellant was sentenced to suffer imprisonment for life and to pay a fine of ₹10,000/- for the offence under Section 302 of the IPC, in default to suffer simple imprisonment for one year. He was further sentenced to suffer simple

imprisonment for six months and to pay a fine of ₹1,000/- for the offence under Section 324 IPC, in default to suffer simple imprisonment for 15 days. Both substantive sentences were directed to run concurrently.

2. The prosecution case, in brief, is that the son of the deceased, Jyotibai Shinde, namely Kapil Shinde, was acquainted with the appellant. Kapil lodged an oral report stating that he and the appellant Mahendra Binekar knew each other. Prior to one and a half year of incident they maintained pigeons. There was a previous quarrel between Kapil and appellant, during which Kapil had assaulted appellant with a knife, resulting in registration of an offence against Kapil at Yashodharanagar Police Station, Nagpur. Because of this incident, appellant was allegedly bearing a grudge against Kapil. About two months prior to the incident, the appellant had assaulted Kapil with a wooden log, but the matter was settled between them and no complaint was lodged.

3. On 22.05.2016 at about 10.45 p.m., when Kapil was returning home after work and reached near the house of Devrao Likhari, the appellant came and all of a sudden assaulted Kapil with a knife. Out of fear, Kapil ran towards his house shouting for help. When his family members enquired, he informed them about the assault. Thereafter, his mother Jyotibai Shinde went to the appellant to pacify him. At that time, the appellant assaulted her with a knife, causing her to collapse on the ground, bleeding, and then fled from the spot. Kapil and his sister Aarti immediately took their mother to Mayo Hospital, where she was declared dead.

4. On the basis of the report (Exh. 11), Crime No.314 of 2016 was registered for offences under Sections 302 and 324 of the IPC. During investigation, the spot panchnama was prepared, the appellant was arrested in presence of two panchas, and the weapon (Exh. 18) and clothes of the appellant (Exh. 26) were seized. Statements of witnesses were recorded on 24/05/2016 and on the same day seized articles were sent for forensic examination. After completion of investigation, the charge-sheet was filed.

5. The learned trial Court framed Charge (Exh.2) for the offence punishable under Sections 302 and 324 of the IPC. The appellant pleaded not guilty and claimed trial. The prosecution examined nine witnesses, including Kapil Shinde (P.W.1), Aarti Shinde (P.W.2), Ashish Kodharlikar (P.W.3), Rupesh Nimje (P.W.4), Kishor Bharti (P.W.5), Medical Officers Dr. Pruthviraj Rahangdale (P.W.6), Dr. Sachin Giri (P.W.7), API Rajendra Makdum (P.W.8), and API Suryabhan Selote (P.W.9). The statement of the accused under Section 313 of the Code of Criminal Procedure was recorded, wherein he denied the allegations and claimed false implication.

6. Upon appreciation of evidence, the learned trial Court held that the testimonies of P.W.1 Kapil, P.W.2 Aarti, and P.W.4 Rupesh, who were eye-witnesses to the incident, clearly established that the appellant assaulted Jyotibai Shinde with a knife. The contention that their evidence should be discarded as they were related witnesses was rejected, as no material contradictions or circumstances were brought on record to discredit their

testimony. The learned trial Court further held that the death of Jyotibai Shinde was a direct result of the assault by the appellant and that the nature of injuries and the vital parts of the body targeted clearly showed intention to cause death.

7. The learned trial Court also accepted the evidence relating to the assault on Kapil under Section 324 of the IPC, which was duly corroborated by medical evidence. Accordingly, the appellant was convicted and sentenced as stated above. Being aggrieved, the appellant has preferred the present appeal.

8. Heard learned Counsel Mr. A.S. Band for the appellant and Mr. K.R. Lule, learned Additional Public Prosecutor for the State.

9. Learned Counsel for the appellant submitted that P.W.2 Aarti could not be treated as an eye-witness, as in cross-examination she admitted that she saw her mother lying near the house of Devrao Likhar, which creates doubt about her presence at the time of assault. It was further submitted that the deceased was not the original target and there was no premeditation or intention to cause her death. According to the appellant, the incident occurred suddenly in the heat of passion, and therefore the offence of murder is not made out. It was also submitted that the appellant has been in custody since 26.05.2016 and has already undergone a substantial period of imprisonment.

10. Per contra, learned Additional Public Prosecutor supported the impugned judgment and submitted that the evidence of eye-witnesses clearly establishes the guilt of the appellant. It was contended that the deceased had only approached the appellant to pacify him, but he intentionally assaulted her with a knife. The post-mortem report reveals as many as thirteen injuries on the body of the deceased, clearly indicating a brutal attack. Medical evidence and recovery of the weapon at the instance of the appellant further corroborate the prosecution case. It was therefore submitted that no interference is warranted in the judgment of the trial Court.

11. POINTS FOR DETERMINATION :

Sr. No.	Points	Finding
(i)	Whether the prosecution has proved that deceased Jyotibai Shinde died homicidal death ?	In the affirmative.
(ii)	Whether the prosecution has proved that the appellant–accused assaulted Jyotibai Shinde with a knife, causing her death, thereby committing an offence under Section 302 of the IPC ?	In the affirmative.
(iii)	Whether the prosecution has proved that the appellant caused simple hurt to P.W.1 Kapil Shinde by a sharp weapon, thereby committing an offence under Section 324 of IPC ?	In the affirmative.
(iv)	Whether interference is called for in the learned trial Court's judgment?	In the negative.
(v)	What order?	As per Final Order.

As to point Nos. (i) and (ii):

These two points are interlinked and hence they are decided by common reasoning.

12. Before advertiring to the points of determination, we find it appropriate to briefly refer to the role and deposition of each prosecution witness.

12.1 PW-1 Kapil Pappuji Shinde, the injured eyewitness and son of the deceased, deposed that the appellant was residing in the same locality and there was prior enmity between them due to an earlier quarrel. He stated that on 22.05.2016 at about 10.30–10.45 p.m., the appellant assaulted him with a knife near the house of Deorao Likhar, causing a bleeding injury on his left eyebrow. PW-1 ran home and informed his family members, whereupon his mother went to reason with the appellant. PW-1 and his sister followed her and witnessed the appellant assaulting his mother with a knife, as a result of which she fell down with bleeding injuries. The injured was immediately taken to Mayo Hospital, where she succumbed during treatment. PW-1 lodged the FIR, pointed out the spot, and identified the blood-stained clothes, the weapon and the accused. In cross-examination, though his past criminal cases and alleged hostility were suggested, his testimony regarding the occurrence and the involvement of the accused remained unshaken.

12.2 PW-2 Aarti Pappuji Shinde, daughter of the deceased and sister of PW-1, corroborated the version of PW-1 regarding prior enmity between the accused and PW-1. She deposed that on 22.05.2016, the accused first

assaulted PW-1 with a knife causing a bleeding injury, following which the deceased went to reason with the accused and was thereafter assaulted with a knife near the house of Ambre. PW-2 stated that the injured was immediately taken to Mayo Hospital, where she was declared dead. She identified the accused, the blood-stained clothes of PW-1 and the deceased, and the weapon. Despite suggestions of false implication and reference to prior criminal cases of family members, nothing material was elicited in cross-examination to discredit her testimony.

12.3 PW-3 Aashish Madhavrao Kodharlikar acted as a panch witness to the disclosure statement of the accused and the consequent recovery of the weapon. He deposed that on 24.05.2016, pursuant to the disclosure made by the accused, the police, along with the panchas, went to the house of the accused at Binaki, from where the accused produced a knife kept beneath a cooler, which came to be seized under a panchnama. PW-3 identified his signatures on the disclosure statement and the seizure panchnama. Though in cross-examination he expressed inability to recall certain contents of the documents, nothing material was elicited to discredit the factum of recovery at the instance of the accused.

12.4 PW-4 Rupesh Dnanyeshwar Nimje, an independent eyewitness and tenant of the accused, deposed that on the night of 22.05.2016 between 10.30 p.m. and 11.00 p.m., he witnessed the accused Mahendra assault PW-1 Kapil with a knife, after which PW-1 ran towards his house. He further stated that when the deceased Jyoti came to reason with the accused, the accused

assaulted her with a knife, causing her to fall down. PW-4 stated that PW-1 and PW-2 immediately took the injured to hospital, where she later succumbed. He identified the accused as well as the knife used in the assault. In cross-examination, though suggestions were made regarding his tenancy under the accused and alleged partiality towards the family of PW-1, nothing material was brought on record to discredit his presence at the spot or his testimony regarding the assault by the accused.

12.5 PW-5 Kishor Balkrushna Bharti was examined as a panch witness to the spot panchnama and various seizures. He deposed that blood samples were collected from the spot of incident near the house of Deorao Nikhar under a spot panchnama. He further proved the seizure of blood-stained clothes of PW-1, the deceased, and the accused, as well as the seizure of blood samples of the accused and the informant, all under respective panchnamas. He identified his signatures on the said panchnamas. In cross-examination, though the witness admitted that he had signed the panchnamas without reading their contents, he did not dispute his presence during the spot inspection and seizures. Nothing material was elicited to discredit the procedural acts proved through him.

12.6 PW-6 Dr. Pruthaviraj Mitaram Rahangdale, Medical Officer, deposed that on 22.05.2016 he examined PW-1 Kapil Shinde at about 11.45 p.m. and found a fresh incised wound above the left eyebrow, which was simple in nature and caused by a sharp weapon. He proved the injury certificate and the medicolegal papers. He further stated that the deceased Jyoti Shinde was

brought to the hospital at about 11.50 p.m. in a dead condition and was accordingly declared brought dead and sent for post-mortem. PW-6 also examined the knife sent by the police and opined that it was a sharp and dangerous weapon, bearing blood stains, and that the injury sustained by PW-1, as well as the injuries noted in the post-mortem report of the deceased, were possible by the said weapon. He identified the weapon in Court. In cross-examination, though general suggestions were made regarding the possibility of injuries by other sharp weapons, nothing was elicited to discredit his medical opinion.

12.7 PW-7 Dr. Sachin Subhash Giri, Assistant Professor in Forensic Medicine, conducted the post-mortem examination on the body of Jyoti Shinde on 23.05.2016. He found multiple incised and stab wounds on vital parts including the face, neck, chest, abdomen and hands, with corresponding internal injuries to the trachea, lungs and ribs. He opined that the injuries were ante-mortem, caused by a sharp and pointed weapon, and that the injuries to the trachea and lungs were sufficient in the ordinary course of nature to cause death. He proved the post-mortem report and further opined that the injuries were possible by the weapon recovered in the case. In cross-examination, though it was suggested that similar injuries could be caused by other sharp weapons, the witness remained firm on the cause of death and the nature of injuries, and nothing material was elicited to discredit the post-mortem findings.

12.8 PW-8 Rajendra Ananda Makdum, the Investigating Officer, deposed that he took over the investigation on 23.05.2016. He proved the seizures of blood-stained clothes of the informant, the deceased and the accused, as well as the collection of blood samples of the informant and the accused, under various panchnamas. He further deposed that pursuant to the disclosure statement made by the accused, the accused led the police and panch witnesses to his house, from where a blood-stained knife was recovered and seized. PW-8 proved the disclosure statement, recovery panchnama, forwarding of mudde mal to the forensic laboratory, medical correspondence, and filing of the charge-sheet. He identified the seized articles and the accused in Court. In cross-examination, omissions and alleged lapses in investigation were suggested; however, nothing material was brought on record to discredit the recovery of the weapon at the instance of the accused or the core steps of investigation.

12.9 PW-9 Suryabhan Madhav Selote, API, deposed that on the night intervening 22.05.2016 and 23.05.2016, upon receiving information regarding an assault at Binaki Sonartoli, he proceeded to the spot, learnt that the injured had been shifted to Mayo Hospital, and thereafter visited the hospital where the deceased was declared dead. He prepared the spot panchnama, collected blood samples from the spot and the adjoining wall, recorded the report of PW-1 Kapil Shinde, registered the offence, and arrested the accused. He proved the relevant station diary entries, FIR, arrest memo, spot panchnama, and seizure of blood-stained clothes of the accused.

He further stated that the investigation was thereafter handed over to PW-8. In cross-examination, certain omissions and procedural lapses were suggested; however, nothing material was elicited to discredit the registration of the offence, preparation of the spot panchnama, or the initial steps taken in the investigation.

13. On appreciation of ocular evidence, it is noted that the prosecution relies mainly on the testimony of PW.1, PW.2, and PW.4 as eye-witnesses.

14. The prosecution case rests substantially on the testimony of PW.1, who is an injured witness. His presence at the spot is natural and unquestionable, as he himself was assaulted by the appellant moments before the fatal incident. He has consistently deposed that when his mother Jyotibai Shinde approached the appellant to reason with him, the appellant assaulted her with a knife. His testimony has remained firm and unshaken in cross-examination. The injury sustained by PW.1 is duly corroborated by medical evidence, lending further assurance to his presence and credibility. The law is well settled as recognised by the Hon'ble Supreme Court in *Abdul Sayeed v. State of Madhya Pradesh, (2010) 10 SCC 259* that the testimony of an injured witness stands on a higher pedestal and ordinarily commands great weight unless serious infirmities are demonstrated, which are conspicuously absent in the present case. The relevant paragraphs of the judgment are reproduced as follow:

“28. The question of the weight to be attached to the evidence of a witness that was himself injured in the course of the occurrence has been extensively discussed by this Court. Where a witness to the occurrence has himself been injured in the incident, the testimony of such a witness is generally considered to be very reliable, as he is a witness that comes with a built-in guarantee of his presence at the scene of the crime and is unlikely to spare his actual assailant(s) in order to falsely implicate someone. “Convincing evidence is required to discredit an injured witness.” [vide *Ramlagan Singh v. State of Bihar, Malkhan Singh v. State of U.P, Machhi Singh v. State of Punjab, Appabhai v. State of Gujarat, Bonkya v. State of Maharashtra, Bhag Singh, Mohar v. State of U.P, Dinesh Kumar v. State of Rajasthan, Vishnu v. State of Rajasthan, Annareddy Sambasiva Reddy v. State of A.P and Balraje v. State of Maharashtra.*]”

29. While deciding this issue, a similar view was taken in *Jarnail Singh v. State of Punjab*, where this Court reiterated the special evidentiary status accorded to the testimony of an injured accused and relying on its earlier judgments held as under : (SCC pp. 726-27, paras 28-29)

“28. Darshan Singh (PW 4) was an injured witness. He had been examined by the doctor. His testimony could not be brushed aside lightly. He had given full details of the incident as he was present at the time when the assailants reached the tubewell. In *Shivalingappa Kallayanappa v. State of Karnataka* this Court has held that the deposition of the injured witness should be relied upon unless there are strong grounds for rejection of his evidence on the basis of major contradictions and discrepancies, for the reason that his presence on the scene stands established in case it is proved that he suffered the injury during the said incident.

29. In *State of U.P. v. Kishan Chand* a similar view has been reiterated observing that the testimony of a stamped witness has its own relevance and efficacy. The fact that the witness sustained injuries at the time and place of occurrence, lends support to his testimony that he was present during the occurrence. In case the injured witness is subjected to lengthy cross-examination and nothing can be elicited to discard his testimony, it should be relied upon (vide *Krishan v. State of Haryana*. Thus, we are of the considered opinion that evidence of Darshan Singh (PW 4) has rightly been relied upon by the courts below.”

30. The law on the point can be summarised to the effect that the testimony of the injured witness is accorded a special status in law. This is as a consequence of the fact that the injury to the witness is an inbuilt guarantee of his presence at the scene of the

crime and because the witness will not want to let his actual assailant go unpunished merely to falsely implicate a third party for the commission of the offence. Thus, the deposition of the injured witness should be relied upon unless there are strong grounds for rejection of his evidence on the basis of major contradictions and discrepancies therein.”

15. P.W.2 is daughter of the deceased. Counsel for the appellant submits that the admission of P.W.2 that she saw her mother lying near the house of Devrao Likhar casts a doubt on her presence at the scene and the exact place of occurrence. Against this, learned Additional Public Prosecutor submits that her testimony, when read in its entirety, clearly shows that she came out immediately after being informed by P.W.1 and had witnessed the appellant fleeing after assaulting her mother.

We find substance in the submission of the learned Additional Public Prosecutor. The testimony of P.W.2 remains consistent on material particulars and the discrepancy pointed out is only peripheral and does not affect the core of the prosecution case. It is well settled that minor inconsistencies do not discredit an otherwise truthful witness, as held by the Hon'ble Supreme Court in *Narayan Chetanram Chaudhary and Anr. v. State of Maharashtra, (2000) 8 SCC 457*. Tested on this principle, the evidence of P.W.2 inspires confidence and lends corroboration to the prosecution version. The relevant paragraph of the judgment (supra) is reproduced as follow –

“42. Only such omissions which amount to contradiction in material particulars can be used to discredit the testimony of the witness. The omission in the police statement by itself would not necessarily render the testimony of witness unreliable. When the version given by the witness in the court is different in material particulars from that disclosed in his earlier statements, the case of the prosecution becomes doubtful and not otherwise. Minor

contradictions are bound to appear in the statements of truthful witnesses as memory sometimes plays false and the sense of observation differ from person to person. The omissions in the earlier statement if found to be of trivial details, as in the present case, the same would not cause any dent in the testimony of PW 2. Even if there is contradiction of statement of a witness on any material point, that is no ground to reject the whole of the testimony of such witness. -----"

16. Next comes the evidence of PW.4, an independent eyewitness. He deposed that he was a tenant of the appellant and acquaintance of the PW 1 and had no enmity with either of them. His status rules out any possibility of false implication. PW.4 stated that on the day of the incident, he witnessed the appellant assaulting Kapil with a knife. He further deposed that thereafter, the appellant assaulted Jyotibai Shinde when she tried to reason with him. We find that the testimony of PW.4 is categorical and consistent with the prosecution version. Nothing material has been elicited in his cross-examination to discredit his evidence or to suggest any motive for falsely implicating the appellant. His presence at the spot is natural and probable. His evidence, therefore, inspires confidence and remains unshaken.

17. PW.7 Dr. Sachin Giri is an important witness, who conducted the post-mortem. On external examination, he found following injuries:

- 1) *Incised wound present over the right side of face 2 cm below the right eye, vertically placed of size 05 cm X 0.5cm muscle deep, margins sharp edged, both ends point i.e. acute angled.*
- 2) *Incised wound present over the lower lip in midline of size 2.5 cm X 0.2 cm, obliquely placed cutting the lip through and through up to the buccal mucosa, margins sharp edged, ends pointed.*
- 3) *Stab wound present on the anterior aspect of lower 1/3 of neck, just close to and parallel to midline, of size 03 cm X 0.2 cm, cavity deep, vertically placed, underlying tracheal rings are ruptured.*

- 4) *Stab wound present over the left side side of chest, situated 04 cm from midline and 16 cm below tip of the left shoulder of size 02 cm X 0.2 cm subcutaneous fat protruding from the gapping margins, edges sharp and ends having acute angle, subcutaneous tissue deep.*
- 5) *Stab wound present over the right side of chest situated 6.5 cm below injury No.3, vertically placed of size 3.5 cm X 0.5 cm cavity deep, margins sharpedged, ends having acute angle, underlying right third rib fractured.*
- 6) *Incised wound present over the right side of chest, 0.5 cm above the upper end of injury No.5, horizontally placed of size 5.5 cm X 0.5 cm, with subcutaneous fat protruding from the gap of wound, having sharp edged margins and acute angle of the ends, subcutaneous tissue deep.*
- 7) *Stab wound present over the right side of chest, situated 1.5 cm below the lateral end of injury number 06, vertically placed of size 03 cm X 0.5 cm with gapping of subcutaneous fat through the wound, margins sharp edged, angles acute at both ends, cavity deep.*
- 8) *Stab wound present over the lateral aspet of right side of chest, vertically placed, situated 03 cm below and lateral from lower end of injury number 07 of size 04 cm X 0.5 cm, with gaping of subcutaneous fat from the wound, margins sharp edged, ends with acute angle muscle deep.*
- 9) *Stab wound present over the outer and lateral quadrant of right breast, horizontally placed situated 05 cm from the lower end of injury no.8 of size 3 cm X 0.5 cm muscle deep, having sharp edged margins and acute angle at both ends.*
- 10) *Stab wound present over the right side of middle of abdomen, horizontally placed situated 05 cm above the upper end of umbilicus and 1 cm from midline of size 04 cm X 0.5 cm subcutaneous tissue deep margins sharp edged, ends having acute angle.*
- 11) *Incised wound present over the dorsum of right hand, vertically placed both ends extending from right wrist joint to base of right index finger passing through and through up to the palm, of size 08 cm X 0.5 cm with muscle and tendors of the hand exposed out, margins sharp edged. Having acute angle at both ends.*
- 12) *Incised wound present over the right palm, extending from the base of the thumb upto the base of right index finger, corresponding with above injury number 11 of size 4.5 cm X 0.5 cm through and through muscle deep.*
- 13) *Incised wound present over the lateral aspect of dorsum of right hand, of size 07 cm X 0.5 cm muscle deep, situated 4.5 cm lateral*

to injury number 11. Margins sharp edged, ends having acute angle.

On internal examination-

- a) *Walls, ribs cartilage- Fracture of the third rib on right side, at medial end, intercostal muscles damaged at 2nd intercostal space.*
- b) *Pleura- Ruptured at places on right side 200 ml. Blood in cavity.*
- c) *Larynx, trachea and bronchi- Larynx and bronchi intact, lower tracheal rings ruptured, correspondent to injury no.3 mentioned in column no.17.*
- d) *Right Lung- 1. cut wound present over right upper lobe on posterior medial margin of size 3 cm X 0.5 cm.
2. Cut wound present over posterior medial margin of right upper lobe 2 cm below cut no.01 of size 1 cm X 0.5 cm.
3. cut wound present over anterioir aspect of middle lobe, of size 3 cm X 0.5cm,
4. Cut wound on posterior medial border of left lower lobe.*
- e) *Left lung- Cut wound on posterio medial border of left lower lobe, of size 3.5 cm X 0.5 cm.*
- f) *Pericardium - Ruptured on posterior surface of size 5 cm X 0.5 cm.*

18. He deposed that injuries Nos. 3, 5, and 7 were sufficient in the ordinary course of nature to cause death. He further deposed that the injuries mentioned in column no. 17 were ante-mortem. He opined that death is due to injury to trachea and lungs. From the description of the weapon, he opined that injuries on the dead body were possible by said weapon.

19. On careful appreciation of the evidence on record, this Court finds that the prosecution has successfully established the said fact. Further, the recovery of the knife (Article-P5) at the instance of the appellant, proved through panch and investigating witnesses, and the opinion of the medical

expert that the injuries were possible by the said weapon, complete the chain of evidence. Therefore, this Court has no hesitation in holding that the prosecution has proved beyond reasonable doubt that the appellant assaulted Jyotibai Shinde with a knife, resulting in her death. Accordingly, the answer to point Nos.(i) and (ii) are in the affirmative.

As to point Nos. (iii) and (iv) :

20. The evidence of P.W.1 clearly establishes that he was assaulted by the appellant with a knife prior to the assault on the deceased. The injury sustained by him is duly proved by the medical evidence, which confirms that the injury was caused by a sharp weapon. The testimony of P.W.4 further corroborates this fact. From the evidence placed on record, it appears to us that Counsel for appellant has failed to bring on record any circumstance to doubt the occurrence of this assault. Hence, the essential ingredients of Section 324 of the IPC are fully satisfied.

21. The learned Counsel has contended that the deceased was not the original target and that the incident occurred suddenly without premeditation. However, even if the deceased was not the initial target, the conduct of the appellant at the time of the incident clearly demonstrates the requisite intention or, at the very least, the knowledge contemplated under Section 300 of the IPC. The appellant inflicted multiple stab injuries with a deadly weapon on vital parts of the body of an unarmed woman who had merely approached him to pacify the situation. The number of injuries, their

location, and the force used leave no manner of doubt that the appellant intended to cause such bodily injuries as were sufficient in the ordinary course of nature to cause death (*Virsa Singh v. State of Punjab, AIR 1958 SC 465*). None of the exceptions to Section 300 of the IPC are attracted in the present case, as there is no evidence of grave and sudden provocation or a mutual fight. Therefore, the trial Court was justified in holding that the offence committed by the appellant squarely falls within the ambit of Section 302 of the IPC.

22. The trial Court has properly appreciated the evidence on record. We find no perversity, illegality, or infirmity in its approach. No interference, therefore, is called for in the impugned judgment.

23. The end result is, the prosecution has proved the guilt of the appellant beyond reasonable doubt for the offences punishable under Sections 302 and 324 of the IPC. The trial Court's finding is in consonance with material placed before us. The conviction and sentence recorded by the trial Court are proper and justified, and therefore, deserve to be confirmed. Accordingly, Point No. (iii) is answered in the affirmative and Point No.(iv) in the negative.

As to Point No. (v):

24. Having answered first four points in the manner hereinabove, there is no substance in the appeal. Hence, we proceed to pass the following order-

ORDER

1. The appeal is dismissed.
2. The judgment and order dated 05.09.2019 passed by the learned District and Sessions Judge-11, Nagpur in Sessions Trial No. 442/2016 is confirmed.

[NIVEDITA P. MEHTA, J.]

[ANIL L. PANSARE, J.]

sknair