

MHCC050015522019 	Presented on : 20.03.2019 Registered on : 20.03.2019 Decided on : 24.02.2026 Duration :- 06 Yrs 11 M 05 Ds
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EXHIBIT-66**J U D G M E N T****Part 'A'**

	<p style="text-align: center;">IN THE COURT OF SESSIONS, BORIVALI DIVISION, DINDOSHI, GOREGAON (EAST), MUMBAI</p> <p style="text-align: center;">Present: H.H.J. The Additional Sessions Judge Shri M. Mohiuddin M. A.</p> <p style="text-align: center;">[Date of the Judgment - 24/02/2026]</p> <p style="text-align: center;">[SESSIONS CASE NO. 144 OF 2019]</p> <p style="text-align: center;">IN</p> <p style="text-align: center;">(C.C. NO.6800788/PW/2019)</p>
	<p style="text-align: center;">(Details of FIR/Crime and Police Station)</p> <p>FIR No.389 of 2018 Under Sections 302 of the Indian Penal Code, registered with MHB Colony Police Station, Mumbai.</p>
Prosecution	THE STATE OF MAHARASHTRA, (Through PSO, MHB Colony Police Station)
REPRESENTED BY	Learned APP Mr. P.S. Rathod
ACCUSED	Yogesh Ramakant Shenoy Age : 52 years, Occupation :- Nil. Address : Room No.6, PitruChhaya Chawl,

		Lad Wadi, Bhikaji Lad Road, Dahisar (West), Mumbai.
REPRESENTED BY		Learned Advocate Mr. Shashikant Damodarlal Chandak (Legal Aid) for accused.

Part 'B'

Date of Offence	29.11.2018
Date of FIR	29.11.2018
Date of Charge-sheet	07.02.2019
Date of Framing of Charges	10.01.2020
Date of commencement of evidence	10.10.2023
Date on which judgment is reserved	24.02.2025
Date of the Judgment	24.02.2025
Date of the Sentencing Order, if any	24.02.2025

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr. P. C.
1	Yogesh Ramakant Shenoy	29/11/2018	N.A	U/Sec.302 of IPC.	Convicted for life imprisonment	As per final order	Date of arrest on 29.11.2018

Part 'C'

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution :

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)	
PW-1	Sachin Yaswant Jaygadkar	Informant	Exh.13
PW-2	Darshna Deepak Gone	Neighbour of accused	Exh.16
PW-3	Aditiya Hemchandra Wangankar	Neighbor of accused	Exh.17
PW-4	Vilas Baban Tekawade	Police Naik	Exh.22
PW-5	Balbhushan Rajaram Vishwakarma	Panch witness	Exh.23
PW-6	Munna Prasad Kashinath Gupta	Panch witness	Exh.27
PW-7	Vijay Shankar Yadav	Retired PSI	Exh.32
PW-8	Dr. Lochan Vinod Patil	Medical Officer	Exh.36
PW-9	Chetan Bhaurao Rathod	PSI	Exh.42

PW-10	Bhausahab Kisan Aher	Investigating Officer	Exh.45
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B. Defence Witnesses, if any :

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u> (<u>EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS</u>)
DW	Nil	Nil

C. Court Witnesses, if any :

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u> (<u>EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS</u>)
CW	Nil	Nil

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

<u>SR. NO.</u>	<u>EXHIBIT NUMBER</u>	<u>DESCRIPTION</u>
1	14	Complaint/Report
2	14A	FIR
3	24	Spot Panchnama

4	28	Seizure Panchnama of cloths
5	33	Letter to CA dated 30/11/2018
6	34	Letter to CA dated 07/12/2018
7	35	Letter to CA dated 12/12/2018
8	38	PM Report.
9	39	Application for production of CA Report filed by MHB Colony Police Station.
10	P-40	Report of FSL dated 23/01/2019
11	P-41	Report of FSL dated 14/02/2019
12	43	Email copy of medical report of accused received from Thane Central Prison vide i/w No.395/25 dated 10/10/2025.
13	P-46	The label on the envelop of cutter.
14	P-47	Inquest Panchnama (page No.19 in Charge-sheet)
15	P-48	Letter to Medical officer (page No.34 in Charge-sheet)
16	P-49	Letter to CA (page No.58 in Charge-sheet)
17	P-50	Letter to CA (page No.60 in Charge-sheet)
18	P-51	Letter to FSL (page No.62 in Charge-sheet)
19	P-52	Letter (page No.65 in Charge-sheet)
20	P-53	Letter to FSL (page No.67 in Charge-sheet)
21	P-54	Letter (page No.68 in Charge-sheet)

22	P-55	Letter (page No.69 in Charge-sheet)
23	P-56	Arrest Form (page No.74 in Charge-sheet)
24	57	Medical Report of accused received from Thane Jail.
25	58	CA Report of Sample.
26	59	CA Report in Exh.2
27	60	CA Report in Exh.2.
28	61	Evidence closure pursis filed by prosecution.

B. Defence :

<u>SR. NO.</u>	<u>EXHIBIT NUMBER</u>	<u>DESCRIPTION</u>
1	64	Written notes of arguments filed by advocate for accused.

C. Court Exhibits :

<u>SR. NO.</u>	<u>EXHIBIT NUMBER</u>	<u>DESCRIPTION</u>
1	1	Charge-sheet
2	4	Charge
3	5	Plea of accused
4	62	Statement of Accused U/s. 313 of Cr. P. C.

D. Material Objects :

<u>SR. NO.</u>	<u>MATERIAL OBJECT NUMBER</u>	<u>DESCRIPTION</u>
1	Article-A	Cutter
2	Article-B	Faint yellow colour half sleeve shirt
3	Article-C	Red and Gray colour Barmoda Pant.
4	Article-B1	Label on Article-B
5	Article-C1	Label on Article-C
6	Article-D & E	Photographs.

The prosecution case in the nutshell is as under :

The accused facing the trail of murder of his own mother and hence, stand charge sheeted for the offence punishable under Section 302 of IPC.

The facts of the present prosecution case are as under :-

2. The informant Sachin Yashwant Jaygadkar, resident of Room No.5, Pitru Chhaya Chawl, Ladwadi, Bhikaji Lad Road, Dahisar (West), Mumbai neighbour of deceased Lalita Ramakant Shenoy victim of this crime lodge the report that. On 29/11/2018 MHB Colony police came and asked, where is room No.6. Informant shown the said room belongs to Yogesh Ramakant Shenoy. The door of the room found open. Informant along with police entered in the room. The mother of Yogesh

namely Lalita Ramakant Shenoy was found lying on wooden cot in a pool of blood. Blood was noticed on the bed sheet.

3. When asked to Yogesh Ramakant Shenay, who was standing there, he disclosed that, there used to be always quarrel on domestic reason, between him and his mother. His mother was of quarrelsome nature, therefore his wife left them. The divorce petition is pending before Goa Court between him and his wife. He further disclosed that, due to quarrelsome nature of his mother, his elder brother Prasad and father Ramakant died. Therefore, due to continuous harassment, he fed up and on that day he kill his mother. He further disclosed that with intent to eliminate his mother at about 2.00 hours in night he administered 30 sleeping pills in the milk to his mother. But she could not die. Therefore, he pressed her mouth with the help of Pillow cushion, and tried to kill her. Thereafter, with the help of paper cutter lying in the house, he cut throat of his mother and at about 8:52 hours in morning, he himself made phone call to police. On the aforesaid disclosure of Yogesh Police took him in custody and Injured Lalita was shifted to Shatabdi Hospital, Kandivali (West). After examination, she was declared dead by doctor.

4. According to informant, accuse Yogesh Ramakant Shenoy out of domestic quarrel on the 29/11/2018, at 2.00 hours in night, with intent to kill his mother administered 30 sleeping pills in the milk, pressed her mouth by means of pillow and by means of paper cutter, cut her throat in Room No.6. Ritu Chhaya, Lalwadi, Bhikaji Lad Road, Dashisar (West), Mumbai and thereby committed murder of his mother. On the basis of said report, the offense crime bearing No.389 of 2018,

Under Section 302 came to be registered with MHB Colony Police Station, Mumbai.

5. After registration of crime, on same day police visited the place of occurrence prepared spot panchanama, obtained photographs of place of occurrence. Accused was arrested on 29/11/2018. The inquest panchnama of dead body of decease Lalita was conducted. Dead body was forwarded to postmortem examination Center, Borivali, Mumbai. After postmortem examination, Medical officer, has given opinion about the cause of death, due to shock, due to vascular injury, due to inside wound on neck (Unnatural). Blood sample and viscera preserve for grouping and Chemical analysis. The viscera and other biological samples sent to CA by later dated 30/11/2018.

6. From the place of occurrence Police seized two empty packet of 15 pills each of Clonotril 0.25 Clonazepam dispersible tablets. Police seized one orange colour paper cutter having 10c.m. X 2c.m. steel blade with blood stains over there. Clothes of deceased having on her person at the time of incident were seized. All the articles during spot panchanama seized with the help of forensic Investigation van. The piece of pillow, blood stains mattress piece, clothes of accused having on his person at the time of incident, including shirt and barmoda pant, were sent to CA by letter dated 05/12/2018.

7. The empty packet of sleeping pills also sent to CA on 12/12/2018. Collected the information about the call of accused on the 29/11/2018 by dialing 100 number to police. Police recorded the statement of witnesses and during investigation it revealed that, out of Domestic quarrel with his mother accused committed murder of his real

mother. Therefore, accused charged sheeted before the Learned Metropolitan Magistrate.

8. The offence under Section 302 of IPC exclusively triable by court of Sessions therefore Ld. Magistrate after complying Sections 207 and 209 of Cr.P.C by order dated 13/03/2019 case is committed to Court of Session for trial.

9. On the basis of material in Charge-sheet, my Ld. Predecessor has framed Charge below Exhibit-4 against the accused dated 10/01/2020, for the offence punishable under Section 302 of Indian Penal Code. It was read over to the accused in vernacular. The accused not pleaded guilty to the Charge levelled against him and claimed to be tried. The defence of accused is of total denial and false implication.

10. Heard Ld. APP Mr. P. S. Rathod and Ld. Advocate Mr. Shashikant Chandak for the accused. Perused the entire proceeding.

11. Considering the material place on record following points arise for my consideration and determination and I have recorded my findings thereon for reasons mentioned below:-

<u>Sr.No</u>	<u>Points</u>	<u>FINDINGS</u>
1.	Whether prosecution proves that the death of Lolita Ramakant Shenoy is homicidal one?	In affirmative.
2.	Whether prosecution proves that on 29.11.2018 in night at around 2.00 hours at room no.6 Pituchhaya Chawl, Lad Wadi Bhikaji Lad Road Dahisar western Mumbai accused Yogesh Ramakant Shenoy committed	In affirmative.

	Murder by intentionally and knowingly causing death of his mother Lalita Ramakant Shenoy ?	
3.	What order ?	As per final order.

REASONS

12. In order to prove the guilt of accused prosecution has examined informant Mr. Sachin Yashwant Jayagalkar PW-1 at Exh.13, Darshana Deepak Gone PW- 2 at Exh-16, Aditya Hemant Chandra Wangankar PW-3 at Exh.17, Vilas Bhavan Tekawade PW 4 at Exh.22, Balbhushan Vishwakarma PW- 5 at Exh- 23, Munna Prasad Kashinath Gupta PW-6 at Exh-27, Vijay Shankar Yadav PW-7 at Exh-32, Dr. Lochan Vinod Patil PW- 8 at Exh.36, Chetan Baburao Rathod PW-9 at Exh.42 and the retired Police Inspector Bhausahab Kisan Aher PW-10 at Exh.45.

13. Prosecution relied upon the documents such as:- Report at Exh-14, FIR at Exh.14 A, Spot Panchanama at Exh.-24, Seizure Panchanama of clothes of accused at Exh.28, letter to CA Exh.33, 34 and 35, PM report at Exh.38, FSL Report at Exh- 40 and 41, Label of Envelop Cutter at Exh. 46, Inquest Panchanama at Exh-47, Letter to Medical Officer at Exh. 48, letter to CA for sending vicera at Exh. 49 and 50, Letter to FSL for sending clothes of disease at Exh.51, Letter to FSL sending Labels empty strips at Exh.52, CA report at Exh. 53, letter calling the information of first call to police station at Exh. 54 and Reply Exh. 55, Arrest form of accused Exh.56, CA report of sample Exh. 58.

14. Prosecution also relied upon articles as Cutter seized from the house of accused Art.A, Shirt of accused Article B, Bermuda pant of accused Article C, label of clothes of accused Article B1 and C1, Photographs of deceased Article D & E.

Admitted facts of the present prosecution case are as under :

15. The accused Yogesh Ramakant Shenoy facing the charges of murder of his own mother Lalita Ramakant Shenoy, took place on 29 November 2018 about 2.00 hours in night in his own house and at about 8 AM to 9 AM he himself made phone call to police control room and informed that there is a quarrel between him and his mother. Accordingly at about 9.00 a.m police inform to beat marshal 3 Shri. Vilas Buban Takewade on duty at police van. Consequently, police staff on duty at police van rush to the place of occurrence and inquired about room no. 6 to one Shri. Schin Yashwant Jaygadkar resident of same Chawl. He carried them to Room No.6. On the door of Room No.6, accused Yogesh Shenoi was standing then police asked him where quarrel was going on, than he told to come inside the room and accordingly police along with Sachin Jaygadkar entered in that room. Accused pointed towards one woman lying on the bed and told that she is his mother. It is not disputed fact that at that time mother of accused was lying on bed in pool of blood having injury on her Neck and accused alone was present in the house along with deceased mother. It is admitted fact that police arrested the accused from the place of occurrence. It is admitted fact that the mother of accused was carried to Dr. Babasaheb Ambedkar Hospital, Kandiwali (West), Mumbai where doctor declared her as dead. It is admitted fact that there is no eyewitness to present incident. The entire prosecution case is rest on

circumstantial evidence and prosecution claims that deceased died in custody of accused.

AS TO POINT NO. 1 :

16. Admittedly, the death of a person can either be natural, accidental, suicidal or homicidal. Nobody herein is coming with a case of Lalita Ramakant Shenoy's death being accidental. To decide the nature of her death, it will in my view be proper to refer the testimony of PW No.8 Dr. Lochan Vinod Patil. It reveals from the testimony of said witness that, he was attached to Borivali Postmortem Centre from 2010 to 2018, on 29/11/ 2018 when he was on duty as a Medical Officer at post-mortom centre Breveli. body of Lalita Shenoy was brought for post-mortem examination by Dahisar police along with inquest panchnama and request later. He noticed blood stains on the clothes of deceased. There was no sign of decomposition, tongue was inside the mouth. Eyes were semi closed. Post-mortem lividity was present at back and buttock. He found 2 incised wounds admeasuring 10 cm x 2 cm x 3 and ½ centimetre in depth. Another wound was 4 cm x 2 cm x 3 cm in depth on anterior side of neck. Margins were sharply cut, reddish in the oedematous with blood clouds adherent. The wound is exposed sharply cut vessels and muscles of neck and structure of pharynx. Dried blood stains around injury side. There was contusion injury on lower lip. It was 0.5 cm x 0.25 centimetre reddish regular. All injuries were ante mortem injuries. Accordingly he conducted post-mortem on 29/11/ 2018 at about 4 to 5 PM. He preserved viscera and blood samples for chemical analysis and grouping. In his opinion death was caused due to vascular injury due to incised wound on neck. The death was unnatural death and accordingly he issued PM notes at Exhibit 37 and Exhibit 38.

He further opined that the injuries mentioned in Column No. 17 were sufficient in ordinary course of nature to cause death of a person. He further opined that the injury Nos.1 and 2 found on the neck of deceased is possible by Cutter article A shown to him in the court.

17. During the cross examination of said witness the learned counsel for accused has brought on record by referring CA report Exhibit-39 that in the viscera poisonous substance has not found. Therefore possibility of death due to poison is ruled out. The FSL report Exhibit 40 and 40 also supports the prosecution that nothing could be found to suggest the death of deceased Lalita due to accident, natural, suicidal or due to poison. It has not brought on record to show that after consuming sleeping tablets there must be some poison in viscera. More over during the cross examination I.O it has brought on record by learned counsel for accused that as per forensic report there was no poison in the strip of tablets.

18. It is suggested to the medical officer that injuries found on the person of deceased are not possible by Cutter article A but he denied the suggestion and further deposed that cutter article a is fine sharp cutter. It is further suggested to the medical officer that deceased died naturally, said suggestion also denied by the medical officer. During the evidence on record nothing could be brought to suggest that death of Lalita Shenoy is natural death. It is suggested on behalf of the accused to other prosecution witnesses that deceased committed suicide or some other person, killed the deceased. All the suggestions given on behalf of the accused were denied by the prosecution witnesses. Bare suggestions in the form of denial are not sufficient to probabalise the defence of accused. There is nothing on record to support the

suggestions of accused that deceased committed suicide or some other person killed the deceased. On the other hand, it has brought on record from the cross-examination of other witnesses that in that Chawl water used to be released in night at 10.00 to 12.00 hours and Chawl owner used to sleep after 12.30 to 2.00 am. From the cross-examination of any witness it has not brought on record to suggest that any third person entered in the room of accused. Nothing could be brought from the cross-examination of medical officer to suggest that his opinion about cause of death and about the injuries are antemortem is incorrect. The evidence of medical officer appears to be reliable and trustworthy and hence believable. On the basis of medical evidence on record, there is no doubt to believe that death of deceased is due to vascular injury due to incised wounds on neck and it is homicidal death. Therefore, I have no hesitation to hold that death of deceased Lalita Shenoy is homicidal death. Hence, I answer point No. 1 in affirmative.

AS TO POINT NO. 2 :

19. As I have already mentioned prosecution case is depend upon circumstantial evidence. The Hon'ble Supreme Court has consistently held that corroborative evidence must support and align with primary evidence to form a complete and convincing chain, especially in cases relying on circumstantial evidence. The Court has emphasized that while corroborative evidence strengthens the case, it must be independent, material and consistent with the core prosecution narrative to eliminate all reasonable doubts. In cases based on circumstantial evidence, all links in the chain must be established beyond reasonable doubt, and the evidence must point conclusively to the guilt of the accused, excluding any other hypothesis.

"Another golden thread which runs through the web of the administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. This principle has a special relevance in cases where the guilt of the accused is sought to be established by circumstantial evidence."

20. The Hon'ble Supreme Court in **Sharad Birdhichand Sarda Vs. State of Maharashtra** reported in AIR 1984 SC 1622, held and observed that, *it may be necessary here to notice a very forceful argument submitted by the Additional Solicitor-General relying on a decision of this Court in Deonandan Mishra Vs. The State of Bihar(5), to supplement this argument that if the defence case is false it would constitute an additional link so as to fortify the prosecution case. With due respect to the Learned Additional Solicitor General we are unable to agree with the interpretation given by him of the aforesaid case, the relevant portion of which may be extracted thus: "But in a case like this where the various links as started above have been satisfactorily made out and the circumstances point to the appellant as the probable assailant, with reasonable definiteness and in proximity to the deceased as regards time and situation-such absence of explanation of false explanation would itself be an additional link which completes the chain." It will be seen that this Court while taking into account the absence of explanation or a false explanation did hold that it will amount to be an additional link to complete the chain but these observations must be read in the light of what this Court said earlier, viz., before a false explanation can be used as additional link, the*

following essential conditions must be satisfied: (1) various links in the chain of evidence led by the prosecution have been satisfactorily proved. (2) the said circumstances point the guilt of the accused with reasonable definiteness (3) the circumstances is in proximity to the time and situation.

If these conditions are fulfilled only then a court can use a false explanation or a false defence as an additional link to lend an assurance to the court and not otherwise. On the facts and circumstances of the present case, this does not appear to be such a case. This aspect of the matter was examined circumstance point to the guilt of the accused with reasonable definiteness, and (3) the circumstance is in proximity to the time and situation.

In Shankarlal's case (supra) where this Court observed thus: "Besides, falsity of defence cannot take the place of proof of facts which the prosecution has to establish in order to succeed. A false plea can at best be considered as an additional circumstance, if other circumstances point unfailingly to the guilt of the accused."

21. It is further held that "before discussing the cases relied upon by the High Court we would like to cite a few decisions on the nature, character and essential proof required in a criminal case which rests on circumstantial evidence alone. The most fundamental and basic decision of this Court is **Hanumant Vs. The State of Madhya Pradesh**. (1) This case has been uniformly followed and applied by this Court in a large number of later decisions upto date, for instance, the cases of **Tufail (Alias) Simmi v. State of Uttar Pradesh**(2) and **Ramgopal v. Stat of Maharashtra**(3). It may be useful to extract what Mahajan, J. has laid down in **Hanumant's case (supra)**: It is well to remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should in the first instance be fully established and all the facts so established should be

*consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused." A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established: (1) the circumstances from which the conclusion of guilt is to be drawn should be fully established. It may be noted here that this Court indicated that the circumstances concerned 'must or should' and not 'may be' established. There is not only a grammatical but a legal distinction between 'may be proved' and 'must be or should be proved' as was held by this Court in **Shivaji Sahabrao Bobade & Anr. Vs. State of Maharashtra()** where the following observations were made:*

"Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions."

(2) The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say. they should not be explainable on any other hypothesis except that the accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency.

(4) they should exclude every possible hypothesis except the one to be proved, and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the

innocence of the accused and must show that in all human probability the act must have been done by the accused.

These five golden principles, if we may say so, constitute the panchsheel of the proof of a case based on circumstantial evidence.

22. In the present matter in hand prosecution examine PW No.1 Sachin Yashwant Jaygadkar. This witness is the witness who along with police first entered in the room of accused after the incident and witness deceased lying on a cot in injured condition in pool of blood. This witness is also the 1st informant of this crime. It is true that this witness admitted in his cross examination that on the say of police he become the first informant. But it will not make any difference because accused was found in suspicious circumstances and the present witness is the person he carried the police to the room of accused and entered in the room and he witness whatever happened thereafter including the preparation of spot panchnama. It is suggested to this witness that accused himself requested the police to registered his FIR against unknown person but police did not listen and falsely implicated him as an accused of this crime. But there is no explanation from the side of accused how in his presence unknown person committed the murder of his mother and he remained silent without any resistance. It is not the case of accused that murder of his mother took place before he entered into the room itself. There is no material to suggest that accused made complaint of murder of his mother against unknown person but police has not recorded his FIR.

23. The witness PW No.1 deposed that at the relevant time he was residing in Room No.5 Pitruchaya Chawl Ladwadi Dahisar (West), Mumbai. It is not disputed fact that the place of occurrence is the room

No.6 of accused in the same Chawl and accused along with his deceased mother residing in that room. It is not disputed fact that already father and brother of accused died. It is also not disputed fact that wife of accused out of matrimonial dispute left him. The learned counsel for accused during the cross examination of PW No. 1 tried his level best but unable to bring any material on record to disbelieve the testimony of said witness on the point that at the relevant time said witness was residing in Room No. 5 of same Chawl.

24. The said witness further deposed that there was only one wall in in between his room and room of accused. According to him since long he knows accused and his mother. Previously father, mother, brother and accused were residing in the said room. Father Ramakant and brother Prasad died before this incident and thereafter accused along with his mother residing in the same room. In the cross examination it has brought on record that he was residing in that Chawl since 1968 since the life time of his father and the family of accused resides since 1970, father of accused died unnatural death on 25/05/2008 and brother of accused died prior to 10 to 15 years and at the time of death he was unmarried. According to said witness accused was working in Girgaon Katta Hotel but does not know exactly on which post. According to said witness once he visited the said hotel he noticed accused was serving as a waiter. It shows that he is very well acquainted and knows the accused and his family. His evidence confirmed that he is adjacent neighbor of accused.

25. The said witness further deposed that there used to be frequent quarrels between accused and his mother. For many time he and owner of the Chawl Rachna went to separate the quarrel. It is true

that in the cross examination said witness deposed that the name of landlady was Darshna Deepak Ghone and there was no landlady having name Rachna. It is true that in the chief examination he deposed the name of landlady as Rachna but it may be slip of tongue or inadvertently he deposed the name Rachna otherwise in FIR he stated and in the cross-examination he deposed the name of landlady Darshna Deepak Ghone.

26. In his cross examination it has brought on record that the quarrel between accused and his mother never reach up to police station but it does not mean that there was no quarrel between them. It is the general tendency that people avoided to report petty and domestic quarrels to the police. There is no criteria that there is quarrel because it was reported to police otherwise not.

27. The informant PW No.1 further deposed that on 29th November, 2018 at about 9 a.m., MHB Colony police station officer came in front of his house and asked him where is room No. 6, he told behind his room and he carried the police to the said room. They found door of the room was open, police and he himself entered in the room, they found mother of accused lying on the cot in pool of blood. Accused was seen sitting on the chair. Police inquired with accused then he disclosed that he had given 30 sleeping tablets to his mother but he thought that she would not die therefore he pressed pillow on her nose and at about 2 AM in night he cut the throat of his mother by paper cutter of orange colour. According to said witness accused disclosed that he did the same with his mother because there used to be always quarrel between him and his mother and told that on that day he decided finally to end the quarrel. He himself made phone call to police.

Police had taken him in custody, the mother of accused was shifted to Shatabdie hospital but she was declared dead. According to said witness he had been to the police station and lodged the report Exhibit 14 accordingly FIR Exhibit 14 A was registered. He further deposed that he shown the spot of incident to police and accordingly police prepared the spot panchnama, seized one cutter and packets of 15 tablets each. He identified the cutter Article A, found in the room of accused.

28. In the cross-examination it is tried on behalf of accused to show that mother of accused was under medical treatment of Dr. Shankar Waghly. But there is nothing on record to show that due to the ailment she was frustrated and out of frustration she committed suicide. It is further brought from the cross-examination of said witness that in that area water used to be released to the water tap between 10 p.m. to 12 a.m and after filling the water Chawl owner used to sleep after 12.30 a.m. to 2 a.m. It is submitted on behalf of the accused that nobody including informant heard any shouts of quarrel, hue and cry or any other screaming from the room of accused. But it is not the case of prosecution that there was scuffle in between accused and his mother or quarrel in high tone.

29. It is further brought from the cross examination of informant that he did not ask the name of police officer who asked him the address of room of accused. But it is the general tendency of people that they do not dare to ask the name of police persons they came for enquiry. It has come in the evidence of said witness that the Room Nos. 7, 8 and 9 situated to the other side of room of accused were closed and no person was there at the relevant time. This fact come in the cross-examination of said witness when asked therefore it cannot be treated

as omission in his police statement. During the cross-examination of said witness nothing could be brought to suggest that he is deposing false. There is no reason to the said witness to depose lie against the accused his neighbour. It is not the case of accused that he is having some enmity or quarrel with the said witness therefore he came forward to falsely involved accused in this crime. There is nothing on record to suggest that police having any grudge against the present accused therefore with the help of informant they falsely implicated the accused in the murder of his mother.

30. There is no explanation from the side of accused to show why his mother committed suicide and how the injuries found on the throat of his mother possible by self-infliction. There is nothing from the side of accused to show why unknown person will commit the murder of his mother without any enmity or without any reason. It is not the case of accused that after committing the murder unknown person committed theft of any money or valuable property.

31. Prosecution examined PW No. 2 Darshna Deepak Gone. It reveals from the testimony of said witness that since 1997 she is residing in Pitruchaya Chawl owned by her father. She is residing in room number 1 and 10 and other rooms out of total 16 rooms given on rental basis. According to said witness the father of accused and his brother already expired and he was residing along with her mother. They were not having good terms and usually she heard the voice of quarrel between accused and his mother. One day she had been to the separate their quarrel at 1:30 a.m.

32. She further deposed that on 29 November 2018 at about 9 to 9:15 AM she noticed police came and informant Sachin Jaishankar came to call her accordingly she along with Sachin and police rushed to the room of accused and found his mother lying on a bed in the pool of blood. Accused himself call the police and told that he himself did the murder because he was fed up with the situation. His mother was frequently remaining ill and was not doing anything. Accused disclosed that in night he gave sleeping tablets to his mother thereafter he press pillow on the nose and mouth of his mother, he thought that his mother would be alive therefore he cut the throat of his mother by paper cutter thereafter he sat there and in morning he called to police thereafter, Sachin lodged the report. Police recorded her statement, she identified the accused and clothes of deceased, she identified the cutter Article-A, she identified shirt of accused Article-B and Bermuda pant of accused Article-C.

33. During the trial identity of accused is not very much disputed. It is suggested to the said witness that at the relevant time she was not residing in the said Chawl but said suggestion was denied by the witness moreover during the cross examination of informant it has brought on record that she is the landlady of said Chawl and in her chief examination also she deposed that her father was the owner of said Chawl as such there is corroboration to the evidence of said witness that she was residing in the said Chawl and she had been to the room of accused to separate the quarrel between accused and his mother. It has brought from the cross examination of said witness that she has not stated before the police that she saw police riding on a bike on 29 November 2018 at 9 to 9:15 a.m and she has stated that Sachin came to call her but it is not mention in her police statement. The said omission

is not material omission. Otherwise the evidence of said witness is consistent on the point that she along with informant and police entered in the house of accused where accused was present and his mother was lying in pool of blood on a cot. It has brought from the cross-examination of said witness that mother of accused remain ill as well as accused also having various diseases. According to said witness, she does not have any document to show that mother of accused lodged any complaint against him during her lifetime. But already I have mention only because there is no police complaint about the quarrel between accused and his mother inference cannot be drawn that they do not have any quarrel during the lifetime of mother of accused.

34. Prosecution examine PW No.3 Aditiya Hemchandra Wangankar the another neighbour of accused. According to said witness he is the neighbour of accused and accused was residing with his parents, brother and wife. Thereafter accused along with his mother was residing. There was often quarrel between accused and his mother and he heard the quarrel. He further deposed that on 29th November 2018 at about 9 a.m. police came in their Chawl, informant Sachin accompanied the police. Sachin and police visited the room of accused, he also accompanied them. He has seen mother of accused was lying on the wooden bed in pool of blood her throat was cut. Accused disclosed that he mixed sleeping tablets in a milk and had given to his mother thereafter he pressed mouth of his mother with the help of pillow thereafter he cut throat of his mother by paper cutter. According to said witness informant Sachin lodged the report and police recorded his statement. He identified the accused.

35. In the cross examination, it has brought on record that in afternoon and night times door of the houses in Chawl used to be closed, he admitted that he did not witness the incident. Admittedly it is not the case of prosecution that somebody has witnessed the said incident. Already, I have mention there is no eyewitness to the present incident. According to said witness he is unable to assign whether no such incident occurred or accused having no concern and unable to sign whether accused falsely implicated in the present crime. Admittedly said witness having no concern as to whether accused committed the said offence or not and he very well deposed that he has given the statement as per the narration of informant. He denied the suggestion that he is deposing false that mother of accused was lying on the wooden bed in the pool of blood. For the sake of argument if we accept the defence of accused that said witness is deposing as per the say of informant then also there is no reason to disbelieve the evidence of informant and PW No. 2 landlady of said Chawl.

36. Prosecution further examine PW No.4 Vilas Baban Tekawade is Police Naik. According to said witness he was attached to MHB Colony Police Station in between the period from 2017 to 2022 as a police Naik. On 29th November 2018 he was on duty as a Beat Marshal 3. The mobile No.1 vehicle on wireless received the message that scuffle is going on at Pitruchaya Chawl Lalwadi Bhikaji Lad Road Dahisar (West), Mumbai.

37. He along with beat marshal went to that place and met informant Sachin Jaygadkar. They inquired with informant about room No. 6 accordingly he took them to Room No. 6. Accused was standing near the door of Room No. 6 they ask him where scuffle is going on. He

asked to come inside the room accordingly they entered in the room. Accused pointed towards his mother who was lying on the bed and told that he cut throat of his mother by cutter on last night. They saw mother of accused lying in the pool of blood. Accused disclosed that his mother is suffering from arthritis and piles. He further disclosed that there was frequent quarrel between him and mother and on account of which he killed his mother, he had given 30 sleeping tablets by mixing in the milk however she did not die therefore, he tried to gaged her by pillow but she did not die therefore he cut her throat by cutter. On inquiry he handed over the cutter of orange colour. He took the cutter and handed over to PSI. He identified the said cutter article A.

38. In the cross-examination it has brought on record that he has not taken entry of the said visit in his personal diary but he made the entry in the station diary and also in log book. There is no provision to make entry in personal diary after entry to station dairy and log book. In his cross examination it has brought on record that when they entered inside the room only accused and his mother were present. He further deposed that for identification purpose cutter having black lining mark on it. It is suggested to the witness that accused informed the control room that someone killed his mother. The said suggestion was denied by the witness but from the said suggestion it can be gathered that accused is not denying the fact that he made phone call to control room and informed the incident.

39. Prosecution examined PW-5 Balbhusan Rajaram Vishwakarma Panch witness of panchnama at Exhibit-24. According to said witness, on the call of police on 29th November 2018 he visited Room No.6 of Pitru Chaya Chawl, Dahisar, Mumbai. He witnessed

blood on the bed and on the table one green colour cutter was lying there, there was pillow and 2 packets of tablets. Police seized cutter and 2 packets of tablets in his presence and prepared the panchanama Exhibit-24. He identified the Cutter Article-A.

40. In the cross examination said witness admitted that he does not remember the colour of cutter. But he identified the article A cutter is the same cutter which was seized from the Room No. 6 in his presence. The facts which have to be taken into consideration that panchnama was prepared on 29th November 2018 and evidence of said witness has been recorded on 31st December 2024 after about 6 year therefore, it may be due to lapse of long period he could not remember the exact colour of cutter but he is firmly deposing in chief examination that Article-A cutter is the same cutter and in the cross examination denied the suggestion that cutter was not found on the table and panchnama was not prepared in his presence. Therefore only on the basis of the fact that he does not remember the colour of cutter his testimony cannot be rejected otherwise nothing could be found to disbelieve the evidence of said witness. Moreover, all the other prosecution witnesses have categorically depose in same fashion that cutter article A was found in the room of accused. The medical officer also opined that injuries found on the person of deceased are possible by means of Cutter Article-A.

41. Prosecution further examined PW No.6 Munna Parasad Kashinath Gupta, Panch witness of panchnama at Exhibit 28. It has come in the evidence of said witness that on 29 November 2018 police called him in MHB Colony police station. In his presence police asked the accused to remove his cloths and accordingly accused change his

cloths. There were blood stains on the shirt of accused. Police seized the clothes of accused and sealed it with the label of his signature, he identified the article A and B cloths of accused. He identified his signature on label article B1 and C1. He deposed that police prepared the panchanama Exhibit-28 in his presence. He identified the accused from his photographs on arrest form.

42. During the cross examination said witness deposed that he was not aware what was written in the panchnama but he firmly deposed that cloths were seized in his presence he denied the suggestion that those clothes were not wearing by the accused and those clothes were already kept there. It has further brought in his cross-examination that he knows the accused. He further admitted that accused having a skin disease. He admitted the suggestion that the Darshna Deepak Ghone is the landlady of said Chawl.

43. Prosecution further examine PW No.7 Vijay Shankar Yadav retired PSI. According to said witness in the July 2018 he was in charge of the malkhana room of MHB police station. On 30 November 2018 police Inspector had directed him to deposit clothes of deceased stained with blood. pillow cover, two empty packet of tablets and paper cutter to Chemical Analyser, Kalina, Mumbai. Accordingly he deposited the same under Letter Exhibit-33 with acknowledgment of CA. On 7th December 2018, he deposited Gown of deceased stained with blood, pillow cover, paper cutter and piece of mattress under the letter Exhibit 34 with acknowledgment of CA. On 12th December 2018, he deposited two empty packets of tablets under the Letter Exhibit-35.

44. In the cross examination, he admitted that in his statement he stated outward No. 8828/18 of the letter dated 5th December 2018. In his statement there is no reference of letter dated 7th December 2018. Record shows that the date of Letter is 5th December 2018 and acknowledgment of Chemical Analyser is 7th December 2018, therefore only on that basis, in his chief examination he deposed the date of letter as 7th December 2018 instead of 5th December 2018. His evidence cannot be discarded because prosecution has placed on record the letter Exhibit-34 which shows the date 5th December 2018 and acknowledgment of CA is 7th December 2018. Besides this nothing could be brought from his cross examination except the suggestion in the form of denial.

45. Prosecution further examine PW No. 9 PSI Chetan Bhaurao Rathod. According to said witness, in between 2016 to 2022 he was attached to MHB Colony police station as head Constable. On 29th November 2018, he was on duty on mobile Van No.1. At about 8:54 a.m., they received a call that quarrel was going at Pitru Chaya Chawl Ladwadi, Dahisar (West), Mumbai. He informed to superior officer. He delivered call to beat marshal Police Nike Patil. Thereafter, they received call at 9:40 a.m. from pater operator. He informed that murder taken place at Pitru Chaya Chawl. Accordingly, they rushed to the spot. Police Inspector Ahir, Shinde Madam and beat marshal were present. One person was sitting there. Beat marshal Patil told to him that the person sitting there killed his mother by giving pills, by putting pillow on her face and with paper cutter. They took the deceased in Mobile Van to Ambedkar Hospital and doctor declared her dead. He identified the photographs (Articles D and E) of deceased.

46. It is true that he is deposing on the say of beat marshal Patil that accused killed his mother and his evidence appears to be hearsay evidence and 2nd hand evidence moreover beat marshal Patil is also not the eyewitness of incident therefore to the extent of part of his evidence that accused told that he killed his mother cannot be relied upon. His evidence is reliable to the extent that he took the deceased in Mobile Van from the place of occurrence in injured condition and doctor declared her dead. The accused is not very much disputing the fact that on the relevant day his mother died and she was taken to hospital having injury on her throat. Said witness deposed that he maintain personal diary and has taken the entry of incident in his personal diary also note taken in the station diary. Besides this nothing could be brought from his cross examination except these suggestions in the form of denial.

47. Prosecution examined Investigation officer retired P.I Bhausahab Kisan Aher, he deposed that he was attached to MHB colony police station from 2017 to 2019 as Police Inspector. On 29/11/2018, he was on day duty. The ADR No. was 100/18 was registered in respect of woman Lalita Shenoy. As per ADR, the son of said Lalita killed her during night hours. Son of Lalita first gave medical pills to her, then he put pillow on her face and thereafter, cut her throat by a cutter. He registered the offence on the basis of complaint Exh.14 lodged by the neighbour Sachin Jaygadkar against son of Lalita by name Yogesh.

48. He further deposed that he went to spot of incident at the house of deceased at Dahisar (W). It was at Pitruachaya Chawl, Ladwadi. Accused was present there. He called two panch witnesses. He recorded panchnama Exh. 24 in presence of panch witnesses. He collected blood

sample from the bed. He seized paper cutter. There were two empty strips of medical pills. He seized those articles. He sealed the articles under labe Exh 46. He identified cutter article A. He also seized bed-sheet and pillow cover from the spot. The mattress was blood stained. He cut a piece of mattress having blood stain. He called forensic team. Forensic team took the samples from the spot. Forensic team handed over the sample to him. He obtained photographs Article D and E. He sent the body of deceased to hospital by police van. He apprehended accused and brought him to police station. There were blood stains on the hand and shirt of accused. He seized the shirt and Bermuda pant of accused and prepared panchnama Exh 28. He deposed that Shirt Article B and Bermuda pant Article C are the same which he seized from the accused. The label on the envelope of shirt and Bermuda Article B and C1 bears his signature. He prepared and sealed the envelopes in the police station.

49. According to said witness WPSI Shinde registered ADR in the hospital bearing No.100/2018. Then, WPSI Shinde prepared inquest panchnama Exh 47. Inquest panchnama bears signature of WPSI Shinde. He identify her signature as she was his junior officer and they worked together. Then, WPSI Shinde gave report Exh 48 to medical officer for postmortem. The doctor conducted the postmortem. The doctor provided advance certificate.

50. On the next day, he sent the viscera for chemical analysis through Police Naik Yadav along with his letter Exh P-49 and Exh P-50. Then, he recorded the statement of witnesses. He sent the clothes of deceased, gown of deceased, handkerchief, pillow cover, pieces of mattress, paper cutter and blood sample to FSL along with his letter

dtd. 05.12.2018 Exh P-51. On 12.12.2018, he sent the strips of pills to FSL with Letter is Exh P-52. The fingerprint expert submitted report Exh 53 regarding one expression which they found. He sent letter Exh. 54 for obtaining information of the call received informing the incident. The control room sent reply Exh. 55 along with computerized report regarding the call received. He received the postmortem report, report from FSL. According to him it revealed in his investigation that accused killed the deceased by paper cutter. Therefore, he filed charge-sheet against him.

51. He further deposed that he conducted photography of the spot of incident and produced C.D. of that photography on record. He arrested the accused under the arrest form Exh P-56 and photograph on the arrest form is of accused. In the cross examination of this witness it has brought on record that accused himself has dialed phone to control room regarding death of his mother but on that basis FIR was not registered because accused himself was the offender. Witness admitted that residents of adjoining area did not lodge report stating that they heard any noise, hue and cry during night time. But it is not the case of prosecution that accused and his mother quarrel in such manner that it causes nuisance to neighbor nor they quarrel with out sider. Witness admitted that panch witnesses are not government servants. But there is no rule to discard the evidence of punch witness who are not government servant according to I.O witness he found panch witness on the spot who were neighbours. He admitted that strips of pills are not produced in the court. He admitted that the Forensic Laboratory has reported that there was no poison in the strips of pills. He admitted that as per report of fingerprint expert, the fingerprints of accused were not found on the cutter and he admitted that he did not obtain fingerprint

from pillow cover and strips of pills. He admitted that fingerprints do not appear on those surfaces. He did not obtain opinion of expert regarding the fingerprints on pillow cover and strips of pills. According to witness the fingerprint expert visited the spot and they obtained the fingerprints on the spot wherever they found it. But fingerprint expert did not find fingerprint of accused on steel plate and envelope. The defence counsel himself brought on record in the cross examination of said witness that neighbors also entered the room along with bit marshal also informant, Aditya and Darshana entered the room along with bit marshal. Therefore possibility can not be ruled out that the persons entered in the room might have touched the article of room. It has brought from the cross examination of I.O that he did not obtain report of any expert regarding the sharpness of the cutter. But medical in his evidence before the court depose that cutter article A is fine sharp and injuries found on the person of deceased are possible by said cutter. It is suggested to witness and he admitted that accused was there on the spot and he did not run away and there was no family member at house except accused and deceased. As such presence of accused alone is admitted with deceased on the spot when she found dead. It proves the fact that deceased died in custody of accused. There is no material on record to infer that third person enter in that room at relevant time. It is not the case of accused that in night he was not present in the room or for some time he been to ou of hiss room and in that period murder of his mother took place. Witness admitted that deceased had not lodged any complaint against accused prior to the date of incident. Already I have mentioned only on this it can not said that there was no quarrel between them.

52. Witness admitted that the deceased was under medical treatment but he did not investigate regarding the illness of the deceased and the place where she was taking treatment. But there no material that deceased died due to illness. Witness admitted that he did not obtain certificate u/s 65(b) of Evidence Act with respect to the CD. But Prosecution is not relying any such CD. It is true that the C.A report Exh 58 states that there was human blood and the report is inconclusive. It is true to say that the report does not states that the blood sample of articles matched with blood sample of deceased. Report is marked **Exh P-58**.

53. It is submitted on behalf of the accused that, the informant entered in the room of accused alongwith police. Before entering informant, the possibility of entering any third person cannot be ruled out but I found no substance in the aforesaid contention because in the cross-examination of the prosecution witnesses, it has come on record that the water used to be released on water tap in that chawl in between 10.30 to 12.00 hours in night and the chawl owner used to remain woke up till 2.00 hours in night. It is not suggested on behalf of the accused to any prosecution witness that any other person entered in the house of the accused. The accused is not explaining how third person can enter in his presence in the room and commit murder of his mother and he remained silent without any resistance.

54. It is further submitted that the informant deposed that the victim was having white colour gown on her person but in the FIR, it is mentioned as white and red but only because he has deposed colour of gown only as white and not white and red, his entire testimony cannot be discarded, otherwise appears to be reliable.

55. It is submitted that P.W.2 deposed that he reached the place of occurrence, after the complainant called her but in chief-examination, she categorically deposed that when the complainant called her, she went to the room of the accused alongwith informant and police together. There is no medical evidence that the deceased died due to some other disease or some unknown reasons.

56. It is submitted that there is no independent witness to corroborate that the accused was present, when the police reached in his house but P.W.1 and P.W.2 categorically supported the prosecution and corroborated the fact that when they alongwith police reached in the room of accused, accused was present and his mother was lying in an injured condition on the cot. There is no material from the side of accused to show why P.W.1 and P.W.2 are deposing against the accused and what is their interest to falsely involve the accused.

57. It is submitted on behalf of the accused that there is no evidence regarding the conduct or demeanor of the accused at the spot but there is evidence on record that in the morning, the accused himself made phone call and consequently police came at the said chawl. When the police reached to his room, police enquired with him, then he shown towards his mother in injured condition and disclosed what he did with her. Therefore, it cannot be said that there is no evidence about the conduct or demeanor of the accused.

58. Learned counsel for the accused submitted that there is inconsistency in the evidence of prosecution witness about the time of inquest panchnama but on that point, the entire prosecution case cannot be disbelieved.

59. It is admitted fact that the copies of station diary and log books are not produced on record but that evidence is not material evidence and it is not on the material point of prosecution case.

60. It is submitted that the alleged weapon i.e. Article-A is a common household paper cutter and was not seized exclusively from the possession of the accused. P.W.4 is unable to identify the colour of the cutter. There is Forensic report that blood allegedly found on the cutter not matched with blood of deceased but all the prosecution witnesses deposed consistently that the cutter (Article-A) found in the house of the accused and the police seized the same from the house of accused. Accused alone was present alongwith his deceased mother, then the burden lies on the accused to show from how the said cutter was lying in his room. Moreover, P.W.5 categorically deposed in his cross-examination also that the cutter (Article-A) is the same cutter seized in his presence. Though the blood group is not matched with the blood group of the deceased but there is material to show that human blood found on the said cutter (Article-A). As per C.A. report (Exhibit-58), human blood found on the said cutter. There is no explanation from the side of accused how the blood stain found on the said cutter which was found in his room. There is evidence of expert witness, the Medical Officer that the injuries suffered by deceased are possible by cutter (Article-A).

61. It is submitted that there is no evidence where the seized parcels of seized articles were kept for about 30 days. No sealing panchnama or FSL acknowledgment has been produced. There is no evidence about the exact time of death.

62. It is further submitted that there is no C.A. report about the presence of Clonazepam in the viscera of deceased but it has not been asked to the Doctor whether after consuming 30 tablets of Clonazepam, it will appear in the viscera or not. Moreover, it is not the case of prosecution that the deceased died due to administering 30 pills of sleeping tablets. Learned counsel for the accused relied on the judgment reported in **Ram Narain Singh V. State of Punjab, AIR 1975 SC 1727** but with due respect, the facts of the above reported judgment and the facts of the present matter in hand are distinguishable. In the present matter in hand, the medical evidence is fully corroborating to the prosecution that the deceased died due to shock, due to vascular injuries and the injuries suffered by the deceased was possible by paper cutter, Article-A as per evidence of Medical Officer. There is no opinion of the Medical Officer that death caused simultaneously due to ingestion of sleeping pills.

63. It is submitted that there is no evidence about the motive of the said crime but only because there was no N.C. report prior to death of deceased, inference cannot be drawn that there was no quarrel between the accused and his mother. There is consistent evidence of P.W.1 and P.W.2 that there used to be frequent quarrel between the accused and the deceased and they separated their quarrel in night hours also.

64. It is submitted that the accused did not try to flee away from the spot of incident. This shows his conduct is inconsistent with the guilty mind. In support of accused's contention, he relied on the judgment in the case of **State of Rajasthan V. Raja Ram, (2003) 8 SCC 180** but with due respect the facts of above reported judgment and the

facts of the present matter in hand are distinguishable. In the present matter, it is admitted fact that already father and mother died. The wife of accused left to him and there was no one except his mother to accused and after committing said crime, he remained silent till morning and made phone call to police. Therefore, it cannot be said that the conduct of the accused is inconsistent with a guilty mind. He has no option to run away from the place of occurrence because he knows all chawl owner know that he alone was residing with his mother & if he ran away leaving his mother in such condition than also he will be held responsible.

65. He submitted that the prosecution failed to establish complete chain of circumstances. According to the learned counsel for the accused, corroborative evidence should support and align with the primary evidence to form complete and convincing chain. For that purpose, he relied on the judgment in the case of **Ramesh Kumar V. State of Haryana, (2021) 5 SCC 263**.

66. It is submitted that since beginning, accused denying his involvement in the present crime. At the relevant time also, his medical condition was not good. He submitted that in view of the judgment of the Hon'ble Supreme Court, reported in **AIR 1982 SC 1622, Sharad Birdhichand Sarda Vs. State of Maharashtra**, the present accused is entitled for benefit of doubt. The Ld. Counsel for accused relied the judgment of Calcutta High Court in C.R.A. 15 of 2021 in the case of **Shibu Barman @ Kubal Vs State of West Bengal**, with due respect in that Judgment, dead body was found in the land of Dulal Barman. The accused in that matter were the husband and the in-laws of the deceased and it was the case of the prosecution that the accused

persons subjected the deceased with cruelty. In that matter, it was not the case that deceased found dead in exclusive custody of accused.

67. Considering the submission on record, the evidence of informant PW-No 1 appears to be consistent throughout and during his cross examination nothing could be brought to disbelieve his testimony. He is independent witness having no interest to falsely implicate the accused in this crime. His presence in the said chawl when police came on the call of accused is appears to be natural because he is residing in adjacent room of accused. He deposed that on 29th November, 2018 at about 9 a.m., MHB Colony police station officer came in front of his house and asked him where is room No. 6, he told behind his room and he carried the police to the said room. They found door of the room was open, police and he himself entered in the room, they found mother of accused lying on the cot in pool of blood. Accused was seen sitting on the chair. Police inquired with accused then he disclosed that he had given 30 sleeping tablets to his mother but he thought that she would not die therefore he pressed pillow on her nose and at about 2 AM in night he cut the throat of his mother by paper cutter of orange colour. According to said witness accused disclosed that he did the same with his mother because there used to be always quarrel between him and his mother and told that on that day he decided finally to end the quarrel.

68. There is corroboration to the evidence of informant from the testimony of PW No. 2 Darshna Gone daughter of chawl owner, PW No. 3 Aditiya Wangankar, another neighbor of accused and PW NO. 4 Police Naik Vilas Baban Tekawde. All the above witnesses deposed in same fashion that accused confessed before them that he committed the

murder of his mother and also the reasons for committing the murder of his mother.

69. It is admitted fact that when accused alleged to have confessed police persons were present. None of the prosecution witnesses deposed that accused confessed in absence of police. Whatever confession alleged to have made by the accused to police when police asked him where the quarrel was going on. Section 25 of Indian evidence act/section 23 (1) (2) of BSA Act 2023 provides that no confession made to or under custody of police officer shall be proved as against a person accused of an offence. Therefore to the extent of part of evidence that accused confessed the commission of murder is not admissible because it was made to a police officer. Though other witnesses were present but accused alleged to have reply to the police officer and confessed. But the evidence of prosecution to the extent that when informant and other witnesses along with police entered in the house of accused, accused was present in the house and his mother deceased was lying in injured condition on a cot. Admittedly at the relevant time accused and his mother only were residing in the said house where the mother of accused found in injured condition and no any 3rd person besides the accused were present in the said room. It is also admitted fact that when deceased mother was taken to hospital doctor declared her dead.

70. Prosecution has proved beyond reasonable doubt that death of mother of accused is homicidal one. Prosecution has proved that paper cutter article A was found in the room of accused having blood stains over it. Prosecution has proved that the blood stains found on the cutter article A are of human blood. Prosecution has proved that

the injuries found on the person of deceased mother of accused possible by cutter article A. Prosecution has proved that the pillow cover piece of mattress cloths of deceased as well as cloth of accused found blood stains of human blood. It is admitted fact that in morning accused himself made phone call to police and informed the incident. The conduct of accused is relevant as per section 6 of BSA act 2023. It is the subsequent conduct of accused.

71. Though accused claims that he made phone call to police and informed that some unknown person committed the murder of his mother. But the conduct of accused is not natural conduct because if any such incident had happened he would have 1st made hue and cry he would have made shout for help and he would have informed to neighbors and call them for help, he would have first tried to save his mother, he would have taken his mother to hospital. There is no explanation from the side of accused where he was in the night, when he return to his room and when he first notice his mother in injured condition. There is no explanation from the side of accused why he remained silent till arrival of police. It is not the case of accused that he was not present in night and therefore some unknown person committed the murder of his mother and ran away. There is no explanation from the side of accused why he did not try to save his mother and why he did not tried to catch the unknown assailant. There is no explanation from the side of accused to show what is the motive and reason to third person to kill his mother. From the evidence on record it is duly proved that the mother of accused died in his custody and her death is homicidal death. There is no explanation from the side of accused to show how his mother died in his custody. There is no

explanation from the side of accused, how blood stains of human blood found on his clothes which were having on his person at the relevant time.

72. The Ld. APP relied upon the Judgment of reported in AIR BOM R 357 in the case of **Trimukh Maroti Kirkan Vs State of Maharashtra**, wherein it is observed that :

“ 12. If an offence takes place inside the privacy of a house and in such circumstances where the assailants have all the opportunity to plan and commit the offence at the time and in circumstances of their choice, it will be extremely difficult for the prosecution to lead evidence to establish the guilt of the accused if the strict principle of circumstantial evidence, as noticed above, is insisted upon by the Courts. A judge does not preside over a criminal trial merely to see that no innocent man is punished. A judge also presides to see that a guilty man does not escape. Both are public duties, (See Stirland V. Director of Public Prosecution 1944 AC 315 quoted with approval by Arijit Pasayat, J. in State of Punjab Vs Karnail Singh (2003) 11 SCC 271). The law does not enjoin a duty on the prosecution to lead evidence of such character which is almost impossible to be led to at any rate extremely difficult to be led. The duty on the prosecution is to lead such evidence which it is capable of leading, having regard tot he facts and circumstances of the case. Here it is necessary to keep in mind Section 106 of the Evidence Act which says that when any fact is specially within the knowledge of any person, the burden of proving that fact is upon him. Illustration (b) appended to this section throws some light on the content and scope of this provision and it reads :

(b) A is charged with traveling on a railway without ticket. The burden of proving that he had a ticket is on him. ”

It is also further observed that,

“ This is a fundamental rule relating to proof in all criminal or quasi-criminal proceedings, where there is no statutory provision to the contrary. But in appreciating its scope and the nature of the onus cast by it, we must pay due regard to other kindred principles, no less fundamental, of universal application. One of them is that the prosecution or the Department is not required to prove its case with mathematical precision to a demonstrable degree; for, in all human affairs absolute certainty is a myth, and as Prof. Brett felicitously puts it - “ all exactness is a fake. ” El Dorado of absolute proof being unattainable, the law, accepts for it, probability as a working substitute in this work-a-day world. The law does not require the prosecution to prove the impossible. All that it requires is the establishment of such a degree of probability that a prudent man may, on its basis, believe in the existence of the fact in issue. Thus, legal proof is not necessarily perfect proof; often it is nothing more than a prudent man’s estimate as to the probabilities of the case. ”

*“ 15. In **Ram Gulam Chaudhary & Ors. V. Sate of Bihar (2001) 8 SCC 311**, the accused after brutally assaulting a boy carried him away and thereafter, the boy was not seen alive nor his body was found. The accused, however, offered no explanation as to what they did after they took away the boy. It was held that for the absence of any explanation from the side of the accused about the boy, there was every justification for drawing an inference that they have murdered the boy. It was further observed that even though Section 106 of the Evidence Act may*

not be intended to relieve the prosecution of its burden to prove the guilt of the accused beyond reasonable doubt, but the section would apply to cases like the present, where the prosecution has succeeded in proving facts from which a reasonable inference can be drawn regarding death. The accused by virtue of their special knowledge must offer an explanation which might lead the Court to draw a different inference. ”

“17. Where an accused is alleged to have committed the murder of his wife and the prosecution succeeds in leading evidence to show that shortly before the commission of crime they were seen together of the offence takes place in the dwelling home where the husband also normally resided, it has been consistently held that if the accused does not offer any explanation how the wife received injuries or offers an explanation which is found to be false, it is a strong circumstance which indicates that he is responsible for commission of the crime. In **Nika Ram V. State of Himachal Pradesh AIR 1972 SC 2077**, it was observed that the fact that the accused alone was with his wife in the house when she was murdered there with ‘Khokhri’ and the fact that the relations of the accused with her were strained would, in the absence of any cogent explanation by him, point to his guilt. ’

73. In the present, there is consistent evidence of prosecution witnesses that when the mother of accused found in injured condition in the house of the accused, accused was present alone. Accused is not disputing that he was the custodian of the said house at the relevant time. There is no material to show the possibility that if any third unknown person entered in the house of the accused in that night. There is no material to show that the death of deceased mother of the

accused is natural death. From the evidence on record, the prosecution has proved that the death of deceased Lalita occurred in the custody of the accused and her death is homicidal one. Accused fails to explain how his mother received the injuries in his custody and whatever the explanation he tried appears to be false. As such, it is a strong circumstance which indicates that he is responsible for the murder of Lalita Shenoy.

74. Considering all above aspects, I am of the view that the prosecution has proved beyond all reasonable doubt, the accused with intention and knowledge on 29.11.2018, in night at about 02.00 a.m., in his own Room No.2, Petruchaya Chawl, Lal Wadi, Bhikaji Lad Road, Dahisar Western Mumbai committed murder of Lalita Ramakant Shenoy by cutting her throat by means of cutter (Art.A). Hence, I answer Point No.2 in the affirmative.

75. As the prosecution proved the guilt of the accused, I stop here to hear the accused on the point of sentence.

Date : 24.02.2026

(M. Mohiuddin M. A.)
Additional Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi, Mumbai

76. Heard accused in person as well as Advocate Kanchan Chandak for the accused on the point of sentence. She submitted that accused himself is suffering from various diseases, therefore, leniency should be shown and minimum sentence should be awarded.

77. Ld. APP submitted that considering the nature of crime, maximum sentence be awarded. Considering submission of both sides, I think, following sentence would meet the ends of justice. Hence, I proceed to pass following order :

ORDER

1 The accused **Yogesh Ramakant Shenoy** is hereby convicted vide Section 235(2) of Criminal Procedure Code (Cr.P.C.)/258 (2) of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 for the offence punishable under Section 302 of the Indian Penal Code, 1860 (IPC), in Crime No.389 of 2018 registered with MHB Colony Police Station.

2 Accused is sentenced to suffer rigorous imprisonment for life and fine of Rs.5,000/- (Rupees Five Thousand only) in default of payment of fine, to suffer 3 month rigorous imprisonment for the offence punishable under Section 302 of Indian Penal Code.

3 The accused was under trial prisoner (UTP) since date of arrest i.e. 29/11/2018 till the date, i.e. 24/02/2026 and therefore, set off, if any applicable to the punishment imposed, under Section 428 of the Code of Criminal Procedure be given to him for the period undergone by him during the investigation, inquiry or trial as mentioned in above tabular form Part-B of accused details.

4 Muddemal material object/article unmarked if any, and marked i.e. **Cutter (Article-A), Faint yellow colour half sleeve shirt (Article-B), Red and Gray colour Barmoda Pant (Article-C), Label on Article-B (Article-B1), Label on Article-C (Article-C1) and Photographs (Article-D & E)** as mentioned in tabular form of judgment, being worthless, be destroyed after appeal period is over.

5 The accused is informed that he has right to file and prefer an appeal before the Hon'ble High Court and copy of this judgment be provided to him free of cost and as per Section 363 of Code of Criminal Procedure/404 of BNSS Act.

6 Record and Proceeding to be sent to Record Department.

Date : 24/02/2026

(M. Mohiuddin M. A.)
Additional Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi, Mumbai

Date of directly typed on Computer : 24/02/2026

Checked and signed by HHJ on : 24/02/2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
25.02.2026 at 01.17 p.m.	Mrs.S.B.Vichare
UPLOAD DATE AND TIME	NAME OF STENOGRAPHER
Name of the Judge (With Court Room No.)	Shri M. Mohiuddin M. A. (C.R. NO.10)
Date of Pronouncement of JUDGMENT/ ORDER	24.02.2026
JUDGMENT/ORDER signed by P.O. on	24.02.2026
JUDGMENT/ORDER uploaded on	25.02.2026