

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 1594 of 2015

SANDEEP @ BABU BHAUSAHEB KATE

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

WITH

Criminal Appeal No. 563 of 2016

RAOSAHEB VITHAL PISAL AND ANR.

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

O R D E R

We have heard learned counsel for the parties and perused the record.

Sandeep @ Babu Bhausahab Kate, Raosaheb Vithal Pisal and Sanjay Maruti Samge, appellants before us, challenge their conviction and sentence for the murder of one Ravindera. According to the case of the prosecution, Ravindera was missing from 20<sup>th</sup> March, 2002. On 27<sup>th</sup> March, 2002, a missing report was lodged by his father PW-1, Ankush Pisal. When he was informed by the Police of the recovery of the dead body, a formal FIR was registered on 1<sup>st</sup> April, 2002. However, the FIR was only to the effect that Ravindra was kidnapped as there was suspicion on

account of his illicit relationship with wife of Raosaheb Vithal Pisal.

During investigation six persons were named. Madhukar Rajaram Pisal died, Meena Dutta Jadhav has been acquitted and Popat Khandu Pisal is not before us, though he has also been convicted. Dead body of the deceased Ravindra was recovered at the instance of Popat Khandu Pisal. The prosecution has mainly relied on the statement of PW-4, Kavita Govind, who claim to be eye-witness and whose statement was recorded on 14<sup>th</sup> April, 2002, for the first time.

Even if the version of Kavita Govind is accepted, according to her it was Popat Khandu Pisal who lifted the stone and hit on the head of Ravindera which resulted in his death. Other accused were only accompanying to the main accused. Meena Dutta Jadhav has already been acquitted and her acuittal has not been questioned. The role attributable to the appellants before us is of being present along with the main accused Popat Khandu Pisal.

We do not find any clear evidence against the appellants of their sharing common intention or object with Popat Khandu Pisal to cause death of the deceased Ravindra. Their involvement is not free from doubt.

We are of the view that the appellants are entitled to benefit of doubt. Their conviction and sentence are set aside and they are acquitted. They are in custody. They be released from custody unless required in any other case.

The appeals are accordingly allowed.

.....J.  
(ADARSH KUMAR GOEL)

.....J.  
(UDAY UMESH LALIT)

New Delhi,  
September 21, 2017.

ITEM NO.101  
(Part-heard)

COURT NO.11

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1594/2015

SANDEEP @ BABU BHAUSAHEB KATE

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

WITH Criminal Appeal No. 563/2016 (II-A)

Date : 21-09-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Ms. Richa Kapoor, AOR

Mr. Ashok Kumar Gupta II, AOR

For Respondent(s) Mr. Nachiketa Joshi, Adv.

Mr. Nishant R. Katneshwarkar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

In terms of the signed order, the appeals are allowed.

Pending applications, if any, shall also stand disposed  
of.

(MAHABIR SINGH)  
COURT MASTER

(PARVEEN KUMARI PASRICHA)  
COURT MASTER  
(Signed order is placed on the file)