



Presented on : 18.08.2010  
Registered on : 18.08.2010  
Decided on : 18.03.2021  
Duration : 10Y 07 M 01 D

IN THE COURT OF SESSIONS JUDGE, THANE, AT : THANE

**(Presided over by P.P.Jadhav)**  
*District Judge-6 and  
Additional Sessions Judge, Thane*

**Sessions Case No.284/2010**

*CNR No. MHTH01-000567-2010*

**Exh.No.242.**

**State of Maharashtra**  
(through Bhoiwada Pol.Stn.  
Bhiwandi, Cr.No.I-24/2010)

**...Complainant**

**Vs.**

**Ahamed Aasif Fakih,**  
Age 47 years, Occ. Lawyer,  
R/at.House No.27, Bandar Mohalla,  
Bhiwandi, Dist, Thane

**...Accused**

*For the offence punishable u/s.307,  
392, 506(2) of Indian Penal Code,  
sec.3, 4, 25 of the Arms Act and  
u/s.37(1) r.w.135 of the Bombay  
Police Act*

*Spl.PP Mrs.H.A.Deshmukh for State*  
*Adv.Mr.Sameer Fouzi for accused*

**: J U D G M E N T :**

(Delivered on this 18<sup>th</sup> day of March 2021)

The accused is prosecuted for offence of assaulting his own wife with intention to kill her and possessing firearm.

2] The facts are as under :

It is alleged by prosecution that, informant Smt.Rumin Muktar Farid had married with accused on 06.10.2001. Out of said wedlock they are having three children. Since October 2008 the informant was residing at her parents house in Bhiwandi alongwith her three children. In December 2008 the informant lodged complaint of dowry demand and harassment against the accused. Thereafter the accused filed proceeding against the informant for custody of children. For settlement talks in said custody matter a meeting was arranged at the office of advocate Mr.Yasin Abdul Jalil Momin, on 11.02.2010.

3] It is further alleged by prosecution that on 11.02.2010 at 08.15 p.m. the complainant and her advocate Mr.Pranav Phadake had been to the office of advocate Mr.Yasin Momin situated at Mohammad Manzil Bhoiwada,

Bhiwandi. At that time, advocate Mr.Yasin Momin was present in his office. The accused was not present at that time. Thereupon the informant had phoned accused and he told that he would reach the office of advocate Mr.Yasin Momin within five to ten minutes. At about 08.30 p.m. the accused had been to the office of advocate Mr.Yasin Momin. All of a sudden accused pointed a gun on the head of informant, but the trigger could not work. Thereafter accused went out of the office of advocate Mr.Yasin Momin and returned with weapon like dagger. The accused dealt a blow of said dagger on the forehead of informant and also on the fingers of right hand. Advocate Mr.Yasin Momin and advocate Mr.Pranav Phadake had been to rescue the informant and removed accused out of the office. Thereafter accused fled away in Maruti-800 car bearing No.MH-04/CB-5148 belonging to the informant. Due to assault at the hands of accused, informant had sustained serious bleeding injuries. Advocate Mr.Pranav Phadake and advocate Mr.Yasin Momin took the informant to Bhoiwada police station. The police had referred her to I.G.M. hospital. Thereafter she was taken to Prime hospital, Bhiwandi. She had sustained fracture injury on head and also fingers of right hand. In Prime hospital itself A.P.I. Shri.P.B.Shete recorded the complaint of informant. As she could not sign, she put her thumb impression on it.

4] It is further alleged by prosecution that, from Prima Hospital the informant was removed to Jupiter hospital, wherein she was operated and treated. Meanwhile on a complaint lodged by informant offence punishable u/s.307 of the Indian Penal Code, section 25 of the Indian Arms act and section 37(1) 135 of the Bombay Police Act came to be registered against the accused.

5] After registration of crime A.P.I. Mr.Shete immediately visited the spot of incident and carried out spot panchanama. He collected the blood stained kurta and T-shirt of advantage Mr.Yasin Momin and advocate Mr.Pranav Phadake. He also collected burkha of the informant. The accused had fled away from the spot of incident and his search was going on. On 06.03.2010 accused was apprehended from the room of hotel Nilam Palace at Baramati, Dist.Pune. He was brought to Baramati and came to be arrested in present crime. The clothes of the accused also came to be seized. During investigation the accused produced weapon on 08.03.2010 from kabrasthan area situated near office of advocate Mr.Yasin Momin. After entire investigation, charge sheet came to be filed against the accused for offences punishable u/s.307, 392, 506 of the Indian Penal Code, section 3, 4, 25 of the Indian Arms act read with section 37(1) 135 of the Bombay Police Act.

6] Charge is framed against the accused at Exh.18 on 27.04.2011. Accused pleaded not guilty of offence and claimed to be tried.

7] Statements of accused u/s.313 of Code of Criminal Procedure is recorded at Exh.208. The accused deposed on oath at Exh.211. The accused has admitted that the informant is his wife and had lodged complaint u/s.498-A of the Indian Penal Code against him. He further admitted that he had filed petition of restitution of conjugal rights against the informant and also filed proceeding for custody of children. However, he denied that he had been to office of advocate Mr.Yasin Momin on the day of incident and assaulted the informant, as alleged by her. The defence of the accused is that, as he was diagnosed with cancer, the informant left him and in order to obtain divorce lodged false complaint against him. The accused has taken plea of alibi alleging that on 11.02.2010 from 08.00 p.m. to 09.15 p.m. he was on cricket ground of Nalitalao school for preparing lots of the cricket tournament to be held on next day.

8] After going through the prosecution story, evidence of prosecution, the evidence of defence and hearing arguments of Spl.P.P. Mrs.H.A.Deshmukh, following points

arise for my determination. I record my findings thereon for reasons as stated below.

**POINTS**

**FINDINGS**

- |  |  |
|--|--|
| <p>1] Does prosecution prove that on 11.02.2010 at about 22.30 hours at the office of advocate Mr.Yasin Momin situated at House No.192 Mohammad Manzil, Bhoiwada, Bhiwandi the accused pointed country made revolver on the head of his wife informant Smt.Rumin Muktar Farid and attempted to kill her by pressing trigger and thereafter assaulted her by means of dagger and caused serious fracture and bleeding injury on her head and right hand fingers with intention to commit her murder ?</p> | <p>...Assault by means of dagger with intention to kill the informant and causing her fracture injury on forehead and fingers of right hand is proved.</p> |
| <p>2] Does prosecution further prove that, on the above mentioned date, time and place the accused threatened the informant's driver on the point of dagger and forcibly took away the car bearing No.MH-04/CB-5148 belonging to the informant ?</p>   | <p>...Not proved.</p>  |
| <p>3] Does prosecution further prove that, on the above mentioned date, time and place the accused criminally intimidated the advocate Pranav Phadake by threatening to kill him ?</p>   | <p>...Not proved.</p>  |
| <p>4] Does prosecution further prove that, on the above mentioned date, time and place the accused was found</p>   |  |

possessing country made revolver and  
committed breach of order issued  
u/s.37(1) of Bombay Police Act ?

...Not proved.

5] What order ?

..As per final order.

: REASONS :

As to the Point Nos.1 to 4 :-

9] Before proceeding to discuss the evidence on record it is necessary to mention here the admitted facts. In statement u/s.313 of the Code of Criminal Procedure and in deposition on oath as defence witness the accused has admitted his relation with the informant. Admittedly informant had married with the accused and they have three children out of said wedlock. It is also admitted fact that the informant had lodged complaint u/s.498-A of the Indian Penal Code against the accused. The accused had filed petition for restitution of conjugal rights and proceeding for custody of children against the informant. Advocate Yasin Abdul Jalil Momin was representing the accused. Advocate Pranav Phadake was representing the informant. The accused was diagnosed with cancer. In statement u/s.313 the accused has further admitted that, on 06.03.2010 he was apprehended by Baramati police and thereafter the local police had obtained his custody. In the background of these facts we have to scrutinize the evidence on record.

10] Informant Rumin Muktar Farid is examined as PW1 at Exh.65. She has stated about her matrimonial dispute with the accused, at length. However, the present matter is arising out of incident dated 11.02.2010. Hence her evidence only about the incident has to be taken into consideration. On the point of incident she deposed that, in proceeding of custody of children filed by the accused the Magistrate had proposed for settlement. On 11.02.2010 she had received information from advocate Phadake on phone that, advocate Yasin Momin, representing accused, had called them at his office at Bhoiwada. Accordingly on 11.02.2010 at about 08.15 p.m. she had been to the office of advocate Yasin Momin alongwith her advocate Phadake. As accused was not present in the office of advocate Momin, she contacted him on his mobile. The accused had replied that he would reach the office within five minutes. Accordingly accused had been to the office of advocate Momin and put country made revolver on right side of her forehead, but the trigger did not work. Thereafter accused took out weapon like dagger from plastic bag out of the office of advocate Yasin Momin and said to the informant “*Tu Muze Cancer Huwa Isaliye Chhod Gai*”. Meanwhile advocate Phadake intervened asking the accused as to what he was doing. Thereupon the accused threatened advocate Phadake by pointing dagger and said “*Tu Abhi Baith, Pahale*



*Isako Marunga Badme Tereko Marunga*". Thereafter accused swung the dagger. She avoided it but the dagger hit on her right hand fingers. Her two fingers were cut. The accused again swung the dagger, which she tried to avoid, but it hit on her forehead. She sustained bleeding injury. Her skull was fractured. Advocate Yasin Momin intervened and hold both hands of the accused and pushed him out of the office. Advocate Phadake went out of the office. When she went out of the office, she found that, accused had already taken away her car. Thereafter advocate Phadake stopped one scooterist and took her to Bhoiwada police station on said scooter. She was referred to I.G.M. hospital. After first aid in I.G.M. hospital she was advised to approach private hospital. Thereafter she went to Prime hospital Bhiwandi. The doctor in said hospital advised to approach hospital having higher facilities. Meanwhile her complaint was recorded in Prime hospital, Bhiwandi. She was unable to put her signature as she had sustained injuries on right hand. Therefore, she put thumb impression of her left thumb. Said complaint is at Exh.68. She further deposed that, she was taken to Jupiter hospital in an ambulance. She was admitted in I.C.U. The doctor in Jupiter hospital advised that, Titanium screw have to be fixed in her hand and Titanium plates in her forehead. She was operated in Jupiter hospital. She was admitted in Jupiter

hospital for nine days. Thereafter she was under treatment for two months. The informant deposed that, her car was bearing No.MH-04/CB-5148. She further identified muddemal dagger and muddemal burkha which are marked as Article 8 and 3.

11] The prosecution has examined advocate Mohammad Yasin Abdul Jalil Momin as PW2 at Exh.78. He deposed that, he had filed the proceeding on behalf of accused against the informant for custody of children. The Court had proposed to settle the matter amicably. On 10.02.2010 he had talked with advocate Pranav Phadake about the settlement. Accordingly a meeting was arranged at his office on 11.02.2010 at 08.00 p.m. On 11.02.2010 the informant and her advocate Pranav Phadake had been to his office at 08.15 p.m. On his instructions the informant phoned the accused. The accused had told that, he would reach office within five to ten minutes. As accused did not reach office, he asked the informant to again phone the accused. The accused again replied that he would reach within five to ten minutes. The accused had been to his office at about 08.30 to 08.45 p.m. The accused took out country made pistol and pointed at the forehead of the informant. The informant asked him why he was joking. The accused tried to press the trigger, but it did not operate. Thereafter accused went out and returned with

weapon like dagger. He inflicted blow which informant obstructed by her right hand. Thereupon her fingers had cut. The accused again inflicted blow on forehead of the informant. She sustained bleeding injury. Thereafter he took out accused from his office by holding both his hands. The accused had taken away Maruti car by self driving. Thereafter he and advocate Pranav Phadake had brought the informant out of his office. There was blood on the chair and on the floor of his office. The informant was wearing burkha. He stopped one scooterist and asked advocate Pranav Phadake to take her to police station. Thereafter he went to police station on walk alongwith said scooterist. Thereafter informant was taken to I.G.M. hospital. Thereafter he had shown the spot of incident to the police. The muddemal weapon was shown to this witness, but he fairly stated that the weapon possessed by the accused was like muddemal weapon, but he cannot firmly say that it was the same. He further stated that, his statement was recorded by police and thereafter by Judicial Magistrate, Bhiwandi.

**12]** The prosecution has examined advocate Pranav Madhav Phadake as PW3 at Exh.80. He deposed that, in a proceeding filed by the accused against informant for custody of children, he was representing the informant. On the

suggestion of the Court a meeting for settlement was arranged on 11.02.2010 at the office of advocate Yasin Momin. On 11.02.2010 he had been to the office of advocate Yasin Momin alongwith informant in her Maruti-800 car. At that time, advocate Yasin Momin was present in his office. Advocate Yasin Momin had failed to inform the accused about the meeting. Thereupon the informant phoned the accused and he had told that, he would reach the office within 15 to 20 minutes. Thereafter accused had been to the office of advocate Yasin Momin. The accused put country made pistol on the forehead of the informant and pressed the trigger, but it did not operate. Thereafter the accused went out of the office and returned with weapon which is produced as muddemal Article-A. By said wean accused assaulted the informant. The informant tried to avoid the blow by her hand, thereby her fingers had cut. Thereafter accused inflicted blow on her forehead. The informant sustained serious injury. Advocate Yasin Momin took the accused outside the office by holding his hands. The accused left the spot in the vehicle of informant. The informant was wearing burkha and was in the pool of blood. Advocate Yasin Momin stopped one scooterist and asked him (PW3) to take the injured to police station. Thereafter he had taken injured to I.G.M. hospital in auto-rickshaw. Thereafter informant was shifted to Prime hospital.

The accused was saying that he would kill the informant. After the incident police recorded his statement u/s.164 of the Code of Criminal Procedure through Judicial Magistrate, Bhiwandi. Police had seized his T-shirt, which is produced as Article-7.

13] PW1, PW2 and PW3 were initially cross examined by advocate Mr.Amol Patankar on behalf of the accused. PW1, PW2 and PW3 were initially cross examined on 26.08.2014, 04.10.2014 and 04.10.2014 respectively. Thereafter the prosecution had examined almost all its witness and advocate Sameer Fouzi moved an application Exh.169 for recalling of these witnesses. As per order on said application the witnesses were recalled. PW1, PW2 and PW3 are again cross examined by advocate F.N.Momin on 06.11.2019, 30.11.2019 and 19.11.2019 respectively.

In cross examination of PW1 it is brought on record that it is not mentioned in her complaint that accused said to her *“Cancer Huwa Karke Chhodke Jati Hai Kya”* and threatened advocate Pranav Phadake by saying *“Tu Abhi Baith, Pahile Isako Marunga, Badme Tereko Marunga”*. It is further brought on record in her cross examination that in I.G.M. hospital she had stated that accused assaulted her by chopper. She narrated the same story to the doctor in Prime hospital. In Jupiter hospital she had stated that accused had

assaulted her by sword. It is specifically brought on record in her cross examination that she does not wear burkha and police merely seized gown during investigation. It is further brought on record through her cross examination that, one Mrs.Takdir Pathan is partner in her business and Dr.Namir Dond is relative of her friend. She has further admitted that she was knowing Dr.Saud Bubere attached to Jupiter hospital. She is further cross examined in respect of the timing about contacting the accused on his mobile, the timing of incident and the timing of approaching to Prime hospital.

14] In cross examination of advocate Yasin Momin the situation of his office, the road in front of his office and surrounding premises is brought on record. He has fairly admitted in cross examination that he had not give the description of the weapon in a statement before police. In cross examination this witness stated that the distance between complainant and accused at the time of assault was one foot. In further cross-examination PW2 it is brought on record that, after 19.11.2009 he did not attend the matter between the complainant and accused about custody of the children. He admitted that, the father of the accused had taken away the file from his office. The file of the matter was taken from his office in between 19.11.2009 to 11.02.2010.

The witness was referred with the map of his office wherein one of the window of his office is not mentioned.

Advocate Pranav Phadake (PW3) is also cross examined at length. He also stated that, when the incident took place there was distance of one foot between the accused and the informant. He did not shout nor put the latch of the door when accused went out of the office. When he had taken the informant to the police station, police had not recorded his complaint. He ks also cross examined about the timing of the incident. He admitted that the last call of the complainant to the accused was at 08.30 p.m. and till then the accused has not reached the office of advocate Momin. He also admitted that he had not given description of the weapon of assault by giving specific name while his statement was recorded by police. He fairly submitted that the compromise in custody proceeding had taken place only on interim application before said incident.

15] On perusal of the depositions of PW1, PW2 and PW3 it is crystal clear that the evidence of informant is corroborated in material particulars by PW2 and PW3. Their evidence is no where shattered. The evidence of PW1 to PW3 is consistent with each other. Under such circumstances it has to be seen whether the evidence of informant PW1 and eye witness PW2 and PW3 is corroborated by medical evidence.

16] The prosecution has examined Dr.Jayant Mule as PW4 at Exh.85. He deposed that on 11.02.2010 while he was present in I.G.M. hospital, Bhiwandi he had examined Rumin Farid Ahamed Fakih referred by Bhoiwada police. He found following injuries ;

- i. Incised wound with query ? fracture bleeding over anterior middle forehead, of size 12 x 3 cm, bone deep
- ii. Incised wound over right hand external aspect of phalanges size 4 x 3 cm, bone deep

All injuries were caused within six hours by sharp object. The patient was referred to surgical opinion and investigation. Accordingly he issued certificate Exh.86.

17] The prosecution has examined Dr.Namir Khalil Dond as PW11 at Exh.118. He deposed that he is running Prime hospital at Bhiwandi. On 11.02.2010 at about 10.00 p.m. he had examined Rumin and found following injuries :

- i. Massive CLW on the entire forehead which was actively bleeding with query frontal fracture,
- ii. Injury to right hand middle finger and index finger which was bone deep with query fracture and tendon injury.
- iii. Blunt trauma left shoulder.

He issued injury certificate Exh.119 and a letter dated 22.02.2010 at Exh.120. He had fond palpable fracture



of forehead. The injury was fatal in nature. The injuries are possible by muddemal weapon.

**18]** The prosecution has examined Dr. Shamol Kishormohan Banerjee as PW12 at Exh.133. He deposed that in between 2008 to 2011 he was attached to Jupiter hospital, Thane. On 12.02.2010 at 0040 hours Rumin Muktar was admitted in Jupiter hospital. The patient was referred by Neuro Surgeon, Dr. Shenoy. He found following injuries ;

- i. Longitudinal incise (chopped) wound on forehead just above eyebrows with linear fracture of the frontal bone underneath and along the wound with fracture dislocation of right superior orbital rim with fracture of frontal sinuses and of right superior orbital wall.
- ii. An incise (chopped) wound on dorsum of right hand at the level of index and middle finger at meta-carpophalangeal joint cutting the skin tendon (extensor expansion) and heads of the index and middle fingers meta-carpophalangeal
- iii. Left shoulder and deloid are haematoma with swelling

The victim had given history of assault by her own husband. He had operated the patient and performed two surgeries. The chief examination of this witness was deferred on 21.11.2016 and he was again examined on 18.12.2019. He attended the Court with discharge summary Exh.187. He also produced victim's disability certificate Exh.188. He opined that the injury on forehead of the injured was fatal in nature and

the patient might have died in the absence of prompt treatment.

19] PW4 Dr.Jayant Mule is cross examined at length. In cross examination initially he denied the suggestion that if the injury is treated by plastic surgery it means it is not so severe. If there is fracture to bone, that injury cannot be treated by plastic surgery. In case of normal cut on forehead, it appears bone deep. The witness further admitted that, the part of the skin open only to the extent of cut by weapon as per its width and the width of muddemal weapon is not one mm in length. This witness fairly admitted that, stabbing, chopping and swapping are three different things, but he strictly denied the suggestion that the injury measuring 12 cm in length and 3 cm in width is not possible in one swapping. The witness admitted that such injury is possible if a person fall upon sharp object with force. He further admitted that even heavy sharp object like angle falls on the forehead the injury is possible. When he examined informant she was conscious. The witness admitted that bone deep injury was not found on external hand of the informant.

In cross examination of PW11 Dr.Namit Dond it is brought on record that, the injury certificate issued by him is not in format. He has not given colour dimension of the

injuries in the certificate. He has not mentioned whether the injuries are simple or grievous in nature and in certificate Exh.119 he has not mentioned about the bleeding. The injury blunt trauma is not mentioned in letter Ex.120. This witness also strictly denied the suggestion that the injury on forehead was not possible in one strike by muddemal weapon or any other weapon. In order to show closeness of the doctor with the victim, it is brought on record in his cross examination that his cousin Takdir Pathan is partner with the informant in a business of burkha. However, he denied that he issued false certificate out of said close relations.

Dr.Shamol Banerjee is cross examined at extreme length by advocate F.N.Momin. In his cross examination it is brought on record that, the discharge summary and disability certificate is not in his handwriting. However, he stated that Exh.188 was prepared as per his dictation to the R.M.O. whose name he does not remember. In cross examination of this witness it is brought on record that the discharge summary does not disclose about any x-ray. It does not disclose any M.L.C. number. He does not have pre-operational and post-operational notes about injured Rumin Farid. He has admitted that he is not orthopedic surgeon. However, this witness rebutted the suggestion that only in the case of depression fixing of plate is necessary. He fairly admitted that,

he know Dr.Saud Mir Bubere. However, he is not aware whether Dr. Bubere is the husband of informant's cousin. He denied that he issued false certificate at the say of said Dr.Bubere. The witness further denied the suggestion that chopped wound and incised wound falls within different categories.

**20]** On going through the chief examination and cross examination of PW4, PW11 and PW12 it is crystal clear that immediately after the incident the victim was referred to I.G.M. hospital by police. From I.G.M. hospital she was taken to Prime hospital and thereafter on the same night she was shifted to Jupiter hospital. All these doctors have specifically deposed about the forehead injury and injury on index and middle finger of right hand of the informant. From their evidence it is crystal clear that the victim had sustained fracture injury on her forehead which was caused by sharp weapon like muddemal. The evidence of these three witnesses is also not shattered. Nothing is brought on record in their cross examinations to disbelieve them. On the contrary the ocular version of PW1, PW2 and PW3 is further confirmed by oral and documentary evidence of PW4, PW11 and PW12.

**21]** The prosecution has examined Shaikh Salamuddin Hafijulla Shaikh as PW5 at Exh.88. He is panch on spot

panchanama. He has deposed that on 12.02.2010 he was called by police at Bhusar Mohalla, Bhiwandi. The spot of incident was office of advocate situated on Bhoiwada police station road. Said advocate had shown said spot. They had found blood on the floor of the office and on sofa. The police collected dry and wet blood samples and piece of sofa cover. They had also found plastic bag. Those articles were seized by the police. The another panch was one Imtiyaj. Accordingly panchanama Exh.89 was prepared. The muddemal sofa cover and plastic bag are produced in the Court and are marked as Article-3 and Article-4.

In cross examination of this witness it is brought on record that he did not read the panchanama and don't know its contents. He don't know Marathi. However, witness denied that the panchanama was prepared in the police station. He further denied the suggestion that, he deposed falsely at the say of complainant and police. The seizure of articles in the presence of this panch and preparation of panchanama in his presence is not specifically denied. Nothing is brought on record in his cross examination to disbelieve him.

**22]** The prosecution has examined Shaikh Arif Nizamuddin Shaikh as PW6 at Exh.90. He deposed that on 12.02.2010 he was called in Bhoiwada police station. He was

shown one black coloured burkha. It was seized and his signature was obtained on the label. Accordingly panchanama Exh.91 was prepared. Said burkha is shown to him and it is marked as Article-5. He further deposed that at that time police had also seized one Kurta and T-shirt. The T-shirt was having blood stains. Accordingly panchanama Exh.92 was prepared which bears his signature. The muddemal kurta and T-shirt were shown to him and he identified the same. Those are at Article-6 and Article-7.

In cross examination this witness specifically stated that, on 11.02.2010 at night at about 10.00 p.m. he was called by police. Other panch was also called alongwith him by the police. The T-shirt and kurta were with the police staff. He don't know whether those were produced by the complainant. The witness denied that he don't know what was written in the panchanama. Thus the evidence of this witness about seizure of burkha of the complainant and kurta and T-shirt of advocate Yasin Momin and advocate Pranav Phadake is not shattered in the cross examination.

**23]** The prosecution has examined PW7 Sanjay Dnyandev Jadhav as PW7 at Exh.97. Through his evidence the prosecution has proved the arrest panchanama of accused which is at Exh.98.

The prosecution has examined Dattatraya Kisan Ghadge as PW9 at Exh.107. He is examined about panchanama in respect of search of room in Nilam Palace hotel at Baramati. He did not support the prosecution. However, in statement u/s.313 of the Code of Criminal Procedure accused clearly admitted that he was arrested at Baramati and the room in which he was staying and situated at hotel Nilam Palace, Baramati was searched by the police.

**24]** The prosecution has examined Ravis Ahamed Abdul Rehman as PW10 at Exh.111. He deposed that on 07.03.2010 he was called by Bhoiwada police in the police station. One Jadhav was another panch. Accused Ahamed Fakih was present in the police station. The accused was having a bag containing black jeans pat and T-shirt. The T-shirt was having blood stains. Those clothes were seized and panchanama Exh.112 was carried out. The witness identified muddemal T-shirt and black jeans pant marked as Article-9 and Article-10. Labels on it bear his signatures. The witness further deposed that on 08.03.2012 he was again called in Bhoiwada police station. Accused Ahamed Fakih had made statement before the police in his presence and in presence of another panch. The accused had stated that he would produce dagger used by him in the offence. Accordingly police prepared memorandum

panchanama Exh.113. Thereafter accused had taken them to Bhusar Mohalla kabrasthan. Accused produced muddemal khanjir from the grass in said graveyard. It was seized and panchanama Exh.114 was carried out. The panchanama bears his signature, signature of another panch and signature of accused. The witness identified muddemal khanjir produced in Court and marked as Article-11.

This witness is cross examined at length by advocate Fouzi. The witness admitted that he knows only Urdu language. He stated that he himself had not asked any question to the accused and whatever was inquired by he police was reduced into writing. In cross examination the witness specifically stated that accused had informed that, he was brought from Baramati. The witness denied the suggestion that spit of pan, grease, sauce look like blood after it is dried. He admitted that the bag in which those clothes were kept was not seized. The witness is cross examined at length about the premises in kabrasthan area and other things therein such as taps, dargas, etc. The witness has shown his ignorance about other things, but has specifically stated about the internal road and graves in kabrasthan on both sides of that internal road. The witness denied the suggestion that he had not visited kabrasthan alongwith accused and police. On



perusal of the entire cross examination of this witness it is clear that there is nothing to disbelieve him.

25] The prosecution has examined Pundalik Bhagwan Shete as PW13 at Exh.134. He deposed that, on 11.02.2010 he was present in Bhoiwada police station and was on duty as police station officer from 09.00 p.m. to 09.00 a.m. On that night complainant had been to police station in injured condition. He had referred her to Prime hospital, Bhiwandi. He recorded her complaint in Prime hospital. Before going to Prime hospital injured was taken to I.G.M. hospital. After recording the complaint he obtained endorsement of doctor on the complaint which is at Exh.68. Thereafter he seized burkha of the complainant vide panchanama Exh.91. The witnesses who accompanied the complainant were also having blood stains on their clothes. He seized their clothes vide panchanama Exh.92. He recorded statements of two witnesses. Thereafter investigation was handed over to P.I. Shri.Yadav.

The witness specifically deposed in cross examination that the injured was accompanied by Pranav Phadake and Yasin Momin and when she approached the police station she was conscious. He further stated that, the injured had been to police station at about 08.30 to 08.45

p.m. on 11.02.2010 and he recorded her statement in hospital at night at about 11.00 to 11.30 p.m. He recored FIR at 00.10 a.m. on 12.02.2010. It is brought on record through his cross examination that FIR was not sent to the Court immediately and it was sent after three days. He specifically stated that, the samples of dried blood were collected by scratching with the help of knife and samples of wet blood stains were collected with the help of cotton buds. This witnesses had not sent the muddemal for CA report immediately after it was seized. He specifically stated that he investigated the matter for two days only and thereafter the investigation was handed over to P.I. Shri.Yadav. The witness denied that he wrongly applied section 307 against the accused. The witness has shown his ignorance about matrimonial dispute between the accused and the informant.

In cross examination of this witness nothing is brought on record to disbelieve him. On the contrary the facts deposed by independent witnesses and panchas are further confirmed and corroborated by this witness.

**26]** The prosecution has examined Balkrushna Shivram Yadav as PW14 at Exh.191. He deposed that investigation of present crime was handed over to him on 15.02.2010. On the same day he sent letter Exh.192 to Medical Officer to collect

blood sample of injured. He sent letter Exh.193 for recording statements of witnesses u/s.164 of the Code of Criminal Procedure. On 24.02.2010 he sent muddemal seized by A.P.I. Shete for C.A. report vide letter Exh.194. Thereafter he obtained location of accused on the basis of his mobile number which was showing that accused was present at Nasik and thereafter at Baramati. However, accused was not found even after visiting Baramati. On 06.03.2010 he received information that accused was found at Baramati. Accordingly he went to Baramati. The Baramati police had carried out panchanama of the room in which accused was found and also carried out his arrest panchanama. Those are at Exh.98 and Exh.108. Thereafter he brought the accused to Bhoiwada police station. The accused produced black pant and T-shirt. The T-shirt was having blood stains. Accordingly arrest panchanama Exh.117 was carried out. On 08.03.2010 memorandum of accused was recorded in presence of panchas vide Exh.113. The accused had stated that, he would show the spot near kabrasthan where he had thrown the weapon used in the offence. Accordingly he proceeded with accused and panchas to the spot by walk. On the way the accused had also shown the spot of incident. The accused had stated that, he had thrown the weapon inside the kabrasthan over the wall. Accordingly they entered into said kabrasthan. Accused

produced one dagger from the grass near transformer by the side of kabrasthan. It was seized vide panchanama Exh.114. The witness further deposed that, the accused had forcibly taken the vehicle of the informant by threatening her driver. After recording statement of said driver report was sent to the Court to add section 392 and 504 of the Indian Penal Code and section 4 of Arms Act. Said report is at Exh.195. Thereafter he sent letter for map of the spot of incident, which is at Exh.196. On 02.04.2010 he sent muddemal seized by him for C.A report vide letter Exh.197. He visited the house of accused and carried out search panchanama Exh.198. He collected documents in respect of offence registered against accused u/s.498-A of the Indian Penal Code. He obtained medical certificate of injured from Prime hospital, I.G.M. hospital and Jupiter hospital. After investigation he filed charge sheet. The C.A. reports are at Exh.199, 200 and 201. The driver of informant, Irshad Shaikh is dead.

**27]** Advocate F.N.Momin has conducted marathon cross examination of this witness. In cross examination this witness admitted that he had not visited the spot of incident. He denied the suggestion that as A.P.I. Shete was not capable for investigating the matter, hence the same was transferred to him. The witness was referred one map which he admitted

that it was not prepared by him. As admitted by him no blood stains are mentioned in said map. The witness never visited the spot of incident in entire investigation. In cross examination of this witness it is brought on record that on 08.03.2010 the accused was taken to I.G.M. hospital, but he denied that thereafter the accused was admitted in hospital till 18.03.2010. It is suggested that panch Ravis Ahamed Abdul Rehman is accused in various N.D.P.S. cases, but the witness has shown ignorance about the same. The witness further admitted that he had not collected any sample of soil or grass from the spot where the dagger was found. The driver of informant namely Irshad Shaikh was not knowing the accused prior to the incident, however, test identification parade of accused was not conducted. The witness admitted that in the entire investigation he did not seized any country made revolver or pistol from the accused. The location of he accused at the time of incident were not obtained. The muddemal dagger was not sent for report of finger print expert. Said dagger was found at the distance of 20 to 22 feet from the wall in kabrasthan area. In further cross examination it is attempted to bring on record that it was not possible, while driving Maruti car, to throw dagger inside the kabrasthan over the wall.

**28]** From the cross examination an attempt is made to challenge the evidence of this witness and dispute his investigation in the crime. However, on scrutiny of the chief examination and cross examination of this witness it is clear that he has stated every minute details as to how the accused was brought from Baramati, how his clothes were seized and how muddemal dagger came to be seized at the instance of accused. As already discussed the panchanamas of seizure of clothes, weapon, etc. are also proved through the evidence of panch witnesses. Those facts are further confirmed through the evidence of investigating officer. Therefore, there is nothing to disbelieve the investigating officer PW14.

**29]** On request on behalf of accused PW15 Reena Sharad Kowale was called upon to face cross examination in respect of C.A. report Exh.199, Exh.200 and Exh.201. As deposed by her, her qualification is M.Sc. in Bio Technology. In the year 2009 she was appointed as Assistant Chemical Analyzer in Directorate of Forensic Science Laboratory, Kalina, Santacruz Mumbai. She stated that in analysis of blood sample in respect of species origin and ABO grouping, it requires about 7 to 8 days or even more days. The witness admitted that, as per report Exh.199 the reddish liquid and cotton swab were degraded but she denied that, in case of degraded

sample, ABO grouping is not possible. The witness admitted that, she has not completed a special course in chemical analyzation. The witness stated that, in present case police had submitted cotton swab of blood sample and a reddish liquid in plastic container, whereas I.G.M. hospital had sent blood sample in bottle. She stated that, she cannot say whether blood collected in plastic container will dry after a period of ten days ,but it will change its colour after ten days. The witness is further cross examined about the number of blood stains found on clothes and the extent of stains on each article, the dimensions and colour of cloth piece, colour of kurta and T-shirt referred for C.A. report. However, the witness could not state details about the same. It is further brought on record that in report Exh.201 the measurements of the khanjir are not mentioned. She could not state metal of said khanjir.

**30]** Advocate F.N.Momin tried to show the analysis carried out by this witness in the C.A. report is not proper and correct. However, witness fairly denied that she prepared C.A. report merely as stated by her senior. She further denied that, the analysis carried out is wrong and the C.A. reports are falsely prepared. Certainly the C.A. reports produced on record cannot be disbelieved merely because the expert

witness is unable to state the colour of clothes, number of blood stains and the dimensions of those clothes, particularly. The C.A. reports are prepared and submitted in March-April 2010, whereas the witness is cross examined on 28.02.2020. Under such circumstances it is certainly not expectable that she should state such details after a period of almost ten years.

**31]** As established by the prosecution through the evidence of investigating officer PW14 he had sent letter dated 15.02.2010 produced at Exh.192 for collecting sample of the informant. The blood samples were sent by I.G.M. hospital to laboratory of Kalina, Santacruz, Mumbai vide letter dated 16.02.2010. The C.A. report in respect of the same is at Exh.200. The blood of informant Rumin Muktar Farid is certified of blood group of 'A'. The muddemal Khanjir seized at the instance of accused, his T-shirt and jeans pant were sent for C.A. report by PW14 by letter Exh.194. The C.A. report in respect of the same is produced at Exh.201. The blood found on khanjir and T-shirt of the accused is reported to be of 'A' blood group. Thus the blood on muddemal khanjir and on T-shirt of the accused is established to be that of informant Rumin Farid. So also the blood found on the T-shirt of eye witness Pranav Phadake is reported to be of 'A' group vide C.A. report Exh.199.



32] The accused has taken defence of alibi. In deposition at Exh.214 accused Ahamed Fakih specifically deposed that, on 11.02.2010 from 08.00 p.m. to 09.15 p.m. he was present at cricket ground of Nalitalao school. He was present there for lots of cricket matches and tournament to be held on next day. At that time, Muhafis Khatib, Altaf Shaikh, Imran Momin, Ajmal Nashikkar, Ajim Amadule, Rizwan Shaikh were also present on said cricket ground.

To support his contention, the accused examined Imran Mustaq Ahamed Momin as DW3 at Exh.223. He deposed that in February 2010 cricket tournament was arranged on the ground of Nalitalao school, Bhiwandi. The teams participating in tournament were asked to attend on 11.02.2010 at 06.00 p.m. He was captain of his own team. On 11.02.2010 he had asked fourteen players of his team to attend the ground for lots. On 11.02.2010 the accused was present on said cricket ground and was asked to make arrangement for guests and look after the lots. The work of preparation of lots and arrangement was going on from 07.00 p.m. to 10.00 p.m. After 10.00 p.m. the snacks were arranged for half an hour. The accused was present on said ground on 11.02.2010 from 07.00 p.m. to 10.00 p.m.

The accused also examined Altaf Imamuddin Shaikh as DW4 at Exh.232. He also deposed that, on

11.02.2010 accused Ahamed Fakih was present at Nalitalao school ground for lots of cricket tournament to be held on 13.02.2010. The accused was present on said ground from 06.00 p.m. to 10.00 p.m. The accused has produced a entry form of tournament at Exh.224. It bears his name as organizer. Alongwith said entry form he had also produced copy of lots and copy of permission issued by municipal corporation.

**33]** As admitted by accused Ahamed Fakih he had never informed the police in writing that at the time of incident he was present at Nalitalao school ground. He admitted that for the first time he sated in Court on 11.03.2020 that, he was present at Nalitalao school ground. As admitted by DW3 in his cross examination, there is no evidence to show that accused Ahamed Fakih was present at the place of tournament on 11.02.2010. Thus there is nothing on record to establish that the accused was present on the ground of Nalitalao on 11.02.2010 from 06.00 p.m. to 11.00 p.m.

**34]** Accused Ahamed Fakih in his deposition at Exh.211 has further deposed that, he is connected with Nagrik Sahakari Bank since last twenty years. Advocate Yasin

Momin's younger brother Naseem Momin had committed misappropriation in said bank. Advocate Yasin Momin was asking him to convince the Chairman in favour of Naseem Momin. He refused to involve himself in said case. Therefore, advocate Yasin Momin was having grudge against him. Therefore, advocate Yasin Momin deposed falsely against him. He has further deposed that, advocate Pranav Phadake being advocate of informant Rumin, deposed falsely against him.

**35]** It is interesting to note here that, advocate Yasin Momin who deposed as PW2 at Exh.78 was initially cross examined by advocate Amol Patankar at length on 04.10.2014. Thereafter he was recalled and again cross examined by advocate F.N.Momin on 30.11.2019. Though he is cross examined at length by two different advocates represented by the accused, there is no single suggestion in his cross examination about the grudge against the accused for reason as stated by the accused. The accused himself is an advocate. Thus, he is aware about the proceeding and the suggestion to be put in cross examination of the witness. Under such circumstances the accused in his deposition for the first time stated that, advocate Yasin Momin, PW2, falsely deposed against him out of grudge as mentioned above. Interestingly advocate Yasin Momin was advocate of the

accused in a proceeding filed by him against the informant for custody of the children. Despite said fact, advocate Yasin Momin has deposed in the Court in favour of the prosecution and narrated the truth. Being his advocate, advocate Yasin Momin would have supported him, but he fairly stand by the truth. Taking said fact as example, the allegation that advocate Pranav Phadake deposed against the accused being advocate of informant, is not at all reliable. As already mentioned, through spot panchanama the prosecution has proved the blood stains in the office of advocate Yasin Momin-PW2. The blood stained kurta and T-shirt of PW2 and PW3 are also seized by panchanama and it is proved through the evidence of witnesses. Under such circumstances the defence of accused Ahamed Fakihi that PW2 Yasin Momin ad PW3 Pranav Phadake have deposed falsely is not at all sustainable.

**36]** The accused has examined Matin Kadir Maddo as DW2 at Exh.222. He is Trustee of Bhusar Mohalla Masjid. Through his evidence the accused has produced 7x12 extract, photographs of masjid, etc. This witness is examined to establish that, the police have not obtained any permission for panchanama by entering into kabrasthan. It is attempted to establish that the panchanama of seizure of muddemal dagger from kabrasthan is without permission of said trust and its

trustees. Admittedly kabrasthan area is not strictly prohibited for entering into for such public purpose. Certainly prior permission to visit kabrasthan for investigation is not required. Thus evidence of DW2 Matin Maddo is not helpful to the defence.

**37]** DW4 Altaf Shaikh in his deposition at Exh.232 has deposed that on 11.02.2010 they had assembled at Nalitalao school ground at 06.00 p.m., at about 06.34 p.m. he and his two friends Azim and Shahid had gone to bring snacks. They had gone to Sahil hotel in an auto-rickshaw. On the way they had found that there was an accident near darga. One woman had collapsed in a manhole. Said woman is the wife of accused i.e. informant. In the accident the informant had sustained injury on forehead. The accident had occurred at about 07.30 to 08.00 p.m. Advocate Fouzi attempted to produce the photographs of the said spot of accident by showing to this witness. He requested to exhibit those photos. However, the photos are not duly proved by examining the photographer or developer and with necessary certificate. Therefore, those photographs are not exhibited.

**38]** Accused himself is an advocate. His own wife is injured victim. DW4 being close friend of the accused and

knowing the informant, must have informed the fact of accident of informant to the accused on the same day. However, though the injured informant is cross examined at length by advocate Amol Patankar on 26.08.2014, by advocate F.N.Momin on 06.11.2019 there is no single suggestion in her cross examination that she sustained head injury by fall in a manhole in an accident. Interestingly the accused who himself deposed on oath as defence witness No.1 at Exh.211 has not stated that the informant sustained head injury in an accident. No such suggestion is put to eye witnesses PW2 and PW3. So also no such suggestion is put in the cross examination of medical officer PW4, PW11 and PW12. Even said suggestion is not put in the cross examination of the investigating officers PW13 and PW14.

**39]** In this case initially advocate Amol Patankar was representing the accused as an advocate. The record shows that after examination of PW1, PW2 and PW3 advocate Fouzi appeared on behalf of the accused and proceeded to conduct the trial on his behalf. The record further shows that, advocate Fouzi filed various applications for recalling of witnesses, etc. and attempted to prolong the matter. The record further shows that after the matter was transferred to this Court, advocate Fouzi filed application Exh.169 requesting to recall

witnesses and said application was allowed and witnesses were recalled. However, advocate Fouzi was not attending the Court for accused Ahamed Fakih. On the contrary advocate F.N.Momin filed vakalatnama on behalf of the accused and conducted the cross examinations of recalled witnesses, witnesses examined thereafter. Advocate F.N.Momin even examined accused Ahamed Fakih as DW1 on 11.03.2020. Thereafter advocate Sameer Fouzi once again appeared on behalf of the accused. Immediately after appearing on behalf of accused advocate Fouzi filed application at Exh.227 requesting to again recall original complainant PW1. At the same time advocate Fouzi filed application at Exh.225 with signature of the accused only for issuing witness summonses to various witnesses. In say filed below Exh.225 Spl.P.P. Smt.Deshmukh has specifically alleged that on 06.11.2019 advocate Momin filed vakalatnama and evidence of prosecution is completed thereafter. Advocate Fouzi was absent in this matter since 16.03.2019 to 19.01.2021 and he again filed vakalatnama on 19.01.2021. Advocate Fouzi was absent as he was absconding due to filing of criminal case against him. Thus the accused though himself is an advocate never raised the defence that injured sustained head injury in a road accident. On the contrary the prosecution has duly proved and established that the informant sustained injuries

in assault by the accused. Under such circumstances for the first time through defence witness Altaf Shaikh, examined by advocate Fouzi for accused, it is attempted to show that injured sustained head injury in an accident on 11.02.2010. This fact clearly shows that, DW4 Altaf Shaikh has given false evidence on oath. Apparently after the appearance of advocate Fouzi this false evidence is led on behalf of the accused. It is clear cut conspiracy of accused, witness Altaf Shaikh and advocate Sameer Fouzi to lead false evidence in criminal trial. On this point the informant is at liberty to take necessary action.

**40]** Thus from the entire evidence on record it is crystal clear that the prosecution has proved beyond reasonable doubt that on 11.02.2010 at about 08.30 to 08.45 p.m. in the office of advocate Yasin Momin situated at Mohammad Manzil, Bhoiwada, Bhiwandi the accused assaulted the informant by means of dagger, caused fracture injury on forehead and intended to commit her murder.

**41]** So far as offence punishable u/s.392 of the Indian Penal Code is concerned the prosecution has examined Abid Kasim Momin as PW8 at Exh.105. Through his evidence the prosecution has proved the panchanama of seizure of car



No.MH-04/CB-5148, which is at Exh.106. However, admittedly it is not seized from the possession of the accused. The driver of informant to whom the accused allegedly threatened on the point of dagger and took away the vehicle, is not examined. The accused merely fled away in said car after the incident. Under such circumstances the dishonest intention as contemplated u/s.379 and section 392 of the Indian Penal Code is certainly not appearing in the present case. Thereby it cannot be said that the offence punishable u/s.392 of the Indian Penal Code is proved against the accused.

42] So far as offence of possessing country made revolver is concern, though said fact is stated by PW1, PW2 and PW3, the firearm is not seized in the investigation. Under such circumstances it cannot be said that the prosecution has proved that the accused was possessing country made revolver/pistol in breach of order of Commissioner of Police.

43] So far as threatening words to witness Pranav Phadake are concerned, those are not mentioned in the FIR. PW3 Pranav Phadake has also not stated the threatening words in his deposition at Exh.80. Thus, the offence of criminal intimidation is also not proved against the accused.

44] Thus from the entire evidence on record the offence punishable u/s.307 of the Indian Penal Code is proved against the accused beyond reasonable doubt, whereas offence punishable u/s.392, 506 of the Indian Penal Code, section 3, 4, 25 of the Indian Arms act read with section 37(1) 135 of the Bombay Police Act are not proved. Hence point Nos.1 to 4 are answered accordingly.

45] As accused is held guilty for the offence punishable u/s.307 of the Indian Penal Code he is entitled to be heard on quantum of sentence. However, accused is absent when the conviction u/s.307 of the Indian Penal Code is declared at 11.05 hours in morning session. On 06.03.2021 the accused was present alongwith his advocate Fouzi. At about 12.30 p.m. advocate Fouzi submitted application while the Court was engaged in hearing of another matter. After submitting application advocate Fouzi had left the Court immediately. At about 01.00 p.m. when the hearing in another matter was completed, accused Ahamed Fakih was asked to call upon his advocate. However, accused left the Court at 01.00 p.m. for calling upon his advocate and since then never turned to the Court till today. On 15.03.2021 advocate Sameer Fouzi attended the Court and filed application for exemption of accused and for adjournment. As more than enough

opportunity was given said application came to be filed and disposed off and advocate Fouzi was asked to argue the matter. Though the matter was fixed for arguments, advocate Fouzi did not argue. On the contrary submitted that, he has no instructions in respect of arguments and left the Court. Today the accused and his advocate are well aware that the matter is fixed for Judgment. It was duty of the accused to remain present in the Court or secure presence of his advocate. However, neither accused nor advocate Fouzi attended the Court and one junior advocate attended the Court without any vakalatnama. When he was asked whether he was having vakalatnama, he told that he does not possess vakalatnama on behalf of the accused. Thereupon he was asked to call upon advocate Fouzi or the accused and secure their presence till 05.00 p.m. However, even after waiting till 05.00 p.m. the accused and advocate Fouzi did not attend the Court to argue on quantum of sentence. Considering the previous conduct throughout the trial it is nothing but the prolonging tactics being played by the accused and his advocate Sameer Fouzi. Accused himself being advocate and being released on bail, it was his duty to remain present and submit on the point of quantum of sentence. Even being on bail, the accused has failed to exercise his right to argue on quantum of sentence in person or through advocate representing him.

46] Spl.P.P. Smt.Deshmukh argued at length and submitted that the accused though husband of informant has brutally assaulted her with intention to kill. The offence is very serious. Even after commission of the offence the accused has mentally and physically harassed the informant by prolonging the matter for more than ten years. Hence maximum punishment be inflicted upon the accused.

47] Admittedly the accused has brutally assaulted the informant and caused her fracture injuries on head and on fingers. The evidence on record shows that, it was pre-planned attempt to murder informant. After the assault the informant was operated and undergone treatment for months together. Thus, she suffered physical pains as well as monetary loss. Even during trial the accused taking disadvantage of being an advocate prolonged the matter for more than ten years. Even during trial the informant and the eye witnesses are harassed by calling upon them for cross examinations for again and again. Being advocate it was duty of the accused to participate in the trial and assist the Court to decide the matter on merits. However, he has exceeded all limits and attempted to prolong the matter, even till end of Judgment. This is nothing but an harassment of Court also. Under such circumstances the accused deserves to be sentenced with proper imprisonment

and fine. At the same time the informant is also required to be compensated. With these observations following order is passed.

**ORDER**

1. **Accused Ahamed Aasif Fakh** is hereby **convicted** u/s.235(2) of the Code of Criminal Procedure for offences punishable **u/s.307 of the Indian Penal Code** and is sentenced to suffer **rigorous imprisonment for ten years and fine of Rs.5,00,000/-** (Rs.Five Lakhs only), **in default** of payment of fine he has to undergo **simple imprisonment for six months.**
2. The accused is not present. Issue non bailable warrant and conviction warrant against the accused through Commissioner of Police, Thane, for execution of sentence.
3. Accused is entitled to set off u/s.428 of the Code of Criminal Procedure for the period he has already undergone in jail, if any.
4. On realization of the fine amount of Rs.5,00,000/- (Rs.Five lakhs only), an amount of Rs.4,00,000/- (Rs.Four Lakhs only) be paid to the complainant towards compensation.
5. **Accused Ahamed Aasif Fakh** is hereby **acquitted** u/s.235(1) of the Code of Criminal Procedure of the

offences punishable u/s.392, 506 of the Indian Penal Code, section 3, 4, 25 of the Indian Arms act read with section 37(1) 135 of the Bombay Police Act .

6. After appeal period is over, the muddemal property be disposed off as under :
  - a] Muddemal Maruti-800 car is already returned to the complainant. She shall retained the same with her and the bond executed by her, if any, shall stands cancelled after the appeal period is over.
  - b] Muddemal dagger be sent to District Magistrate, Thane for disposal according to law.
  - c] Rest of the muddemal property being worthless be destroyed.
7. Free copy of Judgment be given to the accused on his arrest or surrender.

Thane.

Date : 18.03.2021

*Sd/- .xxx*  
(P.P.Jadhav)  
District Judge-6 and  
Addl. Sessions Judge, Thane.