

Nalini, a 28 year old Software Engineer was working with one BPO Company Pune. She used to travel to her workplace and back by her company transport or Public Transport of by an Auto Rickshaw. On the evening of 07/10/2019 i.e. the day of the incident as she was working till late she missed the company transport and therefore near Reliance Mall on Nagar road she accepted the offer of lift by Sachin Mishra – Accused no. 1 in the cab driven by himself and in which the other two accused viz. Vikram Jadhav Accused no. 2 (Security Guard) and Aniket Salwi Accused no. 3 were already sitting and present in the cab. They promised to take her to her house in Katraj whereupon she placed total trust on these strangers. However, the brutes took advantage of the fact of her being the only woman in the cab, they abducted her to satisfy their insatiable lust. She was stripped naked and kept in that condition for hours committing gang rape on her repeatedly. They picked up Nalini from Reliance Mall and subsequently drove her to Hadapsar by Magarpatta and from there onwards to Manjari Phata and then to Abalwadi. There onwards accused took her to Shankar Parvati Mangal Karyalaya on Nagar Road where they raped her. In mean time T. Ramlinga (Approver) joined them and he too raped Nalini. Then they drove to Dargah at Chandan Nagar where the four and further to Vadu Fata by Markal Road where they raped her again. Thereafter they drove her to Zarevedi Fata where the accused Sachin Mishra, Vikram Jadhav, aniket Salwi brutally killed her by first strangulating her by dupatta and then by crushing her face and head with heavy stones to camouflage her identity in order to destroy the evidence. However, Nalini's parents successfully followed up with the investigation team and upon registration of the crime on 08/10/2019 and with assistance of further investigation all accused person were arrested on 14/10/2019. The Trial took place against all these accused in the Trial Court, Pune. Trio accused in this case were held guilty for the Gang Rape and murder and all the three accused were sentenced to death U/S 376 (A), 397, 302, 404, 120(B) of IPC for this horrific crime vide order dated 20/07/2021. But T. Ramalinga (Approver) was sentenced to 7 years imprisonment. All the three accused filed an appeal in the Bombay High Court against the decision of the Trial Court Pune to set aside the conviction and sentence.

Issues are as follows –

1. Whether the appeal against conviction is maintainable? .

2. Whether the accused conspired to commit the said crimes and in pursuance of this conspiracy they carried out the criminal acts as charged by the prosecution? .

3. Whether the prosecution has proved beyond reasonable doubt the common intention of the accused by bringing on record that the said acts were committed by several persons in furtherance of their common intention?