
CASE ANALYSIS:

LALA @ ANURAG PRAKASH AASRE

V.

STATE OF MAHARASHTRA

BY PRACHI BHARDWAJ¹

Citation:	AIR Online 2021 SC 527
Date of Judgement:	August 24, 2021
Court:	Supreme Court of India
Branch:	Hrishikesh Roy & Sanjay Kishan Kaul

I. INTRODUCTION

The conviction of the appellant, Lala @ Anurag Prakash Aasre, was contested in the criminal appeal Lala @ Anurag Prakash Aasre v. State of Maharashtra before the Indian Supreme Court. The appellant was found guilty under various sections of the Indian Penal Code, involving Section 302 (murder), Section 120B (criminal conspiracy), Sections 147 & 148 (rioting with deadly weapons), and Section 324 (causing hurt by a hazardous weapon). The appeal was filed on May 9, 2014. It was challenged in the court of law because the appellant found it unsatisfactory with the discrepancies that arose during the follow-up inquiry into the witness's identity, procedural errors and the lack of a Test Identification Parade (TIP) that prohibited the prosecution from conclusively proving his identification as one of the attackers. The primary focus of the case is how the appellant was identified during the course of the investigation and should be provided with additional statements and eyewitnesses to the heinous crime of murder of Balu Mandpe.

II. FACTS OF THE CASE

1. According to the prosecution, on January 22, 2021 around 9:45 pm. Balu Mandpe was sitting at a street corner near his house and chit-chatting with his friends, while a group of 10-12

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people came on a two-wheeler and started abusing Balu. Then they attack him with sharp-edged weapons, including swords, knives, khanjars, and farsas. The attackers left Balu with severe injuries. He was rushed to a nearby hospital, where he was shortly found dead. Arun Pohnakar, who was injured during this attack, reported to the Imamwada Police Station after few minutes of occurrence of this event. While in the FIR, PW1 had not named the present appellant but named several assailants, Kunal Tagde (A1), Vinod Thakre (A2), Rajput @ Nabut (A3), Sachin Ingle (A4), Ameet Gujar (A5), and Shekhar @ Husnya (A8). Instead, one of the attackers described in the FIR on the basis of his build & appearance. The Police investigation initially prepared a Spot Panchnama and recorded the witness's statement. Thereafter, the Chargesheet was filed and the case was commenced in the Session Court of Nagpur. Nine accused was presented and faced the trial before the court under Section 147, 148, 149, 302, 324 & 120B of the India Penal Code (IPC). All the accused denied charges, including Lala.

2. After this, the prosecution presented 11 witnesses and produced other evidence before the court against the accused. Nevertheless, none of the accused, including appellant (accused no.6), entered the witness box or presented any defence testimony. The session judge found out & said that the accused had formed an unlawful intention to kill Balu Mandpe with a sharp and deadly weapon to assault him. The trial court discovered & declared that the appellant had attacked Arun (PW1), the informant, with a sword. Accordingly, the appellant along with all the accused, was convicted under Section 302 (murder) & Section 120B (criminal conspiracy) of the Indian Penal Code (IPC) and sentenced to suffer life imprisonment and have to pay fine of Rs.5000 and if unable to pay the fine then have to suffer a additional year in imprisonment. The appellant along with the accused, was convicted under Section 147 & Section 148 (rioting & rioting with deadly weapons) of the IPC and was sentenced accordingly. Moreover, the appellant was also convicted under Section 324 (voluntarily causing hurt by weapon) of IPC, was sentenced to three years rigorous imprisonment and had to pay a fine of Rs. 2000. In default, have to suffer 6 months of simple imprisonment. All substantive sentences were to run concurrently.
3. The third eyewitness, Sudhanshu Jadhav Rao (PW4), testified during the trial that he was at the crime site and that he drove Balu Mandpe, who was hurt, to the hospital in under five minutes. On January 22, 2009, he did not first mention Lala @ Anurag Aasre's name. However, when his next statement was taken on February 24, 2009, he named Lala as the person who used a sword to attack Balu Mandpe and provided a comprehensive account

of the occurrence. While mentioning the accused's presence, Raju Manhor Joshi added that he was unsure of what had transpired later. Additionally, he attests to having known Sachin Ingle and Lala Aasre for almost a year and a half. He acknowledged seeing the incident during the cross-examination, but he withheld the identities of the attackers who took part in that particular occurrence. Arun Pohnakar attempted to step in and block Anurag, also known as Lala Aasre, from reportedly striking Balu Mandpe with a sword. As a result, the differences in the accused's statement regarding the incident are rather evident.

III. ISSUES RAISED

- i. Whether the punishments that were given under Section 302, 120B, 147, 148, & 324 of the Indian Penal Code were justified based on the evidence provided?
- ii. Whether the evidence used to convict the appellant sufficient to prove him guilty beyond a reasonable doubt?
- iii. Whether there any discrepancies during the process of trial that affected the procedural errors and led to irregularities for the fair trial?
- iv. Whether the trial Court fairly provide justice and correctly apply the laws regarding the conviction of the appellant?

IV. CONTENTIONS OF THE APPEALANT

1. The appellant is represented by Mr. Huzefa Ahmadi, the learned attorney. Sachin Patil, a skilled advocate on record, is representing the respondent, the State of Maharashtra.
2. The appellant found that the first reports of the incident did not include his name or his involvement in the crime; rather, they only mentioned the names of the six assailants listed in the FIR. Arun characterised the individual who had injured him as a "tall person who has a longish nose attacked by a sword," according to the FIR. However, the FIR asserts that the appellant did not match the details that show the inconsistencies in the appellant's identity. Furthermore, the six assailants were armed with knives, khanjars, and farsas; nevertheless, the appellant's sword was not mentioned in the FIR, which is another fallout.
3. The appellant's counsel claims that the appellant's name was omitted from the FIR, as well as that there are anomalies in the appellant's omission from the Test Identification Parade (TIP) as one of the perpetrators. Following this, the State's learned lawyer claims that the appellant was mentioned in the police's instant supplementary statement, which was filed

in compliance with Section 161 of the CrPC. Additionally, PW2, PW4, and PW6 made allusions to the appellant in their statements made in accordance with Section 161 of the CrPC. The state counsel additionally stated that the appellant is facing allegations under Section 324 (voluntarily causing hurt by dangerous weapon), which implies that he was charged with stabbing the informant (PW1). Additionally, the counsel claims that the Test Identification Parade (TIP) was not required as the appellant's identification by the witnesses was adequate.

V. CONTENTIONS OF RESPONDENT

The Imamwada Police Station's investigating officer, Sunil S. Monde, brought up an array of issues while examining the case. In the supplementary statement, PW11 confirms that the accused was not subjected to a Test Identification Parade (TIP) throughout the Cross-examination procedure. On top of that, though he initially referred to the complainant's taped supplementary statement, he later denied recording it. Furthermore, he truly stated that he had taped the witness testimony, including Dharmendra Yadav's (PW2) confession. However, during the cross-examination, he claims that PW2 omitted the statement that Lala Aasre had attempted to attack Balu Mandpe and assaulted someone with a sword. Furthermore, PW11 contends that PW6 prior knew Lala Aasre. However, later on he did not disclose any such accusatory remarks to the police in Cross.

VI. JUDGEMENT

Addressing the appellant's role in the assault, the Supreme Court affirmed the decision of the trial court and the High Court in this case. The appeal was dismissed by the court. It determines that rather than substantive evidence, the Test Identification Parade (TIP) is the initial investigating tool. Referencing decisions such as **Matru v. State of Uttar Pradesh & Santokh Singh v. Izhar Hussain**, the speaker pointed out that an identification parade would only be required if the accused was not identified by any of the witnesses; nevertheless, in this particular case, the accused had been identified by the witnesses. Consequently, the Supreme Court upholds the decision of the High Court and affirms the Identification and other proof are adequate to demonstrate the appellant's involvement in the criminal act. Furthermore, the State was asked to evaluate the appellant's remission contention primarily by itself on its own merits.

VII. ANALYSIS

The Draft Rules of Criminal Practice, 2021, were created to rectify inconsistencies in criminal cases by accurately presenting and interpreting the evidence. The objective is to minimise inconsistencies in the evidence presentation process, so as to prevent anyone from being unfairly disadvantaged. This demonstrates the efficacy and efficiency of the fair trial procedure. The court additionally concentrated on issues like inadequate documentation and translation methods that may hamper the admissibility of evidence and proceedings. Furthermore, since the appellant's name was omitted from the FIR, the discussion placed an intense focus on identifying them. However, the lower court's decision was maintained, stating that TIP wasn't necessary as the appellant's presence had been verified by eyewitnesses. Case law is used to emphasise the fact that TIPs are meant to support the confirmation of investigation progress, not to be used as substantive evidence. TIPs are conceived to be somewhat of lesser importance than eyewitness testimony in verifying in-court identifications of the accused, particularly for instances when the witnesses are already acquainted with the accused.

VIII. CONCLUSION

In conclusion, the Supreme Court affirmed the decision rendered by the High Court, holding that there is no basis to challenge the verdict, based on the findings and supporting facts. Thus, the court rejected the appeal. Additionally, at a suitable moment, the State sought for the remission on its own merits and gave the requisite order.

REFERENCES

1. SCC Online
2. Indian kanoon
3. Live Law
4. Bar and Bench

