

**CASE: RENUKA BAI ALIAS RINKU ALIAS RATAN AND ANOTHER V STATE OF
MAHARASHTRA**

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FACTS OF THE CASE

The criminal appeal involves two appellants Renuka Bai (also known as Rinku, Ratan) and Seema (also known as Devki, Devli) are sisters who have been found guilty of various offences by the High Court of Bombay. The crimes were committed by them during the period June 1990 to October 1996. The Additional Sessions Judge, Kolhapur charged them guilty and sentenced them to death. The High Court confirmed their convictions and the sentence imposed on them. The appellant's mother Anjanabai committed those crimes with them died in 1997 and hence, she could not be tried. The crimes committed by them included thefts, kidnappings and murders of children, often exploiting the presence of children to avoid suspicion.

The two appellants and their mother used to commit thefts in crowded places during festivals, snatch gold chains and make a living out of the income through these thefts. They had been caught several times and used to bribe the police and escape from them. Further, they decided that would keep a child with them while committing crimes so that by using it as a cover, they can escape from the crowd. Hence, they alongside the approver Kiran Shinde made a conspiracy to kidnap small children below 5 years of age and make use of them and get rid of them when no longer needed. According to the prosecution, they had kidnapped 13 children and killed 9 of them from June 1990 to October 1996.

Below are the gist of criminal acts of kidnapping and murder committed by the appellants:

Santosh- He was about 2 years of age in July 1990 and was killed and disposed of near the State Transport Stand at Kolhapur.

Naresh- He was aged about 9 months, and was kidnapped in 1991 from Thane ST stand. The appellants left the child near a temple at Nasik and later claimed custody of that child based on false grounds.

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Bunty and Swati- He was aged about one year and a girl named Swati who was about two years were kidnapped in 1993 from Kalyan Railway Station, Mumbai.

Guddu- He was about 2 and half years and a girl named Meena aged 3 years were kidnapped from VT Station, Mumbai. Bunty and Guddu were killed and their dead bodies were disposed of.

Anjali- She was about 2 years old, was kidnapped from Kalika Mandir at Nasik and was killed and her dead body was disposed of with the help of the approver Kiran Shinde.

Swapnil- The appellants along with their mother and approver also kidnapped Swapnil from ST stand at Kolhapur, killed him in the second week of March 1995 and disposed of the dead body near Khandala Ghat.

Shraddha- She was aged about one year and nine months, kidnapped from Mahalaxmi Temple, Kolhapur, and was killed while the appellants were travelling in a taxi from Pune to Surat and disposed of the child of the body.

Kranti- She was 9 years old, was kidnapped and later killed and her body was disposed of in a sugarcane field at a place called Narsoba.

Another allegation was named against the appellants which relates to an attempt to kidnap a child named Devli from a primary school at Nasik.

Gauri- A child aged about one and half years was kidnapped from the Ganga Ghat vegetable market in Nasik, was killed in Kolhapur, and the dead body was disposed of in the women's lavatory of a cinema theatre.

Pankaj- He was kidnapped in 1996 from Vithal Mandir, Wadala, Mumbai, was later killed in a house in Pune and his body was disposed of in a gunny bag.

LEGAL ISSUES

The appellants who were convicted by the Bombay High Court due to several offences including conspiracy, kidnapping and murder, have filed this criminal appeal. They faced charges related to multiple offences in which they were involved between June 1990 to October 1996. The High Court upheld the multiple convictions and sentences of the Sessions Court. After meticulously reviewing the prosecution's evidence, the Sessions Judge issued a detailed

ruling, finding the appellants guilty of most of the charges. Even though the appellants were charged with 9 murders, the Sessions Court found them guilty of six only. Upon review, the High Court confirmed the prosecution's proof of five murders. Initially, the appellants were convicted by the trial court for the murders of Santosh, Anjali, Swapnil, Shraddha, Gauri and Pankaj. However, there was not much evidence to support the conviction of Swapnil's murder. Throughout the trial, the appellants pleaded not guilty, arguing that the accusations were baseless. Ultimately, they were convicted under section 302 read with section 120B of the Indian Penal Code and were sentenced to death.

On 17th October 1997, Kiran Shinde turned approver and he was examined before the Magistrate on 17th September 1997.¹ The approver was granted pardon under section 306 CrPC¹ and he was examined as a witness for prosecution under ²Section 308 CrPC².

JUDGMENT

The Sessions judge has thoroughly examined each piece of evidence and the High Court also re-evaluated the same. The prosecution's evidence clearly proved that the appellants were responsible for a series of kidnappings and killings and their convictions for these crimes are justified.

The appellants kidnapped several children and committed their murders for which, they were found guilty of the offences punishable under Section 302³ read with ⁴Section 120-B of IPC⁴. For such offence, they have been imposed with capital punishment.

OBSERVATIONS OF THE COURT

The prosecution was successfully able to prove that the appellants had committed a series of crimes. The learned counsel contended that the approver's evidence lacked sufficient corroboration and it should not have been considered without it. Therefore, the evidence of the approver was viewed in suspicion, particularly when there are chances that some facts are being hidden. The High Court did not fully accept the approver's evidence and observed that the approver had suppressed some material facts. The approver stated that he was merely a passive observer while the appellants and their mother committed those crimes. It was difficult for the

¹ Code of Criminal Procedure, 1973, s 306

² Code of Criminal Procedure, 1973, s 308

³ Indian Penal Code, 1860, s 302

⁴ Indian Penal Code, 1860, s 120-B

court to believe that the women alone could have committed those acts without any strong support from Kiran Shinde. Kiran Shinde was present during many of the murders and most likely he participated in all those crimes. The High Court was sure in stating that the approver had not provided all the details of the crimes. He had been associating with the two appellants for a long period of time and despite their continued criminal activities, he did not report them to the police. Some of the children kidnapped were in custody of both the appellants and Shinde and their bodies were discovered later on. Shinde accepted that he had bribed the police officials multiple times to prevent the appellants from legal consequences. Despite these serious revelations, no action was taken against him. Under such circumstances, the court has the major role of taking action against the approver if he is intentionally keeping such information or providing false testimonies.

CRITICAL ANALYSIS

The appellants kidnapped several children and murdered them in a brutal manner. In a few cases, the dead body which was disposed of could not be found and in some cases, the dead body could not be traced out. The High Court felt that these five cases of murders had been proved against these appellants. The murders committed by the appellants have been proven with satisfactory evidence. Further, the testimony of the approver was fully supported by other materials of evidence. There was no reason to overturn the order of conviction passed by the Sessions Court and upheld by the High Court.

There were no mitigating occurrences in favour of the appellants, except for the fact that they were women. The nature of the crime and the systematic manner in which each child was kidnapped and murdered highlighted the appellant's deviance. They were engaged in these criminal activities for a very long period until they were finally caught by the police. Their strategy of kidnapping children was implemented and executed in a cunning manner and once the children were no longer needed, they were killed and their bodies were discarded in various deserted places. The appellants were a disgrace to society, inducing such fear in the community that people were afraid to even send their children to school. These crimes were not committed under any compulsion. They were casually taking the lives of those children as if they were a ploy in their sick game, showing no concern for their lives or the agony and pain of their parents.

CONCLUSION

The kidnappings and murders were gruesome. No ordinary human could imagine such evil lurking nearby, capable of murdering their loved ones in cold blood. Considering all the details, it is clearly evident that these people do not deserve to live. The unbelievable suffering these young children endured due to the heinous acts of the appellants is just horrific and disturbing. These individuals were similar to monsters. One would hardly expect such brutality from women.

