

MHAH010006672023



Presented on : 31.01.2023

Registered on : 31.01.2023

Decided on : 17.04.2026

Duration : Y. M. Ds.
03 00 17

Sessions Case No.56/2023

Exh.56

Form No. XXXII

(Title Page of Judgment)

(Para 44(i) of Chapter VI of Criminal Manual)

<u>IN THE SESSIONS COURT, AHMEDNAGAR</u> (Presided over by A.M. Patil, Additional Sessions Judge) (FIR No.05/2014 U/s. 3/25, 7 of the Arms Act,1959) Police Station : Pathardi	
Prosecution	State of Maharashtra Through Pathardi Police Station.
Represented by	Learned A.P.P. Mr. A. D. Dhage
Accused	1. Ganesh Ashok Bhosale Age : 23 years, Occupation : Education Resident of Tuljapur Peth, Tisgaon, Tal. Pathardi, Dist.Ahmednagar.
	2. Shivdas Jagannath Palve Age : 29 years, Occupation : Agriculture Resident of Tal. Yeli, Tal.Pathardi, Dist.Ahmednagar.
Represented by	Learned Advocate Mr. R. M. Murumkar

Part - B

(Para 44 (ii) of Chapter VI of Criminal Manual)

Date of offence	13.02.2014
Date of FIR	13.02.2014
Date of Charge-sheet	27.11.2014
Date of Framing of Charges	16.08.2024
Date of commencement of evidence	30.07.2022
Date on which judgment is reserved	15.04.2026
Date of judgment	16.04.2026
Date of sentencing order, if any	As per final order.

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on bail	Offences charges with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during Trial for purpose of Section 428 of CrPC
1.	Ganesh Ashok Bhosale	13.02.2014	26.03.2014	U/s. 3/25, 7 of the Arms Act.	Acquitted	----	----
2.	Shivdas Jagnnath Palve	03.03.2014	14.03.2014	-"	-"	----	----

Part 'C'

(Para 44 (ii) of Chapter VI of Criminal Manual)
LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME OF WITNESS	NATURE OF EVIDENCE
1.	Ravindra Raosaheb Bhapse	Panch Witness
2.	Babasaheb Ramesh Chandne	Panch Witness
3.	Jaywant Rakhamnath Todmal	Police Witness
4.	Digambar Raosaheb Karkhele	Police Witness
5.	Ashok Tukaram Bhalerao	Police Witness

B. Defence Witnesses, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS.
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C. Court witnesses, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS.
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution**

Sr.No.	Exhibit No.	Description
1.	34	Deposition of PW1.
2.	36	Deposition of PW2.
3.	43	Deposition of PW3.
4.	44	Report.
5.	38	Deposition of PW4.
6.	45	Deposition of PW5.
7.	46	Spot Panchnama.
8.	47	Letter of PSI, LCB, Ahmednagar to FSL, Mumbai.
9.	48	Examination Report of FSL, Mumbai.
10.	49	Evidence closed pursis by learned APP.
11.	50	Statement of accused under Section 313 of CrPC.

B. Defence :

Sr.No	Exhibit Number	Description
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C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1.	09	Charge framed against the accused.
2.	10 and 11	Plea of the accused.

D. Material Objects :

Sr.No.	Material Object Number	Description
1.	Article No.1	One countrymade Pistol worth Rs.25,000/-.

J U D G M E N T(Delivered on 17th April, 2026)

1. The accused are charged for the offence punishable under Sections 3/35, 7 of the Arms Act, 1959.

2. The case of the prosecution, in brief, is as under:-

On 13.02.2014 as per the secret information the informant alongwith police staff of LCB went to Pathardi S.T. stand. There they caught the accused no.1 Ganesh Ashok Bhosale who was in possession of one countrymade pistol worth Rs.25,000/-. During inquiry he disclosed that accused no.2 Shivdas Jagnath Palve had given him the said pistol prior to 6 months at Shevgaon S.T. stand. Therefore the informant PC Jaywant Todmal lodged report to Pathardi police station.

3. On the basis of said report, Cr.No.05/2014 was registered for the offence punishable under Section 3/25 of the Arms Act against the accused. During the investigation, the PI LCB conducted seizure panchnama of the countrymade pistol, sent it to FSL Mumbai for analysis and obtained Balestic Report and recorded the statements of witnesses as per their versions. After completing the necessary investigation, as there was sufficient evidence against the accused persons he filed the charge-sheet.

4. The learned Judicial Magistrate First Class, Pathardi has committed the case against the accused persons to the Court of Session, since the offence under section 3/25 and 7 of the Arms Act are triable by Court of Sessions.

5. Heard learned APP Mr. M. V. Diwane and the learned advocate Mr. K.D. Tarkase for the accused no.1. From the above facts, following points arise for my consideration and I have recorded my findings thereon for the reasons stated hereinafter.

Sr.No.	Points	Findings
1.	Does the prosecution prove that the accused no.1 possessed and bought countrymade pistol from the accused no.2 ?	..No.
2.	What order ?	As per final order

R E A S O N S

As To All Points :

6. The prosecution witnesses namely Ravindra Bhapase(PW1) and Babasaheb Chandane(PW2) did not support the case of prosecution. Though they have been cross-examined by the prosecution, nothing material came on record. Their testimony is no relevant, hence, can not be considered.

7. The prosecution has examined Jaywant Rakhamnath (PW3). In his evidence it came on record that on 13.02.2014 at about 5.00 a.m. PSI Bhalerao received a secret information that one person possessing countrymade pistol behind washroom near Pathardi bus stand and looking for a customer to sell the same. Therefore they raided the said place and police personnel Mallikarjun Bankar caught the said person at about 6.30 a.m.. On inquiry he told his name as Ganesh Ashok Bhosale. He further deposed that they seized countrymade pistol and six live cartridges from his pant. Thereafter he lodged complaint against the accused. He further deposed that on 15.02.2014 the accused no.1 Ganesh disclosed that he purchased the said countrymade pistol from accused no.2 Shivdas.

During cross-examination he admitted that there was rush on Pathardi S.T. Stand and they did not give written report to LCB or Pathardi about seized muddemal.

8. The prosecution further examined Digambar Raosaheb Karkhele(PW4). He deposed that on 13.02.2014 at about 5.00 a.m. the accused was found in possession of countrymade pistol.

9. The prosecution further examined Ashok Tukaram Bhalerao (PW5). He deposed in the tune of Jaywant Rakhamnath (PW3) as a member of raiding party. He further deposed that during investigation he sent the seized countrymade pistol to Ballistic Expert for analysis.

During cross-examination this witness has also admitted that they did not give report about seizure of countrymade pistol from the accused.

10. Upon perusal of testimonies of the above witnesses, it is seen that the most important witness in this case namely Mallikarjun Bankar who had caught the accused no.1 Ganesh is not examined by the prosecution. He is the best person who can say that how he identified accused no.1 and how the countrymade pistol was found with him. Even, the prosecution did not bring on record anything about the secret information received by them. As well as the police has not obtained previous sanction of the District Magistrate to prosecute as per Section 3 of the Arms Act.

11. Though there is C.A. report on record pertaining to the countrymade pistol, but the prosecution failed to bring on record the manner in which the said countrymade pistol was seized from the accused no.1. It is also seen that when the accused no.1 disclosed that the said countrymade pistol was purchased from the accused no.2, then it was mandatory on the part of prosecution to prove that it was sold by accused no.2 to accused no.1. In absence of this evidence, it can not be said that the offence has been proved against the accused beyond reasonable doubt. In such circumstances, the accused are entitled to be acquitted. The prosecution also failed to connect the seized muddemal with these accused and therefore it needs to be disposed of as per law. Hence, I answer point no.1 in the negative and in answer to the point No.2, I proceed to pass the following order.

ORDER

1. The accused are hereby acquitted of the offence punishable under section 3/25, 7 of the Arms Act vide section 232 of Code Of Criminal Procedure.
2. Their bail bonds are cancelled.
3. The accused shall execute P.R. Bond of Rs.15,000/- (Rupees fifteen thousand only) each with one surety in the like amount to appear before the Appellate Court as and when notice is issued within six months, as per the provisions of section 437-A of Code of Criminal Procedure.

4. The muddemal 'Article A' be sent to the District Collector, Ahmednagar for its disposal after appeal period is over.

(Dictated and pronounced in open Court.)

Date : 17.04.2026
Place : Ahmednagar

(A. M. Patil)
Additional Sessions Judge,
Ahmednagar
JO Code-MH02456