

MHND010025702017



Presented on	:	03/10/2017
Registered on	:	03/10/2017
Decided on	:	10/07/2026
Duration	:	8Y.09M.07D.
Exh. No.183		

PART 'A'

	IN THE COURT OF SESSIONS JUDGE, NANDED (Presided over by: Narendra K. Brahme, Sessions Judge) (Date of Judgment: 10/07/2026) Sessions Case No.84/2017 Crime No.47/2017, U/sec. 302, 304-B, 498-A read with Section 34 of The Indian Penal Code. Police Station Tamsa, Dist. Nanded.	
Prosecution	The State of Maharashtra (Through Police Station Tamsa, Dist. Nanded)	
Represented By	Shri. R. N. Deshmukh, PP	
Accused	1	Vilas Pralhad Chivte, Age-30 years, Occu- Labour, R/o. Hassapur, Tq. Bhokar, Dist. Nanded.
	2	Pralhad Tulsiram Chivte, Age-50 years, Occu- Agri, R/o. Hassapur, Tq. Bhokar, Dist. Nanded.
	3	Apparao Yadav Sonmankar, Age-62 years, Occu- Agri, R/o. Bhokar, Tq. Bhokar, Dist. Nanded
	4	Deelip Pralhad Chivte, Age-34 years, Occu- Agri,

	5	Bharatbai W/o. Pralhad Chivte, Age-47 years, Occu- Household, A. Nos.4 and 5 both R/o. Waipana, Tq. Hadgaon, Dist. Nanded.
Represented By	Adv. Shri. S. R. Imade.	

PART 'B'

Date of Offence	02/05/2017 to 03/05/2017
Date of FIR	03/05/2017
Date of Chargesheet	02/08/2017
Date of Framing of Charge	02/07/2018
Date of commencement of evidence	23/01/2019
Date on which judgment is reserved	06/07/2026
Date of the Judgment	10/07/2026
Date of the Sentencing Order, if any	N.A.

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec. 428, Cr.PC.
A1	Vilas Pralhad Chivte,	03/05/17	22/05/20	Under Sec. 302, 304-B and 498-A r.w.s. 34 IPC.	Acquitted	N.A.	N.A.
A2	Pralhad Tulsiram Chivte,	03/05/17	24/07/17				
A3	Apparao Yadav Sonmankar,	10/05/17	22/08/17				
A4	Deelip Pralhad Chivte,	10/05/17	24/07/17				
A5	Bharatbai W/o. Pralhad Chivte,	01/06/17	13/06/17				

PART 'C'**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES****A. Prosecution:-**

<u>Prosecution Witness No.</u>	<u>Name of Witness</u>	<u>Description</u>
1	Anandrao Bhujangrao Dumne	Informant
2	Devidas Nivruti Gadde	Spot, inquest and seizure panch
3	Dr. Shivshankar Vishwanath Burkule	Medical Officer
4	Haji Abdul Sattar S/o. Abdul Sab	Witness
5	Sahebrao Rajaram Shirgire	Witness
6	Pawan Omprakash Mundhada	Witness
7	Datta Nagorao Jakkalwad	Witness
8	Baswant Madhav Chandapure	Police witness
9	Lalita W/o. Balaji Motekar	Witness
10	Narayan Kishanrao Chamkure	Witness
11	Purbha S/o. Gangaram Punjekar	Witness
12	Balaji Kishanrao Jadhav	Witness
13	Mahadev Babaluwan Gomare	Investigating Officer
14	Dattaram Shantaram Angre	Nodal Officer

B. Defence witnesses, if any:-

<u>Prosecution Witness No.</u>	<u>Name of Witness</u>	<u>Description</u>
---NIL---		

C. Court witnesses, if any:-

<u>Prosecution Witness No.</u>	<u>Name of Witness</u>	<u>Description</u>
---NIL---		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**A. Prosecution:-**

<u>Exhibit No.</u>	<u>Description of the Exhibit</u>	<u>Proved by/ Attested by</u>
29	Report/complaint	PW-1
31	Inquest panchanama	PW-2
32	Spot panchanama	PW-2
33	Seizure panchanama	PW-2
34	Memorandum panchanama of accused No.1	PW-2
35	Seizure panchanama of Article-4	PW-2
38	7/12 extract of survey Nos.105 to 107	PW-2
39	Village map of Rajwadi	PW-2
44	Letter dated 03/05/2017 to Medical Officer	PW-3
45	Post-mortem Report	PW-3
46-47	Cause of death Certificates	PW-3
48	Letter dtd. 13/06/2017 for opinion in PM.	PW-3
49	Letter/opinion dtd.14/06/17 from M.O.	PW-3
57	Letter dtd.12/05/2017 from Police Station to Forensic Science Laboratory for C. A. report	PW-8
116-117	Arrest panchanamas of accused Nos.1 & 2	PW-13
118	Map of spot of incident	PW-13

119 to 122	Statements of PW-4-Haji Abdul, PW-5-Sahebrao Shirgire, PW-6-Pawan Mundada, PW-7-Datta Jakkalwad and PW-9-Lalita Motekar respectively.	PW-13
123 to 125	Arrest Panchanamas of accused Nos.3 to 5.	PW-13
132	Letter dtd.17/07/2017 to JMFC, Nanded for TIP of accused No.1.	PW-13
133	Letter dtd.17/07/2017 to SP Nanded for providing CDR and SDR of accused No.1	PW-13
134	Letter dtd.07/02/2018 to submit CDR and SDR of accused No.1 in this case.	PW-13
135	CDR report and Certificate under Section 65-B of The Indian Evidence Act, 1872.	PW-13
142	Certificate under Section 65-B of The Indian Evidence Act, 1872.	PW-14
143	Customer Application Form of accused No.1	PW-14
144	CDR of mobile of accused No.1	PW-14

B. Defence:

<u>Exhibit No.</u>	<u>Description of the Exhibit</u>	<u>Proved by/Attested by</u>
---NIL---		

C. Court Exhibits:

<u>Exhibit No.</u>	<u>Description of the Exhibit</u>	<u>Proved by/Attested by</u>
147	Chemical Analysis Report	-----

D. Material Objects:

<u>Material Object No.</u>	<u>Description of the Exhibit</u>	<u>Proved by/Attested by</u>
Article-1	Chapple of deceased	PW-1
Article-2	Nylon rope	PW-1
Article-3	Mobile Handset black coloured	PW-2
Article-4 Collectively	Plastic water bottle, nylon bag and plastic tiffin box	PW-2
Article-5	Marriage Card	PW-13
Article-6	Photograph of marriage	PW-13
Article-7	Purchase receipt of golden ring	PW-13

J U D G M E N T(Delivered on 10th July, 2026)

The Accused persons are facing charge for the offences punishable under Sections 302, 304-B and 498-A read with Section 34 of The Indian Penal Code.

2] The factual matrix of the case of the prosecution is summarized as under:-

Informant-Anandrao Bhujangrao Dumne was resident of Savargaon (P), Tq. Mukhed, Dist. Nanded, having two daughters viz. Varsha and Sonutai. Her younger daughter-Sonutai was married prior to four years with one Vilas Chivate, R/o. Hassapur as per rites and customs. Accused persons treated well to her for some days after

marriage. But, thereafter, they ill-treated her on ground of demand of Rs.1,50,000/- from her parents. They assaulted and abused her and threatened her that if, she would not satisfy said demand, then they will not allow her to cohabit with accused No.1. They had dropped her to parental house prior to two months of May-2016. In May-2016 accused persons alongwith their relatives came to their house and assured in front of villagers to treat her well and took her with them.

3] As per prosecution's case, thereafter, accused persons demanding said amount to deceased Sonutai. They frequently assaulted and abused her. Deceased Sonutai informed said fact to informant and his family on phone or on meeting. But, he gave understanding with hope that everything will alright one day. Prior to two months, accused drove her from house by assaulting and demanded money from her parental house. On 25/04/2017, accused Nos.3 and 4 came to his house and assured to treat Sonutai well. At that time, he gave them a golden ring of 5.00gms.

4] As per the case of prosecution, on 02/05/2017, accused No.3 informed son of informant that, deceased Sonutai hanged herself in Ganesh Khandi. Thereafter, they alongwith villagers and relatives by private vehicle had been to Bhokar at 1.00am and searched Sonutai with Police at 4.00am and found at 6.00am that, Sonutai hanged herself to Moha tree in Rajwadi Shivar and she died. Accused persons harassed her for demand of Rs.1,50,000/- for shop, abused

and assaulted deceased Sonutai, killed her and hanged on a Mohova tree in forest of Rajwadi Shivar. So, informant lodged report on 03/05/2017 against accused persons with the Police Station Tamsa.

5] On the basis of said report of the informant, Crime bearing registration No.47/2017 for the offences punishable under Sections 302 and 498-A read with Section 34 of Indian Penal Code was registered against accused persons with Police Station Tamsa.

6] On 03/05/2017, API Shri. Mahadev B. Gomare (PW-13) received information that in Rajwadi Jungle one lady is found in hanging position upon tree. After noting it in Station Diary, he proceeded to spot with two panch witnesses and police personals. At spot he found deceased named Sonutai Chiwte, aged 24 years, hanged to Moha tree, he took her down, removed nylon rope around her neck and prepared spot panchanama (Exh.32) alongwith Map. He conducted inquest panchanama (Exh.31) in presence of panch witnesses. He wrote letter (Exh.44) and referred deadbody of Sonutai to Primary Health Center, Waipana. He collected Provisional Death Certificate (Exh.46) issued by Medical Officer. Thereafter, he noted down report (Exh.29) of father of deceased-Sonutai as per his say, regarding harassment at the hands of accused persons on account of illegal demand of money and accused No.1 killed Sonutai. He registered said crime bearing No.47/2017 offence punishable under Sections 302, 498-A read with Section 34 of The Indian Penal Code

and made endorsement below it. Then, investigation was handed over to him.

7] He (PW-13) recorded statements of witnesses as per their say. He arrested accused Nos.1 and 2 vide Arrest Panchanamas (Exhs. 116, 117). He seized Mobile phone (Article 3) of accused No.1 vide seizure panchanama (Exh.33). He recorded memorandum panchanama (Exh.34) of accused No.1 and seized two water bottles, one tiffin box, pin coloured bag (Article 4 collectively) vide Seizure Panchanama (Exh.35). He wrote letter (Exh.57) and referred viscera of deceased to Forensic Science Laboratory, Nanded through HC-Chandapure (PW-8). He obtained Map (Exh.118) of spot of incident from Circle Inspector, Ashti. He arrested accused Nos.3 to 5 vide Arrest Panchanamas (Exhs. 123 to 125). He wrote letter (Exh.48) and obtained Opinion regarding injuries to deceased vide Exh.49 from Medical Officer. He wrote letter (Exh.132) for Test Identification Period of accused No.1 by Datta (PW-7). Accordingly, TIP conducted. He wrote letter (Exh.133) to S. P. Nanded and collected CDR and SDR of mobile of accused No.1 vide Exh.135 and submitted vide Letter (Exh.134). After completion of the investigation, charge-sheet came to be filed against accused persons.

8] Since, alleged offence is exclusively triable by Court of Sessions, Learned Judicial Magistrate First Class, Hadgaon committed the case on 25/09/2017 to Sessions Court, Nanded for trial.

9] The Then Additional Sessions Judge-5, Nanded framed Charge (Exh.08) for offences punishable under Sections 302, 304-B and 498-A read with Section 34 of The Indian Penal Code. The accused Nos.1 to 5 pleaded not guilty and claimed to be tried.

10] In order to prove the guilt of accused, prosecution has examined in all Fourteen witnesses and produced certain copies of documents enlisted in earlier part of this judgment.

On the other hand, accused persons did not adduce any evidence in their defence. However, they denied all incriminating circumstances appearing against them while recording statement under Section 313(1)(b) of The Criminal Procedure Code, 1973. The crime in this case was committed prior to 1st July 2024 on which the Amendment in Criminal Laws was taken place. So, as per Section 531(2)(a) of The Bharatiya Nagarik Suraksha Sanhita, 2023, the Provisions of The Code of Criminal Procedure, 1973 are applicable, as per Section 358 of The Bharatiya Nyaya Sanhita, 2023, the provisions of the The Indian Penal Code are applicable and as per Section 170 of The Bharatiya Saksha Adhinyam, 2023, the provisions of The Indian Evidence Act, 1872 are applicable. Accused persons claimed that false case is filed against them.

11] Heard arguments advanced on behalf of both parties as well as perused entire record and decisions cited at Bar. The Learned Public Prosecutor-Shri. R. N. Deshmukh during the course of

arguments has submitted that, with the help of oral evidence of in all 14 witnesses coupled with certain documents, prosecution has succeeded in proving the offence punishable under Sections 302, 304(B) and 498-A read with Section 34 of The Indian Penal Code. Father of deceased Anandrao (PW-1) has supported the prosecution case. Dr. Bulbule (PW-3) opined cause of death as 'asphyxia due to strangulation'. He issued Provisional Certificate (Exh.49) and opined that, injury No.1 therein is possible by strangulation by rope and also identified Rope (Article A) and injury can be possible by Article A. He preserved Viscera and proved Chemical Analysis Report (Exh.47), which shows deceased died not due to poison. Panch witness Devidas (PW-2) proved Spot Panchanama (Exh.32), which shows height of tree is not possible to climb by deceased herself so possibility of murder by accused is proved. He proved seizure panchanama (Exh.33) and seizure of mobile (Article 3) from accused No.1-Vilas. He proved memorandum Panchanama (Exh.34) of accused. He identified Tiffin Box (Article 4) and also accused.

12] The Learned PP further submitted that, Narayan (PW-10) i.e. Sarpanch, was mediator between accused and deceased. He deposed that, he knew father of deceased i.e. PW-1 and demand of dowry at the hands of accused of Rs.1,50,000/-. He deposed about meetings between accused and informant. He corroborated informant (PW-1). Balaji Jadhav (PW-12) is in the same line as per PW-1 and PW-10. Dattaram (PW-14), Nodal Officer of Cellular Company, he

proved Certificate under Section 65(B) of The Indian Evidence Act, 1872 and documents vide Exh.143. He deposed that, accused No.1-Vilas was continuously in contact with other co-accused on the night of incident.

13] The Learned PP also submitted that, Gomare (PW-13), Investigating Officer, deposed about his role in investigation, he identified Spot Panchanama and sketch therein. He deposed about dowry demand and harassment at the hands of accused to deceased. So, he has conducted proper investigation. There is presumption regarding dowry death under Section 113(B) of The Indian Evidence Act, 1872, so burden of proof is on accused persons. There is chain of circumstantial evidence, so Section 302 of The Indian Penal Code is also proved. Therefore, prosecution proved its case against accused beyond reasonable doubt. Hence, he sought conviction and punishment to accused persons.

14] On the other hand, Learned Advocate Shri. S. R. Imade for the accused has strongly opposed and assailed the arguments submitted by Learned Public Prosecutor. He submitted that, there is no demand of dowry and no purpose for which it is demanded, is not proved i.e. for which business, so dowry death is not proved by prosecution. There are no specific dates of beating, harassment Allegations are omnibus in nature. Balaji (PW-12), who is mediator, has not mentioned Demand of dowry of Rs.1,50,000/-. There is delay

in lodging FIR, which is unexplained. Investigating Officer Shri.Gomare (PW-13) deposed in para 2 that, he received information and he noted in Station Diary about incident, but, he has not lodged FIR and so, information is suppressed. This hits Section 162 of The Code of Criminal Procedure, 1973. So, Report (Exh.29) was recorded under influence and cannot be used for corroboration purpose. There is no pathway mentioned in Chargesheet. But, in Spot Panchanama (Exh.32), Devidas (PW-2) deposed that, there is pathway, so there is contradiction about said pathway. He had not deposed about tree i.e. its nature and height. He admitted that, he had no written letter to act as panch and having no knowledge about Ganesh Khandi, he had no personal talk with accused, therefore, it creates doubt about Memorandum Panchanama. Dr. Burkule (PW-3) opined reason of death is mentioned as 'asphyxia due to strangulation' is shown prior 2 days and in his cross-examination, he supported the theory of hanging. Therefore, death of deceased Sonu is of suicidal and not homicidal one. Prior to incident, she ran away from house and report regarding the same was lodged. At the time of incident, she ran away and committed suicide herself.

15] The Learned Advocate for the accused further submitted that, Pawan (PW-6) deposed about absence of accused No.1-Vilas from duty in his shop, but, it do not prove presence of accused at the spot itself. Haji Abdul (PW-4), who is shop owner, where Nylon rope was purchased, has no idea about incident, so he is not helpful to

prosecution. Datta (PW-7) deposed that, he had seen accused proceeding from Jungle, but, there was no test identification parade of accused has effected. There was no witness, which speaks about presence of accused on the spot of incident. From the evidence of Nodal Officer (PW-14), it is not proved substantially that, accused had been to Bhokar to Rajwadi i.e. in Ganesh Khandi on the date of incident. There was no specific Tower location of spot. Therefore, there is lacuna and hence, CDR is not duly proved. Prosecution could tell location and place of accused at the relevant time from tower, but, it failed to prove the same beyond reasonable doubt. Sahebrao (PW-5) has not supported the prosecution.

16] The Learned Advocate for accused further submitted that, Lalita (PW-9) is neighbour of accused, she deposed about cordial relations between accused and deceased. Purbha (PW-11) deposed about tenancy of accused and deceased Sonu; but, he never stated about any kind of disputes or harassment at the hands of accused. Witnesses, who were present in Meeting between accused and Sonutai/informant had not deposed about demand of Rs.1,50,000/-. Informant (PW-1) admitted in his cross-examination that, he went to his village after funeral ceremony, therefore, present crime lodged afterthought. Deceased and accused No.1 were residing separately and not with other accused persons.

17] PW-13 is Investigating Officer has not obtained CDR of

mobile number of Digambar and has not conducted proper investigation. This is not case of strangulation, therefore, Section 302 of The Indian Penal Code not attracted. This is suicidal case, deceased ran away, accused searched her, even if, they could not tell reason as to why deceased committed suicide, they cannot be held liable for her death. There is no substantive evidence to prove Section 304-B of The Indian Penal Code. Also, ingredients of Sections 498-A and 34 of The Indian Penal Code are not proved beyond reasonable doubt. As such, he submitted that, prosecution miserably failed to prove the alleged offences beyond reasonable doubt and prayed for acquittal of accused by giving benefit of doubt.

18] Following points arise for determination and findings are recorded thereon as under for the reasons given thereunder :-

Sr. No.	POINTS	FINDINGS
1	Whether prosecution proved that, death of Sonubai Vilas Chivte is homicidal or Suicidal?	Yes, suicidal one.
2	Whether prosecution proves that, on 02/05/2017, at about 1.00pm to 03/05/2017 at about 8.00am, in the forest of Rajwadi Shiwar, accused Nos.1 to 5 in furtherance of their common intention, committed murder of informant's daughter viz. Sonubai Vilas Chivte by assaulting and strangulating her and then hanged her to	In the negative.

	the tree and thereby committed an offence punishable under Section 302 read with Section 34 of The Indian Penal Code?	
3	Whether prosecution proves that, on aforesaid date, time and prior to it various times at Hassapur, Tq. Bhokar, Dist. Nanded, accused No.1 being husband of victim/deceased Sonubai Vilas Chiwate and accused Nos.2 to 5 being relatives of accused No.1 in furtherance of their common intention, caused the death of deceased Sonubai Vilas Chivte, which occurred otherwise than in normal circumstances within 7 years of her marriage and it shows that soon before her death, she was subjected to physical and mental cruelty, harassment by accused in connection with their unlawful demand of dowry of Rs.1,50,000/- to start the business and thereby committed an offence punishable under Section 304-B read with Section 34 of The Indian Penal Code?	In the negative.
4	Whether prosecution proves that, on aforesaid date, time and place, accused No.1 being husband of victim/deceased Sonubai Vilas Chivte and accused Nos.2 to 5 being relatives of accused No.1 in furtherance of their common intention, subjected her to physical and mental cruelty on account of your illegal monetary demand of Rs.1,50,000/- to start the shop and thereby committed an offence punishable under Section 498-A read with Section 34 of The Indian Penal Code?	In the negative.
5	What order?	As per final order.

: R E A S O N S :**AS TO POINT NOs.1 to 5 :-**

19] These points are interlinked with each other therefore, in order to avoid repetition of facts and evidence, all points are discussed together.

It is the evidence of Anandrao Dumne (PW-1) that, Santosh and Digambar are his sons. Varsha and Sonu are his daughters. Sonu's marriage was solemnized with accused No.1-Vilas four years back from the date of incident i.e. on 08/04/2012. After marriage, she started cohabiting with him. These facts were admitted by accused persons in their statement under Section 313(1)(b) of The Code of Criminal Procedure, 1973. Further, it is the case of Anandrao (PW-1) that, for about 2 years, Sonu was treated well by the accused; but, thereafter, they started harassing her by demanding Rs.1,50,000/- for shop, they were abusing and beating her. They were saying that, unless she bring money, they will not allow her to cohabit and so, they dropped her to her maternal house.

20] In this respect, he (PW-1) admitted that, marriage was fixed 2 months before the date of marriage. It was solemnized as was settled during the period of marriage, there was no dispute between them. He does not know where accused had decided to open a shop. His daughter had not told him in that respect. These admissions are important. If, the accused persons had really demanded said amount

for said purpose, it is probable that, they must have decided to open a particular type of shop in particular place and Sonu, being his wife, had reason and occasion to know about it. Furthermore, she would have communicated those facts to her father i.e. Anandrao (PW-1); but, as he does not know anything about those facts, demand of Rs.1,50,000/- for starting a shop becomes doubtful.

21] Narayan Chamkure (PW-10) was a Sarpanch of village Savargaon, he knows Anandrao (PW-1). He corroborated the evidence of Anandrao (PW-1) about the demand of Rs.1,50,000/- by accused persons to Sonu for starting a shop. He admitted that, from January 2016, the father i.e. Anandrao (PW-1) of the girl i.e. Sonu was telling him about her ill-treatment. Thus, his information is hearsay. He has no direct and primary information about the alleged demand by the accused persons. So, it cannot be said that, he has corroborated Anandrao (PW-1).

22] According to Anandrao (PW-1), two months after sending Sonu to her maternal house, accused came to his house alongwith Balaji Patil, Uttam Patil, Apparao Patil, Narsing Patil and other persons. So, this witness called the villagers, in their presence, accused assured that, they will treat Sonu properly and took her for cohabitation. In the said meeting, Vitthal Umate, Narayan Guruji, Shivaji Musande, Balaji Musande, Madhav Devkatte and Babarao Patil were also present. But, thereafter, accused again started beating and

abusing the daughter of this witness and send her back to his house. It is his evidence that, his daughter i.e. Sonu was telling about the ill-treatment given to her by accused by telephonic talk. Even after coming to home, she told this witness that accused were beating her by demanding money. He convinced her that, one day, the accused would treat her properly and send her back to cohabitation. Thereafter, again, accused ill-treated her and send back to this witness. On 24/04/2017, accused Apparao and Dilip came to the house of this witness and took Sonu for cohabitation. On the hope that, accused would treat her properly, this witness gave 5.00gms. gold ring to them for giving to accused Vilas.

23] During his (PW-1) cross-examination, it was revealed that, his mobile number is 8698808798, but, he does not remember from which mobile number Sonu used to contact him. He does not remember the mobile number of any accused. He specifically admitted that, golden ring was not agreed to be given by him.

24] Narayan Chamkure (PW-10) has corroborated the evidence of Anandrao (PW-1). In respect of meeting held at Savargaon between the villagers of Anandrao (PW-1) and accused persons. But, he does not know when Sonutai came to Savargaon, whether she came there on 05/02/2017, for how much period she resided there. He is unable to tell the exact date on which the meeting at Savargaon took place. He admitted that, at that time, accused No.1

came there to fetch Sonutai for cohabitation. These admissions goes to the root of the matter and shows that, his evidence in that respect is also hearsay and he does not have any direct and primary information about the said meeting.

25] Balaji Jadhav (PW-12) knows all the accused persons as being resident of his own village. According to him, for some time after marriage, the relations between Vilas and Sonutai were normal. Afterwards, disputes arose between them, which this witness (PW-12) came to know from Pralhad i.e accused No.2. Due to those disputes, Sonutai went to her parents place at Savargaon and stayed there for 3 years. Accused No.2-Pralhad asked this witness (PW-12) to mediate in their dispute. Accordingly, he (PW-12) alongwith other 05 to 06 persons i.e. Uttamrao Jadhav, accused No.2-Pralhad, accused No.1-Vilas and Narsing, went to Savargaon. Their a meeting was held, in which 05 to 06 persons were present from the side of Sonutai. As agreed in that meeting, they brought Sonutai to Hassapur for cohabiting with accused No.1-Vilas. He specifically admitted that, he does not know about personal life of accused No.1-Vilas and Sonutai. After mediation at Savargaon, accused No.1-Vilas and Sonutai were residing happily. Initially, after marriage, Vilas and Sonutai were happy with each others. Thus, due to his contradictory stand, it is not safe to rely upon his evidence and it cannot be said that, he (PW-12) had corroborated the evidence of Anandrao (PW-1).

26] Though, Mahadev Gomare (PW-13), who was an Investigating Officer, had deposed about the demand of money by accused persons from Sonutai and for that purpose, they were ill-treating and harassing her, it is the evidence of this witness (PW-13) that, it is a case of 'murder' and not of 'suicide'. Thus, his evidence is not in support of Section 304-B and 498-A of The Indian Penal Code. Accordingly, the whole cross-examination of this witness, was focused only in respect of Section 302 of The Indian Penal Code. Thus, aforesaid is the only evidence of prosecution in connection with Sections 304-B and 498-A of The Indian Penal Code. Now, it has to be seen, whether prosecution succeeds in proving the offence under Section 302 of The Indian Penal Code?

27] It is the evidence of Anandrao (PW-1) that, on 02/05/2017, he received a phone call of his son Digambar that accused-Apparao informed him by phone call that, Sonu had committed suicide in Ganesh Khandi. So, at about 10.00pm, he proceeded to Ganesh Khandi alongwith some villagers. At about 1.00am, they were at Bhokar, at 4.00am, they were at Tamsa Police Station and with the help of Police, they found the dead-body in Ganesh Khandi at about 8.00am. It was hanging to Mohava tree. Police took down the dead-body and prepared Inquest Panchanama as well as Spot Panchanama and seized a pair of Chappal (Article 1) and Nylon Rope (Article 2) from the spot. After funeral, he lodged Report vide Exh.29. When he was proceeding to Ganesh Khandi, Vitthalrao

Umate told him that he received a phone call about the incident from accused-Apparao. He admitted that, initially, he went to Bhokar Police Station, there accused Apparao and his brother Narsing has also came. In presence of this witness, there was no discussion between Vitthal Umate, accused-Apparao and his brother-Narsing. The Police at Bhokar Police Station told that, the spot of incident does not come under their jurisdiction. Before proceeding to Ganesh Khandi, he had not lodged Report with Tamsa Police Station. On the Northen side of Ganesh Khandi forest there are agricultural lands. On the spot of incident, he had not lodged Report to the Police. After Post-mortem and funeral, this witness (PW-1) went to his village. He specifically admitted that, he had not witnessed the murder.

28] It is worth mentioning that, he (PW-1) learned about the death of Sonutai from his son-Digambar; but, prosecution has not examined Digambar. Even, as per his evidence, Vitthalrao Umate learned about the incident from accused-Apparao, thus, both Digambar and Vitthalrao Umate learned about the incident from accused Apparao. Vitthalrao Umate was also not examined as witness. So, it was not proved by prosecution that, both these persons had in fact, received the information from accused-Apparao. Admittedly, this witness (PW-1) has cordial relations with Vitthalrao Umate and Digambar is his own son. So, by keeping both these persons away from the cross-examination, this witness (PW-1) directly referred the name of accused-Apparao as a source of information about the

incident. By doing so, the chain in the prosecution evidence got missed. Not being the witness of murder, his evidence is insignificant. In his presence, only Inquest Panchanama, Spot Panchanama was prepared and 02 Articles were seized.

29] Devidas Gadde (PW-2) is the Forest Guard in Tamsa Forest Circle. According to him, his Superior Officer deputed him and his colleague-Dhondiram Devkure as Panch. Alongwith Police of Tamsa Police Station, they went to Ganesh Khandi. Therefrom, by walk, they went to Rajwadi area, Compartment No.354-B. They found a dead-body of one female, hanging to Mohuva tree. They took it down. Father of deceased had identified the dead-body. He has proved the Inquest Panchanama (Exh.31), Spot-cum-Seizure Panchanama (Exh.32) . On the same day, at about 6.00 to 7.00pm, he was again called at Police Station. Accused produced one Mobile Handset and it was seized under Panchanama (Exh.33). On the next day i.e. on 04/05/2017, he was again called at Police Station, at that time, accused-Vilas had made a statement that, he had put Tiffin Box and Water Bottle in a bush, near the spot of incident. Said Memorandum Statement was reduced into writing vide Exh.34 and at the instance of accused-Vilas, Tiffin Box and Water Bottle was recovered from the bush near the spot of incident and seized under Panchanama (Exh.35).

30] During his (PW-2) cross-examination, it was revealed that,

there is a 'Ganesh' temple adjacent to road proceeding from Rajwadi Phata to Dhavari Phata. There is a 'Tar' road from Rajwadi Phata to Rajwadi village and that road proceeds to Pimpalgaon. There is a 'Datta' Temple in village Pimpalgaon and there always used to be a rush. He tried to gain ignorance about the Survey Number of Compartment No.354-B and whether it is Survey No.106. After showing working plan Map (Article A), he admitted that, Compartment No.354-B is in Survey No.106. He admitted that, as per 7/12 Extract (Exh.38), Sambhaji Maroti is the owner of Gut No.106. Adjacent to Compartment No.354-B, there is agricultural land of village Rajwadi. As per Village Map (Exh.39), Survey Nos.105 to 108 are adjacent to each other. Out of it, Survey Nos.105, 107 and 108 are under cultivation. Adjacent to Compartment No.354-B, there were cow-sheds. Mohuva tree was at the distance of 40 to 50 ft. from 'bandh' of the land. He clearly admitted that, before reaching to the spot, 2 to 4 persons were there.

31] He (PW-2) further admitted that, there were ligature marks on both sides of neck of the dead-body, those were upward, there were red ants over the dead-body, as observed by female panch, deceased was observing a menstruation period. The mouth of the dead-body was open and there were ants into it. The first branch of Mohuva tree was at the distance of 8.00ft. from ground and one can climb on that tree with the help of its trunk. In the middle of the dead-body, there was a branch of Mohuva tree, where one can sit. At

10.00am, dead-body was sent to Waiphana hospital from the spot. Father of deceased i.e. Anandrao (PW-1) also went alongwith dead-body. Anandrao (PW-1) was with the Police for about 2-3 hours. On the next day i.e. on 04/05/2017, his Superior Officer had not given him any Order to act as a 'panch'. Police had already told him that some Articles are to be seized from the accused. On that day, they had not gone to the place where dead-body was found. There were pathways near the places where the dead-body was found and from the place where the Articles were seized. There are many pathways in the forest. They had not gone by the pathway for recovering the Articles. On the distance of 8 to 10 Kms. towards North from the place, where dead-body was found, there is a 'kaccha' road. On that day, this witness (PW-2) had no talk with accused.

32] His (PW-2) aforesaid evidence, clearly shows that, Police had already decided to use this witness as a 'panch' for all purposes. His evidence does not show that, there was any Lady Panch at the time of Inquest Panchanama (Exh.31). So, preparation of said Panchanama is doubtful. Spot-cum-Seizure Panchanama (Exh.32) was prepared on 03/05/2017, in between 8.50 to 9.20am. In the said Panchanama (Exh.32), in Column No.6, motive of crime is referred as 'death by hanging (गळफास देवुन मृत्यु)' while FIR was registered on the same day at about 6.40pm and it is mentioned that, accused persons had murdered Sonutai by hanging and has shown that, she had committed suicide. Admission of this witness (PW-2) clearly shows

that, informant Anandrao (PW-1) was with the Police for 2-3 hours from the time of moving the dead-body from spot of incident to hospital at Waiphana. It is worth repeating that, as per admission of Anandrao (PW-1), he had not lodged report on the spot to the Police. On this background, mentioning 'death by hanging (गळफास देवुन मृत्यु)' in Column No.6 of Spot-cum-Seizure Panchanama (Exh.32) is highly suspicious. Certainly, it is not mentioned as per the say of Anandrao (PW-1), who had shown the spot of incident. Mode of commission of crime mentioned in FIR is same. So, in the aforesaid analogy, it is also not as per the say of Anandrao (PW-1). It creates a serious doubt about the Spot Panchanama (Exh.32) as well as FIR (Exh.29). In this connection, the admissions of Shri. Gomare (PW-13) are important. At the time of Spot Panchanama (Exh.32), he was not knowing whether deceased had hanged herself or she was hanged by somebody else. Prior to lodging Report (Exh.29), nobody reported the incident to his Police Station.

33] So far as, seizure of Mobile Handset of accused No.1-Vilas vide Exh.33 is concerned, prosecution has not made out as to what incriminating material is in it. In that respect, prosecution has examined Nodal Officer-Shri. Dattaram Aangre (PW-14). As per requisition of Addl. S. P. Nanded, he had obtained CAF and CDR of mobile No.9604451671 and provided it alongwith Certificate under Section 65(B) of The Indian Evidence Act, 1872 vide Exh.142, CAF (Exh.143) and CDR (Exh.144). According to him, aforesaid mobile

number was allotted to accused No.1-Vilas Chivte. As per CDR (Exh.144), on 02/05/2017, highest calls were made from that mobile to other mobile numbers 9665445042 and 7387902742. He has not deposed as to whom those mobile numbers were allotted and prosecution has not shown the connection of those persons, to whom those numbers were allotted, with the present crime. He specifically admitted that, he has not issued the CDR and SDR's of those mobile numbers. In Certificate (Exh.142), he has not mentioned as to exactly from which Computer, he had extracted the data. He further admitted that, in CDR (Exh.144), the area under the coverage of every mobile tower is not mentioned. In CDR (Exh.144), tower location of the mobile number to which calls are made is also not reflected. So, merely on the basis of proof of mobile number and call details of accused No.1-Vilas, that too, in absence of ownership of aforesaid two numbers, accused persons cannot be connected with the present crime.

34] So far as, the Memorandum Statement (Exh.34) of accused and consequential recovery of Tiffin and Water-bottle vide Exh.35 is concern, evidence of Devidas (PW-2) clearly shows that, the spot of incident as well as the spot wherefrom Tiffin and Water-bottle (Article 4 Collectively) were seized is surrounded by several agricultural lands, pathways, having roads, having traffic, so, it cannot be said that, said place is exclusively in the knowledge of accused No.1-Vilas only. Moreover, prosecution has not proved the connection

of that Tiffin and Water-bottle (Article 4 Coll.) with the present crime. It is also not the evidence of any prosecution witness that those Articles were of accused No.1-Vilas only. Certainly, those Articles are not the weapon used in the present crime. So, the seizure of those Articles is insignificant. As stated above, it appears that, since beginning, the Investigating Officer (PW-13) had decided to anyhow fix all the accused persons, so, he used the set of same Panchas for all the Panchanamas. For these reasons, the evidence of Devidas (PW-2) and all Panchanamas prepared by him does not inspire confidence.

35] Haji Abdul Sattar (PW-4) is the owner of Navrang Hardware shop, he does not know anything about the incident and denied that, accused No.1-Vilas was brought to his shop for identification of rope. He had not supported the prosecution case, even, during his cross-examination, nothing was extracted in support of prosecution. Without asking him whether he had given any statement to Police, directly a Portion Mark-A was read over to him. That is the incorrect procedure. He denied said Portion Mark-A. So, even if, Investigating Officer Shri. Gomare (PW-13) had proved the same vide Exh.119, it is of no avail.

36] Sahebrao Shirgire (PW-5) does not know accused-Vilas. For attending hospital, he was going to Tamsa, he does not know the shop by name 'Ganesh Winding Works Wires'. He denied that, on 02/05/2017, he saw accused No.1 with one woman. He had not

supported the prosecution case, even, during his cross-examination, nothing was extracted in support of prosecution. Without asking him whether he had given any statement to Police, directly a Portion Mark-A was read over to him. That is the incorrect procedure. He denied said Portion Mark-A. So, even if, Investigating Officer Shri. Gomare (PW-13) had proved the same vide Exh.120, it is of no avail.

37] Pawan (PW-6) is the owner of shop by name 'Ganesh Winding Wires', accused No.1 was working in his shop. This witness does not know what happened to the wife of accused. Though, he knows that, she died. He does not know how she died. This witness has also not supported the prosecution case. He admitted that, accused No.1 was on leave since 2-3 days prior to death of his wife without intimation. He tried to contact him by phone but accused told him that he is not coming. After the death of his wife, accused did not turn up. During his cross-examination, he again admitted that, he does not have knowledge as to how wife of accused died. His evidence clearly shows that, accused was not present in his shop on 02/05/2017. That by itself does not mean, accused committed murder of his wife. If, the wife of accused had suffered a natural death, then also, accused would have remained absent in the shop. Therefore, evidence of this witness is not helpful to prosecution.

38] Datta (PW-7) does not know Tapaskar and he denied that, he was serving as a yearly servant with Tapaskar. He on the date of

incident, was at Penda to attend marriage, so does not know about the incident. He denied all the suggestions put to him in the cross-examination, he denied portion mark A of his statement. So, even if proved by Investigating Officer Gomare (PW-13), vide Exh.121, it is of no use.

39] The evidence of Basvant (PW-8) shows that, on 12/05/2017, he was Police Head Constable at Tamsa Police Station, API Gomare handed over case property of Cri. No.47/2017 to him for taking the same to Forensic Science Laboratory, Nanded alongwith Letter (Exh.57). It is worth considering that, it is not his evidence that, he handed over that property to Forensic Science Laboratory, Nanded. He admitted that, he does not know in whose possession, the property was and its condition since 03/05/2017 to 12/05/2017. Thus, his evidence clearly shows that, the possession and condition of the property during the aforesaid period is unknown, it creates a doubt about the investigation and it is a major missing link in the prosecution evidence. Accordingly, his evidence is not helpful to prosecution.

40] Lalita (PW-9) is the resident of Pawar Colony, Bhokar. Accused persons are her neighbours. According to her, accused No.1-Vilas and all the other accused were having cordial relations with Sonubai. Thus, her evidence is completely against the prosecution story. During her cross-examination, nothing fruitful was brought on

record. Without asking her whether she had given any statement to Police, directly a Portion Mark-A was read over to her. That is the incorrect procedure. She denied said Portion Mark-A. So, even if, Investigating Officer Shri. Gomare (PW-13) had proved the same vide Exh.122, it is of no avail.

41] Purbha Punjekar (PW-11) knows Shankar Ganpati Pundewad, being his friend. According to him, Shankar is having a house at Bhokar; but, serving in Osmanabad District. There are 06 tenants in his house. On behalf of Shankar, this witness (PW-11) used to look after his property, collect rent from the tenants and depositing it in Shankar's Account. Accused No.1 Vilas is one of those tenants for about 7 to 8 months. During that period, his father used to come to meet him; but, Vilas told that, he is going to reside with his wife and mother. This witness (PW-11) learned that, someone had killed wife of Vilas. The witness was unable to identify Vilas in the Court. Thus, he has also not supported the prosecution case. During cross-examination, on behalf of prosecution, he admitted that, he allots the rooms on the basis of identification of tenant by some person. At the time of allotment, he obtains Adhar Card and Election Card of the tenants. He further admitted that, accused No.1-Vilas, his wife and his mother Bharatbai i.e. accused No.5, were staying in a rented room. This witness has again shown inability to identify accused Vilas and Bharatbai.

42] During the cross-examination, on behalf of accused, he (PW-11) admitted that, he does not remember as to who were the tenants in the year 2017. Police had not collected from him any rent agreement or receipt in respect of room allotted to accused-Vilas. Police had also not collected any Bank document to show that, he is collecting the rents from tenants and depositing in the Account of Pundewad. His evidence clearly shows that, he is merely, a chance witness. Police had not collected the necessary documents, so as to connect him with the identification of accused-Vilas and Bharatbai. So, his inability to identify them, is but natural and probable. Thus, his evidence is not at all supporting to prosecution case.

43] Now, it is necessary to consider the evidence of Dr. Shivshankar (PW-3). On 03/05/2017, he received Requisition vide Exh.44 for conducting Post-mortem of Sonubai. Accordingly, he alongwith Dr. Vinod Kompalwad, conducted the Post-mortem. On external examination, he found that, there is external injury on the genitals. Ant bite marks were found on external genitals. Oozing blood was found from genitals. On neck, there was ligature mark, red-brown in colour present around upper part of neck, encircling all around neck, measuring 3.5cm in width and 13cm in length. Ligature knot present below left mandibular angle. Bruised abrasion and subcutaneous tissues were congested. Degloving of right forearm skin on middle size present 6×7cm round. Post-mortem ant bites present over eye-lid, umbilical region, buttocks and genital. Ligature injury

was ante-mortem. Injury to forearm was Post-mortem. Thorax walls, ribs and cartilages were intact. Pleura intact, no free fluid. Larynx and trachea congested. Right and left lung congested. Pericardium intact. Heart intact. Large vessels congested and full of blood. Death was possibly occurred 18-24 Hours before examination. In his opinion, cause of death was "Asphyxia due to strangulation". He issued Post-mortem notes vide Exh.45, Provisional cause of death Certificate vide Exh.46, Final opinion of cause of death (Exh.47).

44] Again, on 13/06/2017, he received a Letter from Police Station vide Exh.48 for giving opinion. Accordingly, he furnished opinion vide Exh.49. As per that opinion, injury Sr. No.1 in column No.17 is ante-mortem and injury No.2 in column No.17 is possible while transporting the dead-body for Post-mortem. Injury No.3, in column No.17 is possible by ant bite, Post-mortem. He also opined that, injury No.1 in column No.17 is possible by strangulation by rope (Article 2).

45] During his (PW-3) cross-examination, it is revealed that, except injury No.1, in column No.17, there was no external ante-mortem injury on the dead-body. He admitted that, in case of strangulation - due to resistance by the victim, there is possibility of abrasion, scratches and other injuries on face and neck, there may be rupture of blood vessels, there is possibility of bleeding from nose, mouth and ear, molecular death will start after 5 minutes and

subcutaneous tissues are general ecchymosed. He further admitted that, in case of hanging, scratches and abrasions are usually absent on face, neck and other parts of the body. Absence of scratches, abrasions is one of the feature of hanging death. He admitted that, in case of strangulation, fracture of larynx and trachea may be possible; while, in case of hanging, said possibility is rare. He also admitted that, in case of hanging, there are rare chances of bleeding from mouth, ear and nose. In case of hanging, ligature marks may be pale, wide, hard and glistening.

46] He (PW-3) further admitted that, if a dead-body is kept hanging for 18 to 24 hours, there must be Post-mortem ligature marks. In this case, there is absence of Post-mortem ligature marks. There is fracture of trachea. On external examination, this witness had not found, any fracture to the deceased. There was no fracture of hyoid bone. He also admitted that, in case of strangulation, there may be overlapping of rope and wide ligature mark and in case of strangulation by rope, the ligature mark may correspond to the width of the rope or it may increase. In the present case, double ligature mark was not found. There are several causes for congestion of body parts and brain. In summer, rigor mortis may disappear and reappear. It requires 6 to 8 hours to develop rigor mortis on entire body and same period is required for its disappearance and reappearance.

47] He (PW-3) clearly admitted that, in Letter (Exh.44), it is

mentioned that, death had occurred prior to 8.50am of 03/05/2017 by hanging. By considering that letter and Post-mortem findings, he (PW-3) stated that, possible time since death is 18 to 24 hours. He unequivocally admitted that, in the present case, the cause of death may be by hanging. According to him, certainly not, but, it may be possible that, the death in the case in hand is suicidal by hanging. Imprint of rope is possible on the ligature mark.

48] The overall effect of his (PW-3) evidence is that, he is not firm on his opinion that, death of Sonubai is only due to strangulation. Most of his admissions, tilts to show that, her death was due to hanging. In addition to that, the admissions given by Devidas (PW-2) about the nature of Mohuva tree and surrounding circumstances, also corroborates that the death of Sonubai was due to hanging i.e. suicidal and not due to strangulation i.e. murder. There is no prosecution evidence that, it is the accused persons only, who caused said murder. Chemical Analysis Report (Exh.147) is not useful to prosecution because according to it, general and specific chemical testing does not reveal any poison in Exhs.1 and 2 of the Viscera. Present case is not of poisoning.

49] The evidence of Shri. Gomare (PW-13), Investigating Officer, is as per his role in the investigation. His cross-examination reveals that, at the time of lodging Report (Exh.29), he learned that, prior to that, Anandrao (PW-1) had been to Bhokar Police Station at

1.00am on 03/05/2017. He does not remember, who was the Police Inspector and Station Diary Incharge at Bhokar Police Station. He had not inquired whether there is any Station Diary Entry in Bhokar Police Station about the visit of Anandrao (PW-1). He does not know for how much period Anandrao (PW-1) was there and whether Anandrao and other persons came to know at Bhokar Police Station itself that the dead-body of Sonutai was in Jungle area of Ganesh Khandi. There is no entry in the Station Diary of Tamsa Police Station about the visit of Anandrao Dumne and others. As per Report (Exh.29), Anandrao and his relatives were at Tamsa Police Station at 4.00am of 03/05/2017. At that time, this witness (PW-13) was not at Police Station. He does not remember that who was the PSO on that day. Station Diary Entry No.12 was taken by the then PSO, but he does not remember his name. He had not attached Station Diary No.12 to this Chargesheet. He even does not know on whose information, said Entry was taken. Even then, on the basis of that Entry, he went to the spot of incident.

50] At that time, relatives of deceased Sonubai were not with him. Column No.13 of Inquest Panchanama (Exh.31) was left blank even though, Anandrao (PW-1) was with him. He has not collected 7/12 Extracts of Survey No.106. He does not know whether said Survey Number includes Ganesh Khandi Jungle area as well as lands of others. He does not know the adjoining Gut Numbers of the spot of incident. He has not collected the mobile numbers of accused No.3-

Apparao and informant's son-Digambar. He had not found any Water-bottles on the spot. He had not sent Nylon rope and water-bottle for analysis to find out whether there are some fingerprints on it. Thus, even though, he is an Investigating Officer, he does not know several material facts, he has not investigated about those facts and his investigation is half-hearted and hasty. Moreover, it is evident that, initially, he prepared inquest panchanama (Exh.31), spot-cum-seizure panchanama (Exh.32) then registered FIR (Exh.29) and took its investigation to himself. It is, certainly, impermissible as it violates the rules of natural justice. He is bound to conduct further investigation as is suitable to the FIR (Exh.29). Such investigation is a death nail on the prosecution story. Thus, the prosecution has not succeeded in establishing chain of circumstances leading to the guilt of accused persons only, so the ratio of **Hariomdas Govinddas Bainade V/s. State of Maharashtra, in Cri. Appeal No.1253 of 2019, decided on 01/10/2025** of the Hon'ble High Court of Judicature at Bombay (Bench at Aurangabad) is not helpful to prosecution.

51] To sum up, it would be sufficient to mention that, beyond reasonable doubt, it is not proved that, Vilas-Accused No.1 was harassing Sonutai for fulfillment of his unlawful demand of Rs.1,50,000/- and as she could not fulfill said demand, he committed her murder or soon before her death, Sonutai was subjected to cruelty or harassment by all the accused persons in connection with said demand and all the other accused persons had abetted him. Though,

Anandrao (PW-1), Narayan (PW-10) and Balaji (PW-12) had deposed about sending back Sonutai to her maternal house by the accused persons and the meeting arranged for resolving their dispute; their admissions creates a doubt in that respect. Moreover, they have not referred any specific date of sending back Sonutai to her maternal house, of the meeting and sending back Sonutai to her matrimonial house, therefore, such vague evidence cannot support the prosecution case.

52] Moreover, above few instances cannot be termed as cruelty or harassment within the meaning of Sections 304-B and 498-A of The Indian Penal Code, so as to drive her to commit suicide. Father of Sonutai-Anandrao (PW-1) himself admitted that, it was not agreed that he should give Golden ring to any of the accused. Furthermore, it is not his evidence that, giving of golden ring to accused No.1-Vilas was as a 'dowry'. Section 306 of The Indian Penal Code is not applied to this case. In addition to that, it is not the evidence of any prosecution witness that, any of the accused had abetted Sonutai to commit suicide or had created such circumstances that, she has no option but to commit suicide. So, ratio of **Shoor Singh V/s. State of Uttarkhand, DLD(Cri)-2024-3366** of the Hon'ble Supreme Court of India and **Gopinath Kachru Magare V/s. Satish Govind Bhole and Ors, in Cri. Appeal No.775 of 2025, decided on 11/02/2026** of the Hon'ble High Court of Judicature at Bombay (Bench at Aurangabad) are helpful to accused. For the same reason, ratio of **State of U. P. V/s.**

Ajmal Beg Etc., Cri. Appeal No.132-133 of 2017, decided on 15th December, 2025 of the Supreme Court of India is not helpful to prosecution.

53] There is no eye-witness in this case. No witness is saying that, he had seen accused No.1-Vilas or any of the accused going with Sonutai towards the Jungle of Ganesh Khandi and returning back alone. At the time of Inquest Panchanama (Exh.31), Anandrao (PW-1) had not raised any suspicion against any person or had not given any additional information. As discussed above, preparation of Spot Panchanama (Exh.32) is itself doubtful. Voluntary Statement of Vilas accused No.1 (Exh.34) is also suspicious because it was allegedly made before a multipurpose panch (PW-2). Recovery of Tiffin and Water-bottle (Article 4 Coll.) vide Panchanama (Exh.35) is also suspicious because it has no concern with the crime and if, at all, those Articles were there, it could have been traced out at the time of spot panchanama. So, ratio of State Government of NCT of Delhi V/s. Sunil and Another, Cri. Appeal No.1119-1120 of 1998, decided on 29th November, 2000 of the Supreme Court of India is not helpful to prosecution.

54] Post-mortem Report (Exh.45), Cause of death Certificate (Exhs.46, 47), Opinion of Doctor (Exh.49) and Forensic Science Laboratory Report (Exh.147) does not prove beyond reasonable doubt that, death of Sonubai is homicidal. Evidence of other prosecution

witnesses does not prove beyond reasonable doubt that any of the accused persons had murdered Sonutai. The CAF and CDR of accused No.1-Vilas by itself are not sufficient to prove his incriminating role because the ownership of the other two mobile numbers is not proved and their role in the present crime is also not proved.

55] Thus, the prosecution evidence is insufficient and unreliable to prove any offence charged against the accused persons. Hence, point No.1 is answered accordingly and point Nos.2 to 4 are answered in the negative and in answer to point No.5, following order is passed :-

ORDER

1. The accused No.1-Vilas Pralhad Chivte, A. No.2-Pralhad Tulsiram Chivte, A. No.3-Apparao Yadav Sonmankar, A. No.4-Deelip Pralhad Chivte and A. No.5-Bharatbai W/o. Pralhad Chivte are acquitted of the offences punishable under Sections 302, 304-B and 498-A read with Section 34 of The Indian Penal Code vide Section 235(1) of the Code of Criminal Procedure, 1973.
2. Bail bonds of accused persons stands cancelled except taken under Section 437-A of The Code of Criminal Procedure, 1973 vide Exhs.154 and 166.
3. (i) The *muddemal* articles 1, 2 and 4 i.e. Chapple, nylon rope, plastic water bottle, nylon bag and plastic tiffin box, being worthless, be destroyed as per rules after appeal period is over and in case of appeal as per its order.

- (ii) The muddemal article 3 i.e. a black coloured mobile handset of Samsung Company, if, not already returned, be returned to its original owner-Vilas Pralhadrao Chivte, after appeal period is over and in case of appeal as per its order.
- (iii) The muddemal articles 5 to 7 i.e. marriage card, photographs of marriage, receipt of golden ring being documents, be kept with this file till appeal period is over, in case of appeal, it be dealt with as per its order. In case of no appeal and appeal period is over, it be returned to Anandrao Bhujangrao Dumne (PW-1).

(Judgment Dictated and Pronounced in the open Court)

Date : 10/07/2026

(Narendra K. Brahme)
Sessions Judge, Nanded.

CERTIFICATE

I affirm that the contents of this PDF judgment /order are same word to word as per the original order.		
Name of the Stenographer	:	Pornima D/o. Vitthalrao Jadhav
		Stenographer Grade-1
Name of the Court	:	Principal District & Sessions Court, Nanded.
Date of the Judgment/Order	:	10/07/2026
Judgment / Order signed by the P.O. on	:	10/07/2026
Judgment/Order uploaded on	:	10/07/2026

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