

MHAU010076322025



Presented on : 30-08-2025.

Registered on :30-08-2025

Decided on :-27-07-2026.

Duration : 00Y, 10M,28D.

Exhibit -73

PART 'A'

<u>IN THE COURT OF THE ADDL. SESSIONS JUDGE, AT AURANGABAD</u>	
(Presided Over by Sudhakar N.Sonwane, J)	
Date of Judgment	: 27-07-2026
Sessions Case No.	: 310/2025
Details of FIR, Crime & Police Station	: Cri.No.151/2025 for offence punishable u/s. 103(1), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023.
Complainant (Prosecution)	: State of Maharashtra, Through Police Station Officer, Karmad, Police Station, Dist.Chh.Sambhajinagar(Aurangabad).
Represented by	: Shri.A.S.Deshpande, Public Prosecutor.
Accused	: Manoj Gulab Ghathorsing. Age- 28 years, Occ-Labour, R/o-Relgaon, Tq-Sillod, Dist. Chh.Sambhajinagar.
Represented by	: Adv.Shri.A.H.Dhupe, for accused.

PART "B"

Date of offence	15-04-2025
Date of FIR	16-04-2025
Date of charge-sheet	17-07-2025
Date of framing of charge	27-10-2025
Date of commencement of evidence	20-02-2026
Date of which Judgment is reserved	--

Date of the Judgment	27-07-2026
Date of the sentencing order, if any	27-07-2026

Accused Details

Rank of the accused	Name of the accused	Date of arrest	Date of released on bail	Offences charged with	Whether acquittal or convicted	Sentence imposed	Period of detention undergone during trial for purpose of section 428 of Cr.PC.
1.	Manoj Gulab Ghathor-sing.	16-04-2025	In jail.	Section 103(1), 351(2), 352 of the B.N.S, 2023	Convicted for the offence p.u.s. 103(1) & 351(2) of B.N.S.	Life imprisonment & 3 months R.I.	--

PART "C"**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES****A. Prosecution Witnesses :**

Rank	Name	Nature of evidence
PW1	Ganesh Rupchand Bhagore	Informant.
PW2	Jayshree Manoj Ghathorsing.	Eye witness of the incident.
PW3	Kadubai Subhash Bhagore.	Eye witness of the incident.
PW4	Atmaram Sayaji Bhalerao	Panch witness.
PW5	Yogesh Subhash patthe.	Witness.
PW6	Rahabai Raju Bhagore.	Eye witness.
PW7	Bhaulal Jagannath Nimbhore,	Panch witness.
PW8	Dr.Talak Kumar.	Medical officer on P.M.
PW9	Bharat Prakash Nikalje.	Investigating Officer.

B. Defence Witness :

Rank	Name	Nature of evidence
---- Nil ----		

C. Court Witness :

Rank	Name	Nature of evidence
---- Nil ----		

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

Sr.No	Exhibit No.	Description
1.	Exhibit-3	FIR.
3.	Exhibit-10	Complaint.
4.	Exhibit-11	Dead body receipt.
5.	Exhibit-12	Statement of complainant u/sec 183(5) of B.N.S.S. 2023.
6.	Exhibit-14	Statement of witness Jayashree Ghathorsing u/sec 183(5) of B.N.S.S. 2023.
7.	Exhibit-16	Statement of witness Kadubai Bhagore u/sec 183(5) of B.N.S.S. 2023.
8.	Exhibit-20	Spot panchanama.
9.	Exhibit-21 & 23	Seizure panchanama.
10.	Exhibit-22	Memorandum panchanama.
11.	Exhibit-29	Inquest panchanama.
12.	Exhibit-33	Postmortem report.
13.	Exhibit-34	Letter for performing postmortem.
14.	Exhibit-35	Letter from PI for performing postmortem.
15.	Exhibit-36	Lr. to Forensic Science Lab.
16.	Exhibit-40 to 48	C.A reports.
17.	Exhibit-53	For providing panch witnesses to Gram Panchayat.

18.	Exhibit-54	Letter by Gram panchayat providing two panch witnesses to the police.
19.	Exhibit-56	Letter issued to FSLab for C.A.examination
20.	Exhibit-57	Crime Scene visit report.
21.	Exhibit-58	Muddemal receipt.
22.	Exhibit-59	Report regarding dog squad for trace of accused-weapon.
23.	Exhibit-60	Report regarding dog squad for trace.
24.	Exhibit-61	Copy of notice to accused.
25.	Exhibit-62	Muddemal receipt.
26.	Exhibit-63	Muddemal receipt vide receipt of Muddeml mohril.
27.	Exhibit-64	Statement of witness Jayashree.
28.	Exhibit-65	Letter to FSL for forensic lab.
29.	Exhibit-66	Acknowledgment of said letter.
30.	Exhibit-67	Letter for issuing 7x12 extract to revenue officer.
31.	Exhibit-68	7x12 extract,
32.	Exhibit-69	Letter regarding calling of panch witnesses.
33.	Exhibit-70	Letter issued to Gram panchayat Dudhad.
34.	Exhibit - 71	Evidence close purshis.
35.	Exhibit-72	Statement of accused u/sec. 313 of Cr.PC.

B. Defence Exhibits :

Sr.No.	Exhibit No.	Description
---- Nil ----		

C. Court Exhibits :

Sr.No.	Exhibit No.	Description
---- Nil ----		

D. Material objects :

✓

Sr.No.	Material object number	Description
1.	Article-A	Photographs
2.	Article-B	Knife.
3.	Article-C	Jean pant and shirt of the accused.
4.	Article-D	Pant, underwear, Banian and rumal of the deceased.
5.	Article-E	Envelop in which the knife was packed.
6.	Article-F	Headphone.
7.	Article-G	Envelop in which the knife was packed.
8.	Article-H	Two envelopes.
9.	Article-I	Mobile cellphone

JUDGMENT

(Delivered on 27th July, 2026)

Accused is facing trial for the offence punishable under sections 103(1), 351(2), 352 of the Bharatiya Nyaya Sanhita 2023.

Brief facts of the prosecution case are as under :-

2] The informant Ganesh Rupchand Bhagore is the brother of deceased Subhash Rupchand Bhagore. The accused is the son-in-law of the deceased. Marriage of Jayshree, who is the daughter of the deceased Subhash, has been performed with the accused in the year 2018 and from the wedlock they have two sons. As the accused was in habit of consuming liquor and he was beating her, Jayshree had came to her parental house at village Aurangpur some two months before the incident. On 15-

04-2025 at about 8:15 p.m the accused came to the house of deceased to take his wife to her matrimonial house at Relgaon,Tq-Sillod. He started abusing to his wife and in-laws and gave threats to kill them and deceased was persuading him but he was not paying any heed. Therefore the deceased made phone call to his brother/informant and told him that the accused is making ruckus and called him to his house. The informant rushed to the house of deceased. It is alleged that the accused took out a knife from his waist and threatened to kill the deceased and gave blow of knife on his chest. Radhabai Raju Bhagore, Kadubai Subhash Bhagore and Jayshree intervened and tried to save the deceased. There was hue and cry due to which neighbouring persons were gathered. Therefore the accused ran away from the spot with knife. At that time Baban Dashrath Patte, Yogesh Subhash Patte and Ramlal Devman Bhagore witnessed the incident.

3] Immediately after the incident the informant and others took the deceased to the Ghati Hospital, Chh. Sambhajinagar. But the doctor declared him brought dead.

4] The informant Ganesh Bhagore lodged the complaint of above incident in the Karmad police station. Police registered crime no. 151/2025 under section 103(1), 351(2), 352 of the Bharatiya Nagari Sanhita 2023 and investigation was handed over to PSI Bharat Prakash Nikalje. On 16-04-2025 the investigation officer visited to the spot of incident along with



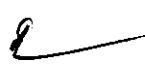
Forensic Team and panch witnesses and conducted the panchanama of scene of occurrence. Forensic team obtained samples of blood mix soil and plain soil and investigating officer seized ear phone from the spot. Forensic team prepared crime scene investigation report (Exh.57). On the same day the investigating officer arrested the accused under panchanama (Exh.60). Prior to arrest, investigating officer issued notice (Exh.61) to the accused. The investigating officer seized the wearing clothes which were on the person of accused at the time of incident vide panchanama (Exh.21). On 17-04-2025 the investigating officer produced the accused before the J.M.F.C. and obtained his police custody. During the investigation, on 19-04-2025 accused made disclosure statement in respect of weapon in presence of two panch witnesses. The Investigating Officer conducted memorandum panchanama (Exh.22) of the said statement in presence of two panch witnesses and seized knife at the instance of accused under seizure panchanama (Exh.23). The investigating officer recorded statements of witnesses. Statements under section 183(5) of the B.N.S.A. 2023 of three witnesses namely Jayshree, Ganesh Bhagore and Kadubai Bhagore were came to be recorded by the J.M.F.C. also. Blood sample of the accused was came to be obtained vide letter (Exh.64). The investigating officer forwarded muddemal property to the Forensic Science Laboratory vide letter (Exh.65). After completing investigation, the investigating officer filed charge-sheet against the accused.

5] Learned Judicial Magistrate First Class committed the case to the Sessions Court for trial. The charge under section 103(1), 351(2), 352 of the Bharatiya Nyaya Sanhita 2023 has been framed against the accused. Contents of charge were read over and explained to the accused to which he pleaded not guilty and claimed to be tried. The defence of accused is that of total denial.

6] In support of its case, the prosecution examined nine witnesses. Statement of the accused under section 351 of the B.N.S.S. 2023 has been recorded. Incriminating circumstances in the evidence of PWs have been explained to the accused and opportunity is given to give explanation. Accused did not adduce any defence evidence.

7] Following points arise for my determination and my findings thereon are as under for the reasons stated hereinafter:-

Sr. No.	Points	Findings
(1)	Whether the prosecution further proves that on 15-04-2025 at about 20:25 hours at village Aurangpur, Taluka & Dist. Aurangabad, the accused committed murder of Subhash Rupchand Bhagore, intentionally and knowingly causing his death ?	... In the affirmative.
(2)	Whether the prosecution further proves that on the above said date, time and place the accused committed criminal intimidation by threatening to the deceased and witnesses with injury to	... In the affirmative.



	their persons with intent to cause alarm them to do ?	
(3)	Whether the prosecution proves that on the above date, time and place accused intentionally insulted the deceased by using the filthy language in any manner and thereby gave provocation to him intending or knowing it to be likely that such provocation will cause him to break the public peace or to commit any other offence ?	... In the negative.
(5)	What order ?	..AS per final order.

REASONS**As to point no. 1 to 3 :-**

8] In order to prove the guilt of accused punishable under section 103(1), 351(2) and 352 of the B.N.S 2023, examined following witnesses:

- (i) PW1 Ganesh Rupchand Bhagore (Exh.9) as an informant,
- (ii) PW2 Jayshree Manoj Ghathorsing (Exh.13) as an eye witness.
- (iii) PW3 Kadubai Subhash Bhagore (Exh.15) as an eye witness.
- (iv) PW4 Atmaram Sayaji Bhalerao (Exh.19) as a panch witness to the spot panchanama, clothes seizure panchanama, memorandum and seizure panchanama.
- (v) PW5 Yogesh Subhash patthe (Exh.26) as an eye witness.
- (vi) PW6 Rahabai Raju Bhagore (Exh. 27) as an eye witness.
- (vii) PW7 Bhaulal Jagannath Nimbhore (Exh.28) as the panch witness to the inquest.
- (viii) PW8 Dr.Talak Kumar (Exh.32) as a Medical Officer and
- (x) PW9 PSI Bharat Prakash Nikalje (Exh.52) as Investigating officer.



Admitted facts:-

9] From the evidence on record and arguments advanced by the learned advocate Shri. A.H. Dhupe for the accused and Shri.A.S.Deshpande PP for the prosecution, admitted facts are that the deceased Subhash is the father-in-law of the accused and brother of the informant. PW2 Jayshree is the wife of the accused and daughter of the deceased. After marriage Jayshree resided with the accused at village Relgaon, Tq-Sillod, Dist-Chh. Sambhajinagar and she has two sons namely Soham and Sarthak from the accused. At present Soham is residing with the parent of accused at Kelgaon and Sarthak is residing with him other Jayshree. It is also not disputed that the death of deceased is homicidal.

10] Learned Public Prosecutor Shri. A.S.Deshpande argued that all the nine witnesses fully supported the prosecution case. There is direct evidence and consistency in the evidence of eye witnesses. It has come in the evidence of eye witnesses that the light was available at the spot, which is in front of house of the deceased. Learned PP further submitted that the defence has not denied the presence of accused on the spot at the relevant time and even the injury caused to the deceased is also not disputed as it is the defence of the accused that the knife hit to the deceased in the scuffling at the hands of another family member of the deceased. Injuries on the deceased corroborated by inquest panchanama Exh.29, postmortem report Exh.33. and evidence of Medical officer.



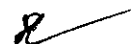
Prosecution case is supported by seizure of weapon and clothes etc. Learned PP further submitted that the prosecution proved the guilt of the accused beyond reasonable doubt. It is established that it was a preplanned cold blooded murder and therefore maximum punishment be awarded. Ld.PP. Shri. A.S. Deshpande relied upon the following judgment of the Hon'ble Supreme Court;

(i) **Bipin Kumar Mondal vs. State of W.B.AIR 2010 Supreme Court 3638.** The Hon'ble Supreme Court has observed that it is settled legal position that even if the absence of motive as alleged is accepted that is of no consequence and pales into insignificance when direct evidence establishes the crime. Therefore, in case there is direct trustworthy evidence of witnesses as to commission of an offence, the motive part loses its significance. Therefore, if the genesis of the motive of the occurrence is not proved, the ocular testimony of the witnesses as to the occurrence could not be discarded only by the reason of the absence of motive, if otherwise the evidence is worthy of reliance.

11] Learned defence counsel Shri.A.H.Dhupe argued that the prosecution utterly failed to prove the guilt of accused beyond reasonable doubt. He challenged the evidence of PW1 to PW3 and PW6 on the ground that they are interested witnesses and there is no corroboration to their versions by an independent witnesses. Their evidence is doubtful and not reliable. Learned defence counsel further submitted that the recovery of weapon is also doubtful and scientific link is totally

missing as the C.A reports are inconclusive. The prosecution failed to prove beyond reasonable doubt that the accused intentionally committed the alleged offence. Unfortunate incident occurred during a sudden matrimonial dispute and there was no prior planning, no preparation and no intention to commit murder. The prosecution failed to produce independent eye witnesses. Therefore the conviction cannot be based upon suspicion or assumptions and accused is entitled for acquittal. The learned defence counsel in support of his argument relied upon the following judgments of the Hon'ble Supreme Court:-

- (i) **Kali Ram vs. State of H.P** Supreme Court, 1973 Legal Eagle 288. Decided on 24-09-1973
- (ii) **Sharad Birdhichand Sarda vs. State of Maharashtra**, MANU/SC/0111/1984, Decided on 17-07-1984.
- (iii) **Vadivelu Thevar : Chinniah Servai vs. State of Madras**, 1957 Legal Eagle 39, Decided on 12-04-1957.
- (iv) **Dalip Singh vs. State of Punjab**, 1953 Legal Eagle 62, Decided on 15-05-1953.
- (v) **Babu vs. State of Kerala**, Supreme Court 2010 Legal Eagle 578, decided on 11-08-2010,
- (vi) **Mustkeem @ Sirajudeen vs. State of Rajasthan**, 2011 Legal Eagle 575, Decided on 13-07-2011.
- (vii) **Surender Kumar vs. Union Territory** (1989)2 SCC.
- (viii) **Hema vs. State, Thr. Inspector of Police, Madras**. 2013 Legal Eagle 12, Decided on 07-01-2013.
- (ix) **Tomaso Bruno vs. State of U.P** Supreme Court MANU/SC/0057/2015, Cri.Appeal No. 142 of 2015, Decided on 20-01-2015.
- (x) **K. Anbazhagan vs. State of Karnataka & Ors**. 2015 Legal Eagle 340, Decided on 27-04-2015.
- (xi) **Tahsildar Singh & Anr. vs. State of U.P** 1959 Legal Eagle 90, Supreme Court, Decided on 05-05-1959.
- (xii) **State of Rajasthan vs. Kashi Ram**, 2006 Legal Eagle 944, Supreme Court, Decided on 07-11-2006.



12] Most of the judgments are on the point of circumstantial evidence and not applicable. Because the case at my hand is based on direct evidence. The test for proving a case of circumstantial evidence stands entirely on a different footing, than a case of direct evidence. However ratio is as under:-

- (i) **Kali Ram** (cited supra), the Hon'ble Supreme Court observed that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. This principle has a special relevance in cases wherein the guilt of the accused is sought to be established by circumstantial evidence.
- (ii) The case of **Sharad Sarda** (cited supra) is also on the point of circumstantial evidence. Five golden principles, as mentioned in para no.152, have been laid down and held that these five golden principles constitute the panchsheel of the proof of a case based on circumstantial evidence.
- (iii) In **Vadivelu Thevar : Chinniah Servai** (cited supra) the Hon'ble Supreme Court observed that it is a sound and well established rule of law that the court is concerned with the quality and not with the quantity of the evidence necessary for proving or disproving a fact. Generally speaking, oral testimony in this context may be classified into three categories, namely; (1) wholly reliable, (2) wholly unreliable, (3) neither wholly reliable nor wholly reliable. In the first category of proof, the court should have no difficulty in coming to its conclusion either way – it may convict or may acquit on the testimony of a single witness, if it is found to be above approach or suspicion of



interestedness, incompetence or subornation. In the second category, the court equally has no difficulty in coming to its conclusion. It is in the third category of cases, that the court has to be circumspect and has to look for corroboration in material particulars by reliable testimony, direct or circumstantial. There is another danger in insisting on plurality of witnesses. Irrespective of the quality of the oral evidence of a single witness, if courts were to insist on plurality of witnesses in proof of any fact, they will be indirectly encouraging subornation of witnesses.

- (iv) In **Dalip Singh vs. State of Punjab** (cited supra) the Hon'ble Supreme Court held that the credibility of eye witnesses should not be doubted solely based on their relationship to the deceased, and corroboration should not be mandatory without specific grounds.
- (v) In **Babu vs. State of Kerala**, (cited supra), the Hon'ble Supreme Court observed that every accused is presumed to be innocent unless the guilt is proved. The presumption of innocence is a human right. However, subject to the statutory exceptions, the said principle forms the basis of criminal jurisprudence. For this purpose, the nature of the offence, its seriousness and gravity thereof has to be taken into consideration.
- (vi) In **Mustkeem @ Sirajudeen vs. State of Rajasthan**, (cited supra) the Hon'ble Supreme Court held that the conviction based solely on circumstantial evidence requires that the circumstances must be consistent only with the hypothesis of the guilt of the accused. The recovery of weapons and blood stained clothing must be closely linked to the commission of the offence to be admissible as

evidence.

- (vii) In **Surender Kumar vs. Union Territory**, (cited supra), the Hon'ble Supreme Court observed that exception 4 to section 300 of the I.P.C allows for a conviction of culpable homicide not amounting to murder if the act was committed in a sudden fight, without pre-meditation, in the heat of passion, and without taking undue advantage or acting in a cruel manner.

13] PW1 Ganesh Rupchand Bhagore is an informant. He deposed at Exh.9 that on 15-04-2025 when he was at his house, at about 8:15 p.m he received a phone call of his brother deceased Subhash that accused is abusing and harassing them. He heard hue and cry on the phone therefore he rushed to the house of the deceased. On reaching there he saw a knife in the hand of accused, blood was laying on the ground and Subhash stained with blood was laying on the steps of his house. Accused ran away from the spot. He took Subhash to the Jijau Hospital but said hospital declined to admit him therefore he took Subhash to the Ghati hospital, Aurangabad. The doctor examined him and declared dead. Subhash had sustained injury on his chest. He lodged complaint Exh.10 in the police station. It has further come in the evidence of this witness that inquest of the dead body was conducted in his presence, he identified the dead body and at that time photographs at Article-A collectively were came to be taken. His statement under section 183(5), at Exh.12, of the Bharatiya Sakshya Adhiniyam, 2023 was came to be recorded before the Magistrate.

14] PW1 corroborated the F.I.R except portion mark-A, which is in respect that this witness has seen the incident of stabbing. Learned PP declared him hostile on that point. He clearly stated that he did not state to the police that the accused by giving threat to kill, gave knife blow on the chest of Subhash in his presence. Learned defence counsel Shri.A.H.Dhupe argued that as per FIR this witness is eye witness but he disowned the FIR and therefore his evidence cannot be believed. I would like to point out that the PW1 is not shaken in the cross-examination and he has fairly stated that he reached to the spot immediately after the incident of stabbing. Portion mark-A was not got proved by accused. It has come in the evidence of PW1 that after receiving phone call he rushed to the spot and reached there within two minutes. Naturally the deceased, with whom the accused was quarreling for sending his wife with him, would call his real brother who is at little distance from his house. His house is just 10 to 15 feet away from the spot. He further stated that electricity light was available there.

15] The motive of murder also came on record from the evidence of PW1. He stated that as the accused was beating to Jayshree, after consuming liquor Jayshree left his house and had came to her father's house prior to 2-3 months of the incident. Version of PW1 is also corroborated by eye witnesses PW2 and PW3. In his cross-examination question in connection with the motive of murder was asked and PW1 stated that as his brother was not sending his daughter Jayshree with the accused, the



accused committed his murder. I therefore accept the evidence of PW1, which supports prosecution case on the point that he reached to the spot at that time he saw the accused armed with knife, his brother was laying in the pool of blood on the steps of his house and the accused ran away from the spot.

16] Prosecution examined PW2 Jayshree wife of accused as an eye witness of the incident. She deposed at Exh.13 that after her marriage with the accused she went for co-habitation with him at village Relgaon, Tq-Sillod. Her husband had addicted habit of drinking liquor, he was not doing any work and was frequently abusing and beating her. Therefore she had came to her parents at Aurangpur some before 2-3 months of the incident. PW2 further deposed that on 15-04-2025 at about 8:15 p.m. accused came to the house of her father, at that time she, her mother and father were present. He was asking to send her with him but her father declined to send, for the reason that he used to beat her and told him to come tomorrow morning. Upon that the accused gave threat to kill all one by one. Her father made phone call to her uncle Ganesh Bhagore and told him to come immediately as the accused is giving threats of death. Thereafter the accused drew a knife from his waist and gave blow of knife on the chest of her father. She and her mother tried to rescue the deceased but accused gave jerk to them and ran away. Her uncle and neighbouring persons took her father to the hospital. She further deposed that her statement under section 183(5) (Exh.14) of the B.N.S.S. 2023,



was also came to be recorded by the Court. PW2 has identified the weapon knife Article-B, clothes a jean pant and shirt which were on the person of accused at the time of incident at Article-C collectively. She has also identified a pant, underwear, banian and a *rumal* of her father at Article-D collectively. Said muddemal property was sealed in various five envelopes.

17] PW2 was cross examined at length. But the defence could not shake her on material points. She has given details of the incident in her cross-examination. It has came in her cross-examination that she was sitting on the *oata* of house of her father when the accused had came there. Accused asked to come with him to Relgaon but she refused. Her father told the accused that this is not time to go. Firstly accused was abusing, he drew knife from his right side waist. She has stated that accused gave knife blow to her father before arrival of her uncle to the spot and the accused ran away from the spot. Thus the PW2 corroborated the version of informant and fully supported to the prosecution case. PW2 has admitted that the weapon knife Article-B can be used for cutting vegetable in the house. However she has stated that said knife is not from the house of her father. It is to be noted here that the accused admitted his presence on the spot at the relevant time. In the cross-examination it was suggested to the PW2 that they attacked on the accused and in the scuffling the knife from their house was hit to her father, however she has denied the said suggestion. She further stated that there was no dark at the spot of incident,



her uncle Ganesh came on the spot within two minutes after phone call. PW2 denied the suggestion that as she was not ready to cohabit with the accused, she and her family assaulted the accused and in the said scuffling knife which was with them was hit to her father. Thus there is no reason to disbelieve the version of PW2. Statement under section 183(5) of the B.N.S.S. 2023 of PW2 is at Exh.14, which is consonance to her evidence.

18] PW3 Kadubai Subhash Bhagore, the wife of deceased, deposed at Exh.15 that on 15-04-2025 at about 8:15 p.m when she, her husband and daughter Jayshree were sitting at their house accused came there. He was asking Jayshree to come with him to Relgaon but she refused for the reason that accused was always quarreling with her. PW3 further deposed that her husband Subhash told not to send Jayshree, at that time accused took out knife and gave blow of knife on the chest of her husband. The accused also said that he finished one and two more are remained. Accused ran away. Radhabai, Yogesh Patthe, Ramdas Bhagore, Ganesh Bhagore, Antabai Ganesh Bhagore had came there.

19] PW3 too did not shake in the cross-examination on material points and she has corroborated the version of PW2. It has come in her cross-examination that her husband made phone call to Ganesh in her presence and Ganesh came within two minutes. She further stated that accused had already murdered her husband prior to arrival of Ganesh and there was



no talk in between accused and Ganesh. Her statement under section 183(5) of the B.N.S.S. 2023 at Exh.16 was came to be recorded. She denied that the weapon knife was their which was used to cut vegetables. PW3 admitted that as the accused was consuming liquor they were not ready to send Jayshree with him.

20] Prosecution examined PW6 Radhabai Raju Bhagore as one more eye witness to the incident. She has deposed at Exh.27 that her house is adjacent to the house of deceased. On the date of incident at 8:15 p.m she was sitting in the door of her house. Accused came and asked the deceased to send his wife with him. The deceased Subhash told him that he used to beat her and therefore he would not send her with him. Upon that the accused gave threat of death by knife. Therefore the deceased Subhash made phone call to Ganesh (PW1). Accused got up and gave blow of knife on the chest of the Subhash. They tried to save Subhash but Manoj took off the knife and ran away. The accused murdered Subhash. PW6 has corroborated the testimonies of PW2 and PW3.

21] Learned defence counsel Shri.Dhupe challenged the evidence of PW6 on the ground that PW6 Radhabai is illiterate, she does not know the clock and how can she state the time of incident as 8:15 p.m. I have to mention here that the PW6 has given satisfactory explanation in the cross-examination itself. She stated that the persons who were gathered there were



saying that it was the time at 8:15 p.m. She was cross examined at length but defence could not shake her on material points. It is to be noted here that the house of PW6 is just adjacent to the house of deceased and she was also sitting in front of her house like the deceased and his family members. Therefore she is natural witness. During cross-examination of PW6 it was suggested to her that during the quarrel deceased Subhash told to the accused that he would not send his daughter with him and she has admitted the said suggestion. It is the case of the prosecution that the accused was consuming liquor, was not doing any work and harassing / beating to his wife and therefore, she had came to the house of her parent. Thus the PW6 has fully supported to the prosecution case and I accept her evidence.

22] Learned defence counsel Shri.Dhupe challenged the evidence of PW1 to PW3 and PW6 on the ground that they are close relatives of the deceased and interested witnesses. It is to be noted here that the relationship cannot be a ground to discard the evidence. PW2 and PW3 were residing with the deceased in the same house therefore they are most probable witnesses. House of PW6 is just adjacent to the house of deceased and she was sitting on *oata* of her house and the PW1 being the brother of deceased was called by the deceased himself by making phone call immediately before the incident. Therefore they are also the probable witnesses. It is settled law that the evidence of interested witnesses should be scrutinized

cautiously and I have already discussed as to why their evidence is acceptable. There are no omissions and contradictions in the statements of eye witnesses and the defence could not brought any material in their cross examination to shake their credibility. There is no reason at all to disbelieve their evidence. The Hon'ble Supreme Court in the case of **Dalip Singh** (cited supra) held that, the credibility of eye witnesses should not be doubted solely based on their relationship to the deceased, and corroboration should not be mandatory without specific grounds.

23] Prosecution examined PW5 Yogesh Subhash Patthe, who is a neighbor of the deceased. He deposed at Exh.26 that on 15-04-2025 he was sitting on *oata* of his house. At about 8:00 p.m to 8:30 p.m he heard hue and cry in front of house of deceased therefore he went there. He saw the accused Manoj while running away from the house of deceased. The accused had hit knife to the deceased. He and other lifted Subhash as he had sustained injury by knife. Kadubai, Jayshree, Banan Patthe and other persons were present there. Deceased Subhash was taken to the hospital by four wheeler of Ganesh Bhagore.

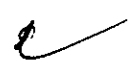
24] Learned defence counsel Shri.Dhupe challenged the evidence of this witness on the ground that he has not witnessed the incident and in his cross-examination he has admitted that the police had told him to give evidence in the court according to his statement recorded by the police. I would like to point out



here that the evidence of this witness cannot be discarded merely on the ground that police had told to him to give evidence as per his police statement. Because this witness is not shaken in cross-examination on material points and it appears that he is probable witness as his house is too near from the spot of incident. The defence has not disputed that he is the neighbor of the deceased. In his cross-examination PW5 has given details about the strained matrimonial relations and dispute of the accused and his wife Jayshree. He stated that he was present to the marriage of accused with Jayshree. After marriage Jayshree resided with accused at his house for two years. Thereafter she was coming to her parental house as and when quarrel was taking place between the couple. He further stated in his cross-examination that his house is just 20 to 35 feet away from the house of deceased. There is teen sheet compound in between his house and house of deceased. He has fairly admitted that due to said compound wall the scene in front of the house of deceased is not visible by sitting on the *oata* of his house. He further admitted that he did not see the accused while giving blow of knife. Thus it is clear that the witness is not eye witness of the incident but his evidence is relevant on the point that he being the neighbor of the deceased, heard hue and cry from the house of deceased and he went in front of house of the deceased, where he saw the accused while running away from the house of the deceased and deceased had sustained injury. There is no reason to disbelieve the version of this witness. Therefore in my opinion evidence of this witness is trustworthy.

25] Prosecution examined PW4 Atmaram Sayaji Bhalerao as panch witness to the spot panchanama Exh.20, clothe seizure panchanama, Exh.21 in respect of seizure clothes of the deceased and memorandum and discovery panchanama under section 23(2) Bharatiya Sakshya Adhiniyam, 2023. He deposed at Exh.19 that on 16-04-2025 police conducted spot panchanama in his presence at the house of deceased. Police seized head phone from the spot and obtained samples of soil mix blood from the spot and police conducted spot panchanama Exh.20. He further deposed that on the very day the clothes on the person of deceased, which are identified by him at Article-B collectively, and mobile phone were seized by the police in his presence under seizure panchanama Exh.21.

26] PW4 further deposed that on 19-04-2025 in the Karmad police station accused made disclosure statement that he is ready to show weapon and police conducted memorandum panchanama Exh.22 to that effect. PW4 further deposed that at the instance of accused they went to, by Dhawalpuri village road by police van and vehicle was stopped near a bridge. Accused went below a bridge and took out one knife which was hidden in leaves and twigs. Police seized the said knife under seizure panchanama Exh.23. Envelop in which knife was packed at Article-A, headphone at Article-F, its envelop at Article-I and other envelops at Article-G & H collectively, in which wearing clothes of the deceased were packed, have been identified by



this witness. He also identified mobile phone of the deceased and its envelopes at Article-I.

27] Learned defence counsel Shri.Dhupe challenged the evidence of this witness on the ground that the recovery is doubtful as the PW4 is the habitual panch witness of the police. Though this witness is not shaken in cross-examination on material points, he has admitted that as he is acquainted with PSI Nikalje and he frequently goes to act as panch witness and he has cordial relations with the police as he is doing the work of the water supply of Gram Panchayat. Learned PP Shri.Deshpande submitted that general public avoid to become panch witness to any panchanama and therefore police have no alternate to issue request letters to the Govt. offices for providing panch witnesses. It has come in the evidence of investigating officer that he has issued letter to Gram Panchayat to provide panch witnesses. Considering this submission and the fact that the PW4 is not shaken in cross-examination on material points and his evidence is corroborated by the investigating officer, in my opinion his evidence cannot be thrown out. It is also to be noted here that this case is not based on the circumstantial evidence and there are eye witnesses to the incident of murder. Therefore it cannot be said that spot, memorandum and seizure panchanamas are not duly proved.

28] PW7 Bhaulal Jagannath Nimbhore is the panch witness to the inquest panchanama of the dead body. He deposited at Exh.28 that on 16-04-2025 police had called him in

the Ghati hospital. Ganesh, brother of the deceased identified the dead body of Subhash Rupchand Bhagore. There was injury on the chest of the deceased and police conducted inquest at Exh.29. PW7 is an independent panch witness, who is not shaken in cross-examination. On the other hand he has stated in his cross-examination that there was one injury on the chest and the clothes of the deceased were stained with dried blood. I therefore hold that the PW7 has duly proved the inquest panchanama Exh.29.

29] PW8 Dr. Talka Ranjit Kumar deposed at Exh.32 that on 15-04-2025 when he was working as a resident doctor in Ghati Medical College & Hospital, Aurangabad, he has received dead body of Subhash Rupchand Bhagore from PSI of Police Station Karmad along with inquest, requisition letter, casualty papers etc. the clothes on the person of deceased were stained with blood. Dr. G.D.Niturkar Associate Professor was with the PW8 at the time of conducting postmortem. They found surface wound and injuries as mentioned in column no.17. There was stab wound over anterior aspect of left chest wall 5cm medial left nipple 4cm left lateral to midline of size 1.9cm x 0.5 cm.x cavity deep, one angle sharp and acute. The wound was obliquely placed above downwards and blood was oozing through it. Incised wound present over left chest wall, 0.5cm lateral to injury no.(i) of size 0.2cm and 0.1 cm reddish. PW8 further deposed that the said injuries are antemortem. On internal examination Doctor noticed scalp contusion over left



parietal region. PW8 further deposed that there was evidence of haemorrhages present over left chest wall, reddish and pale, perforating stab injury present over hurt of size 1.8cm x 0.4cm. Postmortem report Exh.33 is duly proved by this witness. He further deposed that the injury no.(i) mentioned in column no.17 with its corresponding internal injuries mentioned in column no.20 are sufficient to cause death in ordinary course of nature. He given probable cause of death as hemorrhagic shock due to the stab injury (Probable manner of death – Homicide).

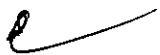
30] PW8 Dr. Talka Kumar further deposed that letter dated 11-04-2025 at Exh.35 of the PSI of Police Station Karmad along with weapon / knife was received for opinion. After verifying the weapon he and Dr.Niturkar gave opinion at Exh.34 that injuries i.e. incised wound and stab wound mentioned in the postmortem report are possible by means of said knife. PW8 identified the knife Article-A before the court and stated that injury no.(i) in the column no.17 is possible by this knife. Said injury was caused on the left chest and directly to the hurt. In his cross-examination PW8 stated that injury no.(i) as mentioned in column no.17 is not possible by blunt object. Injury under the head skull is possible by fall or hit to rough hard substance or blunt object.

31] PW9 PSI Bharat Nikalje who is the Investigating Officer deposed at Exh.52 that investigation of this case was handed over to him on 16-04-2025. On the very day he visited the spot of incident along with panch witnesses and forensic

2

team. He has seized ear phone at Article-F from the spot and conducted spot panchanama Exh.20. Forensic team obtained blood sample of blood mixed soil and plain soil from the spot. Forensic team prepared crime scene visit report Exh.57 and handed it over to him. He deposited the same with the Mohril of police station and acknowledgment receipt to that effect Exh.58. It has further come in the evidence of PW9 that on the same day he arrested the accused under arrest panchanama Exh.61, seized his clothes in presence of two pancha witnesses under panchanama Exh.21. PW9 further deposed that during the investigation on 19-04-2025, accused made disclosure statement in the presence of two panch witnesses, that he is ready to produce the weapon-knife and accordingly he conducted memorandum panchanama Exh.22 and at the instance of the accused weapon/knife was recovered from down side of a bridge near the field of one Laxman Sheshrao Gavare on Dhawalapur to Pimpalkhuta road. Seizure panchanama Exh.23 was came to be conducted. Thus there is recovery of weapon on the basis of statement made by the accused during the investigation and it is admissible under section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023.

32] Learned defence counsel Shri.Dhupe challenged the evidence of the PW9 on the ground that the investigation done by him is effective. This witness admitted in his cross-examination that he has mentioned wrong dates on some letters which were issued by him for requiring panch witnesses etc. It is



true that the PW9 Investigating Officer admitted in his cross-examination that on the letter Exh.53 it is mentioned that complaint was filed by Ganesh Bhagore on 03-02-2025, on the another letter Exh.69 it is mentioned that the complaint was lodged on 16-06-2025 and on the letter Exh.70 it is mentioned that the complaint was lodged on 03-02-2025. In this case the F.I.R was came to be registered on 16-04-2025. Therefore it can be said that there is negligence on the part of investigating officer as he has mentioned wrong dates on the letters Exhs.53, 69 & 70. However on its basis it cannot be said that the investigation is defective. Mere writing of wrong dates on the letters calling panch witnesses is not fatal to the prosecution case as it do not go to the root of the case and does not create any doubt in the prosecution case. Because the said letters were issued by the I.O. to the Gram Panchayat office Aurangpur-Sayyadpur for providing two panch witnesses for spot panchanama and other panchanamas. Learned P.P. submitted that it is due to copy-paste. I.O also stated in his cross-examination that due to oversight said wrong dates are mentioned. Overall evidence of this witness is intact on the material points and he has supported the prosecution case. The prosecution filed Chemical Analysis reports at Exhs.40 to 48 issued by F.S. Laboratory and result of most of the reports are inconclusive. However considering the direct evidence it cannot be said that it is fatal to the prosecution case. Thus the prosecution case is supported by seizure of weapon, seizure of



blood stained clothes of the deceased, inquest of the dead body, postmortem report etc.

33] In view of above discussion I come to the conclusion that the prosecution successfully brought on record and proved beyond reasonable doubt that on 15-04-2025 at about 8:15 p.m. accused came to the house of deceased, at that time the deceased, his wife Kadubai and daughter Jayshree were present. Accused insisted to send his wife Jayshree with him and when the deceased refused to send Jayshree with him, accused gave threat to kill all one by one and the accused drew a knife from his waist and gave blow of knife on the chest of deceased intentionally and knowingly causing his death. Thus the prosecution proved the guilt of accused punishable under section 103(1) and 351(3) of the Bharatiya Nyaya Sanhita 2023 beyond reasonable doubt. There is no sufficient evidence in respect of the offence punishable under section 352 of the B.N.S. 2023. I therefore answer point nos.1 and 2 in the affirmative and point no.3 in the negative.

34] The tragedy in this case is that due to the incident of murder of the deceased, in which his son-in-law is the accused, two minor sons and wife Jayshree of the accused had to seek shelter with others. Elder son Soham is residing with his grandfather at village Relgaon, Tq-Sillod, Dist. Chh. Sambhajinagar and younger son Sarthak, is residing with his mother Jayshree at village Aurangpur, Taluka and Dist-

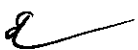


Chh.Sambhajinagar. They and their mother Jayshree are the dependents on the accused. Jayshree lost her father in the said incident. Therefore in my opinion the minor sons namely Soham and Sarthak as well as their mother Jayshree who are the victims, who have suffered loss, as a result of the crime, are entitled for compensation under section 396 of the B.N.S.S.2023, for their rehabilitation. Therefore this is the fit case for grant of compensation under section 396 of the B.N.S.S. 2023. I therefore, recommend to the District Legal Services Authority Aurangabad, to decide the quantum of compensation to be awarded to the victims under the Victim Compensation Scheme.

35] Heard the accused, learned defence counsel and learned PP on the point of sentence. Learned PP Shri. Deshpande submitted that maximum punishment be awarded. Accused and his learned Adv.Shri.Dhupe submitted that there are no criminal antecedents against the accused and considering young age of the accused mercy be shown to him. The case does not fall within the purview of rarest of rare case and therefore punishment of imprisonment for life and fine is being imposed. I therefore pass the following order.

ORDER

- (i) Accused Manoj Gulab Ghathorsing is convicted for the offence punishable under section 103(1) and 351(3) of the Bharatiya Nyaya Sanhita 2023 vide section 258(2) of the B.N.S.S. 2023.



Accused is acquitted for the offence punishable under section 352 of the B.N.S. 2023 vide section 258 of the B.N.S.S. 2023.

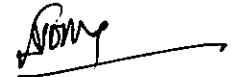
- (ii) For the offence punishable under section 103(1) of the B.N.S.2023, accused is sentenced to suffer imprisonment for life and shall pay fine of Rs.5000/-, in default of payment of fine he shall suffer rigorous imprisonment for five months.
- (iii) For the offence punishable under section 351(3) of the B.N.S. 2023 the accused is sentenced to suffer rigorous imprisonment for three months.
- (iv) The accused is in jail since 16-04-2025 therefore set off under section 468 of the B.N.S.S. 2023 is granted to him for the period undergone by him in jail.
- (v) Jail sentence shall run concurrently.
- (vi) Out of fine amount compensation of Rs.4500/- be paid to the PW2 Jayshree w/o Manoj Ghathorsing, daughter of the deceased and wife of the accused.
- (vii) Since the amount of compensation is not adequate for the rehabilitation of the victims, I recommend to grant compensation to the victims namely Soham s/o Manoj Ghathorsing minor at present under guardianship of Gulab Sitaram Ghathorsing, R/o- Relgaon, Tq-Sillod, Dist-Chh. Sambhajinagar and Sarthak s/o Manoj who is under guardianship of his mother Jayshree w/o Manoj Ghathorsing and PW2 Jayshree w/o Manoj Ghathorsing at present residing at Aurangpur, Tq- & Dist. Chh. Sambhajinagar, in view of section 396 (2) of the B.N.S.S. 2023.
- (viii) Muddemal property one black coloured POCO company mobile phone be handed over to the accused and rest of the muddemal property being worthless be destroyed according to law, after appeal

2

period is over.

- (ix) Copy of this judgment be issued to the accused free of costs.
- (x) Copy of Judgment be sent to the Hon'ble Chairman, District Legal Services Authority, Aurangabad for deciding and granting compensation to the victims.

- Dictated and pronounced in open Court



(Sudhakar N. Sonwane)
Additional Sessions Judge
Aurangabad.

Date:-27/07/2026

Directly dictated & typed on dias computer :-27-07-2026.
Checked by Judge on :-27-07-2026.
Finally printed and signed by Judge on :-27-07-2026.

Fine not paid.
27/07/2026
Superintendent
Cash and Finance
District & Session Court,
Aurangabad.

मिकाळजी परत मिलाळी
manoj - G

27-7-2026