

Sessions Trial No. 37/2020
State v/s. Pandhari

ORDER BELOW Exh. 31
(dated 28/01/2022)

01] Accused no. 1] Pandhari Gaikwad filed this application for the discharge from this crime u/s. 302 of IPC. The said application is strongly opposed by the prosecution on the ground that the offence is of serious nature. The sniffer dog has marked this accused by smelling the shirt button found on the spot. The previous enmity and motive and last seen theory is against the present applicant. From perusal of the chargesheet it is found that the deceased and the present applicant Pandhari had left the house and were gone to Malegaon to purchase the vegetables. The present applicant Pandhari Gaikwad had obstructed the road from E class land and therefore, deceased had asked him to remove the obstruction. On 31/08/2020 at 7.30 p.m. complainant had contacted the deceased, who had stated that he and the accused no.1] Pandhari are going to the Dhaba for the dinner and thereafter, his father did not return. The case is based on circumstantial evidence. The deadbody of the father of complainant was found on the next day behind the hotel. The weapons used in the offence are recovered in view of the statement u/s. 27 of Evidence Act. The sufficient evidence is available against the present applicant for framing the charge. Therefore, his application for the discharge is rejected.

Dt:- 28.01.2022

(S.M. Menjoge)
Additional Sessions Judge,
Washim.

Certificate

I affirm that the contents of this P.D.F. file order is same word to word, as per the original judgment/order.

Name of the Stenographer : P.P. Karanjkar, Stenographer (G-I.)

Court Name : S.M. Menjoge, District Judge-I & ASJ, Washim

Order Typed on Date : 28/01/2022

Judgment/Order signed by Presiding Officer on : 28/01/2022

Judgment/Order uploaded on : 29/01/2022