

MHAU160032962025



Received on 06.09.2016
Registered on 06.09.2016
Decided on **30-06-2026**
Duration Yrs Ms Ds.
09 09 24

PART "A"

IN THE SESSIONS COURT, GANGAPUR

DISTRICT: AURANGABAD

Present : Rahul A. Shinde, Additional Sessions Judge,

(Judgment delivered on :30/06/2026)

Sessions Case No. 455/2025

Exhibit No.48

Crime No.73/2016, u/s. 307 and 504 read with 34 of I.P.Code,
Police Station Waluj, Tal. Gangapur.

Prosecution	:	The State of Maharashtra, Through Police Station in-charge, Police Station Waluj Tal. Gangapur, Dist. Chhatrapati Sambhajinagar.
Represented by	:	Ld. APP Shri. A.U. Ankush.
Accused	1.	Nilesh Yakobrao Ghule Age: 37 yrs. Occupation: Service R/o :M.S.E.B. Quarters, Avinash Colony, Waluj Tq.Gangapur Dist Aurangabad
	2.	Sachin Nilesh Ghule Age: 19 yrs. Occupation: Driver, R/o : M.S.E.B. Quarters, Avinash Colony Waluj Tq.Gangapur Dist Aurangabad
Represented by	:	Ld. Adv. Shri. Y. N. Jadhav

PART “B”

Date of Offence	: 23.03.2016
Date of FIR	: 23.03.2016
Date of Charge-sheet	: 04.07.2016
Date of Framing of Charges	: 12.05.2022
Date of commencement of evidence	: 16.12.2025
Date on which judgment is reserved	: --
Date of the Judgment	: 30.06.2026
Date of the Sentencing Order, if any	: --

Accused Details :-

Rank	Name	Date of Arrest	Date of release on Bail	Offences charged with Sections	Whether convicted or acquitted	Sentence imposed	Period of Detention undergone during Trial for purpose of S.428 CrPC.
1.	Nilesh Yakobrao Ghule	23.03.2016	12.04.2016	U/s. 307 and 504 of I. P. Code.	Acquitted	—	--
2.	Sachin Nilesh Ghule	23.03.2016	20.05.2016	U/s. 307 and 504 of I. P. Code.	Acquitted		

PART “C”**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution :**

Rank	Name	Nature of Evidence
1]	Deepak Madukar Shinde (Exh.37)	Panch Witness
2]	Azhar Shabbir Pathan (Exh. 41)	Informant

3]	Taju Ibrahim Mulla (Exh. 42)	Panch Witness
----	------------------------------	---------------

B. Defence Witnesses, if any :

Rank	Name	Nature of Evidence.
--	--	--

C. Court Witnesses, if any :

Rank	Name	Nature of Evidence.
--	---	---

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Numbers	Description
1]	Exh-38	Spot panchnama

B. Defence :

Sr. No.	Exhibit Number	Description
1	--	--

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
--	---	---

D. Material Objects :

Sr. No.	Material Object	Description
1	--	--

J U D G M E N T

(Delivered on 29.06.2026)

01] The accused no.1 and 2 are facing trial for the offence punishable u/s.307 and 504 read with 34 of I. P. Code.

The factual matrix of prosecution's case is recapitulated in brief as follows :-

02] On 23.03.2016 the informant namely Azhar Shabbir Pathan has lodged report to Police Station Waluj, Tal. Gangapur alleging that on 22.03.2016 one wireman namely Ghule called him near to Pan shop and developed quarrel with him by alleging that that he has teased his daughter. On that, the said wireman Ghule and his two sons assaulted him with the help of sticks. They inflicted blow of sticks over his head due to which he sustained bleeding injuries. They also abused him in filthy language. In such way, they all attempted to kill him.

03] Pursuant to said report, the crime no. 73/2016 came to be registered against the accused. The investigation of the crime was handed over to Police Inspector Dhananjay Yerule. He during investigation went to the spot of incident and has drawn spot panchnama in presence of panch witnesses. He has seized the weapons of the offence. He also recorded the statement of witnesses. On completion of investigation, the accused are found to be committed an offence punishable u/s.307 and 504 read with 34 of I. P. Code and therefore, charge-sheet came to be filed in the court of Judicial Magistrate First Class. As the offences are exclusively triable

by Sessions Court, the matter is committed to this court by order dtd.24.08.2016.

04] On 12.05.2022 my learned Predecessor has framed charge against accused for the offences u/s. 307, 504 r.w. 34 of I. P. Code vide Exh.16. The contents of charge were read over and explained to the accused in vernacular. The accused pleaded not guilty for the offence and claimed to be tried.

05] At the trial to substantiate the indictments against the accused person, the prosecution has examined three witnesses. The statement of accused person u/s. 313 of Cr.P.C. came to be recorded. At the conclusion of trial, I heard Ld. A.P.P. Shri. K. S. Gande for the State and Ld. Counsel Shri. Y. N. Jadhav for the accused at considerable length.

06] In the light of charge framed against accused, evidence on record and rival submissions at the bar, the following points arise for my determination. I have recorded my findings to each of them for the reasons as follows :-

Sr.No.	Points	Findings
1]	Does prosecution prove that, on 23.03.2016 at 1.40 p.m. in front of MSEB office at Avinash colony across Waluj to Kamalpur road at Waluj, accused no.1 and 2 in furtherance of common intention, assaulted informant Azhar Shabbir Pathan by iron rod and stick on his head with such intention or knowledge and under such	

	circumstances that by the act, have caused the death of informant Azhar Shabbir Pathan, would have been guilty of murder and & thereby committed an offence punishable u/s. 307 r.w. 34 of the I.P. Code?	... In The Negative.
2]	Does the prosecution prove that, the accused on or about the above stated date, time & place, accused no.1 and 2 in furtherance of common intention, insulted to informant Azhar Shabbir Pathan by abusing him and thereby committed an offence punishable u/s.504 r.w. 34 of the I.P. Code?	... In The Negative.
03]	What order?	As per final order.

:- REASONS :-

AS TO POINT NOS. 1 AND 2:-

07] The abovementioned points are interlinked and connected to each other and therefore to avoid repetition of appreciation of evidence and for sake of brevity, I proceed to discuss and decide them conjunctively.

08] The prosecution to prove alleged story and charges leveled against the accused persons has relied on testimony of informant and victim namely Azhar Pathan (PW2). He failed to support the story of prosecution. He has specifically denied that the accused persons assaulted him and attempted to kill. He has also denied the fact of lodging the report against the accused. The Ld. APP cross-examined him at length but nothing extracted in it which

could support the story of prosecution. Therefore, the testimony of informant and victim is of no use to the prosecution.

09] The prosecution further relied on testimony of panch witnesses Deepak Shinde (PW1) and Taju Mulla (PW3). Though Deepak Shinde (PW1) testifying the fact of drawing panchnama at Exh. 38 in his presence but as the victim is not supporting to the story of the prosecution, his evidence is absolutely immaterial and of no use. The other panch witness Taju Mula (PW3) failed to support the story of prosecution and denied the fact of drawing panchnama in his presence. Therefore, there is nothing in the testimonies of both these witnesses to prove the alleged story and the charges levelled against the accused persons.

10] Hence, in view of above discussion, I am of the considered opinion that the prosecution has miserably failed to prove that, the accused person in furtherance of their common intention attempted to kill the informant and insulted him by abusing in filthy language and consequently the prosecution has failed to prove the charges leveled against the accused persons. Hence, for the said reason, I answer Point Nos. *1 and 2 in the Negative.*

AS TO POINT NO.3:-

11] The prosecution has failed to adduce sufficient, cogent and convincing evidence to establish the guilt of accused persons for above mentioned offences. Thus, the accused are liable to be acquitted. Hence, in answer to Point no.03, I proceed to pass

following order:-

ORDER

- 1] Accused no. 1 and 2 are acquitted of the offences punishable u/s. 307 and 504 r.w. 34 of I. P. Code, vide Section 235(1) of the Code of Criminal Procedure, 1973.
- 2] The bail bonds of accused persons stand cancelled.
- 3] The seized muddemal clothes, soil, sticks and rod be destroyed being worthless after over of appeal period.
- 4] The accused no. 1 and 2 shall furnish P.B. and S.B. of Rs.15,000/- each under Section 437-A of the Code of Criminal Procedure, 1973.
- 5] The copy of judgment be sent to the District Magistrate, Chhatrapati Sambhajinagar vide Section 365 of The Code of Criminal Procedure, 1973.

Date : 30.06.2026.
Gangapur.

(Rahul A. Shinde)
Additional Sessions Judge,
Gangapur

Certificate

I affirm that the contents of this P.D.F. file are same word for word as per original order.

Name of Steno : V.B.Sadashive, Stenographer, Grade-I.

Court Name : Addl. Sessions Judge, Gangapur

Date of Order/Judg. : 30.06.2026

Signed by Presiding on : 30.06.2026

Uploaded on : 30.06.2026

...