

MHB U010009742023



Presented on : 22.09.2020.

Registered on : 13.09.2023.

Decided on : 11.03.2026.

Duration : 02 Y 05 M 28 D.

EXHIBIT NO. 34.FORM NO. XXXII.PART 'A'IN THE COURT OF ADDITIONAL SESSIONS JUDGE, BULDHANA.

Presided Over by : A.G. Santani, Additional Sessions Judge.

Date of Judgment : 11.03.2026.SESSIONS CASE NO. 132/2023.

Crime No. 132/2020, registered with P.S., Sindkhed Raja, Tq. Sindkhed Raja, District Buldhana, for the Offences punishable U/s. 307, 337, 323, 504 and 506 of the Indian Penal Code, 1860.

Prosecution : The State of Maharashtra,  
through Police Station, Sindkhed Raja.

Represented By : Mrs. Sonali Saoji - Deshpande, APP.

Accused 1. Sarjerao Mahadeo Kakad,  
Aged : 45 Years, Occupation : Agriculturist,  
Residing at Pimpalgaon, Tq. Deulgaon Raja,  
District Buldhana.

Represented By : Mr. Alpesh E. Thakre, Advocate.

PART 'B'

Date of Offence. : 30.06.2020.

Date of FIR. : 01.07.2020.

Date of Charge-sheet. : 22.09.2020.

Date of Framing of Charges. : 02.05.2025.

Date of Commencement of Evidence. : 24.09.2025.

Date on which Judgment is Reserved. : 05.03.2026.

Date of the Judgment. : 11.03.2026.

Date of the Sentencing Order, if any. : Not Applicable.

ACCUSED DETAILS

Rank of the accused : 1.  
 Name of the accused : Sarjerao Mahadeo Kakad  
 Date of arrest : 02.07.2020.  
 Date of release on bail : 27.08.2020.  
 Offences Charged with : Sections U/s. 307, 337, 323, 504,  
 506 of Indian Penal Code, 1860.  
 Whether acquitted or convicted : Acquitted on 11.03.2026.  
 Sentences imposed : Not Applicable.  
 Period of detention undergone : Not Applicable.  
 during Trial for purpose of  
 Section 468 of the Bharatiya  
 Nyaya Sanhita, 2023.

PART 'C'LIST OF PROSECUTION/DEFENCE/COURT WITNESSESA. Prosecution Witnesses :

Rank.	Name.	Nature of Evidence
PW1.	Draupati Sarjerao Kakad.	: The informant.
PW2.	Aniket Shivanand Kakad.	: Witness of the incident.
PW3.	ASI Rameshwar Namdeorao Parve.	: Officer Registering FIR.

B. Defence Witnesses : NIL.C. Court Witnesses : NIL.LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS.A. Prosecution Exhibits :

Sr. No.	Exhibit Number	Description
01.	Exhibit P- 14	: Police Report.
02.	Exhibit P- 15	: FIR.
03.	Exhibit P- 16	: Statement of the informant, U/s. 164 of the Criminal Procedure Code.
04.	Exhibit P- 19	: Spot Panchanama.
05.	Exhibit P- 20, 21	: Seizure Panchanamas.
06.	Exhibit P- 22 to 24	: Injury Certificates.
07.	Exhibit P- 25	: Weapon Query Report.

- B. Defence Exhibits : NIL.  
C. Court Exhibits : NIL.  
D. Material Objects : NIL.

J U D G M E N T.

DATED : 11.03.2026.

01. The accused is facing this trial for the offences U/s. 307, 323, 337, 504 and 506 of the Indian Penal Code, 1860, (the IPC).

02. Briefly stated, the prosecution case is that on 30.06.2020, at 7.00 pm., at Pimpalgaon, Tq. Deulgaon Raja, Distt. Buldhana, the accused poured diesel on the person of the informant (his wife) - Draupati Kakad, with such an intention or knowledge and under such circumstances that if he, by such acts, would have caused her death, he would have been guilty of committing her murder. At the same time, he voluntarily caused hurt to informant and rashly pelted stone at Aniket Shivanand Kakad, thereby he sustained injury. Further, he intentionally insulted the informant and one Narayan Nagre in filthy language and thereby, gave a provocation to them to break the public peace. Lastly, he criminally intimidated this informant with dire results and thereby made himself liable for this trial. The case of prosecution is originated from her report lodged on 01.07.2020 with P.S., Sindkhed Raja. Accordingly, the said Police Station registered this Crime. The investigation followed. The informant was forwarded for her medical examination, spot panchanama was drawn and her clothes and that of the accused were seized, her medical report was secured, eye witnesses to the incident were examined, the accused was arrested and later, was released on his bail. In the last, on completion of the investigation, the said police station filed this charge-sheet, U/s. 173 of the Criminal Procedure Code of 1973 (the Cr.P.C.).

03. Having complied with the provisions of Section 207 of the Cr. P.C., the concerned Court committed this matter. My Learned Predecessor framed charge against the accused, below Exhibit 7, to which he pleaded not guilty and claimed for trial by recording his plea as per Exhibit 8. His statement, in view of Section 313 of the Cr.P.C., was recorded at Exhibit

33. His defence is of denial and false implication in this Crime. Heard.

04. The points for determination, along-with my findings and the reasons therefor, are as under:

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
(1).	Whether the prosecution proved that on 30.06.2020, at 7.00 p.m. at Pimpalgaon Tq. Deulgaon Raja Dist. Buldhana, the accused poured diesel on the informant, with such intention or knowledge and under such circumstances, if he by that act caused death of her, he would have been guilty of murder? ...No.	
(2).	Whether the prosecution proved that at the same time, he voluntarily caused hurt to her? ...No.	
(3).	Whether the prosecution proved that at the same time, he caused hurt to the said Aniket by rashly pelting stone towards him?..... No.	
(4).	Whether the prosecution proved that at the same time, he also intentionally insulted the informant and the said Narayan in filthy language and thereby, gave provocation to them to break the public peace or to commit any other offence? ..... No.	
(5).	Whether the prosecution proved that at the same time, he criminally intimidated the informant by threatening her with dire results, with intent to cause alarm to her? ..... No.	
(6).	What Order?.....	The accused is acquitted.

05. In support of it's case, the prosecution got examined in all 3 witnesses. The informant has been examined as PW1, vide Exhibit 14, the injured and eye witness to the incident Aniket Shivanand Kakad, has been examined as PW2, at Exhibit 18, and ASI Rameshwar Namdeo Parve, who registered this Crime, has been examined as PW3, at Exhibit 31. However, the informant and Aniket (PW2) didn't support the prosecution case. That apart, the prosecution relied upon the documents, as referred to in Part-C of the above referred Schedule. Contrarily, the accused did not enter into

the dock in his defence.

-: REASONS FOR THE FINDING :-

AS TO POINT NOS. 1 TO 6 :

06. As these points are interconnected, to maintain the brevity, I am taking the same for a joint discussion. The prosecution wing posed the informant as its star witness. Accordingly, she testified that the accused is her husband. In the year 2020, there was some dispute between them on account of money and therefore, there was exchange of words. However, that apart, nothing occurred. She further denied that on the eventful day, he, by pouring diesel on her, tried to set her ablaze. Even, Aniket (PW 2) testified that on the eventful day, as he was playing, he fell and sustained injury on his head. He denied that on that day, the accused pelted stone at him and thereby, he got injured. In such scenario, Ld. APP was allowed to put questions in the form of cross-examination to both these witnesses. Still, nothing, supporting this prosecution, could be obtained from them. Whereas, the version of Rameshwar (PW 3) is restricted to reducing the oral report of the informant and registration of this Crime. Certainly, he is not a witness to the facts.

07. The accused is facing this trial for the offences U/s. 307, 323, 337, 504, 506 of the IPC. To bring home his guilt, it was incumbent upon the prosecution to prove that on the eventful day, he poured diesel on the informant and tried to set her at fire. The job of prosecution is not over at this stage and it has to establish further that he caused voluntarily hurt to her, rashly or negligently pelted stone at Aniket (PW2) and caused hurt to him, intentionally insulted the informant and the said Narayan in a filthy language and also criminally intimidated her with dire result. However, in the light of required ingredients, when the available evidence is scanned, I have no hitch to express my opinion that nowhere, the prosecution could prove his guilt beyond the reasonable doubt. At the outset, the informant, **who** set the Criminal Law in motion, and Aniket (PW2), **who** allegedly got injured in this incident, did not support the prosecution. They maintained

their silence throughout. Consequently, it would be unsafe to rely on sole version of Rameshwar (PW3), who reduced the informant's oral grievance, and to convict the accused. On this backdrop, I am of the opinion that the prosecution failed to establish his guilt beyond the shadow of doubt and therefore, he needs to be acquitted. During the course of investigation, the police machinery allegedly seized one plastic bottle, piece of brick, match-box, match sticks, clothes of the informant and that of the accused. This seized Muddemal, being worthless, be destroyed after the appeal period is over. In the sequel, I answered point Nos.1 to 5 in the negative and in answer to point No. 6, I pass the following Order:

-: ORDER :-

- (1). The accused namely Sarjerao Mahado Kakad is acquitted of the offences punishable under Sections 307, 323, 337 504 and 506 of Indian Penal Code, 1860, vide Section 235 of the Criminal Procedure Code, 1973.
- (2). His bail bonds stand cancelled.
- (3). He is directed to execute the personal bond of Rs. 25,000/-, with one surety in the like amount, for his appearance before the Court in view of the compliance vide Section 437-A of the Criminal Procedure Code, 1973.
- (4). The seized Muddemal viz. one plastic bottle, piece of brick, match box, match sticks, clothes of the informant and the accused, being worthless, be destroyed after the appeal period is over.

Buldhana.  
Dated : 11.03.2026.

{A.G. Santani}  
Addl. Sessions Judge, Buldhana.  
District : Buldhana.

**Certificate**

I affirm that the contents of this Judgment/order are same word for word as per original.	
Name of Court	Additional Sessions Judge, Buldhana.
Name of Steno	Sanjay Chaudhari (Steno Grade I)
Pronounced on	11/03/2026
Transcribed on	13/03/2026
Checked & Signed on	16/03/2026
Upload Date	17/03/2026