

 <u>MHBU010010972021</u>	Presented on	: 13.10.2021
	Registered on	: 13.10.2021
	Decided on	: 08.05.2026
	Duration	: Yr. Ms. Ds. 04 06 25

EXH. NO. 120

FORM NO. XXXII

Part 'A'

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, AT BULDHANA, DIST. BULDHANA. (Presided over by Ravikumar K. Sharma)	
	Date of Judgment :- 08/05/2026. SESSION CASE NO. 53/2021.
	F.I.R./Crime No. <u>30/2020</u> State through Police Station, Dhad.
PROSECUTION	State of Maharashtra, through Police Station, Dhad.
REPRESENTED BY	A.P.P. Shri. A. A. Kesale.
ACCUSED	<ol style="list-style-type: none"> 1. Rahul Sandu Borkar (dead) 2. Sandu Vithoba Borkar Age – 52 years, Occ- Labourer 3. Kamalbai @ Shahubai Sandu Borkar Age – 51 years, Occ- Labourer Both residing at Gummi Tq. & District – Buldhana.

	4.	Seema w/o Kailas Gaikwad Age – 27 years, Occ- Labourer R/o. Pimpalgaon Sarai, Tq. and Dist. Buldhana
REPRESENTED BY		Advocate Shri. P.R. Sanap, LADCA

Part 'B'

Date of Offence	16.02.2020
Date of FIR	19.02.2020
Date of Charge-sheet	25.09.2020
Date of framing of Charges	12.11.2025
Date of Commencement of Evidence	10.12.2025
Date on which judgment is reserved	--
Date of the Judgment	08/05/2026
Date of the Sentencing order, if any.	Nil

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 Section 428 Cr.P.C.
1.	Rahul Sandu Borkar (dead)	(Reported dead)			--	--	--
2.	Sandu Vithoba Borkar	26.05.2020	09.06.2020	Section 304-B, 498-A, 323 of the IPC	Acquitted	Nil	Nil
3.	Kamalbai @ Shahubai Sandu Borkar	26.05.2020	09.06.2020		Acquitted	Nil	Nil
4.	Seema w/o Kailas Gaikwad	14.07.2020	09.06.2020		Acquitted	Nil	Nil

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

RANK	NAME	NATURE OF EVIDENCE
PW-1	Dnyanehwar Ramdas Kharat (Exh. 86)	Informant
PW-2	Vijay Maroti Londhe (Exh. 90)	Panch on spot
PW-3	Sangita Dnyaneshwar Kharat (Exh. 92)	Deceased mother
PW-4	Sandip Ramesh Tode (Exh. 95)	Panch on inquest
PW-5	Sachin Subhash Tode (Exh. 98)	Witness to the incident
PW-6	Madhavrao Bhaurao Ingale (Exh. 102)	Police Patil of village Gummi
PW-7	Nilessh Kacharu Apsunde (Exh. 105)	Investigating Officer

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE
	-NIL-	-NIL-

C. Court Witnesses, if any :

Sr.No.	Name	Description
1	Exh. No.114 to 116	Statement of accused person recorded U/s. 351(1) of BNSS.

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

RANK	NAME	NATURE OF EVIDENCE
1.	Exhibit P-87/PW-1	Report
2.	Exhibit P-88/PW-1	First Information Report
3.	Exhibit P-89/PW-1	Deceased statement
4.	Exhibit P-91/PW-2	Spot panchanama
5.	Exhibit P-96/PW-4	Notice for panchanama
6.	Exhibit P-97/PW-4	Inquest panchanama
7.	Exhibit P-106/PW-7	Muddemal receipt
8.	Exhibit P-108 to 111/PW-7	Arrest form

B. Defence :

Sr.No.	Exhibit Number	Description
1	Exhibit P-100	Postmortem report

C. Court Exhibits :

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

D. Material Objects :

Sr.No.	Material Object Number	Description
	-NIL-	-NIL-

JUDGMENT

(Delivered on 08/05/2026)

1] The accused are prosecuted for the offences punishable U/s. 304-B, 498-A, 323 read with Section 34 of the Indian Penal Code ('the IPC' for short).

The prosecution case is summarized as under:-

2] That on 19.02.2020 informant Dnyaneshwar Ramdas Kharat lodged report with police station, Dhad Tq. and District Buldhana stating therein that his daughter Puja committed suicide. The back history as in the charge-sheet is that Puja, the daughter of informant got married with accused No.1 Rahul Borkar in the year 2018 at Gummi Tq. District Buldhana. Initially, accused persons treated her well but after some days, accused persons started demanding of Rs.10,000/- as remaining dowry amount from the parents of Pooja. Accused persons used to harass Puja on that count. It is reported that due to mental torture at the hands of accused persons, Puja Rahul Borkar committed suicide by consuming rat killer poison and thereby, she died on 19.02.2020. Hence, the informant lodged report against accused to the Dhad police station.

3] Investigation of the said Crime was handed over to Nilesh Kacharu Apsunde- API. He recorded statement of witnesses. After having completed the investigation, the Investigating Officer submitted final report before the Judicial Magistrate First Class, Buldhana.

4] Learned Judicial Magistrate, First Class Buldhana complied with the provision of Section 207 of Cr.P.C. by supplying the copy of charge-sheet to the accused. Since, the offence under Section 304-B of the IPC is being exclusively triable by the Court of Session, the learned Magistrate, after making statutory compliance under Section 209 of Cr.P.C., committed the case before the Court of

Sessions for trial.

5] I have framed charge against the accused below Exh. 81. The contents thereof were read over and explained to the accused persons in their vernacular to which they pleaded not guilty and claimed to be tried. Their plea (Exhs.82 to 84) were recorded accordingly.

6] The prosecution examined in all seven witnesses as mentioned in Part-C of the title clause. The prosecution kept its reliance on the documents mentioned in Part-A of the title clause. The learned Additional Public Prosecutor closed the prosecution evidence by filing a pursis (Exh. 112).

7] The statement of the accused under Section 351 of BNSS came to be recorded (Exh. 114 to 116). The accused put forth the defence of total denial and false implication and preferred not to lead oral or documentary evidence in their defence.

8] Heard both sides. The learned APP Shri. Kesale for the State has submitted that, prosecution has amply proved the guilt of the accused beyond reasonable doubt by leading cogent evidence. Per contra, Ld. counsel for accused P.R. Sanam, LADC submitted that the prosecution has failed to lead the evidence which is trustworthy on the touchstone of offence alleged. The investigation officer has deposed about investigation.

The evidence on record is absolutely insufficient to be held the accused guilty. There is no cogent and trustworthy evidence

on record to hold that the accused have committed the alleged offence. Hence, the accused deserves to be acquitted.

9] On the basis of these facts, following points arise for my determination. I have recorded my findings thereupon for the reasons stated below :-

S.No.	POINTS	FINDINGS
1.	Does the prosecution prove that on 17.02.2020 at about 07.00 a.m, in village Gummi Tq. Dist. Buldana, deceased Puja committed suicide by consuming rat killer poison ?	Yes.
2.	Does the prosecution prove that, on 17.02.2020 at about 7.00 a.m. at Village Gummi Tq. Dist. Buldhana, accused No.1 being husband, accused No.2 being father-in-law, accused No.3 being mother-in-law and accused No.4 being sister-in-law of deceased Puja in furtherance of their common intention, committed dowry death of victim, caused death of victim otherwise than under normal circumstances within 7 years of her marriage and soon before her death, she had been subjected to cruelty in connection with demand of dowry and thereby committed an offence punishable under Section 304-B r/w. 34 of the Indian Penal Code?	No.
3.	Whether the prosecution proves that after marriage and before 17.02.2020 at village Gummi Tq. Dist. Buldhana, the accused No.1 being husband, accused No.2 being father-in-law, accused No.3 being mother-in-law and accused No.4 being sister-in-law of deceased Puja, in furtherance of their	

	common intention, subjected her to cruelty by giving ill treatment and physical harassment on account of unlawful demand of Rs.10,000/- and thereby, committed an offence punishable under Section 498-A read with 34 of the Indian Penal Code?	No.
4.	Does the prosecution further prove that, on the aforesaid date, time and place accused persons in furtherance of their common intention, voluntarily caused hurt to the deceased by means of fist and blows and thereby, committed an offence punishable under Section 323 r/w. 34 of the Indian Penal Code?	No.
5.	What order?	As per final order

REASONS

10] In order to bring home the guilt of accused persons the prosecution has examined in all 7 witnesses. Before appreciating the evidence it would be just to recapitulate the evidence.

AS TO POINT NO.1

11] In the instance case, it needs to be established that Sau. Puja Rahul Borkar committed suicide. The prosecution relied upon postmortem notes (Exh.100) of deceased Puja. Normally the cause of death is either natural, accidental, suicidal or homicidal and the prosecution is required to prove the cause of death for proving either offence related to accidental, suicidal or homicidal death as per the case of prosecution. Defence has admitted p.m. notes and inquest notes (Exh.97) and there is no challenge made to the fact that Puja

committed suicide by consuming rat killer poison. P.M. notes indicates that the death of deceased was due to poisoning. The prosecution on the basis of P.M. notes therefore, has proved that on 17.02.2020 Puja has committed suicide by consuming poison. Therefore, I have no hesitation to accept that deceased committed suicide. Therefore, I answered to point No.1 in affirmative.

AS TO POINT NO.2 :

12] The prosecution came with the case that deceased Sau. Puja was subjected to mental and physical cruelty before her death for satisfaction of demand dowry of Rs. 10,000/- by accused persons and thereby committed an offence of dowry death punishable U/s. 304-B read with Sec. 34 of IPC.

13] The informant PW-1 Dnyaneshwar Ramdas Kharat (Exh.86) is a father of deceased Puja, deposed that marriage of deceased Puja was solemnized with accused No.1 Rahul Borkar. He was addicted to alcohol/liquor. Accused Rahul used to beat deceased Puja. The deceased Puja committed suicide by consuming rat killer poison at her home. This witness voluntarily stated that he does not know whether she consumed the poison herself or it was given to her. He further deposed that her mother-in-law and sister-in-law used to harass the deceased Puja. After consuming poison by deceased, mother of deceased namely Sangita, cousin maternal uncle of deceased Sachin Subhash Tode brought her to District General Hospital at Buldhana on motorcycle. At that time, she was conscious. She died after 2 to 3 days after being admitted in the Hospital. Then

he lodged report at police station, Dhad (Exh. 87).

In his cross-examination he admitted that deceased Puja was conscious until her death. He further admitted that police came to meet her during treatment. He further admitted that on 17.02.2020 the police had recorded the statement of deceased Puja and its contents mentioned in her statement are correct (Exh. 89). He further admitted that his brother Sanjay was admitted to the Hospital in Buldhana due to suffering from tuberculosis therefore, he was not having information regarding incident. He further admitted that her mother-in-law and sister-in-law used to harass the deceased Puja, this fact is not mentioned in his report and statement.

14]. PW-2 Vijay Maroti Londhe (Exh. 90), spot panch witness deposed that on 20.02.2020 he was called by police to be present as a panch witness. The spot of incident was the house of Borkar with teen roof and mud walls. Burnt clothes and soil were collected from the spot of incident (Exh. 91).

In his cross-examination suggestion was given only to which he denied.

15] PW-3 Sangita Dnyaneshwar Kharat (Exh.92) mother of deceased Puja, deposed that deceased was her daughter. Accused No.1 used to beat her after drinking alcohol, due to dispute with her husband deceased Puja committed suicide by consuming rat killer poison. Deceased Puja died after 3 days after being admitted in the Hospital.

In his cross-examination she admitted that deceased Puja consumed poison due to dispute with accused No.1. She further admitted that accused No.2 to 4 have no connection with her consuming poison.

16] PW-4 Sandip Ramesh Tode (Exh. 95) deposed that on 19.02.2020 he was called by police to be present as panch for inquest panchanama at General Hospital, Buldhana (Exh. 97).

In his cross-examination only suggestion was given to which he denied.

17] PW-5 Sachin Subhash Tode (Exh.98) deposed that he knows deceased. He did not support the case of prosecution.

In his cross-examination he admitted that accused were living happily with deceased Puja and she too was living happily with the accused persons. He further admitted that accused Seema got married approximately before 12 years. She is living happily with her husband at Pimpalgaon. Accused Seema used to live happily with deceased Puja whenever she came to her parental house.

18] PW-6 Madhavrao Bhaurao Ingale, Police Patil Gummi (Exh. 102) deposed that he knows accused persons. There had been dispute in between accused Rahul and deceased Puja due to drinking of alcohol. He tried to give him understanding. She was residing at her maternal uncle at Gummi, while going to nature's call she took rat poison in a water pot and consumed poison there.

In his cross-examination he admitted that accused Rahul was in addict of alcohol, apart from this, there was no other dispute between deceased Puja and her husband Rahul. He further admitted that except Rahul, other accused had no connection in respect of dispute with deceased Puja.

19] Before going to scrutinize the evidence on record, it is to be noted that accused No.1 Rahul Sandu Borkar reported to be dead and accordingly, case is abated against him. Therefore, the finding is restricted only to the extent of accused No.2 to 4.

20] Admittedly, marriage of deceased Puja took place in the month of May, 2018 which is not disputed by the accused also. It is also admitted position that the deceased died on 19.02.2020 which is within 7 years from the date of marriage.

21] The prosecution came with the case that as the death of deceased Puja took place within 7 years from the date of marriage and soon before her death, she was subjected to mental and physical cruelty for satisfaction of demand of dowry amount Rs. 10,000/-, by accused No.1 to 4, then presumption U/s. 113-B of Indian Evidence Act is to be applied.

22] On perusal of provision of Section 113-B of the Indian Evidence Act, which is reproduced here as under for ready reference;

“Section 113-B– presumption as to dowry death – when the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had

been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death”.

23] The case of the prosecution relied upon the ocular evidence of PW-1 informant Dnyaneshwar and PW-2 Sangita. In vernacular deposition of PW-1 Dnyaneshwar Ramdas Kharat comes as under;

पुजा ही तिचा मृत्यु होईपर्यंत बोलत होती. पुजाच्या उपचारा दरम्यान पोलीस तिला भेटायला आले होते. दि. १७.०२.२०२० रोजी माझ्या मुलीने पोलीसांना बयान दिले होते त्यामधील मजकुर बरोबर आहे. (नि.क्र. ८९).

“सकाळी घरगुती कारणावरून माझे आणि माझ्या पतीमध्ये वाद झाल्यामुळे मला मानसिक टेंशन आले त्यामुळे सकाळी अंदाजे ७ वाजता घरामध्ये असलेले उंदीर मारण्याचे औषध मी घेतले आहे त्यामुळे मला मळमळ आणि उलटया झाल्याने मी माझ्या आईला माहीती दिली. ती आली व मला सरकारी दवाखाना, बुलडाणा येथे घेवून आली आणि भरती केले असून उपचार सुरु आहे. सदरची उंदीर मारण्याची औषधी मी स्वतः घेतली आहे, मला कोणीही पाजले नाही असा जबाब मयत पुजा हिने पोलीसांना दिला होता त्यावर पोलीसांची सही आणि मयत पुजा हिच्या अंगठ्याचे निशाण आहे” .

24] In vernacular deposition of PW3 Sangita Dnyaneshar Kharat comes as under :-

आरोपी राहुल सोबत मयत पुजा हिचा वाद झाल्याने तिने विष प्राशन केले. आरोपी क्र. २ ते ४ यांचा तिच्या विष प्राशन करण्याशी काहीही संबंध नाही.

25] These admission given by PW-1 and PW-3 during their cross-examination shows that deceased herself consumed poison due to dispute in between accused Rahul and deceased. It has also not brought on record that while deceased was alive she has not uttered any single word regarding the demand of dowry. PW-1 Dnyeshwar and PW-3 Sangita in their chief – examination they have not stated regarding mental and physical harassment in connection with unlawful demand of dowry amount Rs. 10,000/- at the hands of accused. In cross-examination of PW-3 Sangita, it has also brought on record that accused No.2 to 4 have no connection with consuming poison by Puja. From the testimony of investigating officer (PW7), it is clear that statement of deceased Puja was recorded in General Hospital at Buldhana while she was alive. The evidence of PW1 and PW3 is silent on the point of mental and physical harassment in connection with unlawful demand at the hands of accused persons. Therefore, all ingredients of above section are not fulfilled in the present case.

26] So far as, section 498-A of IPC is concerned, to prove the guilty under Section 498-A, the prosecution has proved the cruelty such a nature as he is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health whether mentally or physically or harassment with a view to coercing her or any person related to her to whom any unlawful demand for any property or valuable security on account of failure by her or any person related to her to meet such demand.

27] Here, in the present case within 7 years of marriage deceased Puja committed suicide. Whatever allegations are made by informant in report are the superficial and general allegations. No specific instances of ill treatment are given. It has also not come on record that, on what date the demand of money is made by accused. Without date, place and specific attribution do not constitute cruelty. PW-7 Investigating Officer Nilesh Apsunde recorded the statement of Police Patil Madhav Ingale, testified that accused No.2 to 4 had never any dispute with deceased Puja and they treated her well.

28] PW1 and PW3 did not uttered a single word regarding harassment at the hands of accused person when deceased Puja was alive in connection with unlawful demand. Her parents had not lodged report against accused persons. There is no cogent evidence on record to prove the ingredients of Section 498-A of IPC.

29] In the above para, already I have come to the conclusion that the ocular evidence does not reveal any nexus of the accused with the incident of commission of offence. Considering the aforesaid evidence led by the prosecution falls short to prove that soon before the death of deceased Puja she was subjected to cruelty or harassment by her in-laws in connection with any demand for dowry.

30] On the basis of evidence available on record, guilt of the accused cannot be said to have proved beyond doubt. In such circumstances, the evidence on record is insufficient to hold that the accused committed the offences punishable U/s. 304-B, 498-A, 323 r/w. 34 of IPC. Accused persons therefore, deserves to be acquitted by

giving benefit of doubt. Hence, I answered point Nos. 2 and 3 in the negative.

POINT NO. 4 :

31] So far as Section 323 of IPC is concerned, so as to prove the ingredient of voluntarily causing hurt, there must be positive evidence led by the prosecution. The evidence on record lacks on this aspect. The prosecution does not seem to have taken efforts to prove the same. Hence, prosecution has failed to prove that accused persons have committed caused hurt to the deceased Puja. Therefore, I answered point N.4 under determination in negative.

AS TO POINT No.5 :

32] For want of factual aspect being proved, the prosecution has failed to bring home the guilt of the accused persons. Hence, responding to point No.5, the following order is passed.

ORDER

1. The case is **abated** against accused No.1 Rahul Sandu Borkar.
2. Accused No.2] Sandu Vithoba Borkar, accused No.3] Kamalbai @ Shahubai Sandu Borkar and accused No.4] Seema Kailas Gaikwad, are acquitted of the offence punishable under Sections 304-B, 498A, 323 read with Section 34 of the Indian Penal Code vide Section 258(1) of BNSS.
3. The bail bonds of the accused stand cancelled.
4. The accused are directed to execute P.R. bond of Rs. 15,000/- each with one solvent surety in the like amount in compliance of Section 481 of the BNSS.

4. The seized muddemal being worthless, be disposed after the appeal period is over (if any).

(Dictated and pronounced in open court.)

Sd/-

(R.K. Sharma)

Additional Sessions Judge,
Buldhana.

Date : 08/05/2026.

CERTIFICATE

I affirm that the contents of this PDF Judgment are same word to word as per the original Judgment.	
Name of the Court	: District Judge-3, Buldhana.
Name of the Stenographer	: C. N. Mahale Stenographer Grade-1.
Date of Order	: 08/05/2026
Uploaded on	: 08/05/2026