


MHDH010030702023 	Received on	:	25.08.2023
	Registered on	:	25.08.2023
	Decided on	:	31.03.2026
	Duration	:	02Y. 07M. 06D

BEFORE THE ADDITIONAL SESSIONS JUDGE; AT DHULE
(Presided over by S. J. Gaikwad)

SESSIONS CASE NO. 187/2023
Exh. No. 57/A.

Crime No. 134/2023 of Shirpur Taluka Police Station, Dist. Dhule.	
Informant	: Sanjay Isa Pawara, Age : 38 Years, Occu. Agriculture, R/o. Umarda, Tal. Shirpur, Dist. Dhule.
Represented by	: Mr. Parag Patil, Ld. A.G.P. for the State.

Accused	1.	Suhas Jagdish Pawara, Age : 21 Years, Occu.: Agriculture,
	2.	Jagdish Maharya Pawara, Age : 50 Years, Occu.: Agriculture,
	3.	Saidabai @ Jamunabai Jagdish Pawara, Age : 50 Years, Occu.: Agriculture, All above R/o. Nimbaripada, Post Wakvad, Tal. Shirpur, Dist. Dhule.

Represented by	: Mr. B.B. Waghmare, Ld. Advocate.
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Date of Offence	:	20/06/2023
Date of F.I.R.	:	21/06/2023
Date of Charge-sheet	:	19/08/2023
Date of framing charge	:	18/09/2025
Date of commencement of evidence	:	17/11/2025
Date on which judgment is reserved	:	--
Date of Judgment	:	31/03/2026
Date of the sentencing order if any	:	N.A.

Accused details :

Rank of the accused	Name of Accused	Date of Arrest	Date of release on bail	Offence charge with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of Sec.428 of Cr.P.C..
01.	Suhas Jagdish Pawara	21/06/2023	30/08/2023	306, 323, 504 r/w 34 of the I.P.C.	--	--	--
02.	Jagdish Maharya Pawara	21/06/2023	30/08/2023	306, 323, 504 r/w 34 of the I.P.C.	--	--	--
03.	Saidabai @ Jamunabai Jagdish Pawara	21/06/2023	30/08/2023	306, 323, 504 r/w 34 of the I.P.C.	--	--	--

LIST OF PROSECUTION/DEFENCE/COURT WITNESS**A - Prosecution**

<u>Rank</u>	<u>Name</u>	<u>Nature of Evidence</u>
P.W.1	Sanjay Isa Pawara	Informant.
P.W.2	Rupesh Chandu Pawara	Spot panch.
P.W.3	Kanahya Isa Pawara	Witness
P.W.4	Surabhsingh Devsingh Pawara	Witness
P.W.5	Dr. Sandesh Naresh Agale	Medical Officer.
P.W. 6	Sandip Mohan Patil	Investigating Officer

B - Defence Witness if any -- NIL.

C – Court Witness if any -- NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A – Prosecution

<u>Sr.No.</u>	<u>Exhibit Number</u>	<u>Description</u>
01.	27	F.I.R. (Report)
02.	29	Spot Panchanama & Sketch.
03.	37	Post Mortem Report.
04.	38	Provisional Post Mortem report.
05.	44, 45	Letter for medical examination of accused.
06.	46	Letter for medical examination of accused before arrest.
07.	47 to 49	Arrest panchnamas of accused Nos. 1 to 3.
08.	50	Letter dated 20/06/2023 issued to Medical officer for post mortem of deceased.
09.	51	Letter dated 01/08/2023 issued to Forensic Laboratory for analysis of muddemal.

10.	52	Letter issued to J.M.F.C. Shirpur for recording statement of informant u/s 164 of the Criminal Procedure Code.
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B – Defence

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NIL.

C – Court Exhibits

<u>Sr.No.</u>	<u>Court Exhibits</u>	<u>Description</u>
01.	53	Evidence closed pursis on behalf of prosecution.

D – Material Objects :

<u>Sr.No.</u>	<u>Material Object Number</u>	<u>Description</u>
1.	White colour plastic bottle	Article 'A'

J U D G M E N T(Delivered on 31st March, 2026)

Accused are facing trial for an offence punishable under sections 306, 323, 504 r/w 34 of the Indian Penal Code.

2. In short, case of the prosecution is that deceased Dublibai @ Saraswati was the daughter of informant Sanjay Isa Pawara. On 18/05/2023 she has performed love marriage with accused Suhas Jagdish Pawara R/o. Nimbaripada. However, her in-laws did not like said marriage. His daughter Dublibai @ Saraswati used to inform to the informant that, her father-in-law namely Jagdish Maharya Pawara and mother-in-law Jamunabai Jagdish Pawara used to illtreat her.

After few days of her marriage, in-laws of deceased Dublibai @ Saraswati came at the house of informant to drop her at their house, at that time they have stated to the informant that “तुमची मुलगी आम्हाला नांदवायची नाही, तुमची मुलगी ही रात्री पहाटे घराबाहेर फिरत राहते, तसेच तिने घरातील मोबाईल चोरला असुन, ती घरातील पैसे चोरत राहते.” When he has asked about the same to deceased Dublibai @ Saraswati, she has narrated that she has not done anything, on the contrary, her father-in-law accused Jagdish Pawara used to abuse her in filthy language and used to beat her. Whenever, she used to inform said fact to her husband accused Suhas Pawara, he also used to beat her. Her mother-in-law accused Sayalabai @ Jamunabai Pawara used to say “तुझे बाहेर लफडे आहे, माझ्या मुलाला तु फसवु नको, तु तुझ्या माहेरी चालली जा.” By saying such things, the accused used to make suspicion on her character. At that time, the informant has tried to give understanding to the accused, but in vain. Thereafter, on 14/06/2023 the informant tried to send to his deceased daughter Dublibai @ Saraswati at Nimbaripada for cohabitation along with his brother Kanhaiyalal nephew Shriram. But, the accused have not taken to her for cohabitation. Hence, they returned at Umarda. Thereafter, on 15/06/2023 at 12.30 p.m. accused Suhas Jagdish Pawara took to deceased Dublibai @ Saraswati along with him without knowledge of the informant and his family members and had been to Surat in Gujarat State. On 20/06/2023 at 2.00 p.m. the informant came to know that his deceased daughter Dublibai @ Saraswati has committed suicide by consuming poison and she had been at Cottage Hospital, Shirpur. Thereafter, the informant has sent to his relatives at Cottage Hospital, Shirpur to get confirmed the said fact. Then he

came to know that his deceased daughter has committed suicide by consuming poison. Thus, during the period of 18th May 2023 to 20 June 2023, as the accused have illtreated mentally and physically to deceased Dublibai @ Saraswati by abusing her in filthy language and by assaulting her and by making suspicion on her character. His deceased daughter has committed suicide. Hence, the informant has lodged report against the accused. On the basis of which, C.R. No. 134/2023 registered against the accused at Shirpur Taluka Police Station, Dist. Dhule. Police Sub Inspector Mr. Sandip Mohan Patil, Investigating Officer has investigated the matter. During investigation, he visited to the spot of incident and prepared spot-cum-seizure panchanama of white colour plastic bottle of one litre in presence of panchas, prepared inquest panchnama, recorded statements of witnesses, collected provisional Post Mortem Report and Post Mortem Report of deceased Dublibai @ Saraswati, obtained School leaving Certificate of deceased, sent seized plastic bottle and Viscera of deceased for chemical analysis report and after due investigation filed charge-sheet against the accused.

3. As the offence punishable under Section 306 of the Indian Penal Code is exclusively triable by the Sessions Court, as per the provisions of Code of Criminal Procedure (Maharashtra Amendment) Act, 2017, the learned Judicial Magistrate First Class, Shirpur has committed the case to the Sessions Court by passing order below Exh. 1 dated 19.08.2023.

4. I have framed charge against the accused vide Exh. 22. The

contents of charge read over and explained to the accused in vernacular, they pleaded not guilty and claimed to be tried.

5. From the case of prosecution, following points arises for my determination and I have recorded my findings thereon for the reasons stated as under.

	<u>POINTS</u>	<u>FINDINGS</u>
	1. Whether the prosecution has proved that on 20/06/2023 at about 2.00 a.m. within village Nimbaripada, Tal. Shirpur Dist. Dhule in their house, accused in furtherance of their common intention, abated to one Dubalibai @ Saraswati Pawara to commit suicide by consuming poison subjecting her to mental and physical harassment on count of allegation of theft of mobile, money and also by suspecting on her character ?	: ...No.
	2. Whether the prosecution proved that, on the said date, time and place, accused in furtherance of their common intention, voluntarily caused hurt to the deceased Dubalibai @ Saraswati Pawara by assaulting her with fist and leg blows ?	: ...No.
	3. Whether the prosecution proved that, on the said date, time and place, accused in furtherance of their common intention, intentionally insulted deceased Dubalibai and thereby gave provocation to her intending to be likely that such provocation will cause her to break the public peace ?	
	4. What order ?	: As per final order.

:- REASONS :-

6. The prosecution has examined the following witnesses :-

Sr. No.	Name of witness	Exh. No.	Purpose/ Relevancy	Documents	Nature of Evidence
P.W. No. 1	Sanjay Isa Pawara	26	Informant	Report Exh. 27	Supportive.
P.W. No. 2	Rupesh Chandu Pawara	28	Spot Panch	Spot panchnama and Sketch Exh. 29	Supportive.
P.W. No. 3	Kanhyaalal Isa Pawara	33	Witness	--	Hostile.
P.W. No. 4	Surabhsingh Devisingh Pawara	35	Witness	--	Hostile.
P.W. No. 5	Dr. Sandesh Naresh Agale	36	Medical Officer 3	Final and Provisional Post Mortem Report Exh. 37 & 38.	Supportive.
P.W. No. 6	Sandip Mohan Patil	43	Investigating Officer	Police papers Exh. 44 to 52	Supportive.

7. Prosecution has filed evidence closed pursis at Exh. 53. Heard both the sides on the point of argument.

As to point Nos. 1 to 4 :

8. As all these points are interlinked with each other, to avoid

repetition, I have taken these points together for discussion. After considering the submissions made on behalf of both the sides, I have gone through the evidence led by the prosecution. According to Sanjay Pawara (P.W. No. 1) engagement of his deceased daughter Dublibai @ Saraswati fixed with one person resident of Samrepada, however he does not remember name of said person. It has further come in his evidence that, his deceased daughter Dublibai @ Saraswati did not like the said engagement, on account of which, she fled away from his house and went at village Nimbari. As his brother-in-law used to reside at village Nimbari, he enquired with him about his deceased daughter. Thereafter, his brother-in-law had been to the house of the person of along with whom, his deceased daughter fled away.

9. It has further come in evidence of Sanjay Pawara (P.W. No. 1) that his brother-in-law has informed him that along with accused Suhas Jagdish Pawara, his deceased daughter Dublibai @ Saraswati had been to Surat because accused Jagdish Pawara and Sayadabai @ Jamunabai Pawara i.e. in-laws of deceased Dublibai @ Saraswati did not like said relationship between accused Suhas Jagdish Pawara and deceased.

10. Sanjay Pawara (P.W. No. 1) has further deposed that on 18 June 2023, accused Jamunabai and Jagdish have get back to accused Suhas Pawara and deceased Dublibai @ Saraswati at Nimbaripada from Surat. Thereafter, in the night of 18th June 2023, one Naka Terkya Pawara and Barku Pawara have informed to him that his

deceased daughter Dublibai @ Saraswati has consumed poison. Therefore, she has been shifted to Cottage Hospital at Shirpur.

11. It has further come in evidence of Sanjay Pawara (P.W. No. 1) that as his sister-in-law used to reside at Shirpur, by calling to his sister-in-law, he enquired about deceased Dublibai @ Saraswati. Then his sister-in-law had been to Cottage Hospital, Shirpur and by confirming the information, she again called to him and informed him that his deceased daughter Dublibai @ Saraswati had consumed poison and while shifting for treatment at Cottage Hospital meanwhile Dublibai @ Saraswati died in a vehicle.

12. Sanjay Pawara (P.W. No. 1) has further deposed that on 19/06/2023 at 8.00 to 9.00 a.m. along with his wife, brother and neighbourers, he had been to Cottage Hospital, Shirpur in a Post Mortem Room, where he noticed that dead body of his deceased daughter Dublibai @ Saraswati was lying on table, he further noticed that there were injury marks of assault on her stomach, backside and legs. He also came to know that the death of his deceased daughter Dublibai @ Saraswati occurred as accused have assaulted to her and not because she has consumed poison. It has further come in his evidence that when his deceased daughter had been to his house, at that time she had informed him that her in-laws used to ill treat her and also used to beat her.

13. Sanjay Pawara (P.W. No. 1) has further deposed that by calling to his brother-in-law, he had requested that if the accused are

not willing to cohabit to deceased Dublibai @ Saraswati, it is better to return the amount of Tantya Rs. 25,000/- to the accused and will get back to deceased at their house. But, his brother-in-law has given him understanding that for this time, they have to send deceased Dublibai @ Saraswati for cohabitation at the house of accused. Therefore, he had sent to deceased Dublibai @ Saraswati for cohabitation. As the accused have ill treated to deceased Dublibai @ Saraswati, she has committed suicide. Therefore, he has lodged report against the accused vide Exh. 27. Thus, through the version of Sanjay Pawara (P.W. No. 1), the prosecution has tried to prove the contents of report Exh. 27. He has been cross examined on behalf of accused.

14. During the cross examination of Sanjay Pawara (P.W. No. 1), he has admitted that his deceased daughter Dublibai @ Saraswati had performed love marriage with accused Suhas Pawara against his wish. After the marriage of his deceased daughter, he had not been to the house of accused. He has also admitted that there were no talk between accused and him. He has admitted that after the marriage his deceased daughter had been to Gujarat where she resided for 20 to 25 days. During that period, there were no talk between his deceased daughter and him.

15. Sanjay Pawara (P.W. No. 1) has further admitted that second time when his deceased daughter had been to Surat, thereafter when she returned at village, at that time there was no contact between his deceased daughter and him. He further admitted that he used to say to his brother-in-law that by returning Tantya

amount to the accused, they can get back to deceased at their house, but it was the desire of his deceased daughter Dublibai @ Saraswati to cohabit with accused and she did not want to return amount of Tanta to them. He further admitted that when he was not in the house, deceased Dublibai @ Saraswati fled away along with accused Suhas Pawara at Surat. He also admitted that for two occasions deceased Dublibai @ Saraswati fled away along with accused Suhas Pawara at Gujarat. He further admitted that after the marriage when deceased Dublibai @ Saraswati fled away along with accused Suhas at that time, she did not inform to him. And also second time, when she fled away along with accused Suhas Pawara, thereafter she never contact with him.

16. Sanjay Pawara (P.W. No. 1) further admitted that he has no personal knowledge as to how they were residing with each other when deceased Dublibai @ Saraswati was residing along with accused Suhas. He also admitted that he cannot state the date and time when the accused have ill treated to deceased Dublibai @ Saraswati. Except report at Exh. 27, he has not lodged another complaint as the accused were ill treating to deceased Dublibai @ Saraswati. Except this nothing has been brought on record during the cross examination of Sanjay Pawara (P.W. No. 1). To corroborate the version of Sanjay Pawara (P.W. No. 1), the prosecution has examined to Rupesh Pawara (P.W. No. 2), Kanahaiya Pawara (P.W. No. 3), Surabhsing Pawara (P.W. No. 4).

17. Kanahaiya Pawara (P.W. No. 3), Surabhsing Pawara (P.W.

4) have not supported to the case of the prosecution. Hence, on behalf of prosecution, they have been cross examined. If this fact is considered, their version has no importance so far as the case of the prosecution is considered.

18. Rupesh Pawara (P.W. No. 2) who happened to be spot-cum-seizure panch. It has come in his evidence that on 21/06/2023 along with another panch Govind Pawara, he had been to Nimbari village beside the road at Boradi to Palasner at the house of accused Suhas Pawara. It has further come in his evidence that accused Suhas Pawara has shown the spot of incident to police. Thereafter, in his presence police have prepared spot panchanama vide Exh. 29 and seized one white colour plastic bottle Article 'A' from the spot of incident. Police have also prepared map of the spot. Thus, through the version of Rupesh Pawara (P.W. No. 2) the prosecution has tried to prove the contents of spot-cum-seizure panchnama Exh. 29. On behalf of accused, he has been cross examined.

19. During the cross examination of Rupesh Pawara (P.W. No. 2), he has admitted that the bottle like Article 'A' can be available in the house of all the farmers. He has admitted that his signature does not appear on Article 'A'. Except this, nothing has been brought on record during his cross examination.

20. It has come in evidence of Dr. Sanjay Agale (P.W. No. 5) that on 20/06/2023 he was attached with Cottage Hospital as a Medical Officer. At that time, he was on duty during night hours, at

2.00 a.m. police officer of Shirpur Police Station has sent one female dead body for post mortem. Accordingly, at 12.00 to 12.30 p.m. he conducted post mortem on the said body at that time he did not notice any injuries on the person of body. He has taken Viscera of said dead body and sent it for Chemical examination by reserving his opinion. Thereafter, he has issued post mortem report vide Exh. 37 and provisional post mortem report vide Exh. 38. Thus, through the version of Dr. Sandesh Agale (P.W. No. 5), the prosecution has tried to prove the contents of post mortem report Exh. 37 and contents of provisional post mortem report Exh. 38. During his cross examination, he has admitted that till today he has not received report from forensic lab as regards Viscera of said dead body. Except this, nothing has been brought on record during the cross examination of Dr. Sandesh Agale (P.W. No. 5).

21. Sandip Patil (P.W. No. 6) has deposed about the formalities which he has completed during the course of investigation. It has come in his evidence that on 21/06/2023 he was attached with Shirpur Police Station as a P.S.I., at that time, investigation of C.R. No. 134/2023 handed over to him. During investigation by issuing letter vide Exh. 44 to 46, he got examined to the accused through medical officer before their arrest. It has further come in his evidence that he has arrested to the accused by arrest panchnama vide Exh. 47 to 49, thereafter visited to the spot of incident and prepared spot panchnama vide Exh. 29 in presence of panchas, seized one white colour plastic bottle from spot of incident by spot-cum-seizure panchnama and deposited the muddemal one litre plastic bottle to

muddemal Clerk vide muddemal receipt. It has further come in his evidence that vide Exh. 32, he has prepared inquest panchanama, issued request letter on 20/06/2023 vide Exh. 50 to medical officer requesting him to perform post mortem on the dead body, collected provisional post mortem report and post mortem report of the deceased vide Exh. 37 and 38. He further deposed that by letter dated 01/08/2023 vide Exh. 51, he has sent seized white colour plastic bottle and Viscera of the deceased for chemical analysis report. Then he has sent request letter dated 29/06/2023 vide Exh. 52 to the learned Judicial Magistrate First Class Shirpur, requesting to record statement under Section 164 of the Code of Criminal Procedure of the complainant. Thus, through the version of Sandip Patil (P.W. No. 6), the prosecution has tried to prove the contents of request letter Exh. 44 to 46, 50 to 52, arrest panchanama Exh. 47 to 49. He has been cross examined on behalf of the accused.

22. During cross examination of Sandip Patil (P.W. No. 6), he has admitted that at the time of issuance of post mortem report of the deceased, the medical officer has reserved his opinion. He also admitted that till the date of filing of the charge-sheet, he did not receive Viscera report of the deceased. Except this, nothing has been brought on record during his cross examination.

23. Thus, after going through the entire evidence on record, it seems that through the version of Sanjay Pawara (P.W. No. 1), the prosecution has tried to bring on record that as during the period of 18/05/2023 to 20/06/2023 accused Suhas Jagdish Pawara, Jagdish

Maharya Pawara and Jamunabai Pawara how ill treated physically and mentally to the deceased Dublibai @ Saraswati by abusing her in filthy language, making allegations on her of theft of money and also making suspicion on her character. Due to said ill treatment, deceased Dublibai @ Saraswati has committed suicide by consuming poison. However, in support of the version of Sanjay Pawara (P.W. No. 1) that soon before the death of deceased Dublibai @ Saraswati, she has been subjected with cruelty at the hands of accused by abusing, making allegation of theft of money and making suspicion on her character except the bare words of Sanjay Pawara (P.W. No. 1) the prosecution has not brought any cogent, sufficient and reliable independent material on record. On the contrary, during his cross examination, Sanjay Pawara (P.W. No. 1) informant has admitted that his deceased daughter Dublibai @ Saraswati has performed love marriage against his desire. He has no personal knowledge how she was residing with him when she was residing with accused Suhas Pawara, and also first time when she fled away along with accused Suhas Pawara, he does not know how she was residing with accused Suahas. He further admitted that he does not know the date and time when the accused have ill treated to deceased Dublibai @ Saraswati. So, in absence of cogent, reliable and sufficient material, at this stage I am of the view that the prosecution has miserably failed to prove the guilt against the accused beyond reasonable doubt. So, the accused are entitled to be acquitted. Hence, I answer point Nos. 1 to 3 in the negative and in the result in answer to Point No.4, I pass the following order.

ORDER

- 1) Suhas Jagdish Pawara, Jagdish Maharya Pawara and Saydabai @ Jamunabai Jagdish Pawara are hereby acquitted of the offence punishable under Sections 306, 323, 504 r/w 34 of the Indian Penal Code vide the provisions of Section 235(1) of the Criminal Procedure Code.
- 2) Bail bonds furnished by the accused during the trial are canceled and surety is discharged.
- 3) Muddemal property white plastic bottle being worthless be destroyed after appeal period is over.
- 4) In view of the provisions of Section 437A of the Criminal Procedure Code, accused are directed to furnish P.B. & S.B. of Rs.5,000/- each to appear before the Hon'ble High Court, if any appeal filed in this matter. The said bail bonds shall be in force for six months.

(Dictated and pronounced in open Court)

Date :- 31.03.2026.

(S. J. Gaikwad)
Additional Sessions Judge
Dhule.

Dictated on : 31.03.2026.
Typed on : 31.03.2026.
Checked on : 31.03.2026.
Retyped on : 31.03.2026.
Signed on : 01.04.2026.

Certificate

I certify that the contents of this PDF File are word to word as per Original Judgment / Order.

Name of the Steno : S.H.Patil.

Name of the Court : Ad-hoc District Judge-1 & Addl. Sessions Judge, Dhule

PDF Uploading Date : 01.04.2026.

Sd/-
Stenographer(G-I)