

State X Babu Jangam & Ors.



Presented on	: 09/07/2008
Registered on	: 09/07/2008
Decided on	: 18/04/2026
Duration	: Y. M. D. 17 09 09

C.N.R. NO. MHGA13-000031-2023.

EXH. NO. 91

IN THE ADDITIONAL SESSIONS COURT AT AHERI, DISTRICT GADCHIROLI		
Present :- D.M. Aher, Additional Sessions Judge.		
	Date of Judgment :- 17/04/2026 SESSIONS CASE NO. 1/2023 (Old Sessions Case No.72/2008)	
	F.I.R./Crime No. 10/2007 Asarali Police Station	
COMPLAINANT/ PROSECUTION		State of Maharashtra, through Police Station, Asarali
REPRESENTED BY		A.P.P. Mr. A.R. Masram
ACCUSED	A2	Ashok @ Kondanna Pocham Kaveri, Age – 22 years, Occu.- Laboruer, R/o. - Nadikuda, Tahsil - Sironcha, District – Gadchiroli.
REPRESENTED BY		Adv. Mr. P.C. Samaddar

Part 'B'

Date of Offence	18/07/2007
Date of FIR	19/07/2007
Date of Charge-sheet	09/07/2008
Date of framing of Charges	24/11/2008
Date of Commencement of Evidence	11/11/2010
Date on which judgment is reserved	---
Date of the Judgment	17/04/2026
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	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 428 Cr.P.C.
1.	Ashok @ Kondana Pocham Kaveri	31/03/2008	21/07/2008	U/s.307 read with 34 of IPC	Acquitted	N.A.	N.A.

JUDGMENT

(Delivered on 17th day of April, 2026)

1. The accused Ashok @ Kondanna Pocham Kaveri stands charged for offence punishable under Section 307 read with section 34 of the Indian Penal Code.
2. The prosecution case in brief is as follows. Informant Chandrayya and injured Satyanand are friends. On 18.7.2007, at about 2.45 p.m. they met near Shetkari Bhavan building at village Pochampalli, Tal. Sironcha. After formal talk, they parted. At 4.00 p.m. one Sonali Pocham told informant Chandrayya that accused Ashok and co accused Bapu have assaulted Satyanand by stick and axe near Zhila Parishad School, Pochampalli. Hence, informant Chandrayya and the villagers rushed to said place. They noticed that Satyanand was lying severely injured and was unconscious. They shifted him to Rural Hospital Sironcha. On regaining conscious Satyanand disclosed that on account of previous dispute accused Ashok and co accused Bapu assaulted him by axe and stick. Hence, informant Chandrayya lodged the report at Asarali Police Station.
3. Pursuant to the aforesaid report, Crime No.10/2007 came

to be registered at Asarali Police Station U/s. 307 of IPC. Investigating Officer PI Hemant Patil visited the spot and prepared spot panchanama. He recorded the statements of witnesses. He seized white pant stained with blood, white pillow stained with blood, three bamboo stick stained with blood from the spot. He sent the seized articles to laboratory for forensic examination. Second investigating officer PI Mr. S.P. Kawale arrested accused Ashok, co accused Bapu. After completion of investigation, he filed charge-sheet against the accused in the Court of learned J.M.F.C., Gadchiroli.

4. The learned J.M.F.C. took cognizance of the offence. The offence under Section 307 of I.P.C. is exclusively triable by the Sessions Court. Hence, the learned J.M.F.C. committed the case to the Sessions Court, Gadchiroli. In view of establishment of Additional District and Sessions Court at Aheri, the case came to be transferred to this court.
5. My learned Predecessor framed charge against accused No.1 to 3 vide Exh.18. The accused pleaded not guilty and claimed for trial. After framing of charge, accused No.1 Bapu and accused No.2 Ashok absconded. Hence, the learned Sessions Judge, Gadchiroli separated their trial from accused No.3 Swami. The trial was proceeded against

accused No.3 Swami. The learned Sessions Judge, Gadchiroli by judgment and order dated 17.1.2011 acquitted accused No.3 Swami. The case was placed on dormant file.

6. Accused No.2 Ashok came to be arrested on 18.7.2023. Hence, the trial resumed against him. The prosecution tendered in evidence the depositions of PW1 to PW3 recorded at the time of trial against accused No.3 Swami. The accused No.2 Ashok was granted opportunity to cross-examine PW1 to PW3. After securing presence of PW1, the learned defence advocate for accused No.2 Ashok cross-examined Satyanand PW1. Chandrayya PW2 reported to be dead. Hence, in view of section 299 of Cr.P.C., his earlier evidence is used against accused No.2 Ashok. Thereafter, prosecution examined further four witnesses viz PW4 to PW8. After completion of prosecution evidence, the accused No.2 Ashok came to be examined under Section 313 of Cr.P.C. He denied the incriminating evidence. His defence is of false implication. The accused No.2 Ashok led no evidence in his defence.
7. The points arise for determination and my findings thereon are as follows.

Sr. No.	Points	Findings
1.	Does the prosecution prove that, accused No.2 Ashok alongwith absconded accused No.1 Bapu and acquitted accused No.3 Swami on 18.07.2007 at 4:00 at village Pochampalli, in furtherance of their common intention attempted to commit murder of Satyanand as alleged ?	No.
2.	What order ?	

REASONS

As to point Nos.1 and 2 :-

8. To establish the guilt of accused No.2 Ashok, the prosecution has examined eight (8) witnesses.

Incriminating Evidence :

9. Informant Satyanand PW-1 (Exh.40) is injured person. He deposed that there was land dispute in between Balakka and Chandrayya Jangam and he had lodged report at police station. He deposed that due to said fact, on 18.7.2007 at 2.30 p.m. near Zhila Parishad School Pochampalli accused No.2 Ashok and absconded accused

No.1 Bapu assaulted him by axe and stick on his head and hands. He deposed that he sustained bleeding injuries and become unconscious.

10. Chandrayya Jangam PW-2 (Exh.41) is eye witness. He deposed that Satyanand PW-1 was returning from Nadikuda and accused No.2 Ashok and absconded accused No.1 Bapu mounted attack on him.

Hearsay and Formal Evidence :

11. Godabai PW-3 (Exh.42) is the wife of Satyanand PW-1. She deposed that she learnt that accused No.2 Ashok and absconded accused Bapu assaulted her husband Satyanand PW-1. She deposed that she rushed to the spot and saw Satyanand PW-1 lying injured. She deposed that Sayananad PW-1 was shifted to hospital. This evidence of Godabai PW-3 is hearsay and formal in nature.
12. Chandrayya Singaneni PW-4 (Exh.66) is the informant. However, he has not supported the prosecution. He deposed that prior to ten years someone told him that someone assaulted Satyanand PW-1. Hence, he and villagers went to the spot and saw Satyanand PW1 had sustained injuries to his head and hands. He deposed that he had not lodged report at the police station. He denied the contents of the report. In his cross-examination by

learned APP he denied that he saw accused No.2 Ashok assaulting Satyanand PW-1. Thus, the evidence of informant Chandrayya Singneni PW-4 is of no use to the prosecution.

13. Prabhakar PW-5 (Exh.72) is panch witness on spot panchnama (Exh.73) and seizure panchnama of bag, pillow and bamboo stick. However, he has not supported the prosecution. Samayya PW-6 (Exh.75) is panch witness on seizure panchnama (Exh.76) of axe. However, he has also not supported the prosecution.
14. PSI Karangami PW-7 (Exh.77) is police station officer. He stated that on 19.7.2007 he had taken down report Exh.67 of informant Chandrayya PW-4. Police Inspector Mr. Patil PW-8 (Exh.80) is the investigating officer. His evidence relates to the septs undertaken during investigation. This evidence of PSI Karangami PW-7 and Investigating officer Mr. Patil PW-8 is formal in nature.

Dead and untraceable witnesses :

15. The witness Balakka Borampalli, witness Sarayya Kumari are reported to be dead vide Exh.85 and 86. The Medical officer S.N. Kumare is not traceable. Hence, the prosecution could not examine these witnesses.

Submissions :

16. The learned APP Mr. Gawade for the State submits that evidence of injured Satyanand PW-1 is credible. He submits that there is nothing in the cross-examination of Satyanand PW-1 to disbelieve his evidence. He submits that the evidence of Satyanand PW-1 is corroborated by eye witness Chandrayya Jangam PW-2 and investigating officer PI Patil PW-8. He submits that the non-examination of Medical officer is of no significance. He submits that prosecution has led sufficient evidence to prove the guilt of the accused. He submits that the accused may be convicted and sentenced.
17. On the other hand, the learned Adv. Mr. P.C.Samaddar for the accused submits that the prosecution has failed to establish the genesis or motive of the crime. He submits that the evidence of Satyanand PW-1 is vague and suffers from material omissions. He submits that the evidence of Chandrayya Jangam PW-2 is also too vague. He submits that none of the witness has attributed specific role to the accused. He submits that there is no other corroborative evidence on the record. He submits that the prosecution has not examined the medical officer to prove the injuries. He submits that there is no sufficient evidence and hence the accused may be acquitted.

Analysis of Evidence :

18. It can be seen that the only incriminating evidence against the accused is that of Satyanand PW-1 and Chandrayya Jangam PW-2. Satyanand PW-1 deposed that there was land dispute in between Balakka and Chandrayya Jangam and he had lodged the report against the accused and hence he was assaulted. However, the prosecution has not produced the alleged report about the land dispute. Importantly, Chandrayya Jangam PW-2 in his evidence has not stated anything about the land dispute and the police case. Significantly, Satyanand PW-1 in his cross-examination has clearly admitted that he had no dispute with accused No.2 Ashok. Thus, the prosecution has failed to prove the very genesis or motive of the crime.
19. As regards the incident of assault, Satyanand PW-1 stated that accused No.2 Ashok and absconded accused Bapu assaulted him by axe and stick. This statement of Satyanand PW-1 is omnibus. He has not clarified which accused assaulted him by which weapon and on which part of the body. The specific version was important in the sense to specify as to who inflicted vital blow by axe. The prosecution has not proved the injury certificate to corroborate the evidence of Satyanand PW-1. Therefore, it

is quite difficult to believe the omnibus statement of Satyanand PW-1.

20. Apart from the above, the evidence of Satyanand PW-1 shows that he was proceeding ahead and the assault was from his back side. He stated that after the blow he became unconscious and fall on the ground. If it is so, it is difficult to believe that Satyanand PW-1 would have been occasion to see the assailants. Thus, even otherwise the omnibus statement of Satyanand PW-1 is not worthy of credence.
21. The prosecution has examined eye witness Chandrayya Jangam PW-2. However, he made too vague statement that accused No.2 Ashok and absconded accused Bapu mounted attack (hamla) on Satyanand PW-1. He has not clarified the nature of attack. He has not clarified as to whether the attack was by hands or weapon and on which part of the body. Thus, the evidence of Chandrayya Jangam PW-2 is not much useful to the prosecution to corroborate the evidence of Satyanand PW-1.
22. As mentioned above, the evidence of Godabai PW-3 is hearsay in nature. Informant Chandrayya Singneni PW-4 has not supported the prosecution and denied contents of the report. Panch witness Prabhakar PW-5 and Samayya

PW-6 have also not supported the prosecution. The evidence of PSI Karngami PW-7 and the Investigating officer PI Patil PW-8 is formal in nature. There is no seizure of weapon from accused No.2 Ashok and hence CA Report Exh.84 also becomes formal in nature.

23. The up-shot of the aforesaid discussion is that the omnibus statement of Satyanand PW-1 is unworthy of credence. The evidence of Chandrayya Jangam PW-2 is too vague. Thus, there is no cogent and satisfactory evidence to prove the charge of attempt to murder against accused No.2 Ashok. In view of this, I hold that the prosecution has failed to prove the charge against accused No.2 Ashok. Therefore, accused No.2 Ashok is liable to be acquitted from the charge of attempt to murder of Satyanand PW-1. Hence, Points No.1 is answered in the negative. In the result, in answer to Point No.2 following order is passed.

Order

1. Accused No.2 Ashok @ Kondanna Pocham Kaveri is acquitted of the offence punishable under Section 304 of the Indian Penal Code, 1860 vide Section 235 of the Code of Criminal Procedure.
2. His bail bonds are cancelled. He is set at liberty.

3. Accused No.2 Ashok to furnish bail in the nature of PR bond of Rs.50,000/- (Rs. Fifty Thousand only) and surety in the like amount in compliance to Section 437 of Cr.P.C..
4. The case be proceeded further against absconded accused No.1 Bapu @ Nagraj Vyankati Jangam on securing his presence. All the police papers and muddemal property be preserved for trial against him.
5. The certified copy of judgment be sent to District Magistrate, Gadchiroli for information.

Aheri.
Dated – 18.04.2026.

(D. M. Aher)
Additional Sessions Judge,
Aheri, District - Gadchiroli.

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APPENDIX
Part 'C'

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution :-

RANK	NAME	NATURE OF EVIDENCE
PW-1	Satyanand Vyankateshwarrao Galepalliwar (Exh.40)	Injured
PW-2	Chandrayya Banayya Jangam (Exh.41)	Eye-witness
PW-3	Godabai Satyanand Galepalliwar (Exh.42)	witness
PW-4	Chandrayya Kistayya Singneni (Exh.66)	Informant
PW-5	Prabhakar Laxminarayan Ramanujam (Exh. 72)	Spot Panch
PW-6	Samayya Pocham Ghanta (Exh. 75)	Seizure Panch
PW-7	Shankar Pandurang Karangami (Exh. 77)	Station Diary Officer
PW-8	Hemant Prabhakar Patil (Exh. 80)	Investigating officer

B. Defence Witnesses, if any :

NIL

C. Court Witnesses, if any :

NIL

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr.No.	Exhibit Number	Description
1.	Exhibit P-62/PW-4	Report
2.	Exhibit P-68/PW-4	First Information Report
3.	Exhibit P-73/PW-5	Spot panchnama
4.	Exhibit P-74/PW-5	Seizure panchanama
5.	Exhibit P-76/PW-6	Seizure Memo
6.	Exhibit P-81/PW-8	Crime Detail Form
7.	Exhibit P-82/PW-8	Arrest Form
8.	Exhibit P-84	C.A. Report

B. Defence :

NIL

C. Court Exhibits :

NIL

D. Material Objects :

NIL

Aheri.

Dated – 18.04.2026.

(D. M. Aher)

Additional Sessions Judge,
Aheri, District - Gadchiroli.

Certificate

I affirm that the contents of this PDF file Judgment is same word to word as per the original Judgment.

- a) Name of the Stenographer :- J. N. Sawarkar
Stenographer - Grade - 2.
- b) Court :- Additional Sessions Judge,
Aheri, District Gadchiroli.
- c) Judgment directly typed on dias PC. :- 18/04/2026
- d) Judgment signed & checked by P.O. :- 18/04/2026
- e) Judgment uploaded on :- 18/04/2026