

State vs. Tirupati & 1



Presented on	: 29/07/2009
Registered on	: 29/07/2009
Decided on	: 09/04/2026
Duration	: Yr. Ms. Ds 16, 08, 11

C.N.R. NO. MHGA130000352023

EXHIBIT NO. 56

FORM NO. XXXII

Part 'A'

(Title Page of Judgment)

[Para 44(i) of Chapter VI of Criminal Manual]

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, AT AHERI, DIST. GADCHIROLI.	
Present :- Rohan B. Rehpade, Additional Sessions Judge	
	Date of Judgment :- 09/04/2026 Sessions Case No. 03/2023 (Old Sessions Case No. 101/2009)
	FIR/Crime No. 21/2008 Asarali Police Station.
COMPLAINANT/ PROSECUTION	State of Maharashtra , through Police Station, Asarali
REPRESENTED BY	A.P.P. Shri. S.D. Gawade
ACCUSED	Tirupati Vyankati Jangam , Age – 44 Years, Occu. - Cultivation, R/o. Nadikuda, Tahsil - Sironcha, District - Gadchiroli.

MHGA130000352023
JUDGMENT (EXH. - 56)

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Sessions C. No. 03/2023
(Old Sessions C.No. 101/2009)
State vs. Tirupati & 1

REPRESENTED BY	Advocate Shri. S.V. Jainwar
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Part 'B'

[Para 44(ii) of Chapter VI of Criminal Manual]

Date of Offence	27/11/2008
Date of FIR	27/11/2008
Date of Charge-sheet	16/11/2019
Date of framing of Charges	09/07/2020
Date of Commencement of Evidence	05/02/2021
Date on which judgment is reserved	09/04/2026
Date of the Judgment	09/04/2026
Date of the Sentencing order, if any.	---

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.PC.
1)	Tirupati Vyankati Jangam	30/11/2008	02-03-2013	U/s. 307 read with Sec.34 of I.P.C.	Acquitted.	N.A.	N.A.

Part 'C'

[Para 44(iii) of Chapter VI of Criminal Manual]

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Lacchanna Kishtayya Sadanpu (Exhibit P-28)	Panch Witness
PW-2	Samayya Poham Madem (Exhibit P-30)	Panch Witness
PW-3	Chandrashekhar Arjunna Pulgam (Exhibit P-49)	Panch Witness
PW-4	Pochalu Ramlu Jangam (Exhibit P-50)	Panch Witness

(Evidence is taken before amendment in Criminal Manual. Therefore, to show the source of exhibit as prosecution letter 'P' is written before number.)

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	-NIL-	-NIL-

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	-NIL-	-NIL-

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr.No.	Exhibit Number	Description

(Evidence is taken before amendment in Criminal Manual. Therefore, to show the source of exhibit as prosecution letter 'P' is written before number.)

B. Defence :

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

C. Court Exhibits :

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

D. Material Objects :

Sr.No.	Material Object Number	Description

(Evidence is taken before amendment in Criminal Manual. Therefore, some articles are shown as by alphabetical characters, now shown as Muddemal Object i.e. MO)

JUDGMENT

(Delivered on 09th day of April, 2026)

1. Accused Tirupati has been put to trial for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code.

Prosecution's Case

2. On 27.11.2008 at about 8.00 a.m, the informant was cutting paddy crop in his field. Absconding accused Bapu Jangam and accused Tirupati came there. They dragged the informant to square of the village. Accused Tirupati took sickle from the hand of his daughter and dealt sickle blow on the head of the informant. Accused Bapu Jangam also gave sickle blow on left hand of the

informant. The informant sustained injuries on head and on left hand. Thus, both accused persons attempted to commit murder of the informant by means of the sickle.

Investigation

3. The informant lodged report with Police Station, Asarali. Crime No.21/2008 was registered against accused persons for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code. Investigation in this crime was made over to Police Sub-Inspector Shri Suraj Kawale. After part investigation, further investigation was taken over by Police Sub-Inspector Shri Hemant Thakare. The Investigating Officer visited the spot in presence of two panchas and spot panchanama was drawn. From the spot, simple soil and blood mixed soil were collected. The informant was sent to Rural Hospital, Sironcha where he was medically examined. Blood sample of the informant was collected. His Medico Legal Certificate was issued. Clothes of the informant were seized in presence of panchas and seizure thereof was drawn. Accused Babu Jangam was absconding. Accused Tirupati was arrested. Statement of accused

Tirupati under Section 27 of the Indian Evidence Act was recorded in presence of panchas. Pursuant to the said statement, sickle which was used by accused Tirupati was seized from his house in presence of panchas and seizure panchanama thereof was drawn. Simple soil, blood mixed soil, clothes of the informant, seized sickle, blood sample of the informant were sent to Regional Forensic Laboratory, Nagpur for analysis. Reports from Forensic Laboratory were received. Statements of witnesses were recorded. Finding sufficient incriminating material, Investigating Officer filed charge-sheet against both accused persons for offence punishable under Sections 307 and 506 read with Section 34 of Indian Penal Code. At the time of filing of charge-sheet, accused Babu Jangam was absconding.

Committal

4. The case being exclusively triable by Court of Sessions, learned Judicial Magistrate First Class, Sironcha, committed the case vide Section 209 of the Code of Criminal Procedure.

Charge

5. My learned predecessor framed charge against accused Tirupati vide Exhibit No.25. Plea of accused Tirupati (Exhibit No.26) was recorded. He pleaded not guilty and expressed his intention to contest the charge.

Defence of Accused

6. As no incriminating evidence appeared against accused Tirupati, his statement under Section 313 of Code of Criminal Procedure was dispensed with.

Points for determination

7. The points for determination and my findings thereon are as under :-

Sr.No.	Points	Findings
1.	Does the prosecution prove that on 27.11.2008 at 8:30 a.m., at Nadikuda, Tahsil Sironcha, District Gadchiroli accused Tirupati along with absconding accused Bapu Jangam in furtherance of their common intention assaulted to	

Sr.No.	Points	Findings
	Chandrayya Banayya Jangam with sickle and caused serious injuries to him with such intention or knowledge, and under such circumstances that, if they by said act caused death, they would have been guilty of murder ?	No
2.	What Order ?	As per final order.

8. Heard learned Additional Public Prosecutor and learned advocate for the accused.

Analysis of Evidence

As to Point No. 1.

9. The informant is injured. He is reported to be dead. Consequently, First Information Report could not be proved.
10. Lacchanna (PW1) is witness to spot panchanama and in his evidence he deposed that the informant is dead. Lacchanna (PW1) deposed that he

signed spot panchanama but he denied that the spot was shown by the informant. Thus, Lacchanna (PW1) does not support the prosecution on the the point of spot panchanama. Samayya (PW2), who is witness to spot panchanama, denied that the spot was shown by son of the informant. He also did not support to the prosecution.

11. Thus, Lacchanna (PW1) and Samayya (PW2), who are witnesses to spot panchanama, did not support to the prosecution. Consequently, spot panchanama could not be proved.
12. Chandrashekhar (PW3) and Pochalu (PW4) are the witnesses in whose presence clothes of the injured were seized. Chandrashekhar (PW3) and Pochalu (PW4) did not support the prosecution on the point of seizure of clothes of the injured. Thus, seizure of clothes of the injured has not been proved by the prosecution.
13. Aforesaid discussion reflects that the informant, who was injured, is dead. Witnesses to the spot and seizure of clothes of the injured also did not support the prosecution. There is absolutely no evidence against

accused Tirupati. Consequently, I answer Point No.1 in the negative.

Conclusion

As to Point No.2

14. In view of my negative finding on Point No.1, there is no reliable evidence that accused Tirupati has committed offence he has been tried for. So, I pass following order.

ORDER

1. Accused **Tirupati Vyankati Jangam**, is acquitted of the offence punishable under Section 307 of the Indian Penal Code vide Section 235(1) of the Code of Criminal Procedure.
2. Bail bonds of the accused Tirupati are cancelled.
3. Accused **Bapu Jangam** Resident of Nadikuda, Tahsil Sironcha, District Gadchiroli was absconding. If Investigating Officer is of opinion that there is sufficient material to proceed against absconding accused **Bapu Jangam** then he is at liberty to arrest absconding accused **Bapu Jangam** and file separate

charge-sheet against him vide Rule 218(3) of the Bombay Police Manual, 1959 Volume III.

4. Seized property be returned to Police Station, Sironcha.
5. Accused Tirupati shall furnish P. R. Bond of ₹ 15,000/- (Rupees Fifteen Thousand only) and one surety in like amount for his appearance before Appellate Court or Higher Court in case the said Court issues notice to him in respect of any appeal or petition filed against this judgment and such bonds shall remain in force for the period of six months vide Section 437-A of the Code of Criminal Procedure.
6. Copy of the judgment be sent to District Magistrate, Gadchiroli vide Section 365 of the Code of Criminal Procedure.

(The judgment is dictated and delivered in open Court.)

Aheri.
Date – 09/04/2026

(Rohan B. Rehpade)
Additional Sessions Judge,
Aheri.