

State X Manoj Gawade

	Presented on	:	15/03/2024
	Registered on	:	15/03/2024
	Decided on	:	07/07/2026
	Duration	:	Yr. Ms. Ds 02 03 22

C.N.R. NO. MHGA13-000107-2024

EXH. NO. 70

FORM NO. XXXII

Part 'A'

(Title Page of Judgment)

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

IN THE ADDITIONAL SESSIONS COURT, AT, AHERI, DIST. GADCHIROLI.		
Present :- Shardaprasad S. Oza, Additional Session Judge,		
	Date of Judgment :- 00/06/2026	
	Sessions Case No. 15/2024	
	FIR/Crime No. 03/2018 Tadgaon Police Station.	
COMPLAINANT/ PROSECUTION		State of Maharashtra, through Police Station, Tadgaon.
REPRESENTED BY		S.P.P. Shri. A.R. Masram

ACCUSED		Manoj Dashrath Gawade Age – 40 Years, Occu. - Agriculture, R/o. Chichoda, Tal. - Bhamragadh, District - Gadchiroli.
REPRESENTED BY		Advocate Shri. U. S. Galbale.

Part 'B'

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

Date of Offence	23/11/2023 to 24/11/2023
Date of FIR	24/11/2023
Date of Charge-sheet	15/03/2024
Date of framing of Charges	06/08/2024
Date of Commencement of Evidence	11/03/2026
Date on which judgment is reserved	06/07/2026
Date of the Judgment	07/07/2026
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)	Manoj Dashrath Gawade	28/11/2023	Is in jail	U/s. 302 of the IPC	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	Madhukar Ramu Gawade (Exh. P-13)	Complainant
PW-2	Shankar Rajiu Tadboina (Exh. P-16)	Spot Panch
PW-3	Sau. Pinki Manoj Gawade (Exh. P-22)	Witness

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-4	Dalasu Pusu Atram (Exh. P-24)	Panch witness
PW-5	Ranu Gilu Atram (Exh. P-30)	Memorandum Panch Witness
PW-6	Ranjit Bibhishan Mhaske (Exh. P-32)	Station Diary officer
PW-7	Kishor Warlu Gawade (Exh. P-40)	Witness
PW-8	Sudhakar Shiruji Gawade (Exh. P-42)	Witness
PW-9	Vijay Ramu Gawade (Exh. P-44)	Son of Deceased
PW-10	Dr. Bhushan Diwakar Choudhari(Exh. P-46)	Medical Officer
PW-11	Prashant Bhagwan Belkhede(Exh. P-53)	Investigating Officer

(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
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		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
1.	Exhibit P-14/PW-1	Oral Report
2.	Exhibit P-15/PW-1	First Information Report
3.	Exhibit P-17/PW-2	Letter to Head Master
4.	Exhibit P-18/PW-2	Notice
5.	Exhibit P-19/PW-2	Spot Panchanama / Crime Details form
6.	Exhibit P-20/PW-2	Seizure Memo
7.	Exhibit P-23/PW-3	Statement of 164 Cr.P.C.
8.	Exhibit P-25/PW-2	Memorandum panchnama
9.	Exhibit P-26/PW-5	Portion of Signature
10.	Exhibit P-27/PW-4	Seizure memo

Sr.No.	Exhibit Number	Description
11.	Exhibit P-28/PW-4	Portion of Signature
12.	Exhibit P-31/PW-5	Portion Mark A.
13.	Exhibit P-33/PW-6	Kayami
14.	Exhibit P-34/PW-6	Special Report
15.	Exhibit P-35/PW-6	Letter to Medical officer
16.	Exhibit P-36/PW-6	Summons
17.	Exhibit P-37/PW-6	Receipt.
18.	Exhibit P-38/PW-6	Duty Pass
19.	Exhibit P-41/PW-7	Statement of 164 Cr.P.C.
20.	Exhibit P-43/PW-8	Statement of 164 Cr.P.C.
21.	Exhibit P-45/PW-9	Statement of 164 Cr.P.C.
22.	Exhibit P-47/PW-10	Post-Mortem Report
23.	Exhibit P-48/PW-10	Form No. B
24.	Exhibit P-49/PW-10	Form No.II
25.	Exhibit P-50/PW-10	Viscera Form
26.	Exhibit P-51/PW-10	Examination Weapon query
27.	Exhibit P-54/PW-11	Seizure memo
28.	Exhibit P-55-1 to 55-	Photographs

Sr.No.	Exhibit Number	Description
	4/PW-11	
29.	Exhibit P-56/PW-11	Certificate 65(B)
30.	Exhibit P-57/PW-11	Letter to Land Record office
31.	Exhibit P-58/PW-11	Map
32.	Exhibit P-59/PW-11	Arrest Panchnama
33.	Exhibit P-60/PW-11	Letter to Circle Revenue officer
34.	Exhibit P-61-A to 61-D /PW-11	Photographs
35.	Exhibit P-62/PW-11	Letter to Medical Officer
36.	Exhibit P-63/PW-11	Letter to Medical officer for weapon query report
37.	Exhibit P-64/PW-11	Letter to JMFC Aheri Court
38.	Exhibit P-65/PW-11	Letter to Forensic Laboratory Chandrapur
39.	Exhibit P-66/PW-11	Letter to viscera report
40.	Exhibit P-67/PW-11	Examination Report

(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
1.	Exhibit 21(admitted by Accused)	Inquest panchnama
2.	Exhibit 47(admitted by Accused)	Post-mortem Report

C. Court Exhibits :

Sr.No.	Exhibit Number	Description
1.	Exhibit 10	Property Parcha

D. Material Objects :

Sr.No.	Material Object Number	Description
1.	MO No.(Article-A) PW-10	Axe
2.	MO No.(Article B-C PW-4	Photographs

(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 07th day of July, 2026)

1. Accused Manoj Dashrath Gawade has been charge-sheeted and prosecuted for the offences punishable under Section 302 of the Indian Penal Code, 1860.

2. Shorn of unnecessary detail, the prosecution can be summarized as under :-

On 25.11.2023, Madhukar Ramu Gawade lodged report with the Police Station, Tadgaon. He reported that he has resident of Chichoda, Tah. Bhamragad, Dist. Gadchiroli. He resides on said address jointly alongwith his father Ramu Katia Gawade, mother Limbi Ramu Gawade, brother Vijay Gawade, Mallesh Gawade, wife Warali Madhukar Gawade, brother-in-law Tarabai Vijay Gawade, Dullo Mahesh Gawade and doing the agricultural work. They possessed 10 acers of land at near the village mouza Chichoda and from last 10 years his father Ramu Katiya Gawade doing the work of gardening of field by sleeping in the hut situated in the field.

3. On 23.11.2023, in the evening at 7.00 p.m. his father by taking tiffin, went to agricultural field. On next day, in morning at about 6.00 a.m. when his mother Limbi Ramu Gawade visited towards the said hut for cleaning, she returned back with crying and therefore he made enquiry as to what happened. She informed that Ramu Katiya Gawade sleeping on the cot and blood is gather below the cot and no movement from

his body. Therefore, he alongwith his mother visited to the said hut situated in the field and found that blood below the cot of his father and thereafter he has given intimation to the villager and again went, removed the chadar (Bedsheet) from body of Ramu Katiya Gawase and found that he having injury on the neck. And the blood laying below his cot, no movement from the body of the Ramu Katiya Gawade. Therefore, he came to the conclusion that some unknown person by weapon giving blow on the neck of his father, kill him. And accordingly he lodged the report against unknown person. Thus, it reveals that initially the FIR was registered against the unknown person.

4. Ranjit Bibhishan Maske PSI (PW6) registered the FIR by giving intimation to the Superintendent of Police. He has kept the investigation with him. He issued letter to the Medical Officer Rural Hospital, Bhamragad for post-mortem, issued letter to the panch to remain presence for Inquest Panchnama. According, in presence of pancha, prepared Inquest panchanama and later on handed over the dead body of Ramu Katiya Gawade to the relative of deceased. Later on, he handed over further investigation to the Prashant Bhagwan Belkhede PSI (PW11). According to the

prosecution case, on 26.11.2023 the meeting was called in the village to make enquiry as to who has killed the Ramu Gawade but no information received in the said meeting. On next day i.e. 27.11.2023 in the morning at about 7.00 a.m., Kishor Gawade PW7, Sudhakar Gawade PW8 and Vijay Gawade PW9 were standing at the chowk of the village, at that time Pinki Manoj Gawade PW3, who is the wife of accused, came there and informed that his husband has kill the Ramu Katiya Gawade. Therefore, they visited to the house of accused for confirmation and made enquiry with him about the murder. Thereupon, accused has given the confessional statement that 15 days back at chowk of the village deceased abusing him by uttering him “तु किती शिकुन आहे, तुला दिमाग आहे की नाही, नसता गावात फिरतो पागला सारखा”, due to this under angriness or annoyance, he has killed the deceased on 23.11.2023 in the night by axe under the influence of liquor. Accordingly, the prosecution has arrested the accused. On the basis of Memorandum statement of accused, Police has recovered the axe, seized the clothes of accused. And in the investigation found evidence against the accused, therefore filed the charge-sheet.

5. After hearing both the parties, my learned predecessor

framed the charge against the accused below Exh.7 for the offences punishable under Section 302 of the Indian Penal Code, 1860. The accused pleaded not guilty and claimed to be tried. His plea is recorded at Exh.8.

6. In order to prove the guilt of accused, the prosecution has examined in all total eleven (11) witnesses as mentioned in part 'C' of the judgment and filed closing pursis at Exh.68. The statement of accused under Section 313 of Cr.PC. was recorded at Exh.69. His defence is of total denial and he submitted that the false report lodged against him. No witness is examined by the defence.
7. Heard Shri. A.R. Masram, the learned APP for the prosecution, and Advocate Shri. U.S. Galbale, the learned counsel for the accused, at length.
8. Shri. A.R. Masram, the learned APP, submitted that the prosecution has proved the report by examining PW1 Madhukar, who is son of the deceased. He urged that even though no eye witness to the said incident, but prosecution has succeeded to prove the guilt of accused beyond reasonable doubt by proving the circumstantial evidence and complete chain of circumstantial

evidence. He further urged that prosecution has proved the spot panchnama and seizure of clothes of the deceased, blood stain soil, plan soil from the place of incident by examining panch Shankar PW2. Prosecution has proved the recovery of axe, on the basis of discovery statement in the memorandum statement given by the accused by examining the panch Ranu Atram PW5. He further argued that even though the wife of the accused name Pinki PW3 turned hostile to the prosecution, however prosecution succeeded to prove the extra judicial confession of accused by examining Kishor Gawade PW7, Sudhakar Gawade PW8 and Vijay Gawade PW9. Defence has admitted the post-mortem report. Thus, prosecution has succeeded to prove the motive of the accused to kill the deceased. Thus, in short, according to Shri Masram, the learned APP, for the prosecution, prosecution succeeded to prove the guilt of accused beyond all reasonable doubt.

9. Per contra, Adv. Shri. U.S. Galbale, learned counsel for the accused, urged that no eye witness to the alleged incident. Prosecution failed to prove the extra judicial confession. There is no inconsistency in the testimony of Kishor Gawade PW7, Sudhakar Gawade PW8 and

Vijay Gawade PW 9. According to the prosecution case Pinki PW3 narrated confession to PW 7, 8 and 9 that her husband killed the deceased. However, Pinki PW3 turned hostile to the prosecution case. He further urged that, so far memorandum and seizure of axe is concerned, PW4 turned hostile to the prosecution case. Thus, in short, according to the Adv. Shri Galbale, the learned counsel for the accused, prosecution failed to prove the guilt of the accused beyond all reasonable doubt. Hence, he prayed to give benefit of doubt to accused.

10. From the charge leveled against the accused, oral and documentary evidence lead by the prosecution and rival submission of the learned APP Shri Masram, for the prosecution, and Adv. Shri Galbale, for the accused, at length, the following points arise for my consideration and determination, and I have recorded my findings thereon for the reasons given below.

Sr.No.	Points	Findings
1.	Does the prosecution prove that the death of Ramu Katiya Gawade between night of 23.11.2023 to 24.11.2023 is homicidal ?	Yes

Sr.No.	Points	Findings
2.	Whether the prosecution proves that in between 23.11.2023 to 24.11.2023 at night at mouza Chichoda, Tah. Bhamragad, District Gadchiroli, accused committed murder intentionally and caused the death of Ramu Katiya Gawade by assaulting an axe over the neck of deceased and thereby caused incised wound to the neck and thereby committed offence punishable under Section 302 of IPC?	No.
3.	What order ?	As per final order.

REASONS

AS TO POINT NOS. 1 TO 3 :-

11. So far as the initially burden of proving the death of Ramu Katiya Gawade as to homicide is concerned, from the FIR, it reveals that the first informant Madhukar Ramu Gawade stated and later on testified that after receiving the information from his mother Limbi Ramu Gawade, he visited to the place of incident and found that blood was laying upon the cot as well

as below the cot and after examination he come to the conclusion that someone has murder his father giving blow by weapon on the neck.

12. It is to be noted that even though prosecution has examined Dr. Bhushan Diwakar Choudhari PW10, who performed the post-mortem report. The defence has admitted post-mortem report at Exh.47. Thus, defence did not dispute the post-mortem report one. The doctor has given opinion that “probable cause of death may be due to hemorrhagic shock due to vascular injury as a result of incised injury at neck region”. Thus, from Post-mortem report, its reveals that the death of Ramu Katiya Gawade is result of incised injuries at neck region. Even Dr. Bhushan testifies that all the injuries were of anti-mortem and thus prosecution succeeded to prove the death of Ramu Katiya Gawade as homicide.
13. Now the question arises whether said injuries were inflicted by the accused? Admittedly, no eye witness to the said incident. Prosecution mainly relied on circumstantial evidence and the extra judicial confession of the accused. Firstly, prosecution has examined Madhukar Ramu Gawade PW1, who is the

son of the deceased at Exh.13. He supported to the prosecution case. By examining this witness prosecution proved the oral report Exh.14 and first information report (FIR) Exh.15. It is to be noted that Madhukar Gawade PW1 lodged report against the unknown person on 24.11.2023. In the examination-in-chief, he testifies that on the next day of incident, the wife of accused informed to them that accused confess that he has murdered of deceased Ramu Katiya Gawade. He further testifies that he has not made the enquiry with the accused.

14. It is to be noted that the identification of accused is not in dispute. It is to be noted that it is not the case of prosecution that on the next day of incident, accused made confession before his wife and his wife narrated the same to anybody. Thus, the testimony of Madhukar Gawade PW1 that on the next day of incident Pinki Gawade informed that accused confessed that he has murdered the Ramu Katiya Gawade is not reliable and trustworthy. Even in the cross-examination Madhukar admitted that while recording his statement he has not stated before the police that Pinki Gawade informed that accused confessed that he has killed the Ramu Katiya Gawade.

15. By examining one of the panch Shankar Tadboina PW2, who is the panch to the spot panchanama and seizure of the material object from the place of incident, prosecution has proved the spot panchanama. He supported the prosecution case and by examining this witness prosecution prove the spot panchanama at Exh.19 as well as seizure of material object like blood bedsheet (Chadar), green colour T-shirt of the deceased as well as plan soil and blood stain soil from the place of incident. The learned defence counsel has given suggestion to the Shankar Tadboina PW2 that he has not visited to the place of incident, but he denial the same. However, he admitted in cross-examination that police have already prepared seizure memo and obtained his signature. But there is no reason to disbelieve or discard his testimony on the point of spot panchanama Exh.19.
16. According to the prosecution case, the star witness is Pinki Gawade PW3, before whom the accused has given the confessional statement and she informed to other witnesses. However, Pinki Gawade PW3, who is the wife of accused turned hostile to the prosecution case. She did not support to the prosecution case on the material point of extra judicial confession before

her. She denied the portion mark A and B in her statement as well as she denied portion mark A in her statement under Section 164 of Cr.PC. In the cross-examination by defence counsel, she testifies that Sudhakar Gawade PW8 pressurized her to give statement before police and the learned Judicial Magistrate First Class. Thus, Pinki Gawade PW3 did not support to the prosecution case.

17. According to the prosecution case Pinki Gawade PW3 narrated the extra judicial confession of accused to the Kishor Gawade PW7, Sudhakar Gawade PW8 and Vijay Gawade PW9, who later on visited to the house of accused to make enquiry and got conformation. It is to be noted that Pinki Gawade PW3 turned hostile therefore no reliance can be placed on the testimony of Kishow Gawade PW7, Sudhakar Gawade PW8 and Vijay Gawade PW9 that accused made confessional statement before Pinki and same was informed by her to them.
18. Now the question arises whether the testimony of Kishor Gawade PW7, Sudhakar Gawade PW8 and Vijay Gawade PW9 are reliable on point that they visited to the house of accused and accused made confessional

statement before them that he has kill the Ramu Katiya Gawade.

19. Kishor Gawade PW7 supported to the prosecution case and testifies that on 27.11.2023 in the morning, he alongwith Sudhkar Gawade PW8, Vijay Gawade PW9 was present at the chowk of the village. He testifies that Pinki came there and informed that accused has kill the Ramu Katiya Gawade. He testifies that accused might to be informed to the Pinki Gawade PW3. He further testifies that thereafter they went to the house of accused and made enquiry with accused about the incident there upon accused narrated that deceased was abusing to him. Therefore, he has killed the Ramu Katiya Gawade by axe on his field, when he was sleeping on the cot. In the cross-examination by defence counsel, Kishor Gawade PW7 admitted that deceased is his uncle. He admitted that the accused is the habitual drinker and misbehaving like mental illnesses person. In the cross-examination, he testifies that the meeting was took place regarding the incident on 26.11.2023. He testifies that after one hour from the said meeting Pinki Gawade PW3 informed him about the said extra judicial confession of accused. However, it is to be noted that according to the

prosecution case, the Pinki Gawade PW3 informed about the said extra judicial confession on the next day of the meeting in the morning i.e. 27.11.2023. He testifies that he has informed the said thing to the police and before the Judicial Magistrate First Class. From his statement under Section 161 and 164 of Cr.P.C. it reveals, that he stated that on the next day of meeting i.e. on 27.11.2022 Pinki Gawade PW3 informed them about the extra judicial confession of accused. Thus, in the examination-in-chief Kishor Gawade PW7 testifies that on 27.11.2023 in the morning Pinki Gawade PW3 informed about the confessional statement of accused, but the in the cross-examination by defence counsel he testifies that immediately after one hour from the meeting on 26.11.2023 Pinki Gawade informed them about confessional statement of accused. Thus, there is no consistency in the testimony of Kishor Gawade PW7 as to when Pinki Gawade PW3 narrated the confession of accused to him. Furthermore, in cross-examination he admitted that they came to know about the murder by accused when the police beat the accused in the police station.

20. Sudhakar Gawade PW8 also supported to the

prosecution case. He also one of the witnesses of extra judicial confession of the accused. He testifies that on 27.11.2023 when he alongwith Kishor Gawade PW7, Vijay Gawade PW9 was present at chowk, Pinki Gawade came there and informed that her husband has killed the Ramu Katiya Gawade. He also testifies that accused might be informed to the Pinki Gawade PW3. He further testifies that thereafter they went to the house of accused to get confirmation and made enquiry with him where upon the accused confessed that 15 days back deceased abusing to him and uttered as '*pagal*'. Therefore, under anger of the same, he has killed the Ramu Katiya Gawade. He testifies that police have recorded his statement, even got recorded the statement before learned Judicial Magistrate First Class. In the cross-examination by defence counsel, he testifies that the meeting was took place on 27.11.2023. He admitted that immediately after the meeting Pinki Gawade PW3 informed them about the murder. He voluntarily testifies that after one and two hours of meeting Pinki Gawade PW3 informed them. It is to be noted that as per the prosecution case, the meeting took place in the village on 26 and not on 27. He admitted that he has not stated before the police

and learned Judicial Magistrate First Class that immediately after the meeting Pinki Gawade PW3 informed them about the confession of accused. Thus, there is no consistency in the testimony of Sudhakar Gawade PW8 also like Kishor Gawade PW7 as to when Pinki Gawade PW3 informed them.

21. Vijay Gawade PW9 is also one of the witness on the point of extra judicial confession of accused. Vijay Gawade PW9 is the son of deceased. He testifies that after the incident the meeting was called in the village to make enquiry as to who has killed his father. He has also present in the said meeting. But nobody informed in the said meeting anything. He testifies that after finishing of the meeting, he, Kishor Gawade PW7, Sudhkar Gawade PW8 were standing at the chowk , Pinki Gawade PW3 came there and informed them that her husband has killed the Ramu Katiya Gawadew by axe. He testifies that thereafter they take the meal and went to the police station. Thus, there is nothing in the testimony of Vijay Gawade PW9, who is son of the deceased that after informing by Pinki Gawade PW3 about extra judicial confession of the accused, they went to get confirm from the accused. He testifies that 15 days back his father has uttered to the accused “ॐ

किती शिकुन आहे, तुला दिमाग आहे की नाही, नसता गावात फिरतो पागला सारखा”. It is to be noted that Vijay Gawade PW9 testifies in the examination-in-chief itself that in the police station accused informed that his father uttered him “तु किती शिकुन आहे, तुला दिमाग आहे की नाही, नसता गावात फिरतो पागला सारखा”. Thus, from the testimony of Vijay Gawade PW9, it reveals that alleged extra judicial confession given by the accused in the police station, which is not admissible in evidence and fit by the Section 25 and 26 of the Indian Evidence Act. It is to be noted that much more in the cross-examination, he admitted the accused has given the said extra judicial confession after beating by police in the police station. Thus, there is no consistency in the testimony of Kishor Gawade PW7 Sudhakar Gawade PW8 and Vijay Gawade PW8 regarding extra judicial confession of accused. Therefore, no reliance can be place on the extra judicial confession without corroboration from other admissible and reliable evidence.

22. Prosecution mainly relied on the recovery of the axe at the instance of accused and the blood stain cloth of the accused. According to the prosecution case, accused made memorandum statement during custody of police that he has killed the Rama Katiya Gawade by axe and

he is ready to show the said axe, which hiding by hi under the tree. It is to be noted that Dalsu Atram PW4 and Ranu Atram PW5 are witnesses of the said memorandum panchanama and the recovery of axe at the instance of accused. Out of said two pancha, Dalsu Atram PW4 is working as a Kotwal in the Revenue Department, turned hostile to the prosecution case. He denied that accused has given any confessional statement in the police custody. Thus, he denied the material portion mark A in the memorandum panchanama. Even he testifies that he has unable to identify the said axe due to passing of long period. In the cross-examination by defence counsel ,he admitted that earlier police have taken on the motorcycle to accused and thereafter to him. He admitted that he does not know who has shown axe to the police and nobody informed them about the axe. Thus, the testimony of Dalsu Atram PW4 is not reliable and no reliance can be placed upon his testimony for corroboration of the prosecution case.

23. Ranu Atram PW5 is also Kotwal and second pancha to the memorandum panchnama and seizure of the axe at the instance of the accused. He supported the prosecution case and categorically testifies that on 23.11.2023 accused was in police custody and in

presence of them, accused made confessional statement that he has killed the Ramu Katiya Gawade by axe and he has hidden the said axe under the tree and ready to show them. By examining this witness, prosecution proved the portion mark A in the memorandum panchanama at Exh.31. He testifies that as per the say of the accused they went and accused produced axe which seized by police, he identified the said axe as article A. The defence counsel cross-examination Ranu Atram PW5 at length, but failed to bring infirmities . Thus, there is no reason to disbelieve or discard the testimony of Ranu Atram PW5.

24. Ranjit Maske PW6 PSI who registered the FIR from the report of Madukar Gawade PW1 and prepared inquest panchanama and got prepared post-mortem.
25. Dr. Bhushan Choudhari PW10 conducted the post-mortem of Ramu Katiya Gawade. He supported the prosecution case and testifies that after conducting the post-mortem report, he has given the opinion regarding the probable cause death. He further testifies that on 10.12.2023 police has given letter for weapon query to him accordingly he examined the axe and given his opinion that injuries laceration, puncture, crushed and

insight injuries can be possible by said weapon. He identified the said weapon before the court which marked as Article A. However, in the cross-examination by defence counsel, he admitted that handle of the axe which is shown to him in the court of 27 cm. It is to be noted that the scale was provided to him during the cross-examination and after measurement he testifies that the handle of axe is 27 cm. length. He testifies that the handle of axe which examined by him as per the request of the police was length 35.5 cm. Therefore, he testifies that might be the some other axe.

26. Prashant Belhkede PW11 is the investigating officer. He supported the prosecution case and categorically testifies about the seizure and blood soil, blood stain soil, bed sheet, gamcha, T-shirt from the place of incident. He further testifies that after arresting the accused, accused has given confessional memorandum which was recorded by him in presence of panchas. He testifies that accused made statement that he has killed the Ramu Katiya Gawade by axe and hidden the same under the tree and ready to show the same. He supported the prosecution case and categorically testifies about the entire investigation carried out by him.

27. Thus, over all, it reveals that no eye witnesses to the said incident. The prosecution case is based on circumstantial evidence and the extra judicial confession of the accused. Prosecution has placed on record alongwith Exh.9, the report received from the Mini Forensic Science Laboratory State of Maharashtra, Tukum, Chandrapur at Exh.67. From said report, it reveals that the material object including blood soil and blood stain soil which seized from the place of incident as well as clothes of the accused were sent for examination by Chemical Analyzer. The cloth of the accused is marked as article 8-9 i.e. T-shirt and half pant. After examination, the Chemical Analyzer has given the report regarding the blood grouping and species origin result that in article 8-9 the human blood but blood group as inconclusive. Thus, the result is inconclusive. The prosecution has collected the blood of accused and after analysis it found that his blood group is A. Thus, nothing in the analysis report to connect the accused with homicide of deceased.
28. Thus, the Pinki Gawade PW3, who is the star witness, turned hostile to the prosecution case. No consistency in the testimonies of Kishor Gawade PW7, Sudhakar Gawade PW8 regarding the extra judicial confession of

accused, which is weak piece of evidence. According to the Dr. Bhushan Choudhari PW10 opinion's , axe which examined by him on request of police might be possible different from the axe which shown to him in the court as there is different in the length of handle of the axe. In view of all these facts and evidence, merely on the basis of recovery of the axe at the instance accused, it is not safe to say that prosecution succeeded to prove the guilt of accused beyond all reasonable doubt. Thus, prosecution failed to prove the complete chain of circumstantial evidence and therefore, the case is made out to acquit the accused by giving benefit of doubt. Accordingly, I recorded my finding to point No.1 in the affirmative and point No.2 in the negative and proceed to pass the following order :-

ORDER

1. The accused **Manoj Dashrath Gawade** is hereby acquitted under Section 235(1) of Code of Criminal Procedure of the offence punishable under Section 302 of the Indian Penal Code.
2. Accused shall furnish bond of ₹50,000/- (In words Rupees Fifty Thousand Only) with surety in the like

amount in compliance of Sec. 437–A of the Code of Criminal Procedure (Sec. 481 of the Bharatiya Nagarik Suraksha Sanhita, 2023).

3. The seized article Axe being worthless be auctioned as per rule and the auction amount be credited to Government after appeal period is over, if no appeal is filed. Remaining seized articles being worthless be destroyed after appeal period is over, if no appeal is filed.
4. Copy of judgment be sent to District Magistrate, Gadchiroli as per Section 365 of the Code of Criminal Procedure (Sec. 406 of the Bharatiya Nagarik Suraksha Sanhita, 2023) as well as to the first informant/victim.
5. Accused be set at liberty if not required in any other case.

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

Aheri.
Date – 07/07/2026.

(**Shardaprasad S. Oza**)
Additional Sessions Judge,
Aheri, District – Gadchiroli.

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Certificate

I affirm that the contents of this Scan file Order is same word to word as per the original order.

- a) Name of the Stenographer :- J.N. Sawarkar
Stenographer Grade -II.
- b) Court :- Additional Sessions Judge,
Aheri, District Gadchiroli.
- c) Judgment dictated on :- 07/07/2026
- d) Judgment signed & checked by P.O. :- 07/07/2026
- e) Judgment uploaded on :- 07/07/2026