

State vs. Ram Haldar (Judgment)

MHGA130002192023



Presented on	: 15/01/2022
Registered on	: 17/01/2022
Decided on	: 02/05/2026
Duration	: Yr. Ms. Ds 04, 03, 17

EXHIBIT NO.37

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, DISTRICT GADCHIROLI.		
Present :- Rohan B. Rehpade, Additional Sessions Judge		
	Date of Judgment :- 02/05/2026 Sessions Case No. 95/2023 (Old Sessions Case No. 06/2022)	
	FIR/Crime No. 01/2021 Police Station, Mulchera	
COMPLAINANT/ PROSECUTION		State of Maharashtra , through Police Station, Mulchera
REPRESENTED BY		A.P.P. Shri. S.D. Gawade
ACCUSED		Ram Shailendra Haldar , Age – 35 Years, Occu. - Labour, R/o. Bhagatnagar, Tahsil – Mulchera, District - Gadchiroli.

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Sessions C. No. 95/2023
(Old Sessions C.No. 06/2022)
State vs. Ram Halдар

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	01/01/2021
Date of FIR	04/01/2021
Date of Charge-sheet	13/12/2021
Date of framing of Charges	24/04/2024
Date of Commencement of Evidence	13/03/2026
Date on which judgment is reserved	02/05/2026
Date of the Judgment	02/05/2026
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)	Ram Shailendra Halдар,	17-072021	28-12-2021	U/s. 307 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	Dharmendra Sunil Sarkar (Exhibit P-28)	Informant
PW-2	Sunirmal Sunil Sarkar (Exhibit P-32)	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
1	Report	Exhibit P-29/PW-1
2	First Information Report	Exhibit P-30/PW-1

(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
1.	Seized car bearing registration No.MH-33-A-2888	05/2021 dt.02-04-2021

(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 02nd day of May, 2026)

1. Accused Ram Shailendra Halдар has been put to trial for the offence punishable under Section 307 of the Indian Penal Code.

Prosecution's Case

2. The informant is brother of the injured. There was some dispute between the informant and the accused with respect to agricultural land. On 01.01.2021 at about 4.00 pm the injured was proceeding to Mulchera from Bharatnagar on his motorcycle bearing registration No.MH-33-K-0587. The accused was driving his Indica car bearing registration No.MH-33-A-2888 and he was also proceeding in same direction. The car of the accused gave dash to motorcycle of the injured. Resultantly, the injured sustained serious injuries. He was carried to Rural Hospital, Mulchera from where he was referred to General Hospital, Gadchiroli. At the time of incident, the informant was working in the field. He was informed about the incident by Subha Bhakta. The informant

lodged report with Police Station, Mulchera.

Investigation

3. Having received report, Crime No.01/2021 was registered against the accused with Police Station, Mulchera for the offence punishable under Section 307 of the Indian Penal Code. Investigation of the case was made over to Police Sub-Inspector Prashant Jumde. He visited spot in presence of panchas and drew Crime Details Form. Motorcycle of the injured and car of the accused were seized from the spot in presence of panchas and Seizure Panchanama thereof was drawn. Medico Legal Certificate of the injured was collected from Rural Hospital, Mulchera. Discharge Card of the injured, Examination Form, 7/12 extract and Judgment in Regular Civil Suit No.11/1988 were seized in presence of panchas under Seizure Panchanama. The accused was arrested. Statements of witnesses were recorded. The Investigating Officer analyzed collected material and found that there is sufficient material to file charge-sheet against the accused for the offence punishable under Section 307 of the Indian Penal Code.

Committal

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

Charge

5. My learned predecessor framed charge against the accused vide Exhibit No.16. Plea of the accused (Exhibit No.17) was recorded. He pleaded not guilty and expressed his intention to contest the charge.

Defence of the accused

6. From suggestions given to prosecution witnesses and from statement of the accused under Section 313 of the Criminal Procedure Code, defence of the accused is of denial and false implication.

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 01.01.2021 at 16:30 hours, at Mouza Ganeshnagar to Mulchera Dambari road the accused attempted to commit murder of informant's brother namely Sunirmal Sunil Sarkar by giving dash to his motorcycle by the car with such intention or knowledge and under circumstances that if by that act he had caused the death of Sunirmal Sunil Sarkar and he 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. Dharmendra (PW1) is the informant. He did not witness the incident. His evidence is hearsay in

nature. He deposed that on 01.01.2021 while he was working in the field he was informed that Sunirmal (PW2) met with an accident and was hospitalized in Rural Hospital, Mulchera. From there, he was referred to General Hospital, Chandrapur. He admitted contents of Report (Exhibit No.29) and of First Information Report (Exhibit No.30) to be true and identified the accused. In First Information Report (Exhibit No.30), it is categorically stated that motorcycle of Sunirmal (PW2) was given dash by car of the accused. However, this fact is not stated by Dharmendra (PW1) in his evidence. It is well settled that First Information Report is not substantive evidence. Thus, Dharmendra (PW1) in his evidence did not spell a word about involvement of the accused. Moreover, in cross-examination, he admitted that there is delay of four days in lodging First Information Report (Exhibit No.30). He also admitted that there was dispute between the accused and Dharmendra (PW1) with regard to agricultural land. In this backdrop, evidence of Dharmendra (PW1) is of no assistance to the prosecution.

10. Sunirmal (PW2), who is injured, did not support the prosecution. He categorically deposed that his motorcycle got slipped and he sustained injuries. So it is clear that Sunirmal (PW2) did not sustain injuries because he was given dash by car of the accused. He disowned the statement under Section 164 of the Code of Criminal Procedure. Nothing material could be obtained in his cross-examination by the prosecution. He specifically denied that on 01.01.2021 at about 4.00 pm while he was proceeding on his motorcycle, the accused gave dash to his motorcycle deliberately and attempted to kill him.
11. Having carefully analyzed evidence of Dharmendra (PW1) and Sunirmal (PW2), what I find is that evidence of Dharmendra (PW1) does not implicate the accused whereas evidence of Sunirmal (PW2) demonstrates that he himself fell down with motorcycle and sustained injuries. He denied any involvement of the accused. This being the position of evidence, there is absolutely no evidence against the accused. Consequently, I answer point No.1 in the affirmative.

Conclusion

12. **As to point No.2**

In view of my negative finding to point No.1, there is no evidence against the accused entitling him to acquittal. Charge-sheet shows that motorcycle and Indica car were seized. Motorcycle was delivered to Sunirmal Sunil Sarkar on execution of bond. The said bond will have to be cancelled. Statement of Ravindranath Shah, who is one of the witnesses, reflects that he is owner of Indica car bearing registration MH-33-A-2888. He had given his car to the accused for repair. Therefore, it would be proper to return the car to Ravindranath Nirmal Shah. Consequently, I pass following order.

ORDER

1. Accused Ram Shailendra Halдар R/o. Bhagatnagar, Tahsil Mulchera, District Gadchiroli 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 are cancelled.
3. Seized motorcycle bearing registration No.MH-33-K-0587 was returned to Sunirmal Sunil Sarkar R/o. Bhagatnagar, Tahsil Mulchra, District Gadchiroli on execution of bond. Bond to that effect is cancelled. Seized car bearing registration No.MH-33-A-2888 be returned to Ravindranath Nirmal Shah R/o. Sundarnagar, Tahsil Mulchera, District Gadchiroli after appeal period is over.
4. The accused 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.

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5. 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 – 02/05/2026

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