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Duration : Y-06,M-08,D-17

PART : 'A'

<u>BEFORE THE COURT OF DISTRICT JUDGE-1 AND ADDL. SESSIONS JUDGE, AT GONDIA. DIST- GONDIA</u> (Presided over by A. S. Pratinidhi)	
<u>SESSIONS TRIAL NO. 56/2017.</u> <i>(CNR No.MHGO010010112017)</i>	<u>Exh. No.233</u>
Date of the Judgment	27.04.2026
Crime No.104/2017	Police Station, Ramnagar, District - Gondia.
<u>PROSECUTION</u>	The State of Maharashtra, Through Police Station Officer, Police Station, Ramnagar, Tah. & Dist. Gondia.
Represented by	Shri K. L. Khandelwal, APP, for the State.
<u>ACCUSED</u>	1. Revaram s/o Sheshram Nagpure, Aged about 23 years, Occu. Agriculturist. R/o. Gowaritola (Pipriya), Tah. Salekasa, Dist. Gondia.
	2. Ravindra s/o Dhanraj Uikey, Aged about 28 years, Occu. Agriculturist.

		R/o. Pipriya, Tah. Salekasa, Dist. Gondia.
	3.	Hansraj s/o Chainlal Uikey, Aged about 22 years, Occu. Agriculturist. R/o. Pipriya, Tah. Salekasa, Dist. Gondia.
Represented by		Adv. Shri R. N. Bhajipale, for accused No.1 Adv. Das, for accused No.2 & 3

Part : 'B'

Date of Offence	:-	23/05/2017
Date of F.I.R	:-	24/05/2017
Date of Charge-sheet	:-	19/08/2017
Date of Framing of Charge	:-	21/04/2018 & 16/08/2024
Date of commencement of evidence	:-	11/09/2019
Date of which Judgment is reserved	:-	13/03/2026
Date of Judgment	:-	27/04/2026
Date of the Sentencing Order	:-	-----

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 the purpose of Sec. 428 Cr.PC.
1.	Revaram Seshram Nagpure	25/05/2017	01/11/2017	U/sec. 302, 120-B, 201, 404, 34 of IPC & Sec. 135 of Mah. Police Act	Acquitted	---	---
2.	Ravindra Dhanraj Uikey	25/05/2017	01/11/2017	--do--	Acquitted	---	---
3.	Hansraj Chainlal Uikey	25/05/2017	06/09/2017	--do--	Acquitted	---	---

PART : 'C'**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution :**

RANK	NAME	NATURE OF EVIDENCE
PW. 1	Surendrasingh Gyansingh Jatpele	Informant (Exh. 63)
PW. 2	Nareshkumar Jainarayan Agrawal	Witness (Exh. 69)
PW. 3	Suresh Hagru Rahangdale	Panch witness (Exh. 73)
PW. 4	Kewalram Laxman Bhaisare	Panch witness (Exh. 85)
PW.5	Jitendra Kishor Vallare	Witness (Exh. 91)
PW.6	Seshrao Tulsiram Ladekar	Witness (Exh. 93)
PW.7	HC Pramod Sukhchand Sonwane	Carrier (Exh. 102)
PW.8	Bhumeswar Jogiram Tarone	Witness (Exh. 107)
PW.9	Dr. Padmakar Sukhram Ramteke	Medical Officer (Exh. 109)
PW.10	Sadashiv Govindrao Awagan	RFO/Witness (Exh.119)
PW.11	Pramod Chotelal Bawane	Panch witness (Exh. 129)
PW.12	Ganesh Faguji Patle	Panch Witness (Exh.134)
PW.13	Janardhan Punaji Bansod	Forensic Expert (Exh.145)
PW.14	PSI Pratap Shivaji Wasgade	SHO (Exh.152)
PW.15	PI Prashant Mukund Pawar	I.O. (Exh.154)
PW.16	PI Mohan Krushna Khandare	Second I.O. (Exh.170)

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE
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C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS.**A. Prosecution :**

Sr. No.	Exhibit Number	Description
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1]	64	Oral report
2]	65	Printed F.I.R.
3]	74	Letter written by RFO
4]	75	Crime Details Form
5]	76	Inquest panchnama
6]	77 to 80	Seizure panchnamas
7]	81 & 82	Arrest panchnamas
8]	86	Letter written by I.O. to MO
9]	87	Letter written by MO to I.O.
10]	88	Nivedana panchnama of accused
11]	89	Recovery panchnam
12]	103 & 104	Duty pass & Report
13]	110	Post mortem report
14]	111	Query form
15]	112 & 113	Query reports
16]	114	Letter written by I.O. to M.O.
17]	115	Report by M.O.
18]	116 & 117	Form-II for C.A. (two)
19]	120	Copy of forest offence
20]	121	Details for mobile device registration
21]	122 to 124	Documents relating to official work of deceased
22]	125 to 127	Letters written by RFO to I.O.
23]	130	Nivedan Panchnama of accused Ravindra
24]	131	Recovery panchnama
25]	132	Seizure panchnama of memory card
26]	133	Signature on seizure panchnama
27]	135	Nivedan panchnama of accused Hansraj
28]	136	Recovery panchnama of motorcycle
29]	137	Seizure panchnama of clothes
30]	138	Seizure panchnama of memory card
31]	146	Letter to FSL, Nagpur
32]	153	General diary details

33]	155	Letter to RFO, Salekasa
34]	156 & 157	Summons U/sec. 175 of Cr.PC.
35]	158	Letter to MO, RH, Salekasa
36]	159	Questionary form
37]	160	Certificate U/Sec. 65-B of Indian Evi.Act
38]	161	Duty certificate
39]	162	Portion mark-A of PW-6
40]	163 & 164	Two letters to SP, Gondia for CDR & SDR
41]	165	Arrest panchnama of accused No.3
42]	173 & 174	Certificate U/Sec. 65-B of Indian Evi.Act
43]	175	Seizure panchnama of memory card
44]	176	Seizure panchnama of mobile of Zen Co.
45]	177 & 178	Letter to Tahsildar, Salekasa & Order
46]	179 & 180	Certificate U/Sec. 65-B of Indian Evi.Act
47]	181	Letter to RFO, Salekasa
48]	182 & 183	Certificate U/Sec. 65-B of Indian Evi.Act
49]	184	Seizure panchnama of clothes and mobile
50]	185	Letter to JMFC, Amgaon
51]	186 to 189	C.A. Reports

B. Defence :

Sr. No.	Exhibit Number	Description
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C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1.	196 to 198	Statements of accused U/sec. 313 of Cr.PC.

D. Material Objects :

Sr. No.	Material Object Number	Description
1.	Article-A & B	Pant & Shirt
2.	Article-C	Gamcha of deceased
3.	Article-D	T-shirt of deceased

4.	Article-E	Full pant of deceased
5.	Article-F	Belt of deceased
6.	Article-G	Underwear of deceased
7.	Article-H	Shoes of deceased
8.	Article-I	Shocks of deceased
9.	Article-J	Handkerchief
10.	Article-K	Key
11.	Article-L & M	Two small stones
12.	Article-N	Cream color shirt
13.	Article-O	Jeans
14.	Article-P	Underwear
15.	Article-Q	Baniyan
16.	Article-R	Mobile of Zen Co.
17.	Article-S	Shirt of accused Hansraj
18.	Article-T	Pant of accused Hansraj
19.	Article-U	Full shirt of accused Ravindra
20.	Article-V	Full pant of accused Ravindra
21.	Article-W	Baniyan of accused Ravindra
22.	Article-X	Lava Mobile

:: JUDGMENT ::

(Delivered on this 27th day of April-2026)

Accused Nos. 1 to 3 are charge-sheeted by Police Station, Salekasa in Crime No. 104/2017 for the offence punishable under Section 302, 120(B), 201, 404 of the Indian Penal Code (for short 'IPC') and Sec. 37(1)(3)/135 of Maharashtra Police Act.

Briefly stated, it is the prosecution's case that:

2. On 24/05/2017 at about 9.30 a.m. PW-2 namely Nareshkumar Jainarayan Agrawal, Grocery Shop Owner at village Khalkhalitola with his friend Jitendra Bhallare were going to Salekasa. While on their way to Salekasa, PW-2 and his friend saw one person lying dead near Khalkhalitola Nala. As such, they stopped their motorcycle. PW-2 and his friend when reached near the said person, they realized that the said persons is dead. Jitendra identified that dead person is Ravindra Jachpele, Forest Guard. Therefore, friend of PW-2 immediately gave intimation to Salekasa Police. As such, police came at the spot.

3. It is submitted that on 24/05/2017 at about 9.24 a.m., the informant (PW-1) was trying to search his brother Ravindra Jachpele who was Forest Guard at Pipariya Bit, as Ravindra had gone for duty on 23/05/2017, however, he had not returned home from the duty. The informant (PW-1) reached Murumtola Petrol Pump. As the informant reached Murumtola Petrol Pump, at the said petrol pump, his friend Dekate informed him that Jitendra Bhallare had told him that motorcycle of Ravindra Jachpele is standing near Nimba Nalha, Sarkaritola. Therefore, the informant came to the spot of the incident, he saw motorcycle of his brother bearing No. MH-35/D-6078. Sandip Dekate and Jitendra Bhallare who

were present at the spot and that the informant was informed that the dead body of his brother is lying in supine position in the field. Therefore, the informant (PW-1) has filed a report (Exh.64) against the unknown persons. Based on the said report the SHO of Police Station, Salekasa has registered a F.I.R. (Exh.65) vide Crime No.104/2017 for the offence punishable under Section 302, 120(B), 201, r/w 34 of IPC and Sec. 37(1)(3)/135 of Maharashtra Police Act.

4. Now, coming backwards to the spot of incident. PI Prashant Mukund Pawar (PW-15) has carried out initial investigation. On 24/05/2017 he conducted spot panchnama vide Exh.75. Inquest panchnama was also conducted in front of panch witness vide Exh.76. During spot panchnama he seized two sticks, one was having blood, simple soil, blood mixed soil, one commando cap, motorcycle of deceased, moka panchnama from the dickey of motorcycle. I.O. thereafter called for dog squad and finger print experts squad. Forensic Expert (PW-14) was also called for and that he obtained blood stains and hairs from the motorcycle, sealed it and handed over to PW-15. Thereafter, the said articles were seized and prepared seizure panchnama vide Exh.77.

5. It is submitted that I.O. (PW-15) thereafter sent the body for post mortem to Rural Hospital, Salekasa. On

24/05/2017 PW-9 Dr. Padmakar Ramteke conducted postmortem of dead body and gave report that he found five external injuries and internal injury as per injury No.6 mentioned in Col.No.17 of the post-mortem report. The internal injury was blunt injury over scalp transverse in direction with surface C.L.W. of the size 18 cm x 18 cm x bone deep with fracture of fronto-parieto occipital bones of scalp with exposed brain material with ruptured almost $\frac{1}{2}$ of meningeal covering. Therefore, he has issued post-mortem report (Exh.110) stating that the deceased died due to critical head injuries to brain involvement.

6. It is to be noted that I.O. (PW-15) has raised query before the medical officer (PW-9). Accordingly, MO has answered the said query vide Exh.112 & 113 stating that the injuries sustained by the deceased were possible by the wooden stick sent to him. PW-9 has also collected hairs samples of all the accused persons for analysis and that sealed the said samples and handed over the same to police along with Form-II vide Exh.116 & 117.

7. Thereafter, I.O. (PW-15) recorded the statement of witnesses. It was revealed that earlier the deceased who was Forest Guard had taken action against the accused persons under Forest Act. Rather, it is alleged by the prosecution that

during the search of the motorcycle, two documents were seized showing that deceased had taken action against the accused persons in respect of alleged theft of teak wood from Pipariya Forest Range. As such, accused persons were arrested pursuant to arrest panchnamas Exh.81, 82 & 165. However, further investigation was handed over to PI Shri Khandare (PW-16).

8. It is submitted that, during investigation, PI Khandare (PW-16) recorded disclosure statement of accused persons vide Exh.88, 130 & 135 and that it is alleged by the prosecution that pursuant to said disclosure statement, I.O. has allegedly seized Samsung mobile, Sim card and cash from accused Ravindra. It is alleged that I.O. seized cash from accused No.2 and motorcycle from accused No.3. He also videographed the said panchnama and obtained hash value certificate of memory card under Sec. 65(B) of Indian Evidence Act. It is submitted that I.O. also seized clothes of accused persons pursuant to seizure panchnama Exh.137, 176 & 184. Thereafter, he recorded the statement of witnesses as per their say. He also got recorded statement of witnesses under Sec. 164 of Cr.P.C. from the Magistrate. Then he sent all the material muddemal articles and biological samples for chemical analysis to FSL, Nagpur through PW-7 and obtained its report vide Exh.186 to 189.

9. It is alleged by the prosecution that, during the investigation, proximity of accused persons in this crime was revealed, Investigating Officer (PW-16) has filed final report/charge-sheet against all the accused for the offence punishable under Section Section 302, 120(B), 201, r/w 34 of IPC and Sec. 37(1)(3)/135 of Maharashtra Police Act.

10. Learned Judicial Magistrate First Class, Amgaon took cognizance of the said offence. Since the offence punishable under Sec. 302 of IPC is exclusively triable by the Sessions Court, the learned trial court by its order dated 19/08/2017 committed the case to the Court of Sessions.

11. My learned predecessor has framed the charge (Exh. 43) against all the accused for offence punishable under 302, 120-B, 201, 404 r/w 34 of IPC. The charge was read over and explained to the accused persons in vernacular. However, accused pleaded innocence. Their plea are recorded separately at Exh.44 to 46. It seems that matter was argued before my learned predecessor court and that on 16/08/2024 my learned predecessor was pleased to alter charge at Exh.43.

12. At trial, in order to substantiate the guilt of the accused, the prosecution has examined in all 16 witnesses as described in Part-C of judgment format. The prosecution

thereafter closed it's evidence side. The statement of accused under Section 313 of Cr.P.C. is recorded at Exh. 196 to 198. In the said statement, accused persons have specifically denied all the allegations levelled against them. Further, they have contended that they are falsely framed in the instant case only on the basis of suspicion. However, accused persons did not lead any evidence in their defence.

13. At the conclusion of trial, I have heard learned APP Shri Khandelwal and learned advocate Shri Bhajipale & Shri Das for the accused persons at length. In the light of charge against the accused, evidence on record, statement under Section 313 of Cr.P.C. and the rival submissions made at bar, the following points arise for my determination which I have answered accordingly for the reasons to follow :-

<u>Points</u>	<u>Findings</u>
1. Whether death of deceased Ravindrasingh Dnyansingh Jachpete is homicidal ?	*** Yes.
2. Does the prosecution prove that accused persons murdered Ravindrasingh Dnyansingh Jachpele in between 9.30 a.m. of 24/05/2017 in the area of village Khalkhalitola, Tah. Salekasa, Dist. Gondia ?	*** No.
3. Whether the prosecution has proved the charges framed and altered vide Exh.43 ?	*** No.
4. What order ?	*** As per final order.

REASONS

14. Heard. It is submitted that the prosecution's case is based on circumstantial evidence. Therefore, before adverting to deal with the points for determination, it may be appropriate to bear in mind the principles of evaluating circumstantial evidence to base a finding of guilt thereon. A profitable reference, in this context can be made to the ruling of the Hon'ble Apex Court in the case of **Sharad Birdhichand Sarda -Vs- State of Maharashtra, AIR 1984 Supreme Court 1622**, wherein the principles were illuminatingly postulated. They read as under:-

“A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

[1] the circumstances from which the conclusion of guilt is to be drawn should be fully established.

It may be noted here that this court indicated that the circumstances concerned ‘must or should’ and not ‘may be’ established. There is not only grammatical but a legal distinction between ‘may be proved’ and ‘must be or should be proved’ as was held by this Court in Shivaji Sahebrao Bobade -Vs- State of Maharashtra (1973) 2 SCC 793; (AIR 1973 SC 2622) where the following observations were made:

“certainly, it is a primary principle that the accused must be and not merely may be guilty before a Court can convict and the mental distance between ‘may be’ and ‘must be’ is long and divides vague conjectures from sure conclusions.”

[2] the facts so established should be consistent only

with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,

[3] the circumstances should be of a conclusive nature and tendency,

[4] they should exclude every possible hypothesis except the one to be proved, and

[5] there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

These five golden principles, if we may say so, constitute the panchsheel of the proof of a case based on circumstantial evidence.”

15. Further, the Hon'ble Apex Court in ***Mujeeb & another - Vs - State of Kerala, 2000 ALL MR (Cri) 573 SC***, has observed in Para No. 7 that, when a case rests on circumstantial evidence, such evidence must be cogently and firmly established. In this authority it is observed that the circumstances should form a chain pointing towards the guilt of the accused and the same should be so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else. If any link in the chain is missing, the guilt of the accused cannot be established.

16. It is further to be noted that in case of ***Balwindar Singh -Vs – State of Punjab, 1996 SCC (Cri.) 59***. In para No.4

of the said authority it is observed that, in a case based on circumstantial evidence, it is now well settled that the circumstances from which the conclusion of guilt is to be drawn should be fully proved and those circumstances must be conclusive in nature to connect the accused with the crime. All the links in the chain of events must be established beyond a reasonable doubt and the established circumstances should be consistent only with his innocence. In a case based on circumstantial evidence, the court has to be on its guard to avoid the danger of allowing suspicion to take the place of legal proof and has to be watchful to avoid the danger of being swayed by emotional considerations, howsoever strong they may be, to take the place of proof. It is in the context of the above settled principles, that we shall analyse the evidence led by the prosecution.

17. Keeping in mind the aforesaid principles, I will now proceed to answer points under determination.

POINT NO. 1 :-

18. It is contended by the prosecution that death of deceased was homicidal. However, the said contention is disputed and that it is argued that the injury sustained by deceased is accidental. Therefore, evidence of the informant (PW-1), PW-2 and the evidence of spot panchnama, inquest

panchnama and also post-mortem report and opinion expressed by doctor is necessary to unfold the controversy surrounding death of deceased Ravindra Jachpele.

19. On 24/12/2017 PW-2 Nareshkumar Jainarayan Agrawal who was travelling on motorcycle towards Salekasa, had seen motorcycle of deceased. PW-2 was travelling with his friend Jitendra Ballare. Near the nalha of Khalkhalitola, they saw that one person was lying in a field nearby the road. PW-2 therefore stopped motorcycle and that along with his friend, came near the said person. It was revealed that the said person was already dead and that friend of PW-2 identified the said person as Ravindrasingh Jachpele. He immediately telephoned Salekasa Police. In cross-examination it is brought on record that his motorcycle was also noticed nearby the dead body.

20. The informant (PW-1) who is brother of deceased and has deposed vide Exh.63. He has stated that he was present at the spot of incident. He has further stated that he had seen dead body of deceased in agricultural field in supine position and that his brother was having head injury and that blood was oozing from the said injury. He has also stated that two wooden sticks (Ubhari) were also seen around the dead body of his brother and that one of the said stick (Ubhari) was

having blood stains. Therefore, he has filed report Exh.64 contending that unknown persons having caused head injury to his brother, murdered deceased Raindra Jachpele.

21. Cross-examination of the informant conducted on behalf of accused persons reveals that dead body of his brother was found in one agricultural property. The said land belonged to one Bhaiyalal Dasriya. Further, from the main road, bike of his brother and dead body was found was at 100 feet. Hat of deceased persons was also seen near the gitti (small stones) nearby nala. Further, it was also noticed teethes of deceased were broken and that one of the stick/Ubhari which was lying in the field was having blood stains.

22. It is submitted that PW-3 Suresh Hagru Rahangdale is panch witness to inquest panchnama. He has stated that in his presence, spot panchnama and inquest panchnama was conducted by police. Regarding the said spot of the incident he has stated that dead body was lying on a ground and near the dead body there was one motorcycle and two sticks. He has further stated that police conducted spot panchnama (Exh.75) & inquest panchnama (Exh.76) in his presence. He was cross-examined and that he has stated that deceased Ravindra Jachpele was forest guard in his region and that the spot of incident was near one bridge. There was bypass near the said bridge.

23. It is to be noted that I.O. (PW-15) has conducted spot panchnama and inquest panchnama. PW-15 in fact had called PW-13 Janardhan Punaji Bansod who was forensic expert. PW-13 has stated that on 24/05/2017 at about 1.50 p.m. he reached at the spot of incident which is situated at Khalkalitola, Khali Agricultural land. He carefully noticed the situation of the spot of incident and that he collected blood samples on the silencer of motorcycle of deceased having registration No.MH/35-D6078 on sanitized. He has also collected hairs from the petrol tank of the motorcycle of deceased. He also collected samples of blood mixed soil and plain soil from the spot of incident. He has then stated that he handed over the said muddemal articles to the I.O. (PW-15). His report about the inspection of spot is at Exh.146.

24. Now coming towards deposition of PW-15, he has narrated as to how the spot panchnama was drawn which is at Exh.75. He has then stated that he had videographed the said spot panchnama. PC Turkar has issued hash value certificate and certificate under Sec. 65-B of Evidence Act regarding videography of the said spot panchnama. In cross-examination, he has stated that he is not sure whether or not at the relevant time some civil work was going on near the said bridge. He has stated that at the relevant time the said bridge was closed and traffic was diverted from the

agricultural property which was nearby the said bridge. He has stated in cross-examination that motorcycle was at the distance of 20 – 25 feet from the dead body.

25. Regarding position of dead body and injury sustained by deceased, in chief examination PW-15 I.O. has stated that deceased was having 8 inch long serious injury on his head, his teethes were broken, his lower lip was torn. Accordingly inquest panchnama (Exh.76) was made.

26. On this peculiar backdrop, PW-9 Dr. Padmakar Ramteke has deposed that on 24/05/2017 he conducted postmortem of dead body and gave report that he found five external injuries and internal injury as per injury No.6 mentioned in Col.No.17 of the post-mortem report. The internal injury was blunt injury over scalp transpose in direction with surface C.L.W. of the size 18 cm x 18 cm x bone deep with fracture of fronto-parieto occipital bones of scalp with exposed brain material with ruptured almost $\frac{1}{2}$ of meningeal covering. Therefore, he has issued post-mortem report (Exh.110) stating that the deceased died due to critical head injuries to brain involvement.

27. PW-9 has stated that he received letter dated 01/06/2017 immediately on next day. The said letter was

written by PW-15 and that it was regarding query whether two blood stains wooden sticks which was seized from the spot of incident can cause such injuries. PW-9 has stated that he found blood stains on one stick at tapering. He has examined both the sticks and submitted report regarding two wooden sticks vide Exh.112 & 113 stating that injury sustained by deceased were possible by the wooden sticks seized from the spot of incident.

28. Here, it is to be noted that during cross-examination, PW-9 has generally stated that the injuries mentioned in Para No.17 of the post mortem report are also possible if person mets with an accident. However, from the deposition of PW-9, it can be seen that he has firmly stated that injury mentioned in Col.No.17 Item No.6 and Col.No.18 head injury are caused due to wooden stick as per the query report Exh.112 & 113.

29. In view of the evidence led by the prosecution regarding spot panchnama, inquest panchnama and medical evidence regarding post mortem and query answered by PW-9 it is clear that death of deceased Ravindrasingh Dnyansingh Jachpete was homicidal. Hence, this point is answered accordingly.

Point Nos. 2 & 3 :

30. These two points are inter-related and have discussed together to avoid repetition.

31. It is submitted that 16 witnesses are examined by the prosecution. Perusal of deposition of the said witnesses goes to show that in the instant case, the prosecution is not coming forward with a case that accused persons and deceased were seen together. It is also not the prosecution's case that deceased and accused persons were lastly seen together. Even, it is not the prosecution's case that the accused persons were seen around or nearby the Khalkhalitola i.e. spot of incident from where the body of deceased Ravindra Jachpele was found.

32. The prosecution however has relied upon recovery of blood stains clothes of deceased from the spot and also seizure of clothes of accused persons. It is submitted that the clothes of accused and that of deceased were sent for chemical analysis to FSL, Nagpur. Report submitted by FSL, Nagpur is available on record vide Exh. 186 to 189. As per the said reports item No. 8,10, 11 & 14 are belonging to the deceased and blood stains found on the said items belonged to deceased and that the blood stains found on said articles also matched with blood group of deceased. In so far as, wooden log, soil, cap of deceased and clothes of accused

persons are concerned, it is important to note that the test conducted at FSL, Nagpur are inconclusive and that the report clearly states that blood stains appearing on this item cannot be determined. As such, though the prosecution has come forward with a case that clothes of accused persons having blood stains were seized, the prosecution could not establish that the blood stains appearing on the said clothes were that of deceased. Moreover, regarding the said seizure of clothes of accused persons are concerned that, certain questions were asked to PW-16 about the mode and method adopted by him for search and seizure. In this connection regarding the said panchnamas which are Exh.137 & 184 are concerned that, PW-16 I.O. has categorically stated that both the said panchnamas are absolutely silent about the place of seizure of the said clothes of accused persons. Therefore, I am in agreement with argument advanced by learned advocate for accused that seizure of clothes from the accused persons is indeed doubtful, in fact C.A. reports that are filed on record also suggests so.

33. Further, the prosecution has relied upon alleged disclosure statement made by accused persons and recovery of articles at the instance of the said accused persons. In this connection, it is alleged by the prosecution that vide Exh.88 & 89, it is claimed that accused No.1 made disclosure statement

while in custody and that, he allegedly took out white color mobile phone of Samsang Company bearing model No. SM-G-3604//DS, one wallet of fastrack company and lastly Rs.6000/- from cupboard of his house. It is claimed that PW-4 is panch witness in whose presence it is alleged by the prosecution that accused gave disclosure statement subsequently resulting in discovery of relevant fact. However, in cross-examination, PW-4 has stated that when he arrived at the police station, police told him that from two persons certain material items are to be recovered. He has further stated that he cannot identify the said two persons and that the said two persons never made any disclosure statement before him i.e. P.W.4. Lastly, he has stated that he signed on panchnamas at police station. Thus, on the basis of evidence of PW-4, it cannot be said that accused No.1 made disclosure statement voluntarily to the police while he was in custody.

34. In this connection, further the prosecution has come forwards with a case that four days after the incident the said white color mobile phone of Samsung Company was recovered from the river. It is claimed that accused No.1 stood in waist deep water of the said river and took out the said mobile. Here, it is to be noted that there is nothing on record to suggest that the mobile phone allegedly seized by the prosecution was of accused person. In this connection, PW-10

has for the first time stated in his chief-examination that one Android phone was allegedly given to deceased Ravinda Jachpele. In cross-examination, PW-10 has admitted that when then his statement was recorded by police, he never narrated to the police that deceased Ravindra Jachpele was given Android mobile phone by forest department along with SIM card. This omission at the end of PW-10 amounts to contradiction and therefore, it is not established beyond reasonable doubt that the Samsung Mobile smartphone belonged to deceased. In fact, in view of omission resulting in to contradiction on part of PW-10, it can be seen that there is no independent evidence available on record to connect the said mobile phone and SIM card with deceased.

35. Now, coming to recovery of Rs.6000/- allegedly from the accused No.1 is concerned, it can be seen from the evidence of PW-4 that the place of alleged recovery is cupboard situated in the house of accused No.1. It is claimed that accused No.1 went to the house, opened the said cupboard and took out Rs.6000/-. This deposition clearly given idea that the amount was kept in a cupboard. The said cupboard was easily accessible to all the family members and the amount was also visible in the said cupboard of the accused person. As such, the recovery of Rs.6000/- as is claimed by the prosecution seems to be doubtful.

36. Now, it is claimed by the prosecution that the accused No.2 Ravindra Uikey made disclosure statement vide Exh.130 and pursuant to Exh.131 amount of Rs.5000/- was seized. However, it is to be noted that the amount of Rs.5000/- was seized from the house of accused and that it is also claimed that the said amount was kept under the mat of his bed. Again, regarding the said recovery, it is pertinent to note that, the place of recovery is accessible and amount is visible in as much as bed sheets are usually changed in every house. Be that as it may, however, panch witness PW-11 has stated that the said recovery was made from one house, its door was opened to public at large and that many people had gathered outside the said house. That apart, PW-11 has stated in cross-examination that accused No.2 never made any disclosure statement in his presence. In fact, he came to know about name of accused for the first time when he came to the court for giving evidence. This witness has stated that the alleged blood stains clothes and mobile sim never seized in his presence.

37. It is claimed that vide Exh.135 & 136, pursuant to alleged disclosure statement made by accused No.3 Hansraj Uikey one red colour motorcycle was seized from cattle shade of accused No.3 bearing chesis No.-MB1HAR-187 HSC 22219. As regards this discovery, PW-12 who actual panch witness has

stated that he is also panch witness as regards seizure of clothes of accused. He has stated that accused never made any disclosure statement in his presence. Police told him that bike of accused person has to be seized.

38. Thus, it can be seized that the prosecution's case as regards alleged involvement of accused persons in the instant crime mainly rests on discovery of new fact. However, as per the evidence led by the prosecution suggests that accused persons never made any voluntarily disclosure statement while in custody of police. In fact, evidence of panch witnesses is not supporting to the prosecution's case vis-a-vis discovery of new facts and seizure of articles pursuant to the voluntary disclosure statement made by the accused persons. Further, in this connection to discovery panchnama, deposition of I.O. (PW-16) goes to show that word used in verbatim by accused persons leading to discovery are not recorded. Even, I.O. (PW-6) has not stated anything about the words used by the accused persons. It is important to note that learned advocate for the accused persons in this connection has argued on the basis of judgment in the case of *Mujeeb & another - Vs - State of Kerala, 2000 ALL MR (Cri) 573 SC*, that actual words in verbatim leading to the recovery not record by investigating officer cannot be treated as a statement of accused leading to

discovery. In the light of evidence of the prosecution as discussed aforesaid, I find force in contention urged by learned advocate for accused that in the instant case prosecution has not established discovery leading to seizure of article at the instance of disclosure statement made by accused.

39. It is interesting to note that PW-16 and even the witnesses mainly PW-4, 11 & 12 have talked much about video recording made by police personal at the spot where from the alleged discovery and seizure of articles is claimed. However, in this connection, learned advocate for accused has argued that the said video recording cannot be given much importance in as much as in the instant case, discovery of new fact pursuant to voluntary disclosure statement made by the accused is not established. As such, the said video recording made by PW-16 I.O. is hit by Sec. 25 & 26 of Indian Evidence Act. It is submitted that Sec. 27 of Indian Evidence Act is an exception to the general rule which categorically prohibits the admission of confession made to the police under Sec. 25 & 26 of Indian Evidence Act. It is to be noted that as per Sec. 27 of Indian Evidence Act, 1872, only that much of the information received from accused in custody leading to the discovery of relevant facts can be established. In the instant case, prosecution could not prove that the

accused persons made voluntary disclosed which leads to discovery of new fact. Further, though PW-16 is examined, the exact words uttered by accused persons in verbatim leading to recovery are not recovered or established by I.O. Therefore, I find substance in contention argued by learned advocate for accused

40. It is contended by the prosecution that deceased had taken action against the accused persons for theft of teak wood in Pipariya forest region. Even vehicle of accused persons was seized by the deceased. As such, the prosecution has contended that accused persons had motive to kill deceased. However, in response it is argued on behalf of accused persons that deceased was forest officer and it is not the case of the prosecution that deceased had taken action only against accused persons, in fact as forest guard and as such it is probable to say that deceased might have taken action against other persons as well who had made violation of Forest Act and Rules. Be that as it may, in this connection PW-8 is the witness who is examined by the prosecution to establish motive. However, this witness has not supported the prosecution. PW-5 has stated that it was police who told him that there was dispute between deceased and the accused persons. PW-10 was working in forest department. However, even if deposition of PW-10 is taken as it is, then in that event

at the most said deposition goes to show that PW-10 had strong suspicion that accused persons killed Ravindra Jachpele. However, in this connection PW-1 the informant and PW-2 have admitted in their cross-examination that motorcycle and dead body of Ravindra Jachpele was found in naxal affected area. PW-5 who also works at forest department has also admitted that Khakalitola is naxal affected area and he has also stated that forest officers are enemies of naxalites. In this connection, PW-15 I.O. who conducted initial investigation has also admitted in his cross-examination that the dead body of deceased and his motorcycle were found in naxalite area and that naxalites treats police officers and employees of forest department are their enemies.

41. Thus, going by the aforesaid cannot be said that the prosecution has proved circumstance of motive. At the most, it can be said that the evidence of the prosecution raises suspicion over accused persons also. However, as observed in case of *State of Punjab -V – Bhajan Singh & others, AIR 1975 Supreme Court, 258*, suspicion by itself however strong it may be is not sufficient to take place of proof and warrant a finding guilt of accused. In the instant case as argued by advocate for accused persons, prosecution's evidence at the most suggests towards strong suspicion, the said suspicion is

not sufficient to reach conclusion that accused persons had motive to kill deceased Ravindra Jachpele.

42. Thus, it can be seen that in the instant case the prosecution has not established complete chain of circumstances pointing out towards conclusion of guilt of accused. In fact, in the instant case, chain of circumstances is clearly broken. Even then it is argued by the prosecution that the accused persons have not given any explanation as regards blood stains appearing on their clothes. In reply to the said contention, it is argued on behalf of accused persons that only when the prosecution proves its case beyond reasonable doubt, Sec. 106 of Evidence Act would come in to play. In the instant case the prosecution has not established its case beyond reasonable doubt. Further, it is contended that the prosecution has not established FSL reports. That apart, as per the FSL reports it can be seen that the alleged blood stains appearing on clothes of accused persons have not matched with blood group of deceased.

43. Advocate for accused relying upon the judgment in case of *Manish Dixit & others -Vs- State of Rajasthan, 2001 Cri.L.J. 133 (SC)*, has argued that the circumstance urged by the prosecution is not decisive enough by itself to point involvement of accused in the offence in absence of other

evidence. I am in agreement with the contention urged by learned advocate for accused persons in as much as in the instant case evidence at hand does not depict involvement of accused persons in the said crime. As such, Sec. 106 of Indian Evidence Act will not come in to play.

44. From the aforesaid discussion it cannot be said that the prosecution has proved beyond reasonable doubt that accused persons killed deceased Ravindrasingh Dnyansingh Jachpele. In fact, in the instant case, the circumstantial evidence led by the prosecution is not pointing out towards the guilt of accused persons. In fact, it has come on record that body of deceased was found in naxal pron area. It has also come on record that naxalites treat employees of forest department and police departments as enemies. As such, going by evidence at hand, I am bound to hold that charges under Sec. 302, 120-B, 201, 404 r/w 34 of the Indian Penal Code and Sec. 135 of the Maharashtra Police Act, framed vide Exh.43 as against the accused persons are not proved. Resultantly, I have answered point Nos.2 & 3 under discussion accordingly against the prosecution.

43. **POINT NO. 4 :-**

In view of my findings on points No. 1 to 3, I hold that though the prosecution has demonstrated that the death

of deceased Ravindrasingh Dnyansingh Jachpete was homicidal, however, the prosecution could not prove the charges framed vide Exh.43 against the accused persons beyond reasonable doubt. As such, in my view accused persons are entitled for the benefit of doubt and are liable to be acquitted. Hence, I proceed to pass the following order.

ORDER

Accused No.1 Revaram Sheshram Nagpure, No.2 Ravindra Dhanraj Uikey and No.3 Hansraj Chainlal Uikey are hereby acquitted of the offence punishable under Sections 302, 120-B, 201, 404 r/w 34 of the Indian Penal Code and Sec. 135 of the Maharashtra Police Act, as per Section 235(1) of Cr.P.C., in Crime No. 104/2017 registered with Police Station, Salekasa, Dist. Gondia.

2. Accused Nos. 1 to 3 are on bail. Their bail bonds stands cancelled.
3. All the material/muddemal articles mentioned at Exh.55, being worthless, be destroyed after the appeal period is over and or as directed by the Appellate Court.

4. Accused Nos. 1 to 3 to execute PR Bond of Rs.10,000/- each and furnish one surety in the like amount in compliance of the provision of Sec.437-A of the Cr.P.C. for their appearance in appeal, if appeal is preferred.

(Judgment dictated and pronounced in open Court.

Gondia.

Date :- 27/04/2026.

(A. S. Pratinidhi)
Sessions Judge, **Gondia.**

CERTIFICATE

I affirm that the contents of this P. D. F. file Order are same word for word as per original Order.

Name of the Court :- Shri. A. S. Pratinidhi
District Judge-1 and Additional
Sessions Judge, Gondia.

Name of the Steno :- Shri. D. L. Kurve
Stenographer (Grade-III)

Date of Judgment :- 27.04.2026

Dictated and transcribed on dais computer on	:	24/04/2027 & 27/04/2026
Checked & pronounced by the Judge on	:	27/04/2026
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