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	Decided on	:	18-03-2026
	Duration	:	Ys.Ms.Ds. 05-01-24

**Sessions case No.1/2021.****Exh. No. /A**

	<b>IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE, JAYSINGPUR, AT JAYSINGPUR, <u>DISTRICT KOLHAPUR.</u></b>  Present : G. B. Gurao, Addln.Sessions Judge (18-03-2026) (SESSIONS CASE No.1/2021 )	
	(FIR No.107/2020 Shirol police station, U/s.304, 328 of the Indian Penal Code, 1860.	
Complainant		<b>THE STATE OF MAHARASHTRA,</b> Through Police Station, Shirol Tal.- Shirol, Dist.- Kolhapur.
REPRESENTED BY		Mr. V.G.Sardesai, Learned A.PP. for the State.
ACCUSED	1	Nilesh Balu Pradhane Age-37 yrs. Occu: Service R/o.Dange Galli, New Vasahat Bhairewadi Tal.Shirol
REPRESENTED BY		Mr. P.M.Hilage Advocate.

Date of Offence	20-02-2020
Date of FIR	25-02-2020

Date of Chargesheet	23-04-2020
Date of Framing of Charge	13-06-2023
Date of commencement of evidence	01-07-2025
Date on which judgment is reserved	---
Date of the Judgment	18-03-2026
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)	Nilesh Balu Pradhane	27-02-2020	--	Section 304, 328 of the Indian Penal Code.	Acquitted	--	--

### 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)
1.	Namdeo Manohar Mali	Complainant
2.	Nallappa Sitappa Shingade	Panch witness

3.	Shrikant Anant Jamadar	Panch witness
4.	Seemarani Namdeo Mali	Other witness
5.	Prerna Sandip Bhosale	Other witness
6.	Sakshi Ajit Kognale	Other witness
7.	Sakshi Vidyasagar Suryawanshi	Other witness
8.	Dr.Vishal Jaypal Chougule	Medical witness
9.	Harshada Chandrakant Chougule	Other witness
10.	Bharatkumar Brahmasuri Upadhye	Other witness
11.	Sharmila Mahesh Potdar	Other Witness
12.	Neha Tanaji Pardole	Other witness
13.	Sachin Jambu Mali	Other witness
14.	Rajendra Vilas Dhumal	Other witness
15.	Gajanan Mahadev Kosti	Police witness
16.	Popat Ganpati Patil	Police witness
17.	Minakshi Mahadev Mali	Investigating officer

**B. Defence Witnesses, if any :**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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**C. Court Witnesses, if any :**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution :**

Sr. No.	Exhibit Number	Description
1	20	Complaint
2	28	Arrest panchanama
3	32	PM notes
4	36	Memorandum panchanama
5	37	seizure panchanama.
6	45	MLC certificate
7	60	Printed FIR

**B. Defence :**

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

Sr. No.	Exhibit Number	Description
1.	76	Statement u/s.313 of Cr.P.C.

**D. Material Objects :**

Sr. No.	Material Object Number	Description
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Accused Nilesh Pradhane has been chargesheeted for the offence punishable U/s. 304, 328 of the Indian Penal Code, 1860 (for short IPC).

**2] Facts in brief are as under :-**

Accused was serving as an assistant teacher at Shirati high school, Shirati Tal.Shirol. Deceased Sanika was residing with her parents and brother at Shirati. In 2020, Sanika was in 10<sup>th</sup> std. at Shirati high school.

3] Sanika used to go to school by cycle. On 20-02-2020, at 11.00 am there was science practical in the school. Practical was over around 12.00 noon. Sanika drunk water in her water bottle. At the time of practical, Sanika had kept water bottle outside the room. After drinking water Sanika started vomiting. Therefore, she came at home and told to her mother. Her father Namdev Mali had gone in the field. Sanika's mother Seemarani called her father. Thereafter, Sanika was admitted at Shatayu Hospital, Shirol. The doctor in the hospital informed to police station Shirol. Accordingly, statements of Sanika were recorded by police as well Executive Magistrate. However, Sanika did not raise suspicion on anyone. Her condition was critical and therefore, she was shifted at Astar Aadhar hospital, Kolhapur and during treatment on 25-02-2020, at 12-40 am Sanika expired.

4] Accordingly, Sanika's father Namdev Mali lodged report in the police station alleging that someone mixed poison in the water bottle of Sanika. Thus, the crime was registered against unknown person.

5] WPSI Minakshi Mali took up the crime for investigation. In her statement Sanika had stated that earlier she had dispute with her friends Samrudhi Patil and Purna Bhosale. The investigation officer prepared house search panchanamas. Statements of witnesses were recorded. According to prosecution, accused had close relation with Sanika and therefore, he was arrested on 27-02-2020. Accused gave statement in presence of panchas and produced one insecticide bottle near the school. The bottle was seized and panchanama was prepared. Again accused gave statement in presence of panchas and two insecticide bottles were seized from his house. The panchanama

was prepared. It is alleged that there was some substance of insecticide in the bottle. The inquest panchanama was prepared. Postmortem of dead body of Sanika was conducted. The samples of vomiting were collected and viscera was preserved. Investigation officer sent muddemal for examination to FSL, Kolhapur. After completion of investigation, chargesheet is filed against the accused.

6] The offence punishable under section 304 and 328 of the Indian Penal Code, 1860 are exclusively triable by the court of sessions. Hence, learned Judicial Magistrate, First Class committed the case to this court for trial.

7] Charge is framed against accused at Exh.14. Accused denied the same and claimed to be tried. In support of its case, prosecution examined 17 witnesses. The statement of accused U/s.313 of Criminal Procedure Code is recorded. The defence of accused is that of total denial and false implication.

8] I have heard Mr. V.G.Sardesai, learned APP for the State and Mr. P.M.Hilage, advocate for accused. From the rival submissions and evidence on record, following points arise for my consideration, to which I record my findings against them for the reasons given below.

Sr. No.	Points	Findings.
1.	Whether the prosecution proved that 20-02-2020 at about 12.00 hour at Shirti High school, Shirati Tal.Shirol, accused with intention to commit culpable homicide not amounting to murder mixed poison in her water bottle and caused her death?	<b>In the negative.</b>
2.	Whether prosecution proved that on aforesaid day, date, time and place, accused intentionally administered the insecticide to Sanika in her water	<b>In the negative.</b>

	bottle to cause her injury ?	
3.	What order ?	<b>As per final order.</b>

### REASONS

#### As to point No.1 to 4:-

9] Postmortem report is admitted and it is marked at Exh.32. From the perusal of postmortem report it reveals that viscera was preserved in clinical case of poisoning and accordingly, autopsy surgeon reserved opinion.

10] According to prosecution, accused was her teacher from 5<sup>th</sup> to 7<sup>th</sup> std. Accused had close to Sanika. Sanika and accused used to speak in school with each other. Accused used to give questions in the question papers and also used to give chocolate and cadbury to Sanika. The insecticide bottles were seized as per the disclosure statements of accused and thus, accused mixed insecticide in the bottle of Sanika and caused her death. To prove the guilt of accused prosecution has to prove that accused with intention and knowledge committed the culpable homicide of Sanika not amounting to murder and administered her insecticide in bottle.

11] Here in the present case, there is no direct evidence against the accused. Prosecution mainly relied the circumstance of seizure of insecticide bottles at the instance of accused. In **Sharad Birdhi Chand Sarda vs. State of Maharashtra, 1984 AIR (SC) 1622**, Hon'ble Supreme Court has laid down the guidelines as,

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established. The circumstances concerned must and should and not may be established;

(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.

12] Keeping the principles as laid down by Hon'ble Supreme Court above, I proceed to analyze the evidence on record. Namdeo Mali (PW1) stated that on 20-02-2020, he was in the field. His wife made him phone call and told that Sanika is vomiting. He went at his house. According to him, there was smell of insecticide to her water bottle which she had carried to school. Accordingly, Sanika was admitted at Shatayu hospital, Shirol. Her condition became critical and therefore, she was shifted at Astar Aadhar hospital, Kolhapur. Sanika expired on 25-02-2020. He identified the complaint at Exh.20.

13] In his cross examination, he stated that in Shirati area there are vast vegetables growers. He admitted that he and other farmers use insecticides for vegetable and every farmer used to keep insecticide at his house. According to him, prior to incident dispute was arose between Sanika and her girl friends.

14] Seemarani Mali (PW4), mother of Sanika stated that on 20-02-2020, around 1.00 to 1.15 pm, she was at her house. On that day, there was practical of Sanika. After practical, Sanika came to house. She was vomiting. Sanika was shouting about pains in her body and stomach. Sanika told her that she drunk water in her water bag. She called her husband. Thereafter, Sanika was admitted at Shatayu hospital and then at Astar Aadhar hospital. During treatment after two three days, Sanika expired. Thus, from the evidence of Namdev Mali and Seemarani Mali it nowhere appears that Sanika disclosed them that on that day she had met accused and she did not raise any doubt on accused.

15] Purna Bhosale (PW5) stated that she knows accused. He was teacher for 5<sup>th</sup> to 7<sup>th</sup> std. Accused frequently used to come in her class to speak with Sanika and Sanika also used to go in his class to speak with him. Accused used to give chocolate and cadburries to Sanika. Before examination, accused used to give questions in question paper to Sanika. Accused did not like of speaking Sanika with boys in their class. However, in absence of accused, Sanika used to speak with boys in their class. There was rumor about the relations of Sanika and accused. On 20-02-2020, there was science practical in school. Sanika was in other group. Sanika's practical was at 11.30 am and practical was at 1.30 pm. After practical, she went at her house. Thereafter she came to know someone mixed poison in the water bottle of Sanika.

16] It is to be noted that in her cross examination, she stated that WPSI Mali called her, her friends and their fathers at police station. She further stated that WPSI Mali gave information about the incident and told in presence of their fathers that she wants such and such type of statements.

17] Sakshi Kognale (PW6), Sakshi Suryawanshi (PW7), Harshada Chougule (PW9) and Neha Pardole (PW12) have stated that on that day, there was science practical and their practical was at 1.30 pm. They came to know that someone mixed poison in the water bottle of Sakshi. It is to be noted that these witnesses have stated that they came to know from other friends that accused used to give cadburries and chocolates to Sanika.

18] Witness Prerna Bhosale stated that accused used to give question in the question paper to Sanika and there was rumor in the school about the relations of Sanika and accused. However, except her oral statement, there is no evidence on record to prove the said fact.

19] Bharatkumar Upadhye (PW10) stated that he is retired as head master of Shirati high school. On 20-02-2020, he was present in the school but he was busy in tobacco free campaign. He came to know that someone mixed poison in the water bottle of Sanika. Sharmila Potdar (PW11) stated that she is serving as an assistant teacher at Shirati high school. She knows Sanika and accused. On 20-02-2020, practical of Sanika was over at 12.45 pm. Thereafter she came to know that Sanika is admitted at Shatayu hospital.

20] Dr.Vishal Chougule (PW8) stated that he was attached to Shatayu hospital. On 20-02-2020, he was present in the hospital. Sanika was brought by her family members. She was having complaint of vomiting, uneasiness and giddiness. Sanika told him that she drunk water in her water bottle and she started trouble. He found insecticide smelling. He prepared MLC at Exh.45. WPSI Mali came. Sanika was in condition to give statement and her statement

was recorded by WPSI Mali. Thereafter, Nayab Tahsildar came and he recorded the statement of Sanika. He collected the samples of vomiting of Sanika.

21] Popat Patil (PW16) stated that he recorded the statement of Sanika in the hospital. It is to be noted that the statements are marked at Exh.46 and Exh.65. Both the statements were recorded when Sanika was admitted in the hospital. The statements bear the signature of medical officer that Sanika is in condition to give statement. The statements recorded on the very same day i.e. on 20-02-2020. Earlier statement was recorded by investigation officer WPSI Mali. However, same cannot be considered in the evidence. The second statement Exh.65 is recorded by Nayab Tahsildar Popat Patil. It is pertinent to note that Sanika has specifically stated that she drunk water in the water bottle and started trouble. She has specifically stated that she has no suspicion on anyone. Her statement was recorded in presence of her parents. So the said statement is not useful to the prosecution to prove the charges.

22] As discussed in supra, there is no direct evidence against the accused. Prosecution relied on the recovery of insecticide bottles at the instance of accused. Shrikant Jamadar (PW3) stated that he was called for panchanama in police station. Accused was in police custody. He gave statement and memorandum panchanama was prepared at Exh.36. Thereafter, accused laid them at Shirati high school. Accused laid them in the barren land behind the school and accused produced bottle. The bottle is seized and panchanama was prepared. It is to be noted that in his cross examination he stated the sequence that about 2.30 pm to 2.45 pm he went to police station and immediately, after recording the statement of accused they

proceeded at Shirati high school. WPSI Mali in her cross examination stated that in the log book the timing of going and returning for panchanama is written as 17.28 hrs to 19.09 hrs. She stated that the said timing is not correct. She further admitted that on 28-02-2020, at 3.15 pm, accused was produced before the court. She further admitted that in the log book the timing of production of accused is 14-45 hrs to 16-30 hrs in the court. According to her, in the memorandum panchanama, the timing of the panchanama is 15.40 hrs. to 16.00 hrs. Further, from the perusal of memorandum panchanama, it appears that there are erasers and over writing in the column of timing of panchanama. Therefore, the memorandum panchanama and seizure of the bottle behind the school does not inspire confidence in my mind that the discovery of insecticide bottle was made at the instance of accused.

23] Malappa Shingare (PW2) stated that he and Sagar were called at police station. Accused gave statement and police prepared panchanama at Exh.28. Thereafter, accused laid him, other panch and police at his house at Bhairewadi. One bag was hanging to peg. Accused produced two bottles of insecticide and there was some insecticide in bottles. Police seized the same and prepared panchanama.

24] Though it is presumed that the insecticide bottles are seized as per the memorandum of accused, the evidence of Sachin Mali is relevant. Sachin Mali (PW13) stated that he runs shop by name "Balaji Seeds and Fertilizer" at Kurundwad since 2007. He sells insecticide. He knows accused. Accused is agriculturist and he has debit account in his shop. Accused used to purchase seeds, fertilizer and insecticide from his shop. On 10-02-2020 and 14-02-2020

accused purchased insecticide and fertilizers from his shop.

25] Thus, from the evidence it appears that accused is agriculturist. Accused had debit account in the shop of Sachin Mali. On 10-02-2020 and 14-20-2020 accused purchased insecticides and fertilizers from his shop. He identified the tax invoice Article A. Complainant Namdeo Mali in his cross examination deposed that every farmer used to keep insecticide in his house. Therefore, merely accused purchased insecticide from the shop of Sachin Mali, it cannot be said that accused purchased the same with intention to commit the culpable homicide not amounting to murder of Sanika. Further, from evidence of Sachin Mali, it appears that accused had time to time purchased seeds, fertilizers and insecticide from his shop. It is not the case of prosecution that, accused first time purchased insecticides bottles. Therefore, this evidence does not link the accused with the alleged crime.

26] According to prosecution, accused administered insecticide to Sanika and the case of poisoning. As stated earlier, the viscera was preserved and opinion was reserved. In chemical analyzers report the medical officer opined that general and specific chemical testing does not reveal any poison in Exhs. i.e. viscera and blood of deceased. Thus, the viscera report is also negative.

27] It is cardinal principle of criminal law that suspicion howsoever strong, cannot take the place of proof. Here in the present case, the prosecution failed to prove the link of circumstances to connect the accused with alleged crime. There is no evidence against the accused that he committed the crime. Therefore, I answer points accordingly and pass the following order;

**::O R D E R ::**

1. Accused Nilesh Balu Pradhane is hereby acquitted U/s.235(1) of Criminal Procedure Code for the offence punishable U/s. 304 and 328 of the Indian Penal Code.
2. The bail bonds of accused stands canceled.
- 3] **After appeal period,**
  - i] Muddemal Mobiles as mentioned in Sr.No.8 and 9 be sold in public auction and sale proceeds be credited to Government.
  - ii] The other muddemal being worthless be destroyed as per law.
4. Accused is directed to furnish P.B. and S.B. of Rs.15,000/- U/s.437-A of Cr.PC.

Jaysingpur.  
Dt.:18-03-2026.

**(G.B. Gurao)**  
Additional Sessions Judge,  
Jaysingpur.