

CNR No.MHLA010027142021



Presented on : 25/07/2023

Registered on : 25/07/2023

Decided on : 15/05/2026

Duration : 02 Y.09 M.20Ds.

SC Case No. 85/2023

Exh.No. 160

Form No.XXXII

Part 'A'

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

<u>IN THE COURT OF SESSIONS JUDGE, LATUR</u> (Presided over by Shri. Sanjay J. Bharuka, Sessions Judge, Latur)	
(Arising out of FIR No.22/2023 registered with Gategaon Police Station, for the offence under Sec. 307, 324, 504, 506, 143, 147 r/w Sec. 149 of the Indian Penal Code)	
Complainant/ Prosecution	State of Maharashtra, Through Police Station Officer, Gategaon Police Station, Tq. & Dist. Latur.
Presented by	Shri S.R. Mundada, A.G.P.
Accused	1) Datta Baburao Aade Age- 48 yrs, Occ. Labour 2) Balaji Rama Chavan Age- 45 yrs, Occ. Agri 3) Anita Balaji Chavan Age- 43 yrs, Occ. H.H. All R/o. Wanjarkheda, Tq. & Dist. Latur.
Represented by Advocate	Adv. Shri. M.S. Chapule

Part-'B'

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

Date of Offence	17/02/2023
Date of F.I.R.	17/02/2023
Date of Charge-sheet	25/05/2023

Date of Framing Charge	10/01/2024
Date of Commencement of evidence	14/03/2024
Date on which judgment is reserved	N.A.
Date of the Judgment	15/05/2026
Date of Sentencing order, if any	N.A.

Accused Details

Rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Offences charged with	Whether the accused is acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of section 428 of Cr.P.C.
(1)	Datta Baburao Aade	01/03/2023	25/10/2024	307, 324, 504, 506, r/w Sec. 34 of IPC	Acquitted	N.A.	N.A.
(2)	Balaji Rama Chavan	28/02/2023	13/03/2023	-- ""--	Acquitted	N.A.	N.A.
(3)	Anita Balaji Chavan	01/03/2023	13/03/2023	-- ""--	Acquitted	N.A.	N.A.

Part 'C'

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

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

Prosecution Witnesses:

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
PW-1	Gajrabai Jadhav (Exh.34)	Eye witness
PW-2	Pradip Jadhav (Exh.54)	Eye witness
PW-3	Eknath Ronge (Exh.58)	Panch on spot & seizure, disclosure statement of Datta.
PW-4	Govind Chavan (Exh.67)	First Informant

PW-5	Dr. Rajashree Shingde (Exh.90)	Medical Officer
PW-6	Digambar Dongre (Exh.99)	Panch on seizure of clothes
PW-7	Sanjay Shinde (Exh.106)	Panch on seizure of clothes
PW-8	Ashok Ghadge (Exh.125)	Investigating Officer

Defence Witnesses, if any:- Nil

Court Witnesses, if any:- Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBIT

Prosecution Exhibits:

Sr. No.	Exhibit Nos.	Description
1)	01	Charge sheet
2)	23	Charge
3)	55	Statement U/Sec. 164 of Cr.P.C. (Pradip Jadhav)
4)	59	Spot Panchnama
5)	60	Seizure Panchnama of clothes of first informant
6)	61	Disclosure Statement of accused Datta
7)	62	Seizure panchanama of knife
8)	68	Signature of first informant Govind (Oral Report)
9)	69	Statement U/Sec. 164 of Cr.P.C. (Govind Chavan)
10)	91	Injury Certificate
11)	92	Letter issued to MO for issuing Weapon Query Report
12)	93	Weapon Query Report
13)	100	Letter issued to Irrigation Department for securing two panch witnesses.

Sr. No.	Exhibit Nos.	Description
14)	102	Seizure panchanama of clothes of accused Balaji
15)	103	Seizure panchanama of clothes of accused Anita
16)	107 & 108	Seizure panchanama of clothes of two juvenile in conflict with law namely Ganesh & Mangesh
17)	126	Letter issued to MSEDCL for securing two panch witnesses.
18)	127	Portion Mark 'A' of the statement of Gajrabai Jadhav (P.W.1)
19)	128	Portion Mark 'A & B' of the statement of Pradip Jadhav (P.W.2)
20)	129, 130 & 134	Arrest Forms of accused Balaji, Anita and Datta
21)	131-133	Letter issued by I.O. to M.O. for obtaining blood sample of accused Balaji, Anita & Datta.
22)	135	Seizure panchanama of clothes of accused Datta
23)	136	Letter issued by I.O. to M.O. for obtaining blood sample of first informant Govind
24)	137	Letter issued by I.O. to M.O for obtaining injury certificate
25)	138, 139 & 140	Letter issued to RFSL, Nanded in respect of sending of seized muddemal dated 27/03/2023, 11/05/2023 & 19/05/2023.
26)	141 to 148	Acknowledgments received from RFSL, Nanded
27)	149 & 150	C.A. Reports
28)	151	Portion mark 'A' of the statement of first informant Govind Chavan.

Defence Exhibits : Nil

Court Exhibits : Nil

Material Objects:

Sr. No	Material Object Number	Description
1)	M.O-1	Knife
2)	M.O-2 & 3	Black Pant and white shirt of accused Balaji
3)	M.O-4 & 5	Blue Saree and blouse of accused Anita
4)	M.O-6 & 7	Orange colour shirt & blue jeans pant of accused Datta
5)	M.O-8 to M.O.11	Clothes of first informant i.e. green white checks shirt, ash colour banian, gray colour sweater and blackish pant.

J U D G M E N T

(Delivered on 15/05/2026)

01. Accused are facing trial for the offence punishable under Sections 307, 324, 504 and 506 r/w Sec. 34 of the Indian Penal Code.

02. In brief, the case of prosecution is as follows:

On 15/02/2023 at about 9.30 p.m., first informant Govind Chavan asked Anita Chavan (accused no. 3) to give key of Pick-up van, at that time, all the accused alongwith two juvenile in conflict with law abused Govind and assaulted him by means of fist and kick blows, thereafter both juvenile in conflict with law hold hands of Govind and accused no. 1 Datta assaulted Govind on his stomach by means of knife.

03. Govind Chavan lodged oral report in Gategaon Police Station, accordingly, crime no. 22/2023 came to be registered against accused persons for the offence punishable under sections

307, 504, 506, 143, 147 r/w Sec. 149 of the Indian Penal Code. During investigation, Investigating Officer, API Ashok Gharge prepared spot panchanama, seized clothes of first informant and accused persons, he recorded disclosure statement of accused no. 1 Datta, thereafter accused no. 1 Datta produced one knife, which came to be seized under panchanama, he obtained blood sample of first informant and accused persons, seized muddemal came to be forwarded to RFSL, Nanded, thereafter CA Reports came to be obtained, he recorded statement of witnesses and after completion of investigation charge-sheet came to be filed. As offence is exclusively triable by the Court of Sessions, hence matter was committed.

04. Though police filed charge-sheet for the offence punishable under sections 307, 504, 506, 143, 147 r/w Sec. 149 of the Indian Penal Code, but there are two juvenile in conflict with law and hence predecessor of this Court framed charge below Exh. 23 for the offence punishable under Section 307, 324, 504 and 506 read with Sec. 34 of the Indian Penal Code, contents were read over to the accused in vernacular, they pleaded not guilty and claimed to be tried. After examination of prosecution witnesses, statement under section 313 of the Code of Criminal Procedure came to be recorded. Defence of accused is of denial and false implication.

05. On the basis of facts of the case, following points arose for my determination and my finding against them with the reasons thereof are as under:

	Points	Findings
1)	Whether prosecution proves that on 15.02.2023 at about 9.30 p.m. in front of the house of accused Balaji, all the accused in furtherance of their common intention assaulted the informant Govind by means of knife, with intention or knowledge that such act cause the death of Govind and have been guilty of murder of Govind and thereby committed an offence punishable under Sec. 307 r/w Sec. 34 of I.P.C. ?	Not Proved
2]	Whether prosecution proves that on abovesaid date, time and place all the accused in furtherance of their common intention voluntarily caused hurt to Govind by means of fist and kick blows and thereby committed an offence punishable under Sec. 324 r/w Sec. 34 of I.P.C. ?	Not Proved
3]	Whether prosecution proves that on abovesaid date, time and place all the accused in furtherance of their common intention, intentionally insulted the informant in filthy language and thereby gave a provocation to him intending or knowing it to be likely that such provocation would cause him to break the public peace and thereby accused committed an offence under Sec. 504 r/w Sec. 34 of I.P.C. ?	Not Proved
4]	Whether prosecution proves that on abovesaid date, time and place all the accused in furtherance of their common intention, intentionally committed criminal intimidation by threatening the informant with intent to cause alarm to him and thereby committed an offence punishable under Sec. 506 r/w Sec. 34 of I.P.C. ?	Not Proved
5]	What order ?	As per final order.

Submission of Prosecution

06. Learned AGP Mr. S.R. Mundada submits that though Govind Chavan P.W.-4, who is injured, Pradip Jadhav P.W.-2 and Gajrabai Jadhav, P.W.1 have not supported the case of prosecution, oral report of Govind came to be proved in the evidence of Investigating Officer, injury certificate indicates that Govind sustained injuries, which can be caused by sharp edged weapon, there is recovery of knife at the instance of accused no. 1 Datta, as per section 27 of the Indian Evidence Act, clothes of accused came to be seized, thereby prosecution has proved its case beyond reasonable doubt and hence, accused persons may be convicted.

Submission of Defence

07. Whereas, learned Adv. Mr. Chapule for accused persons submits that Govind, who is injured in the alleged assault, has not supported the case of prosecution, Pradip Jadhav P.W.-2 and Gajrabai Jadhav, P.W.1, have also not supported the case of prosecution, all above witnesses are important witnesses, but no substantial evidence has come on record to connect accused persons with present crime, disclosure statement and recovery of knife, at the instance of accused no. 1, is highly doubtful, hence, no reliance can be placed on it, prosecution has miserably failed to prove its case beyond reasonable doubt against any of accused and hence, accused persons may be acquitted.

08. I have given thoughtful consideration to the arguments advanced by both the advocates. I have gone through all the

evidence led by the prosecution and proved documents on record. Bearing in mind submissions made by both the advocates and ingredients of Sections 307, 324, 504 & 506 r/w Sec. 34 of Indian Penal Code, now, I proceed to discuss and appreciate the evidence led by prosecution.

REASONS

As to Point Nos. 1 to 4 :-

09. It is the case of prosecution that on 15/02/2023 at about 8.00 p.m., accused persons made assault to Govind Chavan (P.W.4) in furtherance of their common intention, said incident was witnessed by Pradip Jadhav (P.W.2) & Gajrabai (P.W.1). In view of above, evidence of all these three witnesses are important one, and hence first I discuss and appreciate their evidence.

10. Govind Chavan, (PW-4), who is injured and first informant, has deposed that on 15/02/2023, at about 8.00 p.m., he went towards village for bringing grocery articles due to dark, he fell down on iron bar and sustained injuries. He further stated that, it did not happen that when he went at the house of Balaji, at that time Anita quarreled with him and accused Datta assaulted by means of knife on his stomach and he sustained injury. It did not happen that police recorded his statement in the presence of doctor by visiting in the hospital. It did not happen that on 27/08/2022 any incident took place between himself and accused persons.

11. As Govind (P.W.4) has not supported the case of prosecution, hence after seeking permission, learned AGP has made cross-examination to this witness, he denied the suggestions that his

statement came to be recorded by the police in the presence of doctor, contents of the same were read over to him and thereafter he put his sign on it. He denied the suggestion that contents portion mark 'A' (Exh. 157) came to be recorded as per his say. He admits that his statement u/Sec. 164 of Cr.P.C. came to be recorded as per his say, on which he put his signature, which is at Exh. 69, but he has further deposed that police instructed him how to give the statement.

12. In the cross-examination by defence, Govind (P.W.4) admits that he does not remember contents of statement of Exh. 69, at the time of incident, accused nos. 1 to 3 were not present at home.

13. It is the case of prosecution that PHC Walmiki Kendre visited Civil Hospital, Latur on 17/02/2023 and recorded statement of Govind Chavan, in presence of concerned doctor, said statement came to be prepared as oral report and offence came to be registered on the basis of said statement.

14. Govind Chavan (P.W.4) only admits his signature on the said statement and hence it is exhibited as Exh. 68 to that extent only. Portion mark 'A' of the said statement came to be proved in the evidence of Ashok Gharge (P.W.8), who is investigating officer and it is marked as Exh. 157.

15. On perusal of said statement, it appears that there is endorsement of doctor that said statement is taken on 17/02/2023

at about 5.30 p.m., but surprisingly, there is no endorsement that Govind Chavan was fit to give any statement. Admittedly, prosecution has not examined either PHC Walmiki Kendre or concerned doctor. Though contents of Exh. 157, indicates that accused no. 1 Datta made assault on Govind by means of knife, nothing has come on record to show that Govind Chavan was fit to give any such statement. Moreover, Govind Chavan himself denied that he has not stated said contents to police. On the contrary, Govind Chavan himself has deposed in his examination in chief itself that, he sustained injury as fell down on the iron bar in the night. It appears that learned AGP has made cross-examination to Govind Chavan at length, but nothing fruitful has come on record to connect the accused persons with present crime.

16. Now let's see as to what evidence has come on record in the evidence of Pradip Jadhav (P.W.-2) & Gajrabai Jadhav (P.W.1), who are cited as eye witnesses to the incident.

17. Pradip Jadhav P.W.-2, who is nephew of first informant has deposed that it did not happen that on 15.02.2023, he alongwith Govind went the house of accused, at that time all the accused made assault on Govind, at that time accused Datta made assault by means of knife on the stomach of Govind.

18. As Pradip Jadhav (P.W.-2) has not supported the case of prosecution, hence after seeking permission, learned AGP has made cross-examination to this witness, he denied the suggestion that contents portion mark 'A & B' (Exh. 128) came to be recorded as per

his say. He admits that his statement u/Sec. 164 of Cr.P.C. came to be recorded as per his say, which is at Exh. 55. He denied the suggestion that he had taken Govind Chavan in the hospital and he has not deposed true fact before the Court to save the accused persons.

19. On perusal of Pradip Jadhav P.W.-2, it appears that he is close relative of Govind Chavan, but he has not supported the case of prosecution. This witness even denied that he had taken Govind to the hospital. It appears that learned AGP has made cross-examination at length, but nothing fruitful has come on record to connect the accused persons with present crime.

20. Gajrabai Jadhav P.W.-1, who is sister of first informant Govind, has deposed that, at the time of incident she was at her house, she does not know about the incident dated 15/02/2023, it did not happen that her brother Govind went to the house of Balaji, at that time quarrel took place between Govind and accused persons, at that time accused Datta assaulted in the stomach of Govind by means of knife and ran away. As Gajrabai Jadhav (P.W.-1) has not supported the case of prosecution, hence after seeking permission, learned AGP has made cross-examination to this witness, she denied the suggestion that contents portion mark 'A' (Exh. 127) came to be recorded as per her say.

21. On perusal of evidence of Gajrabai Jadhav P.W.-1, it appears that she is real sister of Govind Chavan, in spite of that she has not supported the case of prosecution. It appears that learned

AGP has made cross-examination at length, but nothing fruitful has come on record to connect the accused persons with present crime.

22. It has come on record that statements of Govind Chavan, Pradip Jadhav came to be recorded u/Sec. 164 of Cr.P.C., but Govind Chavan has deposed that he does not know contents of the same except his signature. Otherwise also statement u/Sec. 164 of Cr.P.C. is not substantial piece of evidence and when both the witnesses have not supported the case of prosecution, said statements are not helpful to prove the guilt of accused.

23. On perusal of evidence of all above three witnesses, it appears that, prosecution has cited them as an eye witnesses to the incident, but none of them has supported the case of prosecution including Govind (P.W.4), who is allegedly injured in the assault. It is pertinent to note that contents of his oral report (Exh. 157) is not substantial piece of evidence. In view of above, no substantial piece of evidence has come on record to show that all the accused persons have made assault on Govind Chavan.

24. Now let's see as to what medical evidence has come on record in respect of injury sustained to Govind Chavan. Prosecution examined Dr. Rajashree Shingde (P.W.5), who has deposed that, on 15/02/2023, she examined Govind Chavan and found incised wound (stab injury) on supra umbilical area, which can be caused by sharp object. She has further deposed that on 21/03/2023 police asked to give weapon query report, accordingly she examined one knife and gave her opinion that injury mentioned in certificate Exh. 91, can be

caused by the use of said weapon. This witness proved injury certificate (Exh. 91) and weapon query report (Exh. 93).

25. In the cross-examination Dr. Shingde admits that she has not mentioned in the injury certificate, as to when said patient came to PHC for treatment, who brought him and there is no reference of identification marks of the patient. This witness denied the suggestion that such type of injury can be possible by iron bar.

26. On perusal of evidence of Dr. Shingde, it appears that she has not deposed that when she examined knife, at that time she was having injury certificate (Exh. 91) with her. On perusal of weapon query report (Exh 93), it appears that no dimensions and characteristics of said knife, is mentioned in it. So, in the weapon query report (Exh 93), there is no reference that said knife is having sharp edges. It is pertinent to note that knife (MO-1) is not shown to the witness at the time of her deposition. So, again there is no identification of the said knife by Dr. Shingde. Though, doctor deposed that injury mentioned in injury certificate (Exh. 91) is not possible by iron bar, but she has not given any detail and justification, as to why it is not so possible. If one point of iron bar is sharp, then it can be treated as sharp object. So, version of doctor that injury mentioned in the certificate (Exh. 91) is not possible by iron bar, does not appear to be probable one.

27. It is settled principal of law that, where ocular evidence is consistent, it prevails over medical evidence. In the present case it is the version of Govind Chavan himself, that he sustained injury as

he fell down on the iron bar. Pradip Jadhav and Gajarabai have not supported the case of prosecution that accused Datta made assault by means of knife on the stomach of Govind. In view of above, medical evidence is not helpful to the case of prosecution.

28. It is case of prosecution that disclosure statement (Exh. 61) of accused no. 1 Datta Aade came to be recorded in the presence of panch witnesses and pursuant to that accused Datta produced one knife, which came to be seized under recovery panchanama (Exh. 62).

29. To bring the case under section 27 of the Evidence Act, it is necessary for the prosecution to establish that, based on the information given by the accused while in police custody, it had led to the discovery of the fact, which was distinctly within the knowledge of the maker of the said statement. It is only so much of the information as relates distinctly to the fact thereby discovered would be admissible. In catena of judgments it has been held that the rationale behind this provision is that, if a fact is actually discovered in consequence of the information supplied, it affords some guarantee that the information is true and it can therefore be safely allowed to be admitted in evidence as an incriminating factor against the accused.

30. The law is well settled that the information under Sec. 27 of the Evidence Act, which leads to discovery of an incriminating material must be proved by the Investigating Officer, as being voluntary and uninfluenced by threat, duress or coercion. The

Investigating Officer is also required to prove the contents of the information to the extent they relate to the facts discovered.

31. To understand the scope of Sec.27 of Evidence Act, it would be useful to see the judgment of **Babu Sahebgouda Rudragoudar v. State of Karnataka [2024 INSC 320]** in which the Hon'ble Apex Court examined the aspect regarding the standard of proof of information provided by the accused to the Investigating Officer under Section 27 of Evidence Act and relevant portion is as under:

61. The statement of an accused recorded by a police officer under Section 27 of the Evidence Act is basically a disclosure of confession of the accused recorded by the investigating officer during interrogation which has been taken down in writing. The confessional part of such statement is inadmissible and only the part which distinctly leads to discovery of fact is admissible in evidence.

62. Thus, when the investigating officer steps into the witness box for proving such disclosure statement, he would be required to narrate what the accused stated to him. The investigating officer essentially testifies about the conversation held between himself and the accused which has been taken down into writing leading to the discovery of incriminating fact(s).

32. Now let's see as to what evidence has come on record in respect of disclosure statement (Exh. 61) and recovery of knife (Exh. 62). It appears that prosecution examined Eknath Ronge (P.W.3), who is one of the panch witness.

33. Crux of the evidence of Eknath Ronge (P.W.3) as far as

disclosure statement & production of knife by accused is concerned, is that on 03/03/2023 he alongwith one Amol went to the police station, accused Datta was present, panchanama was prepared, he himself and another panch put signature on it, which is at Exh. 61, then, all of them alongwith accused went to village Wanjarkheda, they followed accused, then accused took out one knife from the thorny bushes, which came to be seized under panchanama (Exh. 62). In the cross-examination he admits that he cannot tell four boundaries of the said place.

34. Now let's see as to what evidence has come on record in the evidence of investigating officer Ashok Gharge (P.W.8) on the point of disclosure statement and recovery of knife at the instance of accused Datta. Crux of evidence of Ashok Gharge (P.W.8) is that accused Datta disclosed that, "he is ready to produce knife, used in commission in crime, which was concealed by him", thereafter all of them went to village Wanjarkheda, from where accused produced one knife from thorny bushes.

35. On perusal of disclosure statement (Exh. 61), there is reference that, accused Datta made assault by means of sharp weapon, which was concealed by him. On perusal of recovery panchanama Exh. 62, it appears that there is reference that one knife came to be produced by accused from thorny bushes and said spot is open and accessible to all, as it is surrounded by uncultivated lands on three sides and one road on remaining side.

36. On perusal of evidence of Eknath Ronge (P.W.3), it appears that he has not disclosed that, accused Datta has made any statement in his presence. It appears that there is no reference in the disclosure statement (Exh. 61) in respect of particular weapon i.e. knife and the place, where it was concealed. Though, investigating officer deposed that, accused Datta disclosed about 'knife', but neither disclosure statement nor evidence of Eknath Ronge has corroborated said version.

37. It is pertinent to note that, investigating officer also has not disclosed about the place, where it was concealed. Disclosure statement (Exh-61) indicates that, there is no reference as to which place accused Datta has concealed the said knife. Considering the scope of Section 27 of Indian Evidence Act and to believe the said disclosure statement, it is expected that 'place of concealment' is to be mentioned in the disclosure statement.

38. It is a case of prosecution that two juveniles conflict with law, are also involved in the present crime and their case came to be tried before Juvenile Justice Board. Record indicates that Eknath Ronge (P.W.3) came to be examined before the said board and certified copy of his deposition is filed on record, which is marked at Exh. 158. On perusal of said deposition of Eknath, it appears that there is reference that police took out one knife from thorny bushes. So, it appears that Eknath Ronge (P.W.3) has given altogether different version before JJB.

39. Recovery Panchanama (Exh. 62) indicates that, said spot is open and accessible to all. When any recovery is made from open

place accessible to all, in that case, whether any reliance can be placed on the said recovery article and for that purpose, it is profitable to see the judgment in the case of **Raja Naykar Vs. State of Chhattisgarh, (2024) 3 SCC 481**, in which there was recovery of article from an open place accessible to all and hence the Hon'ble Apex Court has not placed any reliance on the recovery of article.

40. When this court carefully considers disclosure statement of accused Datta Aade, pursuant to that recovery of knife and evidence of above both the witnesses under the light of guiding principle mentioned above and judgment of **Babu Sahebgouda and Raja Naykar** (cited supra), then this court comes to the conclusion that, disclosure statement (Exh.61) and recovery panchnama of knife do not appears to be genuine and evidence of above both the witnesses, does not inspire confidence, for the reasons as discussed above.

41. It appears that prosecution wants to rely on the evidence of Eknath Ronge, P.W.-3 to prove the spot panchnama (Exh. 59) & seizure panchanama of clothes of first informant (Exh. 60). In the cross-examination of Eknath Ronge admits that he does not know as to who brought said clothes, he does not know the name of woman, who showed the spot of incident and he cannot tell the four boundaries of the spot of incident. In view of above admissions, his version does not inspire confidence. On the contrary it creates doubt about his presence at the time of spot panchanama and seizure panchanama of clothes. Hence, evidence of this witness is not helpful to the case of prosecution.

42. It appears that prosecution examined Digambar Dongre (P.W.6) and proved the seizure panchanamas of clothes of accused Balaji and Anita (Exh. 102 & 103). In the cross-examination this witness admits that he does not know, who is Akshay, who brought the said clothes. In view of above admission, doubt creates whether seized clothes really belongs to accused Balaji and Anita.

43. It appears that prosecution examined Sanjay Shinde (P.W.7) and proved the seizure panchanamas of clothes of juvenile in conflict with law namely Ganesh & Mangesh (Exh. 107 & 108). In the cross-examination this witness admits that he does not know, who brought the clothes and whose clothes came to be seized. In view of above admission, doubt creates whether seized clothes really belongs to two juvenile conflict with law Ganesh & Mangesh

44. It further appears that prosecution has examined Ashok Ghadge, P.W.-8, who is Investigating Officer, and who has proved spot panchanama, disclosure statement of accused Datta, recovery of knife and seizure panchanamas of clothes of all accused and first informant. In cross-examination he admits that he has not seized the clothes of accused persons from them, they brought by someone else, he has not taken entry in the station diary to show that he verified contents of the statement of Govind. On perusal of evidence of investigating officer, it appears that he has carried out investigation very casually. Moreover, in the absence of any substantial evidence, his evidence is not helpful to case of prosecution.

45. Chemical Analysis Report (Exh. 149) indicates that human blood stains were found on shirt, sando banian and full pant

of first informant Govind. It appears that no blood stains on the clothes of accused persons. It is the version of Govind himself that he sustained injury as, he fell on the iron bar. In view of above, blood stains on the clothes of Govind, is not helpful to the case of prosecution.

46 The fundamental presumption in the administration of criminal law is the innocence of the accused, till the charges are proved beyond reasonable doubt, on the basis of cogent and credible evidence. Mere suspicion, however strong, it cannot be substituted for the legal proof, required to substantiate the charge of commission of crime.

47. In catena of judgments, Hon'ble Apex Court has observed that there is a long mental distance between 'may be true' and 'must be true' and this basic rule helps to maintain the vital distinction between 'conjectures' and 'sure conclusion' to be arrived at on the touchstone of a dispassionate judicial scrutiny, based upon comprehensive appreciation of evidence.

48. When this Court considers all the evidence on record in the light of above settled principles of law, it appears that no substantial piece of evidence has come on record to show that, at the relevant day and time, accused no. 1 Datta made assault on Govind, most of the witnesses have not supported the case of prosecution, recovery of knife at the instance of accused Datta, does not inspire confidence and evidence led by the prosecution is not cogent and sufficient to connect the accused as far as Sec. 307 of the I.P.C. is concerned. It is pertinent to note that no iota of evidence has come

on record to prove the charge for the offence punishable u/Sec. 324, 504 & 506 of the I.P.C. is concerned.

49. In view of above, I come to the conclusion that prosecution miserably failed to prove its case beyond reasonable doubt and failed to prove any charge against any of the accused. Therefore, accused persons are entitled to be acquitted. Hence, I answer point nos. 1 to 4 as 'not proved' and proceed to pass following order :

ORDER

- (1) Accused nos. 1) Datta Baburao Aade, 2) Balaji Rama Chavan and 3) Anita Balaji Chavan, all R/o Wanjarkheda, Tq. & Dist. Latur are acquitted as per Section 235(1) of the Code of Criminal Procedure for the offence punishable under Sections 307, 324, 504 and 506 read with Sec. 34 of the Indian Penal Code.
- (2) Bail bonds of all accused stand cancelled.
- (3) Muddemal property i.e. knife be sent to the District Magistrate for its disposal, after expiry of one year.
- (4) During the investigation clothes of first informant and accused came to be seized, which are described as under, they appears to be worthless, hence same be destroyed after appeal period is over.
 - i) Clothes of first informant : green white checks shirt, ash colour banian, black half sweater and blackish pant.
 - ii) Clothes of accused no. 1 Datta : Orange colour shirt & blue jeans pant.
 - iii) Cloths of accused no. 2 Balaji : black Pant and white shirt.

- iv) Cloths of accused no. 3 Anita : blue Saree and blouse.
 - v) Cloths of juvenile in conflict with law Mangesh Chavan : yellow colour half sleeves shirt and one black pant.
 - vi) Cloths of juvenile in conflict with law Ganesh Chavan. : yellow colour half sleeves T'shirt and one blue jeans pant.
- (5) Accused are directed to execute P.R. Bond of Rs.15,000/- individually, as per Section 437-A of Cr.P.C..

Date : 15/05/2026

(S.J. Bharuka)
Sessions Judge, Latur.

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER".

C.R. Kulkarni
Stenographer (Grade-1)

Name of the Judge(With Court Room No.)	Shri. S.J. Bharuka, Sessions Judge, Latur. (22)
Date for pronouncement of Judgment/Order	15/05/2026
Judgment/Order signed by P.O. on	15/05/2026