

MHND080005412014



Presented on : 27-10-2014

Registered on : 29-10-2014

Decided on : 15-06-2026

Duration : Yrs. Ms. Ds.
11 05 17Exh. No. 104**FORM A**

IN THE COURT OF SESSIONS JUDGE, KANDHAR
(Before :- Mandar N. Patil, Addl. Sessions Judge),

Sessions Case No. 33/2014

Kandhar Police Station, C.R.No.89/2014
(RCC No. 182/2014)

Informant State of Maharashtra
(At the instance of Kandhar Police station)

Represented by **A.P.P. Shri. M.B.Kagne**

Accused

- 1] **Laxman Govind Jabde,**
Age-41 Years, Occu.- Labour
R/o. Digras Khu., Tq. Kandhar Dist.
Nanded.
- 2] **Laxmibai W/o Venkat Kalyankar,**
Age-37 Years, Occu.- Household
R/o. Digras Khu., Tq. Kandhar Dist.
Nanded.

Represented by **Adv. Shri. P. B. Kadam, for accused No.1**
Adv. Shri. K.S.Baig, for accused No.2

FORM B

Date of offence	26-04-2014
Date of FIR	05-06-2014
Date of charge-sheet	15-09-2014
Date of Framing of charge	22-12-2017
Date of commencement of evidence	04-07-2022
Date on which judgment is reserved	05-06-2026

Date of judgment	15-06-2026
Date of the Sentencing Order, if any	-Nil-

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 of Cr.PC.
1]	Laxman Govind Jabde,	22-06-2014	04-12-2014	U/s. 302, 201 r/w/s 34 of the IPC.	Acquitted	--	--
2]	Laxmibai W/o Venkat Kalyankar,	19-06-2014	07-01-2015	U/s. 302, 201 r/w/s 34 of the IPC.	Acquitted	--	--

:- J U D G M E N T :-

(Dictated and pronounced in open court on 15-06-2026)

The accused stands charge-sheeted for the offence punishable under Section under sections 302, 201 r/w 34 of the Indian Penal Code .

2. In short the prosecution case is that :-

The accused No.2 is the daughter-in-law of the informant. She was having illicit relations with accused No. 1. It is alleged that on 26-04-2024 at about 08:00 a.m. wife of the informant, accused No.2, his son went to the field to pluck the cotton crop. It is alleged that his son came back at about 11:00 a.m. to 12 noon and the accused No.2 alone came back at about 02:00 p.m. It is alleged that his younger daughter-in-law asked the accused No.2 about the wife of the informant, on which the accused No. 2 did not reply. It is alleged that thereafter son of the

informant had been to fetch water at well where he saw his mother floating in the well. It is alleged that the dead body of his mother and her clothes were blood stained and she had sustained injuries on her person. It is alleged that as there was '*Bhagwat Saptah*', and so her body was cremated on the same day. It is alleged that after four days of the incident, one Pintu Shubham Jadhav told that on the day of incident at about 01:00 p.m. he was grazing his goats and also told that the accused beat the deceased and as she was raising shouts, the cotton band (गाठोडे) was put on her mouth, she was killed and the accused had thrown the dead body in the well. It is alleged that the deceased had seen the accused lying in the field. It is alleged that both the accused have killed the deceased as she came to know about their illicit relations. On this sort of complaint, private was filed on 03-06-2014.

3. The learned Trial Court directed investigation under section 156(3) of the CrPC. Accordingly, Kandhar Police Station registered the crime as Crime No. 89/2014.

4. The Investigating Officer has arrested the accused, has visited the spot and prepared spot panchnama, recorded statement of witnesses and has sent the witness to Nayab Tahsildar, Kandhar to record statements of the witnesses under section 164 of the Code of Criminal Procedure. He has seized the cotton band and mobile phone from the accused No.2. After completion of the investigation, he has forwarded charge-sheet against the against the accused.

5. The learned Judicial Magistrate First Class, Kandhar vide order dated 20-10-2014 has committed the case to this court.

6. The accused have pleaded not guilty to the charge Exh.27 framed by my learned predecessor and claimed to be tried. Their statement under section 313 (1)(b) of the Code of Criminal Procedure are recorded.

7. On the strength of the report, the evidence on record, following points arise for determination and for the below mentioned reasons, findings are recorded against them:-

POINTS

FINDINGS

- | | |
|---|-------------------------------|
| 1. Whether the prosecution proved that .. | No. |
| accused on 26-04-2014 at about 01:00 p.m. at Digras (Kd), Tq. Kandhar, Dist. Nanded, in furtherance of their common intention, committed murder of Padminbai Bali Kalyankar by putting cotton band on her mouth and thereby committed an offence punishable u/s. 302 r/w 34 of the Indian Penal Code ? | |
| 2. Whether the prosecution proved that, on .. | No. |
| the aforesaid date, time and place, the accused, in furtherance of their common intention, being knowing the reason to believe that an offence has been committed and disappeared the evidence of the offence with intention of screening the offender from legal punishment and thereby committed an offence punishable u/s. 201 r/w 34 of the Indian Penal Code ? | |
| 3. What order ? | .. As per final order. |

REASONS

As to Point Nos. 1 to 3 :

8. All these points are interlinked, hence, for the sake of

brevity and to avoid repetition of facts, they are decided together.

9. Heard both sides.

10. Learned APP while referring to the evidence of the informant submitted that he is father-in-law of the accused No. 2. He has deposed about 08 to 09 years of his recording evidence his deceased wife and the accused No.2 were plucking cotton, the accused were having illicit relations and the deceased had caught them red handed. He submitted that thereafter the accused killed the deceased and had thrown dead body in the well. He submitted that one Pintu has seen the incident and he told the informant about the same.

11. He submitted that it is asked in the cross-examination that there was no any written agreement in between the informant and the accused No. 1 about the service of the accused No.1. He submits that the informant, accused are residing in village and no such written agreements are made.

12. He submitted that PW No. 2 to 4 are the spot panch witness and they have proved the spot panchnamas.

13. Learned APP submitted that PW No. 5 Avinash, PW-6 Manik have not supported the case of the prosecution. He submitted that however PW-5 in his cross-examination taken by the learned APP submitted that he has admitted that he had heard about the illicit relations in between the accused and the deceased, was having knowledge about the same. He submitted that this fact proves that the accused were having illicit relations and they had motive to kill the deceased.

14. He submitted that the accused No. 2 is the daughter in law of the deceased and so as per section 106 of the Evidence Act

she ought to have explain about unnatural death of her mother in law. However, she failed to do so. He submitted that the accused have killed the deceased and to hide this crime they have tried to dispose of the body by throwing it in the well. He submitted that the prosecution has proved its case beyond the shadows of reasonable doubt. Ultimately he has prayed for conviction.

15. On the other hand, the learned advocates for the accused submitted that there is no any eye witness to the crime, the private complaint which was filed by the informant is not bearing his signature and neither the report Exh. 69 shows his signature or thumb impression. They submitted that therefore the complaint as well as the FIR is not proved by the prosecution.

16. They while referring to the evidence of the PW-5 submitted that according to the prosecution this witness has seen that the accused have killed the deceased and have thrown her body in the well. They submitted that however this witness has not supported the case of the prosecution at all and nothing is brought on record from his cross-examination taken by the learned APP. They submitted that therefore his evidence is not at all helpful to the prosecution.

17. They while inviting attention of this court towards the evidence of PW-6, submitted that he is the son of the deceased and his knowledge is hearsay knowledge. They submitted that he has denied that the accused were having illicit relations, his deceased mother was obstructing them and so the accused have killed her. They submitted that this witness is the real son of the deceased and he has also not supported the case of the prosecution.

18. They submitted that the prosecution has failed to prove

each and every link in respect of the involvement of the accused. They submitted that the dead body of the deceased was cremated on the same day and had she was beaten, report ought to have been filed on same day. They submitted that it is not done so as the deceased had died a natural death. The submitted that the prosecution has failed to prove the case against accused beyond the shadows of reasonable doubt and prayed for acquittal.

19. There is no eye witness in this case. The alleged eye witness has not supported the case of the prosecution. According to the prosecution on the day of incident, the deceased, her son, and the accused No.2 had been to pluck cotton crop. The son came earlier and later on accused No. 2 came alone. It is their case that thereafter the son has seen the dead body of the deceased in the well, the dead body was lifted from the well. Had the dead body and her clothes were stained with blood, then it was necessary on the part of the informant and his family members to inform about it to the police patil and the police station. However, it is not done so. Further her body is cremated on the day of incident itself and the reason is not satisfactory. Merely because there was *Bhagwat Saptah*, it cannot be said that the dead body was cremated.

20. The alleged eye witness and the son of the deceased have not at all supported the case of prosecution. As the dead body was not available for postmortem the cause of death is also not brought on record. The allegations in respect of alleged illicit relations in between the accused is just hearsay and there is no concrete evidence in this respect. From this it cannot be said that prosecution has proved that the accused have killed the deceased as she was obstructing their illicit relations and they have disposed

of the body by throwing it in the well.

21. Thus, the above facts which emerge from the evidence on record itself, do create a reasonable doubt about the prosecution case, of which benefit must be given to the accused. Therefore, the accused cannot be held guilty for the offences under section 302 and 201 r/w/s 34 of the Indian Penal Code. Hence, by giving benefit of doubt, they are held not guilty and so **point Nos. 1 and 2 are answered in the negative and point No.3 is answered accordingly.** In the result, following order is passed :-

ORDER

1. Accused are acquitted of the offence punishable under Sections 302, 201 r/w 34 of the Indian Penal Code **vide** Section 235 (1) of Code of Criminal Procedure, 1973.
2. Their bail bonds stands cancelled.
3. Muddemal property i.e. pieces of bones, clothes and one cloth bag, being worthless be destroyed after appeal period is over. The muddemal Lava Company Mobile alongwith SIM Card, seized at the instance of accused No.2, be returned to her after appeal period is over if it is not claimed by her it be dealt with as per the procedure for disposal of electronic materials, after appeal period is over.
4. The accused have complied as per Section 437(A) of Code of Criminal Procedure, 1973.

Date : 15.06.2026

(M. N. Patil)
Addl. Sessions Judge,
Kandhar.

FORM C**List of prosecution/Defence/Court witnesses****A. Prosecution**

Rank		Nature of Evidence (Eye witness, Police witness, Expert witness, Medical witness, Panch witness, other witness)
PW-1	Bali Laxman Kalyankar	Informant
PW-2	Satyajit Vitthalrao Sonkamble	Panch witness
PW-3	Jayram Madhavrao Kalyankar	Panch witness
PW-4	Ramrao Kamaji Kalyankar	Panch witness
PW-5	Avinash Subhash Jadhav	Eye witness
PW-6	Manik Baliram Kalyankar	Witness
PW-7	Ramji Kisan Musande	Witness
PW-8	Pralhad Kishan Kalyankar	Panch witness
PW-9	Ashok Tanhaji Virkar	Investigating Officer

B. Defence witnesses, if any :

Rank	Name	Nature of Evidence (Eye witness, Police witness, Expert witness, Medical witness, Panch witness, other witness)
--Nil--		

C. Court witnesses, if any :

Rank	Name	Nature of Evidence (Eye witness, Police witness, Expert witness, Medical witness, Panch witness, other witness)
-- Nil --		

List of Prosecution/Defence/Court Exhibits**A. Prosecution :**

Sr.No.	Exhibit	Description
1.	Exh. 46/PW-2	Spot panchnama
2.	Exh. 50/PW-4	Spot panchnama
3.	Exh. 60/PW-8	Memorandum Panchnama
4.	Exh. 61/PW-8	Recovery Panchnama
5.	Exh. 73/PW-9	Portion mark A of the statement of witness Avinash Subhash Jadhav
6.	Exh. 74/PW-9	Portion mark A of the statement of witness Manik Bali Kalyankar
7.	Exh. 75/PW-9	Portion mark A of the statement of witness Ramji Kisan Musande
8.	Exh. 76/PW-9	Letter to Tahsildar for recording statement of witnesses
9.	Exh. 77/PW-9	Letter to Tahsildar, Kandhar for receiving sketch of the spot of incident.
10.	Exh. 78/PW-9	Arrest panchnama of the accused No. 2
11.	Exh. 79/PW-9	Arrest panchnama of the accused No. 1
12.	Exh. 80/PW-9	Memorandum panchnama of the accused No. 2
13.	Exh. 81/PW-9	Recovery panchnama at the instance of the accused No. 2

14.	Exh. 81/PW-9	Printed FIR
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B. Defence :

Sr.No.	Exh. number	Description
-- Nil --		

C. Court Exhibits :

Sr.No.	Exh. number	Description
-- Nil --		

D. Material objects :

Sr. No.	Material Object number	Description
1	M.O. A	Saree
2	M.O. B.	Lava Company Mobile

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of stenographer	A.P. Deshmukh
Name of Court	Addl. Sessions Court, Kandhar
Date of Dictation	15.06.2026
Jud/ Order signed by the P.O on	15.06.2026
Jud/Order uploaded on	15.06.2026

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