



Order below Exh.1.

1. This is a “C” summary report filed by the Investigating Officer (in short I.O.).
2. It is the contention of the I.O. that, as per F.I.R. the brother of the informant Avinash had an intimate relationship with one Yashodabai Chavan. This fact was known to their relatives. Both of them stayed away. Thereafter, on 26.07.2023 between 5.30 a.m. to 06.30 a.m. at Shastrinagar, District-Sangareddy, State Telangna and thereafter during 2.00 p.m. to 04.00 p.m. at Karla Tanda, Umri when found they were thrashed by accused Vinayak Chavan, Sahebrao Rathod, Bhiku Pawar and others. At the time of alleged offence the present accused via mobile phone instigated the co-accused Bhiku Pawar to assault the Avinash. As a result of assault he died.
3. Further, it is the contention of the I.O. that, during the course of the investigation he has found that the present accused was not present on the spot of the offence. Further, there is conversation recorded in the mobile phone of the present accused from which it appears that, he had prevented the co-accused from causing assault to the deceased Avinash. Further, he has recorded the supplementary statements of the witnesses in which they have stated that they had by mistake of fact stated that the present accused via mobile phone has instigated the co-accused to assault the deceased. Therefore, he has prayed for accepting the “C” summary.

4. Thereafter, my Ld. Predecessor has rejected the “C” summary report and committed the present case to Hon’ble Sessions Court, Bhokar. Dissatisfied with the order of my Ld. Predecessor, the present accused has filed a criminal revision application no.23/2024 before Hon’ble Sessions Court, Bhokar. In which the Hon’ble Sessions Court has set aside the order of my Ld. Predecessor and remitted the case for deciding afresh on the ground that the informant was not heard before rejecting the “C” summary report.

5. After, remittal notices were issued to the informant and the wife of the deceased namely Reshma. They have appeared and filed their say at Exh.5 and 7 respectively. They have stated that by mistake of fact they have taken the name of present accused in the alleged crime. Further, they have no complaint against him. Therefore, they have prayed for accepting the “C” summary report.

6. Perused the “C” summary report. Documents filed along with it. Perused the say of informant and witness. Heard Ld. Advocate for the informant.

7. Section 107 of Indian Penal Code, 1860 defines abetment of a thing. As per said section, ***a person abets a doing of a thing when he instigates any person to do that thing, engages with one or more other persons in any conspiracy or intentionally aids the commission of doing of a thing.*** Further, as per explanation two of said section ***whoever either prior to or at the time of the commission of the offence does anything in order to facilitate the commission of act and thereby facilitates the commission thereof, is said to aid the doing of that act.***

8. Now, in this background it is necessary to see whether “C” summary report can be accepted or not. The involvement of the present accused in the alleged crime is to the extent that he has instigated the co-accused Bhiku via mobile phone to assault the deceased Avinash. However, during the course of the investigation the I.O. has seized the mobile phone of the accused. In which he has found two audio clips of conversation between accused and co-accused.

9. Upon which the voice sample of the accused was taken and and memory card containing two audio clips were sent for verification to Regional Forensic Science Laboratory, Nanded. The result of the analysis of the examination is that, the voice sample of the accused is similar to the audio clips seized from his memory card of the accused. Transcript recorded in the said mobile phone indicates that the present accused has told the co-accused to not to assault the deceased.

10. Therefore, considering the transcript of the mobile conversation between the present accused and co-accused it appears that, the present accused has not instigated the co-accused at the time of commission of alleged offence to assault the deceased. Therefore, it appears that the informant by mistake of fact involved the name of the present accused in the alleged crime. Therefore, I agree with the findings of the I.O. that there is no involvement of the present accused in the alleged crime. Resultantly, I pass the order.

ORDER

1. The “C” summary report is accepted.

2. The accused namely Prakash Kanthiram Rathod is discharged.
3. The proceeding is dropped against the accused.

Place :- Umri.
Date :- 20.06.2026.

(K.S.Kulkarni)
Judicial Magistrate, F.C.,
Umri.