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			02	08	14

PART A**Form No. XXXII****(Title Page of the Judgment)****(Para 44 (i) of Chapter VI of Criminal Manual)****IN THE COURT OF ADDITIONAL SESSIONS JUDGE**
OSMANABAD

(Presided over by Shri. R. K. Khomane)

Sessions Case No.40/2026**(Old Special Case No.77/2023)****Exh. No.**(FIR/Crime No.423/2022
at Dhoki Police Station,
Tq. & Dist. Osmanabad)

Prosecution:	The State of Maharashtra Through Police Station Officer Dhoki Police Station, Tq. & Dist. Osmanabad
Represented by	Shri A.A. Doke, Ld APP for the State
Accused	Suryakant Kisan Galande Age 47 Years, Occ. Labour R/o. Bukanwadi, Tq. and Dist. Osmanabad
Represented by	Shri G.A. Kaspate, Dy. Chief, LADC Osmanabad

Date of offence	13.12.2022
Date of F.I.R.	13.12.2022
Date of Charge-sheet	03.07.2023

Date of framing of Charges 27.01.2025
 Date of commencement of evidence 21.11.2025
 Date on which Judgment is reserved --
 Date of Judgment 18 .06.2026
 Date of Sentencing order, if any --

ACCUSED DETAILS

Rank of the accused	Name of the 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 Sec. 428 Cr.PC.
1.	Suryakant Kisan Galande	13.12.2022	07.01.2023	under section 304(II) IPC and 135 of the Indian Electricity Act	Acquitted	--	--

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution :-

RANK	NAME	NATURE OF EVIDENCE	Exhibit
PW1	Anil Lagman Shinde	Informant	18
PW2	Anil Bappa Pawar	Spot Pancha	23
PW3	Rushikesh Mahadeo Dhaigude	Seizure pancha	25

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 / DEFENSE / COURT EXHIBITS

A. Prosecution :-

Sr.No.	Exhibit Number	Description
1	Exhibit P-19/PW1	Report
2	Exhibit P-20/PW1	Statement 164
3	Exhibit P-24/PW2	Spot Panchanama
4	Exhibit P-26/PW3	Seizure Panchanama

Documents admitted under section 294 of the Code of Criminal Procedure, 1973 :-

Sr.No.	Exhibit Number	Description
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B. Defence :-

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

Sr.No.	Exhibit Number	Description
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D. Material Objects :-

Sr.No.	Material object Number	Description
1	M.O.No.1 to 3	Sticks
2	M.O.No.4 to 6	Bird net, snare, and nail

JUDGMENT(Delivered on this 18th day of June, 2026)

The accused Suryakant Kisan Galande has been facing trial for offence punishable under Sections 304(II) of the Indian Penal Code, 1860 and under section 135 of the Indian Electricity Act, 2003.

2] The prosecution case, in brief, is that deceased Balaji Anil Shinde, the son of the informant, had gone to the agricultural area of village Bookanwadi for grazing buffaloes. According to the prosecution, on the day of the incident at about 9:15 a.m., Bajirao Shankarkale informed the informant that Balaji had come into contact with a live electric wire installed in the agricultural field of the accused, Suryakant Kisan Galande, and had died on the spot. Upon receiving the said information, the informant, along with Anil Kale, Bab Shinde, Uttam Shinde and other villagers, immediately proceeded to the spot. There, they found Balaji lying dead near the wire fencing erected around the agricultural land of the accused. The prosecution alleges that the death of Balaji was caused due to electrocution after he came into contact with the wire fencing surrounding the field. It is the specific case of the prosecution that the accused, being the owner and possessor of the said agricultural land, had installed fencing by using binding wire around his field and had unauthorizedly drawn electric supply thereto. According to the prosecution, the accused had intentionally charged the fencing wire with live electric current for the purpose of protecting his crop and property, despite being aware that any person or animal coming into contact with such electrified fencing was likely to suffer fatal consequences. The prosecution further contends that the accused had the requisite knowledge that electrifying the fencing wire was an act imminently dangerous and was likely to cause death. Nevertheless, he continued to maintain the live electric connection to the fencing wire. As a result, deceased Balaji came into contact with the electrified wire and suffered fatal electric

shock, leading to his death. On these allegations, the prosecution asserts that the accused committed the offence punishable under Section 304 Part II of the Indian Penal Code and Section 135 of the Electricity Act, 2003.

3] On the basis of the said incident, the informant lodged a report against the accused on 13.01.2020, pursuant to which the present crime came to be registered and investigation was set in motion.

4] The investigation was entrusted to the API Mr.B.Y. Gade. During the course of investigation, he conducted the spot panchanama, seizure panchanama, recorded the statements of the witnesses and collected documents. Upon completion of the investigation, he filed the charge-sheet against the accused before the competent Court.

5] My Ld. Predecessor framed charge against the accused vide Exhibit No.9 for the aforesaid offences. The contents of the charge were read over and explained to the accused in a language known to him. The accused denied the charge, pleaded not guilty and claimed to be tried.

6] In order to prove its case, the prosecution has examined in all three witnesses. The accused, on the other hand, has not adduced any oral or documentary evidence in defence. The statement of the accused under Section 313 of the Code of Criminal Procedure was recorded at Exhibit No.35. The defence of

the accused is one of total denial.

7] In view of the rival submissions and the evidence brought on record by the prosecution, the following points arise for determination. My findings thereon, along with the reasons, are as under:

Points

Findings

- | | | |
|---|---|-----|
| 1) Whether the prosecution proves beyond reasonable doubt that on 13.12.2022 at about 9:00 a.m., in agricultural land bearing Gat No.110 situated at village Bookanwadi, Taluka and District Osmanabad, the accused had illegally drawn electric supply and connected the same to the wire fencing erected around his field, with the knowledge that such act was likely to cause the death of any person coming into contact therewith, and that, as a consequence thereof, Balaji Anil Shinde suffered electrocution and died, thereby committing an offence punishable under Section 304 Part II of the Indian Penal Code? | : | No. |
| | | |
| 2) Whether the prosecution further proves beyond reasonable doubt that on the aforesaid date, time and place, the accused dishonestly abstracted and consumed electrical energy by unauthorizedly connecting wires to the Low Tension (L.T.) electricity line of MSEDCL without lawful authority, thereby committing theft of electricity and causing wrongful loss to MSEDCL, and thus committed an offence punishable under Section 135 of the Electricity Act, 2003? | : | No. |

3) What order ?

: Acquitted as
per final
order.

:: REASONS ::

AS TO POINT NOS. 1 and 2 :-

8] The evidence relating to the aforesaid points being common and interconnected, the same is taken up together for consideration.⁹

9] The prosecution has unfolded its case by examining the informant, Anil Lagman Shinde (PW1), at Exh.18 and Rushikesh Mahadeo Dyagude (PW3) at Exh.25. Besides the oral evidence, the prosecution has also relied upon certain documentary evidence, namely the First Information Report (Exh.19), Spot Panchanama (Exh.24), Seizure Panchanama (Exh.26), and photographs of the spot.

10] The case of the prosecution is that the accused, being the owner of agricultural land bearing Gat No.110 situated within the limits of village Bookanwadi, had installed wire fencing around his field by using binding wire and had unauthorizedly drawn electricity from the L.T. line without obtaining the requisite permission from MSEDCL. It is further alleged that the accused had knowledge that electrifying the fencing was likely to cause the death of any person who came into contact with it. According to the prosecution, by committing the aforesaid acts, the accused committed offences punishable under Section 304 Part II of the Indian Penal Code and Section 135 of the Electricity Act, 2003.

11] In order to bring home the guilt of the accused, the prosecution has principally relied upon the testimony of the informant Anil Lagman Shinde (PW1), panch witness Anil Bappa Pawar (PW2) and Rushikesh Mahadeo Dyagude (PW3), who was working as a wireman in the Electricity Department. The entire prosecution case rests upon circumstantial evidence, as admittedly there is no eyewitness to the alleged incident.

12] The evidence of PW1 Anil Lagman Shinde reveals that deceased Balaji was his son and was aged about 15 to 16 years at the relevant time. According to him, the agricultural field of the accused is situated adjacent to his land. He alleged that the accused had erected fencing around his agricultural land by fixing wooden sticks and binding wire and had illegally drawn electricity from the Low Tension (L.T.) line of the Electricity Department by using hooks. This witness has further stated that on the date of the incident he was at Kaij and received information from his aunt Akkabai regarding the death of his son. After reaching the spot, he found the dead body of Balaji lying in the field. He noticed that two binding wires were entangled in the legs of the deceased and burn marks were present near that portion. On the basis of such observations, he presumed that Balaji had died due to electric shock and accordingly lodged the First Information Report at Exh.19.

13] However, a careful scrutiny of the evidence of PW1 shows that his testimony is not free from material contradictions and omissions. During cross-examination, PW1 admitted that on

the date of the incident, one Bajirao Kale informed him that while passing near the field of the accused, he had seen Balaji lying dead after allegedly coming into contact with the binding wire. He has further admitted that several facts narrated before the Court do not find place in the First Information Report. He also admitted that while lodging the report, he merely stated that the accused had unauthorizedly drawn electricity from the L.T. line by using hooks. It is a settled principle of criminal jurisprudence that the First Information Report is not substantive evidence, but it can be used for corroboration or contradiction. When material improvements are made before the Court, such improvements affect the credibility of the witness. The evidence of PW1 shows that he had not witnessed the incident and whatever he deposed regarding the cause of death is based upon what he noticed after reaching the spot and on the information allegedly supplied by others. Therefore, his evidence is essentially hearsay insofar as the actual occurrence is concerned.

14] The prosecution has next relied upon the testimony of PW3 Rushikesh Mahadeo Dyagude, who was working as a wireman in the Electricity Department. His evidence shows that on 15.12.2022 he visited the spot along with Assistant Engineer Sham Jadhav. According to him, he noticed wooden sticks fixed in the field and binding wire tied to those sticks. He also noticed two service cable wires allegedly connected to the binding wire. The sticks, binding wire and service wires were seized under seizure panchanama Exh.26. However, the testimony of PW3 does not establish that at the relevant time the binding wire was carrying

live electric current. In his cross-examination, PW3 admitted that electricity supply in the village was not continuous and that load shedding was prevalent. He further admitted that electricity was available only for limited hours and timings varied from area to area. Significantly, no technical report, meter inspection report, electrical analysis report, or expert opinion has been produced by the prosecution to conclusively establish that the fencing wire was electrified at the relevant time or that the deceased came into contact with a live electric current supplied by the accused.

15] The evidence of PW2 Anil Bappa Pawar, who is a panch witness to the spot panchanama, merely establishes the condition of the spot after the incident. He has stated that he noticed sticks and binding wire around the field and the dead body lying there. He also deposed about seizure of certain articles from the spot. His evidence is of a formal nature and does not throw any light upon the manner in which the incident occurred or upon the involvement of the accused.

16] Thus, from the evidence discussed above, the prosecution has only established that fencing consisting of sticks and binding wire existed around the agricultural land of the accused and that the deceased was found dead near the said fencing. However, there is no direct evidence proving that the accused had connected the fencing wire with a live electric supply. There is equally no reliable circumstantial evidence establishing that the death of the deceased was the direct consequence of such alleged electrification.

17] It is trite law that in a case resting solely on circumstantial evidence, every incriminating circumstance must be fully established and all such circumstances must form a complete chain leading only to the hypothesis of the guilt of the accused and ruling out every other possible hypothesis. In the present case, the chain of circumstances is far from complete. The prosecution has failed to prove:

- (i) that the fencing wire was carrying live electric current at the relevant time;
- (ii) that the electric current, if any, originated from an illegal connection taken by the accused;
- (iii) that the deceased came into contact with such live wire;
- (iv) that the accused had knowledge that his act was likely to cause death.

18] To attract the provisions of Section 304 Part-II of the Indian Penal Code, the prosecution is required to establish that the act of the accused was done with the knowledge that it was likely to cause death, though without any intention to cause death. The essential ingredient of "knowledge" is therefore required to be proved beyond reasonable doubt. In the present case, except for suspicion arising from the fact that the fencing existed around the land, there is no legally admissible evidence establishing that the accused had electrified the fencing. Suspicion, however strong, cannot take the place of proof.

19] The contradictions and omissions appearing in the testimony of PW1 materially affect the reliability of the

prosecution case. The evidence of PW2 and PW3 is insufficient to bridge the gaps left by the prosecution. No independent witness has been examined to prove that the accused had drawn unauthorized electricity supply or that the fencing wire was actually live at the relevant time. The prosecution has therefore failed to establish an unbroken chain of circumstances pointing towards the guilt of the accused.

20] In criminal law, the burden always rests upon the prosecution to prove its case beyond reasonable doubt. The accused is entitled to the benefit of every reasonable doubt arising from the evidence on record. Upon overall appreciation of the evidence, this Court finds that the prosecution has failed to prove beyond reasonable doubt that the death of Balaji occurred on account of any act attributable to the accused or that the accused committed an offence punishable under Section 304 Part-II of the Indian Penal Code.

21] Consequently, this Court holds that the prosecution has failed to establish the charges levelled against the accused. Accordingly, Point Nos. 1 and 2 are answered in the Negative.

AS TO POINT NO.3 :

22] As point No.1 and 2 are answered in the negative, the accused is found not guilty and is entitled to acquittal. Seized muddemal i.e. one bird net being worthless deserve to destroy, after appeal period is over. Hence, in answer to point No.3, I pass the following order:

ORDER

1. The accused, Suryakant Kisan Galande is hereby acquitted under Section 235(1) of the Code of Criminal Procedure of the offences punishable under Section 304(II) of the Indian Penal Code, 1860 and under section 135 of the Indian Electricity Act, 2003.
2. His bail bonds stand cancelled.
3. The seized muddemal article M.O.1 bird net being worthless be destroyed after appeal period is over.
4. The accused shall execute PR bond of Rs.50,000/- as per section 437-A of the Code of Criminal Procedure to appear before the Higher Court as and when said court issues notice in respect of any appeal filed against this judgment.

Dictated on dias and pronounced in open Court.

Date : 18.06.2026

(R. K. Khomane)
Additional Sessions Judge
Osmanabad

CERTIFICATE

I affirm that the contents of this P.D.F. file judgment are same word to word as per the original Judgment.

Name of the Stenographer	:	Golhe P.V. Stenographer Gr. I
Name of the Court	:	Additional Sessions Judge Osmanabad
Date of Judgment	:	18.06.2026
Judgment signed by the presiding officer	:	18.06.2026
Judgment uploaded on	:	18.06.2026