

MHPA010002162023.



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PARBHANI.

[Presided over by Shri. Gautam G. Bharne]

Order below Exh.18 in Sessions Case No.03/2023

State Vs. Sopan Waghmare and others.

(Order passed on 27.10.2025)

Applicant- accused No. 2 Subhash Annasaheb Jadhav and applicant - accused No. 5 Kerba Namdev Namane filed this application under Section 227 of Cr.PC. for their discharge from crime bearing No. 151/2019 registered at Manwat Police Station for the offence punishable under Section 306 r.w. Section 34 of IPC.

02. As per FIR, the prosecution case, in short, is that deceased Bhimrao Bhosale resident of Bhosa, taluka Manwat was owner of 08 acres land in the vicinity of Bhosa. Out of said land, Bhimrao had disposed of 02 acres land to accused Ramesh Shivaji Jadhav by executing sale deed. Complainant - son was unaware of the said transaction. Subsequently, Bhimrao also sold 02 acres of land to one agriculturist of Gunj, who in turn further sold the said land to Sopan Shripatrao Waghmare. It was decided that Rs. 2 lakh were to be returned to both of them and get the lands redeemed.

03. Two months prior to FIR, Ramesh Jadhav and Sopan Waghmare were insisting deceased Bhimrao to get the lands transferred in their name.

04. Fifteen days prior to FIR, Ramesh Jadhav, Subhash Jadhav, Shivaji Annasaheb Jadhav, Sopan Waghmare had tied Bhimrao to a cot. Neighbouring land owner Ramu Pralhad Jadhav untied deceased Bhimrao. All this was duly reported by Bhimrao to the complainant. Complainant assured above persons that his father would repay their amount.

05. On 18.06.2019, Bhimrao committed suicide by hanging himself to a tree in the field. Hence on the next day, i.e. on 19.06.2019, son set the law in motion against Ramesh Jadhav, Subhash Jadhav, Shivaji Jadhav, Sopan Waghmare holding them responsible for suicidal death of Bhimrao. Resultantly, crime was registered and investigation was undertaken by Manwat Police Station and after completing the same charge-sheet came to be filed.

07. It is the contention of accused No. 2 and 5 that accused No. 3 Shivaji Annasaheb Jadhav and accused No. 4 Ramesh Shivaji Jadhav had filed Criminal Application No. 1414/2020 before the Hon'ble High Court and the Hon'ble High Court had quashed the FIR and charge-sheet filed against them. It is the submission of the applicant-accused No. 2 and 5 that there is no prima facie evidence against them. The allegations levelled against accused No. 3 and 4 are similar against accused No.2 regarding the incident of tying to the deceased to cot. There is no any allegations against accused No. 5 regarding the incident of tying to the deceased to cot. Their submission is that the Hon'ble High Court considering the FIR and charge-sheet quashed the FIR against accused No. 3 and 4. According to them, there is not sufficient ground for proceeding

against them. Therefore, they be discharged from this case.

08. Resisting the application Ld. APP in her say has submitted that specific role of accused No. 2 and 5 is mentioned in the FIR. Name of accused No. 5 is mentioned in supplementary statement of the informant. Her submission is that both the accused demanded money to the deceased or insisted to handover possession of the land. Her submission is that accused No. 2 also having role, mentioned in the FIR, regarding the incident of tying the deceased to cot. She submitted that witness Rameshwar Jadhav on next day of tying the deceased to cot untied the deceased from the cot. She submitted that prima facie there is evidence against both the accused. Hence, the application be rejected.

09. I have gone through the FIR. Name of accused No. 5 is not mentioned in the FIR. In the additional statement of the informant it has mentioned that deceased Bhimrao Bhosle had executed registered sale-deed in favour of accused No.5 Kerba Namdev Nemane R/o. Gunj, Tq. Pathri, Dist. Parbhani.

10. I have gone through the statement of witnesses recorded by I.O. and also gone through copy of order passed by the Hon'ble High Court. The Hon'ble High Court quashed the FIR and charge-sheet against accused No. 3 and 4. I have gone through copy of sale-deed executed by the deceased Bhimrao Bhosle in favour of accused Sopan Waghmare which is dated 13.06.2014. I have also gone through the copy of sale-deed executed by accused No. 5 Kerba Nemane in favour of accused Ramesh Jadhav. I have also gone

through the copy of sale-deed executed by deceased Bhimrao Bosle in favour of accused No.5 Kerba Neman which is dated 06.04.2010. From the sale-deed it is clear that accused No. 5 sold the land to accused Ramesh Jadhav on 10.08.2012. As such, after execution of sale-deed by accused No. 5 he has no any concern with the land. There is no allegations that the accused No. 5 was accompanied by other accused for tying the deceased to cot. As such, on going through the charge-sheet, it reveals that there is not sufficient ground to proceed against accused No. 5. Therefore, I do not find substance in the submission of Ld. APP Mrs. Pachpor that there is prima facie evidence against accused No. 5.

11. So far as accused No. 2 is concerned, in the FIR it has alleged that before 15 days from the date of suicide by deceased Bhimrao Bhosle, accused Ramesh Jadhav, Subhash Jadhav, Shivaji Jadhav and Sopan Waghmare had tied to the deceased to cot. Here it is material to note that the Hon'ble High Court has quashed the charge-sheet and FIR against the purchaser Ramesh Jadhav. The Hon'ble High Court has held that the allegations are not sufficient to attract Section 306 of IPC against Ramesh Jadhav and Shivaji Jadhav.

12. In this application before me accused Subhash Jadhav is not a purchaser of any land from the deceased Bhimrao Bhosle. Since the charge-sheet and FIR quashed against Ramesh Jadhav and Shivaji Jadhav. The evidence is not sufficient, even to proceed against the applicant-accused Subhash Jadhav. Therefore, I also do not find substance in the submission of Ld. APP that there is prima facie evidence to proceed against accused Subhash Jadhav. On the other

hand, I find substance in the submission of Ld. Adv. Mr. S.B. Jadhav of the accused - applicants that there is no sufficient ground to proceed against accused No. 2 and 5 because in the FIR it has alleged that on next day neighbourer Ramu Pralhad Jadhav rescued the deceased from the cot. From this, it can be inferred that Ramu Pralhad Jadhav had not seen the accused while tying to the deceased to cot. In view of the aforesaid facts and reasons given supra I am of the view that ingredients of abetment by these accused are not fulfilled, therefore, the accused are entitled to discharge from this case. In the result I pass the following order.

Order

1	The application is allowed.
2	Accused No. 2 and 5 are discharged under Section 227 of Cr.P.C. for the offences punishable under Sections 306 r.w. Sec. 34 of I.P.C. registered at police station Manwat, Tq. Manwat, dist. Parbhani.
3	Their bail bond stand cancelled.

Date: 27.10.2025.

(Gautam G. Bharne)
Additional Sessions Judge,
Parbhani.