

MHPA010012172023 	Received on : 09.05.2023.
	Registered on: 09.05.2023.
	Decided on : 20.06.2026.
	Duration : 03Y. 01M. 12D.

Part 'A'

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PARBHANI.

(Presided over by Gautam G. Bharne)

Date of the Judgment : 20.06.2026.

Sessions Case No. : 86/2023. Exh.No. 172.

Details of FIR/Crime : 05/2023.

and Police Station : Police Station Tadkalas,
Tq. Purna, Dist. Parbhani.

Prosecution : The State of Maharashtra,

REPRESENTED BY : Mr. S.S.Deshmukh,
Special Public Prosecutor.

ACCUSED	1	Kaveribai W/o. Gajanan Bandgar, Age 33 years, occupation - Household,
	2	Annapurnabai W/o. Balaji Bandgar, Age 63 years, Occup. Household,
	3	Balaji S/o. Nivrutti Bandgar, Age 73 years, Occup. Agriculturist, All R/o. Sidheshwar Nagar, Kalgaon, Tq. Purna, Dist. Parbhani.

REPRESENTED BY : Adv. M.E.Bhosle for the accused.

Part 'B'

Date of Offence	12.01.2023.
Date of FIR	13.01.2023.
Date of Charge-sheet	09.05.2023.
Date of Framing of Charges	17.05.2023.
Date of commencement of evidence	19.09.2024.
Date on which judgment is reserved	12.06.2026.
Date of the Judgment	20.06.2026.
Date of the Sentencing Order, if any	N.A.

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	Kaveribai W/o. Gajanan Bandgar,	17.01.2023.	UTP	Sec. 302, 201, 120-B, 363, 364, r.w. Sec.34 of I.P.C.	Acquitted	N.A.	N.A.
2	Annapurna bai W/o. Balaji Bandgar,	17.01.2023.	29.09.2023.	Sec. 302, 201, 120-B, 363, 364, r.w. Sec.34 of I.P.C.	Acquitted	N.A.	N.A.
3	Balaji S/o. Nivrutti Bandgar,	17.01.2023.	11.08.2023.	Sec. 302, 201, 120-B, 363, 364, r.w. Sec.34 of I.P.C.	Acquitted	N.A.	N.A.

Part 'C'**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES****A. Prosecution :**

RANK	NAME	NATURE OF EVIDENCE
PW 1	Ganesh Bhimrao Dhotre	Informant.
PW 2	Shobhabai Munjaji Dhotre	Eye witness.
PW 3	Munjaji Bhimrao Dhotre	Eye witness.
PW 4	Datta Ashok Dhotre	Eye witness.
PW 5	Sadashiv Namdev Dhotre	Eye witness.
PW 6	Vaibhav Bhaskarrao Dhotre	Spot panch.
PW 7	Dnyaneshwar Bhagwan Suryawanshi	Eye witness.
PW 8	Nandkishor Kishanrao Selate	Panch on memorandum panhnama of Kaveribai, inquest panch, Seizure panch.
PW 9	Niteshkumar Balaram Bolelu	Eye witness.
PW 10	Balasaheb Shankarrao Mane	Panch on memorandum panhnama of Annapurnabai.
PW 11	Namdev Atmaram Sujlod	Carrier.
PW 12	Maroti Dnyanoba Kundgir	Carrier.
PW 13	Dr. Suresh Marotrao Gingine	Medical Officer.
PW 14	Sambhaji Ramrao Shinde	Seizure panch who produced pant and chain of the deceased.
PW 15	Karimkhan Maheboobkhan Pathan,	Photographer.
PW 16	Vijay Ganpatrao Ramod	Investigating officer.

B. Defence Witnesses, if any :

Rank	Name	Nature of evidence
NIL		

C. Court Witnesses, if any :

Rank	Name	Nature of evidence
NIL		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

Sr.No.	Exhibit Number	Description.
1	Exhibit 66/PW 1	Information
2	Exhibit 67/PW 1	Statement U/Sec. 164 of Cr.P.C. PW 1 Ganesh Dhotre.
3	Exhibit 70/PW 2	Statement U/Sec. 164 of Cr.P.C. PW 2 Shobhabai Dhotre.
4	Exhibit 75/PW 3	Receipt of receiving dead-body.
5	Exhibit 76/PW 3	Statement U/Sec. 164 of Cr.P.C. PW 3 Munjaji Dhotre.
6	Exhibit 81/PW 6	Spot panchnama.
7	Exhibit 83/PW 7	Statement U/Sec. 164 of Cr.P.C. PW 7 Dnyaneshwar Suryawanshi.
8	Exhibit 89/PW 8	Order of Tehsildar Madam regarding to act as a panch.
9	Exhibit 90/PW 8	Order of Tehsildar Madam to other panch witnesses.
10	Exhibit 91/PW 8	Memorandum panchnama of Kaveribai Part I.
11	Exhibit 92/PW 8	Memorandum panchnama of Kaveribai Part II.
12	Exhibit 93/PW 8	Inquest panchnama.
13	Exhibit 94/PW 8	Seizure panchnama.
14	Exhibit 97/PW 9	Letter issued to Tehasildar, Purna regarding to provide panch witnesses.
15	Exhibit 98/PW 9	Letter issued to Tehsildar, Purna.
16	Exhibit 101/PW 10	Memorandum panchnama of Annapurnabai Part I.

17	Exhibit 102/PW 10	Memorandum panchnama of Annapurnabai Part II.
18	Exhibit 103/PW 10	Letter issued to H.M. of Zilla Parishad School, Tadkalas regarding to provide panch witnesses.
19	Exhibit 107 to 111/PW 11	Letters issued to C.A. Nanded regarding muddemal.
20	Exhibit 113/PW 12	Letter issued to C.A. Nanded regarding muddemal.
21	Exhibit 117/PW 13	Letter issued to Medical Officer regarding post-mortem of deceased Govind Dhotre.
22	Exhibit 118/PW 13	Post-mortem report.
23	Exhibit 119/PW 13	Provisional cause of death certificate.
24	Exhibit 129/PW 16	Arrest panchnama of Kaveribai.
25	Exhibit 130/PW 16	Arrest panchnama of Annapurnabai.
26	Exhibit 131/PW 16	Arrest panchnama of Balaji Bandgar.
27	Exhibit 135/PW 16	Letter issued to Medical Officer regarding opinion.
28	Exhibit 136/PW 16	Letter issued to JMFC regarding recording of statement of witnesses.
29	Exhibit 137/PW 16	Letter issued to Talathi regarding 7/12 extract.
30	Exhibit 138/1 to 138/9/PW 16	7/12 extracts and Namuna No.8.
31	Exhibit 139 & 140/PW 16	Vehicle log book.
32	Exhibit 141/PW 16	Entry of accidental death of Gajanan Bandgar.
33	Exhibit 142/1 to 142/4/PW 16	Report of C.A.
34	Exhibit 146/PW 16	Shav form.
35	Exhibit 153 & 154	7/12 extracts.
36	Exhibit 155 & 156	Examination report.
37	Exhibit 159	FIR

B. Defence :

Sr.No.	Exhibit Number	Description.
		NIL

C. Court Exhibits :

Sr.No.	Exhibit Number	Description.
NIL		

D. Material Objects :

Sr.No.	Exhibit Number	Description.
1	MO 1	Golden ear sticks.
2	MO 2	Silver chain.
3	MO 3	Pant.
4	MO 4	Soil.
5	MO 5	Soil.
6	MO 6	Soil.
7	MO 7	Soil.
8	MO 8	Soil.
9	MO 9	Drum.
10	MO 10	Sickle.
11	MO 11	Purse.
12	MO 12	Rope.
13	MO 13	Sari.
14	MO 14	Sari.
15	Article A to N	Photos

J U D G M E N T
{ Delivered on 20 June, 2026 }

The accused have been facing the trial for the offences punishable under Sections 302, 201, 120-B, 363, 364 read with Section 34 of the Indian Penal Code.

02. The prosecution case as per FIR, in short, is that informant Ganesh Bhimrao Dhotre is resident of Sidheshwar Nagar, Tq. Purna. He was residing there with his wife Mahananda, two daughters namely Radha and Vedika and son Govind aged 3 years. He is an agriculturist.

03. It has alleged that on 12.01.2023 at about 08.30 a.m. he had gone to his field for work. His wife Mahananda at about 10.30 a.m. had gone to the field of accused Balaji Bandgar for labour work. His children went to school. The informant at about 01.00 p.m. returned back to his house for taking meal. He along with his children Vedika and Govind and wife had taken meal. After that, the informant and his wife went for their respective work. After that Vedika and Govind went to the field where their mother was working. At about 05.30 p.m. Govind and Vedika returned back towards home. Vedika and Govind ate tea and biscuits at the house of accused Balaji Bandgar and after that went to house. After some time Vedika returned back to the field and told to the informant that Govind did not return to house. Then immediately the informant left the field. He made search of Govind. It has alleged that at about 06.00 p.m. Ranjana, wife of brother of the informant, made phone call to the informant and narrated about the missing of Govind. Then the informant returned back to home. The

informant, Dashrat Devkate, Lobhaji Gabale and Eknath Dhotre made search of Govind but Govind did not found. Hence, on 13.01.2023 the informant lodged report to police station Tadkalas.

04. On the aforesaid report, crime bearing No.05/2023 came to be registered at police station Tadkalas against unknown person for the offence punishable under Section 363 of Indian Penal Code. Printed FIR is at Exh. 159 and the report is at Exh.66.

05. PW 16 ASI Vijay Ganpatrao Ramod made investigation of this crime. During investigation on 13.01.2023 he prepared spot panchnama Exh. 81. Information of the missing case came to be given to other police stations. News was also published in news paper. He arrested accused Kaveribai and Annapurnabai on 17.01.2023. On the same day he also arrested accused Balaji Bandgar. Accused Kaveribai during police custody made disclosure statement that dead body of Govind is buried and she is ready to show the spot where dead body was buried. Her disclosure statement was recorded before panchas. Before preparation of the disclosure statement of accused Kaveribai he had issued letter to Tehsildar Purna for providing panch witnesses. He also issued letter to Tehsildar to remain present at the spot. He also issued letter to Medical Officer, Primary Health Center Dhanora to remain present at the spot. Tehsildar appointed to Naib Tehsildar Niteshkumar Bololu to remain present at the spot. The disclosure statement of Kaveribai was recorded during 11.00 a.m. to 11.15 a.m. After recording disclosure statement of Kaveribai, police two panchas, accused Kaveribai and lady police by police vehicle travelled towards Siddheshwar nagar. Naib Tehsildar, medical officer Dr. Gingine also

came behind the police vehicle. At Siddheswar Nagar. Accused Kaveribai told to stop the vehicle near a house. They all stepped down from the vehicle. Accused Kaveribai went towards a house constructed by bricks. Accused Kaveribai unlocked the lock by key which was kept on the roof of another room. She entered into the room. Behind her I.O., two panchas, Naib Tehsildar, photographer, two lady police also entered into the room. Accused Kaveribai shown the place where the dead body was buried. Sadashiv Dhotre made excavation there and the dead body was taken out from the pitch. The dead body was identified by Munjaji Dhotre. The I.O. seized ordinary soil, soil mixed with salt and blood from the spot of incident and one plastic can before two panchas. Accused Kaveribai that time handed over sickle which was used for excavation of the pitch. He seized the sickle before two panchas. The dead body was totally decomposed. The I.O. has prepared detail panchnama of the place where the dead body was buried. Karim Maheboob Khan Pathan took photographs. Medical officer was present at the spot. Since the dead body was totally decomposed he prepared inquest panchnama before two panchas and issued letter to medical officer for post-mortem of the dead body. Dr. Chavhan and Dr. Gingine made post-mortem of the dead body on the spot. After post-mortem the dead body was handed over to relatives. Medical officer issued provisional cause of death certificate Exh.119.

06. It has alleged that accused Annapurnabai during police custody made disclosure statement that the rope used for committing the crime, sticks worn in the ear of dead body, her cloths and cloths of Kaveribai are hidden. She further stated that she set the shirt of the deceased on fire. Her disclosure statement was recorded before

panchas. Before recording of disclosure statement I.O. had issued letter to Head Master, Zilla Parishad, Primary School Tadkalas. Accordingly two panchas were provided. After recording statement of accused Annapurna I.O., two panchas, accused Annapurnabai, LPC Kamble by government vehicle came to Sidheshwar Nagar. Accused Annapurnabai told to stop the vehicle near the house constructed by bricks and told that the house belongs to her. After that Annapurnabai entered into the house. I.O., panch, photographer, LPC entered into the house behind Annapurnabai. Annapurnabai took out a purse, black colour rope two old saris. Annapurnaba took out two yellow colour sticks from her purse. I.O. has seized all the aforesaid articles under panchnama.

07. During further investigation the I.O. seized pant and chain of the deceased before two panchas from PHC Sambhaji Shinde. The pant and chain at the time of post-mortem was handover by medical officer to said PHC Sambhaji Shinde. During further investigation he recorded statement of relatives of the deceased and some other witnesses. He also recorded supplementary statement of some witnesses. He sent the seized articles, DNA samples of parents of the deceased to forensic laboratories Nanded. As per the letter of I.O. statement of witnesses before JMFC are recorded. He collected 7/12 extract. He collected PM report and documents regarding lock-book of vehicle. During investigation it was found that husband of accused Kaveribai while working in a well of the informant was died as stone was fallen on his person. Accidental death was registered to that regard. It has alleged that since husband of accused Kaveribai was died in the well of informant the accused in furtherance of their common intention to take revenge committed murder of deceased Govind.

08. After investigation I.O. has submitted charge-sheet to J.M.F.C. Court, Purna. J.M.F.C. has committed the case to Sessions Court. The accused appeared before the Sessions Court. My Ld. Predecessor, considering the record, has framed charge against the accused at Exh. 4 for the offence punishable under Section 302, 201, 120-B, 363 and 364 r.w. Sec. 34 of Indian Penal Code. It was read over and explained to the accused in vernacular to which they pleaded not guilty and claimed to be tried.

09. In support of its case, the prosecution has examined 16 witnesses and closed its evidence by passing pursis Exh.157.

10. Considering the incriminating evidence came on record, the accused were examined under Section 313 of Cr.PC. at Exh.160 to 162 respectively. Their defence is that of total denial and false implication in this crime. Accused Kaveribai in her statement stated that she know to the informant Ganesh Dhotre and his wife Mahananda. She admitted that her husband is died but she denied that her husband was died in the well of the informant. The accused have denied incriminating evidence came on record against them. Accused Kaveribai has admitted that she has an agricultural field. She admitted that Vidya is her daughter. She denied that she made disclosure statement and accordingly dead body was recovered from her house. The accused neither examined themselves on oath nor did adduce any evidence.

11. I have heard Ld. Special Public Prosecutor Mr. S. S. Deshmukh for the State and Ld. Adv. Mr. M.E.Bhosle for the accused. Perused the record. The following points arise for determination. My findings thereon are as under for the reasons given below.

Sr. No.	P O I N T S.		F I N D I N G S
1	Whether it is proved by the prosecution that the accused in furtherance of their common intention committed murder of Govind son of the informant and thereby committed an offence punishable under Section 302 r.w. Sec.34 of the Indian Penal Code ?	>	In the negative.
2	Whether it is proved by the prosecution that the accused in order to commit murder of Govind made criminal conspiracy and thereby committed an offence punishable under Section 120-B of the Indian Penal Code ?	>	In the negative.
3	Whether it is proved by the prosecution that the accused in furtherance of their common intention have caused evidence of commission of offence to disappear with intention of screening them from legal punishment and thereby committed an offence punishable under Section 201 Indian Penal Code ?	>	In the negative.
4	Whether it is proved by the prosecution that the accused in furtherance of their common intention kidnapped to the deceased Govind from lawful guardian of his parents in order to commit his murder and thereby committed an offence punishable under Section 363 and 364 of the Indian Penal Code ?	>	In the negative.
5	What order?	>	Accused are acquitted as per final order.

R E A S O N S

As to points No.1 to 4 :

12. The points No. 1 to 4 are interlinked to each other hence, they are taken for discussion together.

13. Ld. Special PP. Mr. S.S. Deshmukh has argued that the prosecution case is based on circumstantial evidence. He argued that for taking revenge of death of husband of the accused Kaveribai the accused committed murder of Govind son of the informant. His submission is that motive behind the murder is proved beyond reasonable doubt. He submitted that as per the disclosure statement of accused Kaveribai the dead body was recovered from the house of the accused. The deceased was last seen at the house of the accused with Kaveribai. There is no major contradictions or omissions. Few omissions do not affect the prosecution case. Witnesses have strongly supported to the prosecution case. Medical evidence has supported to the substantial evidence came on record. He invited my attention to the testimonies of the witnesses and submitted that chain is established by the prosecution beyond reasonable doubt. The accused did not explain how the dead body was entered into their house. As per section 106 of Evidence Act, burden is on the accused to explain the circumstances. He argued that the charges levelled against the accused are proved beyond reasonable doubt. Hence, the accused be punished as per the law.

14. On behalf of the accused Ld. Adv. Mr. Bhosle has argued that the prosecution has failed to prove the charges levelled against the accused. It is the bounden duty of prosecution to prove the allegations

levelled against the accused beyond reasonable doubt. He argued that motive is not proved. Last seen theory is also not proved. Disclosure statement and recovery of dead body and other articles are also not proved beyond reasonable doubt. The evidence came on record is not trustworthy and does not inspire confidence of the Court to say that the accused have committed the offence. He argued that on 12.01.2023 accused Balaji was out of station. Common intention or conspiracy is not proved. Mother of the deceased is not examined by the prosecution. Vedika is also not examined. There is no evidence to show that well was in the field of informant. The informant and his brothers were residing separately. But the I.O. has tried to show that the well was common and false 7/12 extract is prepared to that regard. The report is filed against unknown person. It means the informant and his relatives had no any doubt on the accused which shows that relations of the accused with informant's family was good. All the witnesses examined are interested witnesses. It has not proved that the room where the alleged dead body was buried belongs to the accused. As per the evidence of prosecution witnesses after filing of missing report, house of the accused and near by places were repeatedly searched. Dog squad was also called. But the dead body of deceased Govind was not found there. False pnachnamas were prepared. He questioned that before recording alleged disclosure statement of Kaveribai how the I.O. and Tehsildar came to know about the dead body buried ? He argued that Kaveribai was arrested at 07.30 a.m. I.O. submitted that she made disclosure statement during 11.00 to 11.15 a.m. His submission is that from the evidence of witnesses it is clear that the dead body was not discovered as per the alleged disclosure statement of Kaveribai and it is not proved that the dead body was recovered from the house of the

accused. No any documentary evidence is placed on record to show that the room belong to the accused. The witnesses are interested witness. He took me through the cross-examination of all the witnesses and argued that the prosecution has failed to prove chain of circumstances and thereby failed to prove the charges levelled against the accused beyond reasonable doubt. Hence the accused be acquitted.

15. It is an admitted fact that the informant and accused are resident of same village. It is also an admitted fact that accused Kaveribai is daughter-in-law of accused Balaji and Annapurna. It is an admitted that the accused has agricultural land. During cross-examination of witnesses and argument it has not submitted that the informant had no any son. From the evidence of prosecution witnesses it reveals that dead body of a boy 3 years old came to be recovered. Death of the boy is not natural or suicidal.

16. Now I would like to throw light on the testimony of the prosecution witnesses.

17. PW 1 informant Ganesh Dhotre deposed that he had two daughters and one son Govind. His daughter Radha was 7 years old has been taking education at Pune. Other daughter Vedika was 4 years old. His son Govind was 3 years old. He deposed that on 12.01.2023 as usual he went to his field. His wife on that day had gone to the field of accused Balaji Bandgar for labour work. He returned back to house from field for taking meal at noon time. He, his children and wife had taken meal together. After that his wife went to the field of accused for labour work. After some time he also went to his field and children

Vedika and Govind went to the field where their mother was working. After that Ranjana wife of his brother by making phone call told him that his son Govind is missing. Hence, he returned back to home. That time his wife Mahananda narrated him that accused Kaveribai had brought tea to the field of the accused. Vedika and son Govind were accompanied by accused Kaveribai. His wife told that Govind demanded biscuits to accused Annapurnabai. That time Annapurnabai told to Kaveribai to give biscuits to Govind. For that Annapurnabai gave Rs.20/- to Kaveribai.

18. He further deposed that his wife told him that Vedika brought biscuits packet and Kurkure from shop and they ate the biscuits and Kurkure in the courtyard of accused Balaji Bandgar. His wife further told him that Vedika went to house for drinking water, when Vedika returned back to the house of accused, Govind was not found there. He deposed that his wife told him that thereafter Vedika went to shop and made inquiry about Govind. Further she told him that since Govind was missing Vedika came to the field where his wife was working. Further his wife stated him that after some time accused Kaveribai came to the field. He deposed that he and his relatives and villagers made search of Govind but he did not found. Hence, on 13.01.2023 he lodged report Exh.66 to police station.

19. He further deposed that after lodging the report they made search of Govind but he did not found. He testified that on 15.01.2023 accused Balaji Bandgar was proceeding from his house. That time accused Balaji sung a song "Radha Tuzha Kanha Harwala". Hence he had doubt against the accused. Therefore, he made statement to police

that accused Balaji Bandgar might have kidnapped to his son. But here it material to note that the informant in cross-examination has stated that police had came to the village on 15.01.2023. But he did not state to police about the song sung by accused Balalji.

20. He deposed that on 17.01.2023 police, officers of Tehsil by vehicle came to the house of accused Balaji Bandgar. Accused Kaveri was with police. After that police, revenue officers and Kaveribai entered into a room of accused Balaji Bandgar constructed by bricks. After some time they brought dead body of a boy out of the room. He saw the dead body. It was completely decomposed. Soil and salt was found stucked-up to the dead body. White-Karda colour pant was on the dead body. Silver chain was on the waist of the dead body. On the aforesaid facts he identified that the dead body is of his son Govind. He further deposed that he and his brother Munjaji identified the dead body.

21. He deposed that before seven years from this incident, Gajanan son of Balaji Bandgar was died in their well as stone was fallen on his person. He deposed that to take revenge of this fact the accused committed murder of his son. He deposed that on 12.01.2023 accused Balaji Bandgar was out of village with the intention that nobody would take doubt on him. He deposed that police told him that they seized the ear sticks of his son form Annapurnabai and pant of the deceased. He identified the ear sticks and chain before the Court. The articles are at MO 1 to 3. He stated that his additional statement was recorded by police and his statement also was recorded before JMFC. His statement recorded before JMFC is at Exh.167.

22. Thus on going through the evidence of PW 1 Ganesh Dhotre it is clear that he has not seen the deceased Govind with none of the accused on 12.01.2023. He is hear say witness to that regard. His evidence came on record and averments mentioned in report Exh.66 are quite different. Before the Court he testified that his wife narrated him about the missing of Govind. But in report Exh.66 it has mentioned that Vedika came to the field and told to him that Govind is missing.

23. The informant before J.M.F.C. has deposed that on 12.01.2023 at about 1.30 p.m. to 02.00 p.m. he came to house. He, his wife, daughter and son had taken meal together. At about 03.00 p.m. his wife went to the field of accused Balaji Bandgar for work. He was at the house till 04.00 p.m. He at 04.00 p.m. gave food (Khau) to his children and went to his field. He further deposed that at about 05.00 p.m. his nephew Datta made phone call to him and stated that Govind is missing, come to house immediately. Hence, he returned back to house. Made search of Govind but he did not found. They asked accused Kaveribai to allow them to search her house. That time accused Kaveribai allowed them to search her two rooms. One tin room was locked. Kavribai and Annapurnabai did not allow them to search the room by saying that there is no male person at their house. Here it seems that the house of accused was of three rooms and tin room was locked. But the prosecution case is that corpse was found in a room constructed by bricks. He further deposed that after that search was made but Govind did not found. Hence, he along with others went to police station and lodged report. It has come in the evidence that after loding report at night, police came to the village with them at the same

night for investigation. He further deposed that after that for two days search was made but Govind was not found. After two days Balaji Bandgar was proceeding from his house. That time, accused Balaji sung a song "Radha Tuzha Kanha Haravla". Hence, doubt created in his mind. Thereafter, he narrated to police that the accused kidnapped to his son. He deposed that on 16.01.2023 police told him that the result will be cleared tomorrow.

24. Regarding the incident happened on 17.01.2023 he deposed that Tehsildar madam, S.P. Dy.S.P and other police officers along with the accused Kaveribai came to the village. Accused Kaveribai showed the place where the dead body was buried. He deposed that his cousin Sadashiv Dhotre brought the dead body of Govind out of room. He deposed that his brother Munjaji Dhotre identified the dead body by seeing pant and chain which was found on the dead body. He deposed that son of Balaji Bandgar was died in their well therefore, to take revenge, the accused committed murder of his son. He deposed that after death of son of accused Balaji the accused had compelled them to work in their field. If he and his family members refused for work in the field of accused Balaji Bandgar the accused used to abuse them and were trying to beat them. Here it is material to note that no any complaint was lodged by the informant or any member of his family against the accused for compelling to work in the field of accused. So also it is material to note that the informant or his family members had no any doubt against the accused about the kidnapping of Govind.

25. PW 2 Shobhabai Dhotre deposed that her husband has three brothers. They each have some land. There is common well in their field. Her husband and his brother resides separately and cultivate their respective land. She deposed that Gajanan son of Balaji Bandgar while excavation of their well died due to fall of stone on his person.

26. She deposed that accused had doubt that we might have committed murder of Gajanan. Hence, the accused were compelling them to work in their field and were not paying labour wages. She deposed that on 12.01.2023 she, Chayabai wife of her husband's brother and Mahananda wife of informant had gone to the field of accused Balaji. Accused Annapurnabai and Kaveribai were also in the field for work. She deposed that at about 04.00 p.m. accused Annanpurnabai told to accused Kaveribai to bring tea. Hence, Kaveribai went to her house and brought tea in the field. Govind and Vedika that time came to the field with Kaveribai. Govind demanded biscuits packet to accused Annapurnabai. Annapurnabai told to Kaveribai to give Rs.20/- to Govind. After that Kaveribai took Govind and Vedika to her house. At about 06.00 p.m. Kaveribai returned back to the field. Then Kaveribai replied that since she had to tie she goats she became late. That time Vedika came to the field and said that Govind was eating biscuits in front of house of Kaveribai and she had gone to bring water from her house. Thereafter she made search of Govind at shop and other places but he did not found.

27. Shobhabai further deposed that Mahananda went to village to search Govind. She and others continued their work in the field. After finishing work she and Chayabai went to house. Information was

given to informant Ganesh. He came. After that they all made search of Govind, but he did not found. Hence on 13.01.2023 report was lodged by father of Govind. After that police came and made search.

28. Regarding the incident dated 17.01.2023 she deposed that on that day police and officers of Tehsil came in front of the house of accused Balaji Bandgar. Accused Kaveribai was along with them. Kaveribai and police entered into the house of accused Balaji which was constructed by bricks and brought dead body of a boy out of the house. Her husband Munjaji Dhotre identified the corpse. Police told to them that Kaveribai set shirt of the deceased on fire. She deposed that the accused to take revenge of the death of Gajanan committed murder of deceased Govind. She stated that accused Balaji Bandgar was out of the village so that nobody would take doubt on him. She deposed that her statement Exh.70 was recorded before JMFC.

29. In cross-examination she deposed that her husband and brother of her husband had been residing separately sine the year 2009. She deposed that accused had not lodged any report against them regarding death of Gajanan. So also no any complaint was made to police with regard to compelling of labour work by the accused in their field. In further cross-examination she replied that the averment recorded in her statement by police, in Paragraph No.4 were told to her by police. She deposed that police told them that Gajanan died in the well of accused, therefore, accused made conspiracy. Accused Balaji Bandgar was out of station, so as to save him from this murder case. Annapurnabai and Kaveribai by giving biscuits to Govind called him into the house and committed his murder by pressing his throat by rope

and buried the dead body in order to destroy evidence. She further deposed that some other facts were also told to her by police. In further cross-examination she replied that she came to know from police that officers of Tehsil were also came.

30. This witness Shobhabai further testified that Annapurnabai and Kaveribai used to give tea and biscuits to deceased Govind and also used to give meal and chocolate to deceased Govind. She denied the other suggestion given to her.

31. In her statement recorded before JMFC she deposed that on 17.01.2023 police had come to make search of Govind. Police brought dead bod of Govind out of the house of the accused and put it in the courtyard. Her husband identified the dead body. Before JMFC she did not depose that Kaveribai was along with police and she showed the place where the dead body was buried.

32. PW 3 Munjaji Dhotre has deposed that he has three brothers namely Bhojaji, Eknath and Ganesh. They have four acres common agricultural land. Before seven years Gajanan Bandgar died in their well due to fall of stone on his person. Hence, the accused had anger against them. The accused used to compel them to work in their field. On the day of missing incident he had gone to Tadkalas. That time he saw to accused Balaji Bandgar at Tadkalas petrol pump. He returned back to village in the evening. That time he came to know from his brother and wife of brother that Govind is missing. Mahananda told him that Govind had ate biscuits at the house of Balaji Bandgar. After that they all made search of Govind, but he did not found. Hence

his brother Ganesh lodged the report. He deposed that after lodging the report police came to the village and made search for 2 to 3 days but Govind was not found. After 5 days vehicles of police and Tehsil office brought Kaveribai to the village. Vehicles were stopped in front of house of accused Balaji. Some police entered into the house of accused Balaji in a room constructed by bricks. They brought dead body of a boy out of room and put it in the courtyard. He was standing there. Police called him for identification of the dead body. He saw the dead body and told to police that the dead body is of Govind. Inquest panchnama was prepared made there. The dead body was handover to him by police for final rituals. He deposed that to take revenge of Gajanan, the accused committed murder of Govind and buried in their house. His statement Exh. 75 was also recorded before J.M.F.C. He identified chain and pant MO 2 and 3 before the Court. Here it is material to note that this witness has not deposed that Kaveribai showed the place where the dead body was buried.

33. In cross-examination she replied that on the day Govind was missed they made search of the house of the accused. House of accused is having five rooms. But the witness voluntarily stated that one room was locked and accused did not allow to make search of the room. But in further cross-examination he stated that on that day police had come to the village and made search of house of the accused.

34. He further deposed that no any report was lodged by the accused against them regarding death of Gajanan. They had not lodged any complaint to police station alleging that the accused were compelling them to work in their field. In further cross-examination he

admitted that after missing of Govind vehicles of police daily used to come at the village. He admitted that he came to know from police that Gajanan died in their well. Hence, accused had anger and therefore, committed murder of Govind. In further cross-examination he stated that after 2 to 3 days police came in the village with dog to make search, but dog did not succeed. He further stated that on 17.01.2023 Superintendent of Police, Police Patil, Tehsildar and other officers had come in the village and told them that Govind was buried in the house of the accused. These facts noted in his statement before JMFC are correct.

35. PW 4 Datta Dhotre deposed that on 12.01.2023 informant Ganesh Dhotre, Videika and Govind had come to his shop. That time Ganesh sent their children to house and he went to field. He deposed that on that day at about 04.30 p.m. to 04.45 p.m. Vedika came to his shop with Rs.20/-. He gave her two Kurkure packets and two biscuits packets. After half an hour Vedika returned back to his shop and asked him whether he saw Govind ? He replied that Govind did not come there. Vedika told him that accused Kaveribai gave her Rs.20/-. Govind was eating one of the biscuits packet by sitting on the cot at the house of the accused. She told him that as he was hungry she had gone to her house to take water and returned back but Govind was found missing at the cot. Hence, she came to inquiry with him. Thereafter Vidika left his shop. At about 05.30 Mahananda, Chayabai and Shobhabai came to his shop. They told him to make phone call to Ganesh Dhotre. He made phone call to Ganesh and directed to come immediately. Ganesh Dhotre came. After that they all made search of Govind but he did not found. Then missing report was lodged. He deposed that on 14.01.2023 in the

morning about 08.30 a.m. grand-daughter of accused Balaji Bandgar came to his shop and purchased two salt packets.

36. He deposed that on 17.01.2023 vehicles of police and other officers came in the village and stopped in front of house of accused Balaji Bandgar. Kaveribai was alone along with them. Thereafter, police and Kaveribai entered into the tin room of the house of accused. Kaveribai showed the place. Accordingly police brought dead body of Govind out of the room. He saw the dead body. Inquest panchnama was prepared there. According to this witness the dead body was brought out of the tin room.

37. In cross-examination this witness has stated that informant Ganesh is his uncle. He deposed that he has shop license and he can produce it but the license has not been produced on record. He deposed that on 12.01.2023 at about 04.00 p.m. when Ganesh Dhotre was at his shop, his children came to his shop that time his children did not make demand of biscuits to Ganesh Dhotre. He deposed that he immediately did not make search of Govind. There is one house between his house and house of informant. That house belongs to Narayan. He deposed that they made search of house of accused Kaveribai but Govind did not found. He denied that grand-daughter of accused Balaji did not come to his shop. He deposed that house of the accused is of three rooms. Two rooms out of them were of Kud (made of wattle and daub) and one room was constructed by bricks. He denied the other suggestions given to him.

38. PW 5 Sadashiv Dhotre deposed that on the day of incident Shobha, Chaya, Mahananda wife of informant, accused Kaveribai and Annapurnabai had gone to the field of accused Balaji Bandgar for weeding (खुरपणी). He had gone to his field and returned back in the evening. That time people had gathered at the house of informant, hence, he went there. Wife of the informant told that Govind is missing. She told him that Govind had ate biscuits at the house of accused Balaji Bandgar. They made search but Govind was not found. Hence, report was lodged. Police came for investigation but Govind was not found. After five days vehicles of police and officers came in the village and stopped at the house of accused. Police requested him to help. Police called him into Dev Ghar (god house) there accused Annapurnabai showed the place where dead body was buried. Changing his version he stated that Kavribai showed the place. Police directed him to excavate there. He excavated the place and picked up dead body out of pitch. Munja Dhotre identified the dead body of Govind. In cross-examination he stated that he was not produced before JMFC for recording his statement. His statement was not recorded either at police station or at his house. He did not know dates, year and month. He had not stated dates to police. He further clearly deposed that his statement was not recorded by police. He stated that for the first time he disclosed that peoples were gathered at the house of informant and he had gone there. He admitted that informant is his cousin. But he denied that hence he deposed false.

39. PW 6 Vaibhav Dhotre is a panch witness to the spot of incident. He deposed that on 13.01.2023 spot panchnama Exh.81 was prepared before him. He deposed that content of spot panchnama

Exh.81 is true and correct and it bears his signature.

In cross-examination he stated that he resides at Kalgaon. House of the accused is at the distance of two K.M. from Kalgaon. Written notice was not issued by police to him to act as a panch. On 13.01.2023 he had gone to Siddheshwar Nagar as Govind was missing. That time people of three village were gathered there. 10 to 12 police were along with Ramod Saheb. He stated that police made search of the house of the accused minutely. But nothing was found suspicious. He further stated that search was also made by police dog squad of the spot and nearby area but no suspicion things was found. He further deposed that on the spot of incident cover of biscuits packets and Kurkure were not found.

40. PW 7 Dnyaneshwar Suryawanshi deposed that his shop is at village Nila. He runs dairy and grocery shop. On 12.01.2023 Annapurnabai Bandgar had purchased two salt packets from his shop. He knows Annapurnabai because she used to sell milk at his dairy. He deposed that on the day of incident Annapurnabai came to his shop during 07.30 p.m. to 08.00 p.m. He further testified at about 08.30 p.m. on that day he also had gone to make search of Govind. But Govind was not found. He deposed that on 17.01.2023 vehicles of police came to village. Police took out dead body of Govind out of house of accused Balaji. He saw the dead body from long distance. He had doubt that salt packets might have used by the accused.

In cross-examination he stated that he has no license of the shop. He deposed that there was one shop in Siddheshwar Nagar. He deposed that he had stated before JMFC that Balaji Bandgar used to sell milk to him. Annapurna had come to his shop for purchasing salt

packets. But these facts are not mentioned in his statement recorded before JMFC and he cannot assign any reason for that.

41. He further deposed that he stated before JMFC that wife of Balaji Bandgar purchased the salt packets from his grocery shop and Balaji Bandgar used to sell milk to him only. He denied that Annapurna had not purchased the salt from his shop and no such incident was happened on 17.01.2023. This witness in his statement recorded before JMFC Exh.83 has not stated about the incident dated 17.01.2023. He merely stated that wife of Balaji Bandgar purchased two salt packets from his grocery shop at about 07.30 p.m. on 12.01.2023.

42. PW 8 Nandkishor Selate has deposed that Tehsildar Madam issued order Exh. 89 directing him and another panch Shrikant Kokare and Naib Tehsildar Bolelu to attend police station Tadkalas. Hence, he, another panch Kokare and Naib Tehsildar Bolelu went to police station Tadkalas at 10.30 a.m. One lady was in lockup. She was brought out of the lockup. PI. Ramod told that the lady is Kaveribai Gajanan Bandgar. Ramod gave their identification to accused Kaveribai. Kaveribai made statement that she wants to say something. Kaveribai told that before seven years her husband died in the well of informant Ganesh Dhotre due to fall of a stone on his person. She further stated that she had doubt that Ganesh Dhotare and his brother committed murder of her husband. Hence she had anger about that. She told that they three kidnapped Govind, committed the murder and buried in room. She told that she is ready to show the place, come with her. Accordingly, disclosure statement of accused Kaveribai was recorded. He, another panch, Bolelu, accused Kaveribai and Ramod signed the panchnama on

her disclosure statement Exh.91. After that with Kaveribai photographer, police staff and other officials went to village Siddheshwar Nagar. Police vehicle stopped in front of house constructed by tin. Therefore, there vehicle was also stopped. They all stepped down from the vehicle. Kaveribai stepped down from the police vehicle. Kaveribai took key which was kept under stone on the roof of tin room. Then she went towards room constructed by bricks facing towards west. She unlocked the room and entered into the room. Behind her photographer, panchas, Naib Tehsildar Bolelu, police entered into the room. Kaveribai showed the place where dead body was buried. Many peoples were gathered there. Police called one of them to excavate there. After excavation of 3 to 3.5 feet dead body of a boy was found. The dead body was taken out of the pitch. Munjaji Dhotre identified the dead body and told that it is of Govind Dhotre. Soil, sickle handed over by accused and one plastic drum were seized from there. Panchnama Exh. 92 to that regard was prepared. It bears his signature and the signature of police and other panchas and Naib Tehsildar Nitishkumar Bolelu. He identified the articles before the Court. He deposed that photographer had took photos of the spot and of the dead body.

43. After that he returned back to Purna but again he received phone call of police that two articles are seized, come for panchanama. Hence, he returned back to police station Tadkalas. There pant and one silver chain were seized before him from PHC Sambhaji Shinde. Panchnama Exh.94 bears his signature. He identified chain and pant before the Court. In cross-examination he stated that on 17.01.2023 letter was issued to him to attend police station. Statement of Sambhaji

Shinde was not recorded before him. He did not submit report to Tehsildar office about his work as panch. He deposed that the time in panchnama is written by ink as 14.30 to 15.30 hours. The time was not written in his presence by pencil. He deposed that in panchnama Exh.93 time is written by pencil. He stated that there is no mentioned about photo taken in Exh.93. He deposed that on 17.01.2023 he had gone to Tehsil office at 9.30 a.m. that time no any employee had come there. He stated that in letter Exh.89 it has written that accused made disclosure statement before police. He deposed that on that day Tehsildar Madam came to Tehsil office at 09.45 a.m. Naib Tehsildar Nitishkumar also came at the same time. He denied that accused had not made disclosure statement before him and nothing was happened as stated in chief-examination. He admitted that seizure panchnama Exh.92 does not bear date and time is mentioned by pencil.

44. PW 9 Naib Tehsildar Niteshkumar Bolelu has deposed that on 17.01.2023 he received order of Tehsildar. He was directed to attend Tadkalas police station regarding murder case. The order of Tehsildar is at Exh.90. After that he along with driver Shelate and Kokare went to cabin of API Ramod and showed the order of Tehsildar to API Ramod. Thereafter API Ramod produced Kaveribai before them. He gave identification of Kaveribai and other's identification to Kaveribai. Kaveribai told that she wants to say something about the case. She disclosed that before about 7 to 8 years she, her husband and father-in-law went to work in the well of Ganesh Dhotre. Her husband died in the well due to fall of stone on his person. She further disclosed that she had doubt that informant Ganesh and his brother might have committed murder of her husband. Hence, they had anger. She further

disclosed that on 12.01.2023 during 5.00 p.m.to 6.00 p.m. she and her mother-in-law kidnapped Govind, pressed his throat by rope and committed his murder. She stated that the dead body was buried in her house. She is ready to show the place come with her. Accordingly her disclosure statement Exh.91 was recorded. After that Kaveribai, LPC, Ramod Saheb and other employees sat in the police vehicle. He, Shelate and Kokare by their vehicle travelled behind the vehicle of police. The vehicle stopped in front of a house. Kaveribai stepped down from vehicle. Other police also stepped down. Kaveribai took them to a house constructed by bricks having tin roof. The house was locked. Kaveribai took key which was kept on a house like cattle shed and unlocked the house. After that Kaveribai entered into the room. Police also entered behind her. Photographer was also there. Kaveribai showed the place where dead body was buried. Police called one person to excavate there. After three feet depth excavation dead body was found. The dead body was identified by Munja Dhotre. Soil, sickle and plastic can were seized. There inquest panchnama was prepared. He signed the seizure panchnama Exh.92. Contents are correct.

45. In cross-examination he deposed that on 17.01.2023 at about 07.00 a.m. Tehsildar Madam by making phone call directed him that he had to go with police. He deposed that in letter Exh.97 it has mentioned that the dead body was buried. He denied that no disclosure statement was made by Kaveribai and nothing was recovered accordingly. He deposed that he does not know name of the photographer. He did not see the photos. Names of the person excavated the place is not mentioned in panchnama Exh.92. So also by which weapon the place of excavation made is not mentioned in

panchnama Exh.92. He denied that he was not present there and nothing was happened before him. He stated that this case was discussed throughout the district. News were also published in news paper. But he denied that to satisfy the emotions of public the drama has been made.

46. PW 10 Balasaheb Mane deposed that on 19.01.2023 as per disclosure statement of accused Annapurnabai one ladies purse, black rope, two saris and two ear sticks were seized before him as per seizure panchanama Exh.102. But in chief-examination itself he stated that Annapurnabai entered into a room facing towards west and north. According to him that room had two doors. Here it is material to note that in spot panchnama Exh. 81 no any room having door towards north is mentioned. This witness is a primary school teacher. Therefore, it cannot be said that he might have wrongly stated so. Thus the recovery of the above articles is doubtful.

47. PW 11 Namdeo Sujlod deposed that on 02.02.2023 he deposited muddemal of this crime i.e. histopathic sample sealed box, sealed viscera, DNA sealed box, 7 big packets, 6 small packets given by medical officer, three sealed carton box and two sealed packets to the Forensic Laboratory, Nanded and submitted the receipts to I.O. Ramod. The receipts are at Exh.107 to 111.

48. PW 12 Maroti Kundgir has deposed that on 06.02.2023 he took possession of two sealed carton box and one sealed packets and deposited it to Forensic Science Laboratory, Nanded. He submitted the receipt of the muddemal Exh.113. In cross-examination he stated that

there is no endorsement at Exh.113 that the muddemal was sealed. He stated that in his statement recorded by I.O. it has not mentioned that he received sealed muddemal from Moharil.

49. PW 13 Dr. Gingine deposed that he made post-mortem of the dead body on the spot of incident. According to him, cause of death is “strangulation associated with smothering”. He found that the child died within two hours after taking last meals. But in cross-examination he deposed that the inquest panchnama given to him does not bear signature of panchas. This facts goes to show that inquest panchanama was not prepared before panchas. In further cross-examination he testified that he did not find any external injury on neck of the dead body. Changing his version he further deposed that injury was found on the neck. Further he deposed that on 23.02.2023 and 04.03.2023 letter were given to him for providing PM report. But he issued PM report on 17.03.2023 by writing date as 17.01.2023. These facts creates material doubt about the preparation of inquest panchanama and the cause of death.

Last seen theory :

50. The prosecution case is that on 12.01.2023 Govind was last seen with Kavribai at the house of accused Balaji. As discussed above, as per the prosecution case except Vedika no any other person saw Govind at the house of accused Balaji. Mahananda and Shobhabai alleged to be were in the field. Vedica is only eye witness who alleged to be last seen Govind at the house of the accused. But Vedicka is not examined by the prosecution. In the report Exh.66 it has mentioned that children Vedika and Govind after eating biscuits at the house of the

accused went to their house. It means Govind was not missing from the house of the accused. In the spot panchnama Exh.81 it has mentioned that no any suspicious article was found on the spot of incident. Cover of biscuits and Kurkure are not seized from the spot of incident. So the last seen theory that deceased Govind was last seen, at the house of the accused Kaveribai, is not proved.

Motive :

51. The prosecution case is that Gajanan son of Balaji was died in the common well of informant and his brothers. But this fact is also not proved because Shobhabai had deposed that her husband and brothers of her husband reside separately since the year 2009. The prosecution has filed on record accidental death report Exh. 141. In this report it has not mentioned that Gajanan was died in the well. The prosecution has filed on record copy of 7/12 extracts Exh.153 and 154 in which the well is shown belonging to Bhujaji Bhima. It has not mentioned that the well is common.

52. On 14.10.2025 I.O. filed application Exh.163 along with copy of 7/12 extract in which common well has been shown vide mutation entry No.3327 taken on 09.10.2025. Thus the prosecution has tried to show that the well was common. But this document filed after closing of evidence, appears to be prepared collusively. As such, the prosecution has not proved beyond reasonable doubt that there was common well among the informant and his brother. Moreover, the accidental death report does not support to the prosecution that Gajanan was died in the well. No any complaint was lodged by the informant or his family members against the accused regarding death of

Gajanan. Record shows that there were sound relations between the informant and the accused. The informant or his any relatives had no any doubt against the accused regarding missing of Govind. After seven years from the alleged death of Gajanan it has alleged that the accused had anger. Therefore, this fact is not believable. Gajanan was not died in the well of informant. So after seven years it is not believable that the accused had anger against the informant.

Disclosure statement and recovery :

53. Accused Kaveribai was arrested on 17.01.2023 at 07.30 a.m. I.O. deposed that information of arrest of accused Kaveribai was given to her husband Balaji Bandgar. But in the arrest panchnama Exh.129 it has mentioned that information of arrest of accused Kaveribai was given to Laxman Bandgar. Therefore, the evidence of I.O. appears to be doubtful. I.O. in cross-examination has deposed that accused Kaveribai at 08.24 a.m. made her desire to give statement. After that he sent letter for providing panch witnesses.

54. He deposed that her statement was recorded during 11.00 to 11.15 a.m. So according to the I.O. Kaveribai made disclosure statement about the dead body buried during 11.00 a.m. to 11.15 a.m. The letter issued to Tehsildar for providing panch witnesses is filed on record at Exh.98 in which it has mentioned that the accused disclosed that the dead body is buried in her house. In the order Exh.89 passed by Tehsildar the same fact has been mentioned. PW 8 Nandkishor deposed that after receipt of order Exh.89 he went to Tadkalas police station at 10.30 a.m. In cross-examination he deposed that on 17.01.2023 he went to Tehsil office at 09.30 a.m.

55. PW 14 PHC Sambhaji Shinde has deposed that on 17.01.2023 he was deputed for watching the spot of incident where dead body was buried. After dead body was recovered Doctor handed over him pant and chain of the deceased. He handed over the pant and chain to Ramod. It were seized as per panchnama Exh.94.

In cross-examination he stated on 17.01.2023 at about 07.00 a.m. he departed from police station for proceeding towards spot of incident. From the above evidence it reveals that the police were already knowing about the dead body before the arrest of accused Kaveribai. As discussed above Kaveribai was arrested at 07.30 p.m. and PW 14 Sambhaji Shinde had knowledge about dead body before 07.00 a.m. So from the evidence came on record it cannot be firmly said that police got knowledge of the dead body on the statement of accused Kaveribai. So evidence came on record that the dead body was discovered as per the disclosure statement of Kaveribai is not believable.

56. The prosecution has examined PW 15 Karimkhan Pathan who deposed that on 17.01.2023 he was called at police station Tadkalas. Panch, accused Kaveribai, police were present at the police station. He took six photographs Article A to F in police station and he took eight photographs at the spot of incident Article G to N. These photographs are not exhibited. Therefore, it cannot be read in evidence. PW 15 has not given certificate required under Section 65(B) of the Evidence Act nor did brought the original digital camera. The seizure panchnama Exh.92 does not bear date. Time is mentioned by pencil as 11.00 a.m. to 18.30 p.m. Panchnama bears stamp of Naib Tehsildar and ASI Ramod. Therefore, doubt creates whether the seizure panchanama was prepared at the spot of incident or not. As discussed above house

of the accused was repeatedly searched after the missing incident. I.O. suppressed the fact that dog squad was called. One witness has deposed that the house of the accused is of three rooms. The witness has deposed that police entered into the room of accused and brought the dead body in courtyard. It has alleged that the room was locked and Kaveribai by taking key kept on another room unlocked the room. But I.O. deposed that the key was along with Kaveribai. Shobhabai deposed that accused had she goats. PW 9 witness Bolelu deposed that Kaveribai took key from a roof of cattle shed and unlocked the house. The photographs are not proved Bolelu deposed that there was cattle shed beside the house of Kaveribai. Therefore, material doubt creates whether the dead body was recovered from the house of accused or not. The recovery is not proved beyond reasonable doubt and the police were already knowing about the dead body before arrest of accused Kaveribai.

Conspiracy :

57. So far as conspiracy is concerned I.O. deposed that from 13.01.2023 to 16.01.2023 accused Balaji was not found in the village. Witness Munjaji Dhotre deposed that on 12.01.2023 Balaji was out of the village. Accused Annapurnabai on 12.01.2023 was in the field till 06.00 p.m. No evidence is came on record to show that before 12.01.2023 the accused had conspiracy. Therefore, conspiracy is also not proved. As per the FIR accused Kaveribai was at the field at 06.00 p.m. House of the accused was repeatedly searched by police and dog squad till 16.01.2023 but nothing was found suspicious. Had a dead body was buried in the house of the accused ? it would have been discovered immediately or remarks of excavation would have been

found. Medical officer PW 13 Gingine has deposed that the child died within two hours after taking last meal. As per the FIR on 12.01.2023 the informant, his wife, daughter Vedika and son Govind had taken meal at 01.00 p.m. No reliable evidence came on record that Govind had ate biscuits at about 04.30 p.m. because Vedika is not examined. Moreover mother who made search of Govind immediately is also not examined. Accused Kaveribai was in the field at 06.00 p.m. It has alleged that Govind was missed at about 05.30 p.m. House of the accused was searched immediately. Therefore, it is not believable that within span of half an hour accused Kaveribai buried the dead body by excavating with sickle up to four feet depth. Issuing letter to medical officer his presence and evidence of I.O. to that regard is suspicious. I.O. deposed that Doctor was along with police when they were rushed towards Sidheshwar Nagar. But Doctor deposed that after receipt of the letter Exh.117 he went to Sidheshwar Nagar. In the letter Exh.117 it has mentioned that the dead body was taken out of the pitch. Therefore from the evidence of Doctor it reveals that he was not present when the dead body was taken out from the alleged pitch. There are so many other discrepancy came on record.

DNA and experts opinion :

58. The report of Regional Forensic Science Laboratory is filed on record at Exh.142/1 to 142/4. In Exh.142/1 it has opined that blood group of Govind Dhotre is of 'O' group. In Exh.142/2 it has mentioned that blood group of Annapurnabai is 'O' and blood group of Kaveribai is 'AB'. In Exh.142/3 it has opined that earth collected from sickle (Exh.6), pant (Exh.7), chain (Exh.8), ladies purse (Exh.10), sari (Exh.12), sari (Exh.13) and earth (Exh.1 to 5) are tally among

themselves in respect of hue, physiochemical characteristics and microscopic observations. No earth is detected on rope (Exh.11). In Exh.142/4 it has opined that Sr. No. 1, 2, 3, 4, 5, 8 and 10 are stained with blood.

59. Sr.No.6 sickle is stained with blood on blade. No blood is detected on Sr.No.7, 9, 11, 12, 13. Blood detected on Sr.No.1 to 6, 8 and 10 is human. Sr.No.1 to 6, 8 and 10 are stained with blood of group 'O'.

60. Here it is material to note that the sickle was not used to assault the deceased. Therefore, question arise that how the sickle was stained with blood. It has alleged that rope was used to press throat of the deceased. But no blood was found on it. In such circumstances, in the absence of examination of expert the opinion given by the expert is not helpful to the prosecution.

61. **Ld. Special Prosecutor Mr. Deshmukh has relied upon following case laws :-**

1) 2007 CriLJ 20 (Supreme Court) **Trimukh Maroti Kirkan Vs. State of Maharashtra**. In this case Hon'ble Supreme Court has held that silence of elements of house about cause of death would become additional link in chain of circumstances. In this case the matter was relating to dowry death.

In the case in hand before me the facts are different. It has not proved beyond reasonable doubt that the dead body was recovered from the house of accused as per disclosure statement of accused Kaveribai.

2) 2007 AIR (Supreme Court) 144 **State of Rajasthan Vs. Kashi Ram.**

In this case it has observed that husband was last seen in the house whereafter he disappeared. On arrest he gave no explanation how and when he parted with company. Last seen evidence is clinching evidence to convict the accused.

In the case in hand before me the facts are different. As per FIR Govind was last seen at the house of informant with Vedika. No reliable evidence came on record to prove that Govind was seen at the house of accused with Kaveribai.

3) 1992 CriLJ 1545 [Supreme Court] **Ganeshlal Vs. State of Maharashtra.** In this case it has observed that even in the case of circumstantial evidence, absence of motive which may be one of the strongest links to connect the chain would not necessarily become fatal provided the other circumstances would complete the chain and connect the accused with the commission of the offence, leaving no room for reasonable doubt, even from the proved circumstances.

In the case in hand before me as discussed above the disclosure statement and recovery thereof is not proved beyond reasonable doubt. Facts of the aforesaid citation are quite different.

4) 2014 AIR (SCW) 4479 **State of Rajasthan Vs. Thakur Singh.** In this case it has observed that the burden of proving the guilt of an accused is on the prosecution but there may be certain facts pertaining to the crime that can be known only to the accused, or virtually impossible for the prosecution to prove. These facts need to be explained by the accused and if he does not do so, then it is a strong circumstance pointing to his guilt based on the facts.

In the case in hand before me deceased Govind was last seen with Vedika at his house. The house of accused was repeatedly searched from 13.01.2023 for five to six days, but nothing suspicion was found. The I.O. before recording statement of accused Kaveri was knowing about the dead body. The evidence regarding recovery of dead body from the house of accused is suspicious.

5) 2000 AIR Supreme Court 2988 **State of West Bengal Vs. Mir Mohammad Omar**. In this case it has observed that the facts that deceased was abducted by accused is proved by prosecution. If deceased was found murdered shortly thereafter it will enable the Court to draw presumption that the accused would have murdered the deceased unless accused explained otherwise.

In the case in hand before me it has not proved that the accused abducted to Govind. Govind was last seen with his sister at his house.

6) 2000(1) SCC 471 [Supreme Court] **State of Maharashtra Vs. Suresh**. In this case it has observed that false answer by accused also be counted as providing “a missing link for completing the chain”. In the case in hand the APP has not submitted which false answer is given by the accused.

7) AIR 1988, Supreme Court 696 **Appabhai and another Vs. State of Gujrat**. In this case it has observed that prosecution case cannot be thrown out merely on the ground that prosecution has not examined independent witness. In the case in hand before me I have not come to the conclusion that for want of examination of independent witness the

case is liable to be thrown out.

8) 2004 CriLJ 1807 (S.C.) **Dhanaj Singh @ Shera and others Vs. State of Punjab.** In this case defective investigation has been discussed. It has observed that Court has to be circumspect in evaluating the evidence. Accused cannot be acquitted solely on the account of defective investigation. To do so, would tantamount to playing into hands of investigating officer if investigation is designedly defective.

In the case in hand before me the prosecution has failed to prove the chain.

9) 2001 AIR Supreme Court 3031 **Munshi Prasad and Ors. Vs. State of Bihar.** In this case it has observed that discrepancy with regard to injury in the inquest report prepared by police and post-mortem report prepared by Doctor is not fatal. Both reports are not substantial evidence.

In the case in hand before me it is not so. Without signatures of panchas inquest panchnama was given to medical officer.

10) 2004 Cri.L.J. 640 **Ramanand Yadav Vs. Prabhu Natha Jha and Ors.** In this case it has observed that an accused can be held guilty by application of Section 34 of Indian Penal Code though there was no charged for an offence under Section 302 r.w.Sec. 34, when evidence bring out application of Section 34.

11) 2002 Cri.LJ 1489 (S.C.) **Allarakha K. Mansuri Vs. State of Gujrat.** In this case it has observed that contradiction in the statements of witnesses of minor nature can be ignored.

12) 2003 Cri.L.J. 3876 (S.C.) **Sucha Singh and Anr. Vs. State of Punjab**. In this case it has observed that justice cannot be made sterile on the plea that it is better to let hundred guilty escape than punish an innocent. A judge does not preside over the criminal trial, merely to see that no innocent man is punished. A judge also presides to see that a guilty man does not escape.

In the case in hand before me the evidence came on record does not inspire confidence of the Court to say that accused Kaveribai committed murder of deceased Govind.

13) 2005 AIR (SCW) 905 **State of U.P Vs. Satish**. In this case it has observed that last seen theory comes into play where the time gap between the point of time when the accused and the deceased were seen last alive and when the deceased is found dead is so small that possibility of any person other than the accused being the author of the crime becomes impossible.

In the case in hand before me nobody saw deceased Govind at the house of accused while eating biscuits except Vedika. But Vedika is not examined.

62. **Advocate of the accused has relied upon the following citations :-**

1) AIR 2001 990 **State of Rajasthan Vs. Teja Singh**. In this case there was delay in reaching FIR to magistrate. No proper explanation was given.

2) **Jagdish Murvav Vs. State of U.P. & Ors.** Criminal Appeal No.1644 of 2005 dt. 24.08.2006, Hon'ble Supreme Court. In this case it has observed that Section 157 of Cr.PC. mandates that the FIR should be sent to the nearest Magistrate within a period of 24 hours. Conviction set-aside, inter-alia on this ground.

In the case in hand before me the copy of FIR Exh. 159 is sent to JMFC on 17.01.2023.

3) **Rengta Hansda @ Bhuto Vs. The State of West Bengal.** C.R.A.47 of 1996, Dt. 10.11.2025 Hon'ble Calcutta High Court. In this case it has observed that unexplained delay both in the lodging FIR and it's forwarding to the Magistrate seriously affects the probative value of the prosecution case and this omission cannot be brushed aside as a mere procedural irregularity. It goes to the core of the prosecutions reliability rendering the entire narrative doubtful and inviting the benefit of doubt in favour of accused.

4) 2020(1) Crimes 373 (SC) **Shri Satish Kumar and Another Vs. The State of Himachal Pradesh and Another.** In this case it has observed that in a case based on circumstantial evidence motive is relevant but the prosecution has failed to prove any motive on the part of the accused. Conviction is set-aside.

5) 2022(3) Crimes 41 (Bom.) **Gautam Kamlakar Pardeshi and Anr Vs. State of Maharashtra.** In this case it has observed that last seen theory by itself is not sufficient to prove that accused are authors of fatal injury sustained by deceased.

- 6) 2025(1) Crimmes 296 (SC) **Md. Bani Alam Mazid @ Dhan Vs. State of Assam.** It has observed that chain must be completed and its fact forming part must be proved.
- 7) 2019 ALL MR (Cri.) 2583 (S.C.) **Digamber Vaishnav & Anr. Vs. State of Chhattisgarh.** In this case it has observed that statement of child witness that appellants had visited her house on previous day, would also lose significance as there was substantial loss of time between last seen and recovery of dead body.
- 8) 2021(3) Crimes 20 (SC) **Surendra Kumar & Anr. Vs. State of U.P.** It has observed that section 106 of Evidence Act cannot be used to stringent evidence for prosecution. Prosecution must stand or fall on evidence adduced by it and until a prima facie case is established by such evidence, onus does not shift on accused.

In the case in hand as discussed above the recovery of body is not proved beyond reasonable doubt. How the I.O. got information of the dead body before arrest of Kaveribai ? is not established. This facts creates material doubtful.

63. On close scrutiny of the evidence came on record it reveals that the evidence came on record does not inspire confidence of the Court to say firmly that the accused made conspiracy, kidnapped deceased Govind and committed his murder and tried to hide the evidence. So, I answer point No. 1 to 4 in the negative. In the result, I pass the following order.

O R D E R

1	Accused 1) Kaveribai W/o. Gajanan Bandgar, 2) Annapurnabai W/o. Balaji Bandgar and 3) Balaji S/o. Nivrutti Bandgar are hereby acquitted under Section 258(1) of B.N.S.S. 2023 (section 235(1) of the Code of Criminal Procedure) of the offence punishable under Section 302, 201, 120-B, 363, 364 read with Section 34 of the Indian Penal Code.
2	Their bail bonds stand cancelled.
3	The accused are directed to furnish P.R. Bond of Rs.25,000/- each and surety in the like amount vide compliance of Section 481 of B.N.S.S. 2023 (Section 437(A) of the Code of Criminal Procedure) and it shall remain in force for six months.
4	Muddemal property vide GMP No.65/2024 i.e. pant, sari, purse, soil, drum, sickle, rope being worthless be destroyed after appeal period is over.
5	Muddemal property vide GMP No.65/2024 i.e. golden ear sticks and silver chain be returned to the informant as per rules after appeal period is over.
6	Accused Kaveribai be released forthwith if not required in any other crime.
7	Dictated and pronounced in open Court.

Date: 20.06.2026.

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