

MHRG150009212018



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Exh. No.87.

Sessions Case No.49 of 2018
CNR No. MHRG15-000921-2018

Part 'A'

<p>IN THE COURT OF SESSION, AT MANGAON, DISTRICT: RAIGAD. Present : S. T. Bhalerao, Additional Sessions Judge. (Date of Judgment : 09.04.2026) (Sessions Case No.49/2018)</p>
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	(FIR No.143/2018, under section 302 of Indian Penal Code - Mangaon Police Station, Tal. Mangaon, Dist. Raigad)
Prosecution	The State of Maharashtra Through Mangaon Police Station, Tal. Mangaon, Dist. Raigad.
Represented by	Ld. A.P.P. Mr. J. D. Mhatre, for State.
Accused	Saurabh alias Bendya Harishchandra Sawant, Age:- 30 years, R/o. Kharavali, Tal. Mangaon, Dist. Raigad.
Represented by	Ld. Advocate Mr. S. S. Andhere.

Part 'B'

Date of Offence	11.08.2018
Date of FIR	12.08.2018
Date of Charge-sheet	15.11.2018
Date of Framing of Charges	15.07.2019
Date of commencement of evidence	16.01.2024
Date on which Judgment is reserved	27.03.2026
Date of the Judgment	09.04.2026
Date of the Sentencing Order, if any	09.04.2026

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, Cr.PC.
(1)	Saurabh @ Bendya Harishchandra Sawant	13.08.2018	-----	302 of I.P.C.	Convicted of Sec. 302 of IPC.	R.I. for life and also to pay a fine of Rs. 3,000/-, I/d to suffer further R.I. for 04 months	07 years 07 months and 27 days

Offence : Punishable under section 302 of the Indian Penal Code, 1860.

: J U D G M E N T :

(Delivered on this 9th April, 2026)

1) Accused Saurabh alias Bendya Harishchandra Sawant (for short, 'the accused') stood prosecuted for charge of

an offence punishable under section 302 of the Indian Penal Code, 1860, (for short, "the I.P.C.").

2) The prosecution case, in short, is thus: the informant Dinesh Adit lodged a report on 12.08.2018 stating therein that he has been residing at village Kharavali. He has known the accused and deceased Vishal and their friend Nilesh Jumare. There was a rumour in their village that sister of the accused was in love with Vishal. Due to which, the accused had not been talking with Vishal for a few days. On 11.08.2018 the accused assaulted Nilesh Jumare by means of stick, however, he had not lodged a report.

3) The report further narrated that at about 9.30 p.m. on 11.08.2018 the informant alongwith his friends from the village were sitting at a place called Sant Nirankari Hall. Vishal came there and went out. The accused came, to whom Vishal gave a call. However, the accused without speaking anything started assaulting Vishal. The accused caught hold of Vishal and pushed him aside, thereafter, he took out a knife which he had tucked back side of his pants. The accused plunged the knife in Vishal's left side ribs. The informant and others saw it, however, as the accused was armed with the knife, they did not go forward. In the scuffle, the accused and Vishal fell to the ground. On someone's suggesting, the informant rushed to call a relative of Vishal, named Rushikesh Dasavate. At that time the accused

fled the spot. The people gathered, and for providing treatment took Vishal to Government Hospital, Mangaon. Doctors examined and declared that Vishal was dead.

4) The informant mentioned in the report that on the count of the love relations between the sister of the accused and Vishal or on an another count, the accused killed Vishal by stabbing him by means of the knife.

5) On receiving the above mentioned report, the offence punishable under section 302 of I.P.C. came to be registered as per C.R. No.143 of 2018 at 00.54 hrs. at Mangaon Police Station.

6) The informant made a supplementary statement on 12.08.2018 itself and narrated therein that he being frightened, he had mentioned that they were sitting at the Hall, however, as the Hall was close, they had sat in the open veranda (Padvi) of that Hall.

7) In the investigation, an Inquest panchanama concerning the dead body of Vishal came to be prepared. At that time, photographs were taken. Spot panchanama came to be prepared where from the articles – blood mixed soil, plain soil, blood stained plants, and plain plants - came to be seized. At that time also photographs were taken. A map of the spot was got drawn from Revenue Circle Officer. Correspondence also came to

be made to M.S.E.D.C.L.

8) The accused was caught hold of, and search of his person was conducted. Photographs of the same were taken. Accused came to be arrested as per Memorandum of Arrest. An autopsy was got conducted on the dead body of Vishal. Thereafter, the dead body was handed over for conducting last rites on it. The seized articles, biological samples were forwarded for chemical analysis. Prints of the photographs and DVDs were obtained. Death Certificate of Vishal came to be obtained.

9) During the investigation, the accused made a Disclosure Statement, and pursuant to which, the knife produced by the accused came to be seized as per Memorandum Panchanama. The documents including Station Diary extracts copy of Log Book, were obtained. The mobile phone of Vishal came to be seized, which was produced by his sister. The photographs found on his mobile were got developed. Statements of witnesses came to be recorded. The videography of the same was made and DVD was prepared, Hash value was calculated. A Panchanama in that respect was prepared. Certificate for calculation of the Hash Value was prepared. Statements under section 164 of the Cr.P.C. were got recorded. The accused and witness Nilesh Jumare were got medically examined.

10) In the investigation, it revealed that being angry due to love relations between his sister and Vishal, the accused killed Vishal alias Balu alias Bhim Shripat Jumare by stabbing him by means of the knife.

11) After completion of the investigation, a charge-sheet against the accused came to be presented. The Judicial Magistrate of the First Class, Mangaon, Tal. Raigad (for short, "the J.M.F.C.") committed the case, it being triable exclusively by the Court of Session.

12) My Ld. Predecessor framed the charge (Exh.2) for the offence punishable under section 302 of the I.P.C., to which the accused pleaded not guilty and claimed to be tried.

13) An examination of accused under section 351 of Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) (section 313(1)(b) of the Cr.P.C.) came to be recorded. His defence is that of denial and false implication in the crime.

14) The following points arise for determination. I record findings thereon for the reasons stated thereunder :-

POINTS

FINDINGS

1) Whether the prosecution proved that the death of Vishal alias Balu alias Bhim Shripat Jumare, was homicidal?

Yes

- 2) Whether the prosecution proved that the accused committed murder by intentionally or knowingly causing the death of Vishal alias Balu alias Bhim Shripat Jumare ? Yes.
- 3) What order? As per the final order, accused is convicted.

: REASONS :

15) Heard both the sides and perused the record. The prosecution examined total 12 (twelve) witnesses and also relied on documentary evidence. Accused did not examine any witness in his defence, however, got exhibited Arrest Panchanama (Exh.29) through panch witness (PW.4).

AS TO POINT NO.1:

16) The Ld. APP would submit that the prosecution proved that the death of Vishal was homicidal. He attracted the attention of the Court to the Inquest Panchanama, the Postmortem Report, evidence of eye-witnesses Dinesh Adit (PW.1) and Kalpesh Adit (PW.2), so also of the Medical Officer (PW.11).

17) It is seen that the defence asserted that Vishal had consumed liquor, due to which he vomited and holding a knife in his hand fell into a gutter. The knife got stuck in his ribs due to

which he sustained injury. It is pertinent to mention that the Medical Officer (P.W.11) denied that injury no.1 could occur in above mentioned eventuality. He also opined that it cannot be denied that injury no.1 could occur by means of the knife.

18) It is seen that by leading the evidence of the Medical Officer (P.W.11) and of eye-witnesses; and by proving the Inquest Panchanama and Postmortem Report, the prosecution succeeded in proving that the death of Vishal was homicidal and not accidental or suicidal. Hence, I record finding on Point No.1 in the affirmative.

AS TO POINT NO.2:

19) The Ld. A.P.P. would submit that the prosecution proved its case against the accused. The evidence of eye-witnesses is consistent with the prosecution case. Normal errors and discrepancies in the evidence are not fatal to the prosecution.

20) Ld. A.P.P. would rely on the citations: (i) **Bhagchandra Vs. State of Madhya Pradesh, [2022 ALL SCR (Cri) 15]**. Wherein, **the Hon'ble Apex Court** was pleased to observe thus: "...there are always normal discrepancies due to normal errors of observation, normal errors of memory due to lapse of time, due to mental disposition, shock and horror at the time of occurrence. It is the duty of the Court to separate falsehood from the truth in every

case.”; and (ii) **Goutam Gopal Jadhav Vs. The State of Maharashtra, [2023 ALL MR (Cri) 2361]**. Wherein, the **Hon'ble Bombay High Court** was pleased to refer Judgment rendered in **State of H.P. Vs. Jeetsingh, (1999 Cr.L.J. 2025)**, wherein the **Hon'ble Apex Court** was pleased to observe, thus: “...if the article is buried on the main road side or if it is concealed, beneath dry leaves lying on public places or kept hidden in a public office, the article would remain out of the visibility of others in normal circumstances. Until such article is disinterred its hidden state would remain unhampered.”

21) Ld. Advocate for accused would submit that the crime was registered belatedly. The prosecution did not examine material witnesses, the investigation is not conducted properly, there are variance and admissions in the witnesses examined. Prosecution failed to prove any guilt against the accused.

22) Ld. Advocate for the accused would rely on the citation, thus: **Pravin @ Bhangarya Bhimrao Patil & Anr. Vs. The State of Maharashtra, [2025 ALL MR (Cri) 272]**. Wherein, the **Hon'ble Bombay High Court, Bench at Aurangabad** was pleased to observe, among other things, that when there were admissions, the conduct of the witness was unnatural, the witness made contradictory statements, and his evidence did not inspire confidence. It was further observed that the blood group of the deceased could not be determined by F.S.L. Considering all these aspects it was hold that the prosecution failed to prove its

case.

23) It is seen that the prosecution case is based on the many eye-witnesses of the incident, from whom 02 (two) eye-witnesses have been examined. It also relied on documentary evidence. Let us examine the evidence led by the prosecution.

24) Dinesh Dilip Adit (P.W.1) - the informant – would testify that he had known the accused, Nilesh Jumare and Vishal Jumare. According to him, those three persons were good friends of one another. There was a love affair between Vishal and sister of the accused, and there was a discussion about it in the village. Due to which, the accused and Vishal had not been speaking to each other for some days. In the afternoon of 11.08.2018 accused had inflicted a stick blow on the head of Nilesh Jumare, however, the matter being from the village, Nilesh did not make a report.

25) Ld. Advocate for the accused submitted that said Nilesh has not been examined by the prosecution which makes its case doubtful. Ld. A.P.P. would submit that charge has not been framed in that respect, said Nilesh was not an eye-witness to this incident. Hence, his non-examination is not adverse to the prosecution. This aspect is to be decided on considering total evidence and not in an isolation.

26) The informant (P.W.1) further testified that about

9.30 p.m. Kalpesh Sadu Adit, Nathuram Raju Dasavate, Sanket Dhanaji Adit, Shrikant Chandrakant Tambat and he had sat at a place called Sant Nirankari Hall. The informant came there and he was talking to them from outside of the Veranda (Padvi). The accused came, he and Vishal assaulted each other. Accused took out a knife which he had tucked behind his pants, and stabbed it in left side ribs of Vishal. They witnessed the incident. Vishal fell into a gutter. As someone asked to call Rushikesh Dasavate, he (P.W.1) went to call him. By the time he returned, the accused had fled the spot.

27) Ld. Advocate for accused would submit that said Rushikesh has also not been examined. Ld. A.PP would submit that he was also not an eye-witness to this incident.

28) The informant further testified that villagers gathered there and Vishal was taken to the hospital, where Doctor examined and declared Vishal was dead. According to the informant he lodged the report (Exh.14) to the Police Station. The printed F.I.R. (Exh.15) also bears his signature. According to him, in the report he had stated having been seated in the Hall, however, in supplementary statement he corrected the mistaking by stating that they were seated at Veranda.

29) The Ld. Advocate for the accused would submit that there is variance in stating the place of incident by this witness. It is seen that he consistently testified that he narrated that it

was the veranda and not the Hall of Sant Nirankari Hall. It is seen that when such serious incident occurs, in a shock some variance could occur. That itself does not make the testimony doubtful.

30) According to him (the informant) police prepared an inquest panchanama at the hospital. The clothes of Vishal - half shirt and pants – were blood stained. Police also seized a wrist watch, and a band worn by Vishal. He (the informant) identified those articles before the Court.

31) According to the informant (PW.1), they went to the spot of incident at 3.00 a.m. He himself showed the spot of incident to the police. From the spot of incident, blood stained plants, plain plants, blood stained soil and plain soil came to be seized. His statement under section 164 of the Cr.P.C. was recorded at Mangaon Court.

32) It is seen that the statement (Exh.16) recorded under section 164 of the Cr.P.C. is consistent with testimony of Dinesh (PW.1) and with the prosecution case on material particulars. No doubt, he stated in the statement that Vishal Jumare was his friend. However, it has not been suggested in the cross-examination that this witness had any dispute or conflict with the accused. It is worth mentioning that sister of Vishal (PW.6) testified that accused was a good friend of Vishal.

33) He (P.W.1) admitted that those were the rainy days and prior to occurrence of the incident it had rained. Kalpesh (P.W.2) also testified that when they were sitting in the veranda, it was drizzling and after 10 minutes Vishal came there.

34) Ld. Advocate for the accused would submit that the material admissions show that as it was raining and, therefore, it was not possible to collect samples. Suffice it to say that it has not been proved and/or any admission is extracted that at the time of actual incident and thereafter before spot panchanama was prepared, it had rained. Thus, the submission of Ld. Advocate for the accused cannot be accepted.

35) The informant (P.W.1) and Kalpesh (P.W.2) too admitted that Vishal had a strong physique, whereas accused was slim. The Ld. Advocate for the accused would submit that if it was so, the accused could not have overpowered Vishal. Ld. A.P.P. would submit that what is important is a strong will-power and availability of weapon, and not merely physical strength. The submission of Ld. A.P.P. holds merit.

36) The informant (P.W.1) denied that he and others had imbibed on the mind of Vishal that accused was opposed to his love. He denied that Vishal himself had a knife and while he was marching towards accused to assault him, Vishal fell into a gutter and got himself injured.

37) The informant further denied that when Vishal fell into the gutter, the accused had seated in a shop, and he went to see Vishal on that he (PW.1 – informant) and others falsely implicated the accused. The Ld. A.P.P. would submit that if the plea of alibi is taken, it is for the accused to prove that he was present elsewhere and not at the spot, however, it has not been proved so by the accused. It is seen that the version of defence in this respect is not very specific, as it has also been suggested that Vishal armed with the knife had rushed on the person of accused.

38) It is seen that the testimony of the informant (PW.1) has not been shattered. He proved having lodged the report. He withstood the cross-examination successfully. He is an eye-witness to the incident, and narrated the material aspects in respect of the incident. His testimony is wholly reliable.

39) Next witness is Kalpesh Sadu Adit (PW.2). He also testified that he had known the accused and Vishal. There was a love affair between the sister of accused and Vishal. At 3.00 p.m. on 11.08.2018 a quarrel had occurred between Vishal and accused, which Nilesh Jumare tried to resolve. At that time, accused had inflicted a piece of wood on his head. He came to know about it in the evening.

40) According to this witness (PW.2), while Dinesh (PW.1), others and he were sitting at veranda of Sant Nirankari,

Vishal came there and went on the road along the veranda. At that time, accused came there having tucked a knife behind his waist. The accused took out that knife and stabbed Vishal in his left side ribs. They saw the incident. The above mentioned version of this witness is mostly supporting the version of informant (P.W.1).

41) According to him (P.W.2), as the accused was armed with the knife, he did not try to save Vishal. The Ld. Advocate for the accused would submit that it is not acceptable that none from the persons present tried to intervene. It is pertinent to mention that every person generally loves his/her/its own life no matter he/she/it is also interested in another person's life. When an incident like stabbing occurs, it is not reasonably expected of an unarmed person to intervene at such an intense moment. The submission of Ld. Advocate, in above mentioned circumstances, cannot be accepted.

42) Kalpesh (P.W.2) further testified that the accused and Vishal pushed each other and they fell near a gutter. On his (P.W.2's) shouting to call cousin of Vishal, Dinesh (P.W.1) rushed to call him. Thereafter, the accused left the spot. The villagers assembled and by means of a vehicle Vishal was taken to Government Hospital, Mangaon, where he was declared dead. This witness identified the accused before the Court.

43) This witness (P.W.2) admitted that Vishal and Nilesh

were his good friends. As discussed above, no suggestion had been put that this witness did not have cordial relations with the accused. He admitted that as the accused was opposed to the love of Vishal, he (P.W.2) was angry with the accused. Here, Vishal is not at trial but the accused.

44) It is seen that the second eye-witness - Kalpesh (P.W.2) - examined by the prosecution testified mostly as per the prosecution case. His version corroborates to the testimony of the informant (P.W.1) on material aspects. His testimony also remained above suspicion. Like version of the informant (P.W.1), he (P.W.2) is also a wholly reliable witness in respect of incident of the accused stabbing Vishal to death. This witness reinforced the version of the informant.

45) Sharvari wife of Dnyaneshwar Munde (P.W.6) – sister of Vishal - testified that Vishal had been staying alone at their village. On 11.08.2018 having received a phone call that Vishal has been stabbed in chest, they went to the hospital only to know that he was dead. On the next day she came to know from Dinesh (P.W.1) in respect of the incident. Around 25th of August she found that on Vishal's mobile phone there were 34 objectionable photographs of Vishal and of sister of the accused. There was a phone call record of receiving a phone at 9.28 p.m. This witness testified having shared those photos to her mobile phone, so also a screenshot of the said call. She (P.W.6) handed the mobile phone of Vishal over to the Investigating Officer and

he seized the same. She identified that mobile phone before the Court. She (P.W.6) also testified that the photos which she had copied on her mobile phone, were copied by police and printouts were taken. The panchanama was prepared which bears her signature as a panch witness. She identified the said photographs before the Court.

46) According to this witness (P.W.6) Vishal had been consuming liquor, but not always. She did not notice that Vishal had sent those objectionable photographs to the accused. According to Ld. Advocate for the accused, as the accused had not known in respect of those photographs, he had not intention or motive to kill Vishal. Ld. A.P.P. would submit that it is a case based on eye-witnesses and therefore, proving intention and motive is not necessary. He would further submit that having known about the love affair, the accused had reason to get angry with Vishal.

47) It is seen that Sharvari (P.W.6) is not an eye-witness to the incident. She testified in respect of what she had noticed on the phone of Vishal, and the further formalities were completed by the police. Her testimony is of some help to the prosecution.

48) Santosh Narayan Ranpise (P.W.3) testified that he and another panch witness accompanied by police to Sub-District Hospital, Mangaon, where dead body of Vishal was shown by

Dinesh – the informant. He further testified that the wearing clothes of the deceased had blood stains. He also testified that there was wrist watch around the wrist of Vishal, so also a friendship band with name of sister of the accused. He identified those articles.

49) He testified that there was an injury on the backside of head of Vishal. Ld. Advocate for the accused would submit that in the Postmortem Examination Report no such injury has been mentioned. The Ld. A.P.P. would submit that it is possible that the small injury was not noticed. It is further submitted that the said injury is not stated to be cause of the death. The inquest panchanama was prepared, it bears their signatures.

50) This witness (P.W.3) further testified that the spot panchanama was prepared, as per the spot shown by Dinesh (the informant). At the spot blood stained plants and blood stained soil, plain plants and plain soil were seized by police. According to him, the spot panchanama was prepared at night itself lest the evidence at the spot would have been disappeared on a heavy rainfall. He identified the envelopes in which the samples were collected.

51) He testified that spot panchanama bears his signature. He identified the photographs and 04 envelopes, in which the seized articles were kept.

52) He (P.W.3) denied that when they reached to the spot, it was drizzling. He also denied that as it was raining, no blood stains were found on the plants and on earth. This witness proved the inquest panchanama, and the spot panchanama.

53) Bharat Nathuram Patole (P.W.4) testified that on 12.08.2018, on being called, another panch witness Narendra Dasavate and he had been to Police Station. In their presence search of person of the accused was conducted. His T-shirt and pants had stains of earth and of blood. Police seized those clothes in their presence as per seizure panchanama (Exh.25). Photographs were also taken at that time. He identified the accused and the clothes.

54) Panch witness (P.W.4) further testified that on 15.08.2018 they were again called to the Police Station. The accused made a disclosure statement in their presence that he would show the place, where he has concealed the knife. The admissible portion in the disclosure statement (Exh.26) bears their signatures. They proceeded by a Government vehicle, and as led by the accused, they reached towards village Kharavali. In between village Kharavali and Cheravali the accused asked to stop the vehicle near a house. The accused alighted from the vehicle and went near the house, and they followed him. The accused produced a blood stained knife having hilt of blue colour from the shed of the house. The knife came to be seized in their presence as per Memorandum panchanama. Photographs were

taken. He (P.W.4) identified the knife, and the photographs.

55) This witness (P.W.4) further deposed that on 20.10.2018 a panchanama in respect of preparing a C.D. of the photos copied from the mobile phone of the sister of Vishal. Hash value of the same was calculated. Panchanama (Exh.28) in that respect was prepared. The testimony is helpful for proving the mode and manner in which the investigation was carried out.

56) Dr. Anil Pundse, M.B.B.S., M.D. Forensic Science (P.W.11) would testify that while he had been serving as a Residential Medical Officer at J.J. Hospital, Mumbai, on 11.08.2018 a letter was received from Roha Police Station for conducting an autopsy on dead body of Vishal. Police had provided an Inquest panchanama. He alongwith Dr. Vinodkumar K. N. conducted autopsy from 10.30 a.m to 11.50 a.m. On the person of dead body only an inner-wear was there, which was blood stained. The dead body was averagely built and was averagely nourished. Rigor mortis was present in the whole body. On examination they found the following external injuries:-

- (1) Stab wound of elliptical shape of size 2.5 cm X 0.8 cm on left side of chest, measuring 15 cm from midline anteriorly, 10 cm below left nipple & 27 cm from left shoulder tip (Acromion process), margins regular inverted with infiltration of blood, cavity deep.
- (2) Abrasion of size 0.3 X 0.1 cm on dorsum of left hand. Reddish brown in colour. The injuries were

antemortem.

57) He (P.W.11) further testified that on internal examination of dead body they found:-

- (1) 2.5 ltrs to 3 ltrs. of blood noted in the thoracic cavity.
- (2) 7th rib fracture noted anteriorly corresponding to injury wound no.1, margins irregular with infiltration of blood on left side.
- (3) Stab wound noted in between 7th to 8th intercostal space, corresponding to injury no.1.
- (4) (5), and (6)
- (7) Heart – perforating stab wound noted along the left lateral margin of the heart at left ventricle. Margins of injury shows brushing. The injury was of size 3 cm X 0.2 cm pectinate muscles intact. Valves – intact. Coronaries – patent.

58) The internal injuries mentioned in column no.20 of the postmortem report were corresponding to the external injuries mentioned in column no.17. Accordingly they gave the cause of death of deceased as “Due to haemorrhagic shock due to stab injury to the heart (unnatural)”. The postmortem report (Exh.53) is in his handwriting. It bears his signature as well as signature of Dr. Vinodkumar K. N. The contents are true & correct.

59) As per request of the police for providing medical samples of dead body, they took medical samples of dead body. The said medical samples were sealed and preserved by him as per medical norms. He had also prepared three forms (Exhs.54, 55, and 56) for sending the said samples for chemical analysis.

60) The injuries sustained by the deceased – Vishal - could be sustained by sharp edged and pointed knife. The injuries were sufficient to cause his death in normal circumstances.

61) He (P.W.11) admitted having gone through the inquest panchanama before conducting Postmortem examination, which mentions 02 c.m. injury on back side of the head of Vishal. As discussed above, Ld. Advocate for the accused submitted that Postmortem Examination Report does not mention it. The submission of Ld. A.P.P. that the small injury might not have been noticed, can be accepted, particularly when no explanation was sought from this witness by the defence in that respect.

62) Dr. Anil (P.W.11) denied that injury no.1 was possible to occur on a person holding a knife falls into a gutter. He admitted that injury (no.2) was possible to occur on such a fall.

63) It is seen that this witness (P.W.11) proved having conducted autopsy on dead body of Vishal, he issued the Autopsy

Report (Exh.53) mentioning the cause of death. Merely because he did not notice injury on the backside of the head of Vishal, his version cannot be discarded.

64) Dr. Rahul Jadhav, M.B.B.S. (PW.10) testified that while he had been serving as Medical Officer at Sub-District Hospital, Mangaon, on 18.02.2018 the A.P.I. of Mangaon Police Station by issuing a letter, he had sought his opinion whether the injuries sustained by the deceased, can be sustained by the knife, shown in the photograph. He went through the postmortem notes and also saw the knife in the photograph. Thereafter he gave his opinion on the overleaf of the letter (Exh.49) stating that the injuries sustained by the deceased can be sustained by said knife.

65) On the requisition of police, he (PW.10) examined the accused and gave opinion on letter (Exh.50) dated 28.08.2018 that the accused was physically and mentally fit for custody.

66) The Ld. Advocate for the accused would submit that no injury is stated having been found on the person of the accused even though a scuffle is stated having occurred. Ld. Advocate for the accused would submit that it shows that accused has falsely been implicated in the crime. I am afraid such an inference cannot readily be drawn. It is possible that even though a scuffle occurred the accused did not sustain any

noticeable injury.

67) This witness (P.W.10) examined the photograph of the said knife and issued his opinion that he could not deny the possibility that by means of seized knife the injury as mentioned in the Postmortem Report could occur. The version of this witness is helpful to the prosecution to the extent of his opinion.

68) Shreyas Shrikant Mhatre (P.W.7) Police personnel testified having taken photographs during the investigation including preparing inquest panchanama, spot panchanama, search panchanama of the person of accused, of making disclosure statement by accused and preparing the Memorandum statement. He calculated hash value, on those occasions. He got printouts of those photographs from Swara Xerox Centre. He issued Certificate under section 65-B of the Indian Evidence Act.

69) Dhondiba Arjun Gite (P.W.5) Police personnel testified having video recorded statements of 18 witnesses, prepared 02 DVDs on the computer and calculated the hash value. He also testified having issued Certificates under section 65-B of the Indian Evidence Act in that respect.

70) It is seen that the above mentioned two witnesses (P.W.7 and P.W.5) testified in respect of their duty in helping the Investigating Officer for collection of digital evidence. It is pertinent to note that the prosecution mainly relied on oral and

documentary evidence and not digital evidence by playing the DVDs before the Court.

71) Santosh Balu Tribhuvan (P.W.8) and Kiran Tukaram Jadhav (P.W.9) Police personnel testified in respect of having carried muddemal to Forensic Science Laboratory at Kalina and having obtained acknowledgments, respectively. Kiran (P.W.9) explained that as mobile phone was not firstly accepted by the F.S.L., he had carried it back, and later on submitted it to the F.S.L. as per order of the Investigating Officer.

72) Suffice it to say that the above mentioned police personnell (P.W.8 and P.W.9) testified in respect of carrying the concerned muddemal to the F.S.L., obtaining acknowledgments and handing them over to the Investigating Officer. The testimonies are of formal nature and helpful to the prosecution to prove the mode and manner in which the investigation was carried out.

73) Sudarshan Balkrushna Gaikwad, Police Inspector (P.W.12) would testify that the report was recorded in his presence. The investigation was assigned to him by a superior officer. He recorded supplementary statement of the informant. He prepared inquest panchanama on the dead body of Vishal. The articles on his person were seized. The spot panchanama was prepared in presence of panch witnesses. The incriminating articles including blood stains found on soil and on bushes were

seized. Accused came to be arrested and his clothes came to be seized. Postmortem Examination was got conducted on the dead body of Vishal. The seized articles were forwarded for chemical analysis.

74) This witness (P.W.12) further testified the accused having made a disclosure statement and pursuant to which having produced the knife from a shed. Memorandum panchanama was prepared accordingly. He (P.W.12) also testified having got the Query Report from a Medical Officer in respect of the knife. Sister of Vishal (P.W.6) produced a mobile phone. 34 obscene photographs and a screen shot on the mobile, came to be copied. Hard copies of the photographs were obtained. He identified the knife. He testified in respect of having got taken photographs during the investigation and having obtained Certificates under section 65-B of the Indian Evidence Act.

75) Investigating Officer (P.W.12) further testified having obtained the blood samples of the accused, which alongwith the mobile handset, were sent for chemical analysis. The postmortem report was obtained. He made necessary correspondence. According to him, he could identify the accused.

76) He (P.W.12) admitted that the report does not mention that there was a bleeding injury on the backside of head of Vishal. The report does mention that some persons had assembled at the spot, however, he did not inquire with those

persons. He did not obtain the documents in respect of treatment made on Vishal at Government Hospital, Mangaon. He admitted that clothes of Vishal were not soiled with earth. The incident had occurred in Rainy season. He admitted that clothes of deceased were slightly wet.

77) He (P.W.12) admitted that when he visited the spot it was drizzling. The Ld. Advocate for accused would submit that as it was raining, samples could not have been collected. This witness (P.W.12) denied such a suggestion. It is pertinent to note that the admission is not in respect of raining but a drizzling. As drizzling is very light, gentle precipitation with tiny droplets (less than 0.5 mm) falling slowly, it cannot be presumed that the blood on soil and on the plants had disappeared. The submissions of Ld. Advocate for the accused, therefore, cannot be accepted.

78) This witness (P.W.12) admitted that in the muddemal receipt it was not mentioned that the clothes of accused were blood stained and soiled with earth. No injuries were found on the person of the accused. In the investigation it did not reveal that those 34 photographs were sent from the mobile phone of Vishal to the accused. Blood group of Vishal had not been determined. The letter to C.A. mentions that there were blood stains on the clothes of accused.

79) This witness (P.W.12) admitted that in the

investigation, it did not reveal that the objectionable photographs were sent to the mobile phone of accused. It is admitted that blood group of Vishal could not be determined. He admitted that in the letter sent to C.A. it has not been mentioned that there were blood stains on the clothes of accused. He denied that Vishal had consumed liquor, fell down into a gutter holding the knife in his hands and got himself injured.

80) The Ld. Advocate for the accused would submit that the investigation has not been conducted properly, there are certain admissions made by the Investigating Officer, as mentioned above. It is worth mentioning that total testimony is to be considered and not mere pieces from there and there. Even if some lacunae are found in investigation, they themselves do not falsify the testimonies of wholly reliable eye-witnesses. Courts have pre-eminence and per-dominance over the shortcomings in the investigation.

81) The testimony of this witness is of formal nature. He deposed the mode and manner in which he conducted the investigation. The testimony is of some help to the prosecution.

82) Above mentioned is all the oral evidence let in by the prosecution. Let us examine the documentary evidence. The report of the incident, spot panchanama, seizure panchanama, inquest panchanama, Postmortem Report, are helpful to the prosecution.

83) So far as C.A. Reports are concerned, the blood stains are stated to be on the clothes of Vishal and also of the accused, however, blood group of Vishal could not be determined. Ld. A.P.P. would submit that the accused did not explain how blood stains were there on his clothes. The Ld. Advocate for accused would submit that it is for the prosecution to prove its case beyond reasonable doubts. As blood group of Vishal could not be determined, the C.A. Reports are not of much help to the prosecution.

84) As discussed above, the prosecution mainly relied on the oral testimonies, particularly of eye-witnesses Dinesh (PW.1) and Kalpesh (PW.2). No material admissions and/or vital omissions have come on record in their testimonies.

85) No doubt, the prosecution did not examine the other eye-witnesses. However, it is not must in every case that all the witnesses to be examined. Evidence is to be weighed and not counted. Section 139 of Bharatiya Sakshya Adhiniyam, 2023 (Section 134 of the Indian Evidence Act, 1872) provides, thus: *“No particular number of witnesses shall in any case be required for the proof of any fact.”* Thus, for non-examination of other witnesses, in the present matter the prosecution case cannot be doubted.

86) The explanation of the accused is that Vishal was drunk, had a knife in his hand and fell into a gutter and got

himself injured. There are eye-witnesses testifying that it was the accused who stabbed Vishal by means of the knife. The mere words of accused without there being any admission and/or supporting material, cannot be said to be a plausible explanation.

87) The evidence of eye-witnesses (P.W.1 and P.W.2) has been found wholly reliable. Unlike in the cited case by the defence, mud is not stated to be in the gutter in the present case. The clothes of Vishal were slightly wet, in the present case. Therefore, the ratio laid down in the cited case by defence (supra) in that respect is not helpful to it. The ratios laid down in the cited cases by the prosecution are helpful to it.

88) There is no such delay in registration of Crime which could create doubt about prosecution case as argued by Ld. Advocate for the accused. I hold that the evidence of prosecution is cogent and convincing.

89) All in all, submission of Ld. Advocate for the accused that the accused is entitled to be acquitted cannot be accepted. Arguments of Ld. A.P.P. hold merits.

90) In the result, I hold that prosecution has proved beyond reasonable doubt that the accused committed murder of Vishal. Hence, I record the finding on Point No.2 in the affirmative and record conviction of the accused for the offence

punishable under section 302 of the I.P.C.

91) Now, I hear the accused and the State on the point of sentence.

Mangaon.
Date: 09.04.2026

(S. T. Bhalerao)
Additional Sessions Judge,
Mangaon Dist. Raigad.

92) The accused is produced before the Court through Video Conferencing by the District Prison, Raigad-Alibag. The accused is explained about the offence proved against him. Accused submitted to impose minimum sentence. He submitted that his economic condition is poor. At his home only his father is there. According to him, there are no criminal antecedents against him.

93) Ld. Advocate for the accused would submit to consider the age of the accused is 30 years. The Ld. Advocate further submitted that it is not rarest of rare matter. The economic condition of the accused is poor.

94) Ld. A.P.P. Mr. R. A. Mahakal submitted that it does not appear to be rarest of rare case, hence life imprisonment may be imposed.

95) It is seen that the offence of murder has been proved against the accused. No antecedents of conviction against

accused has been pointed out. Punishment for life is a rule and capital punishment is an exception. The case does not fall within the category of the rarest of rare. The imprisonment for life is not an inadequate punishment in this matter.

96) Considering the aggravating and mitigating circumstances, the imprisonment for life is proper.

97) All in all, the accused is liable to be sentenced for imprisonment for life for an offence punishable under section 302 of the I.P.C.

98) The submission of accused that his economic condition is poor, has not been denied by the prosecution. The fine is to be imposed according to economic condition of accused. Hence, the following order would meet the ends of justice.

: O R D E R :

- (i) Accused **Saurabh alias Bendya Harishchandra Sawant**, age about 30 years, has been convicted under section 258(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 235 of the Code of Criminal Procedure), for the offence punishable under section 302 of the Indian Penal Code.
- (ii) Accused **Saurabh alias Bendya Harishchandra Sawant** is sentenced to suffer Rigorous Imprisonment for Life and

also to pay a fine of Rs. 3,000/- (Rs. Three thousand only), in default do suffer further Rigorous Imprisonment for 04 (four) months, for the offence punishable under section 302 of the Indian Penal Code.

(iii) The period of detention undergone by the accused during the period of investigation, inquiry or trial of the present crime, shall be set off, as prescribed under section 468 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 428 of the Code of Criminal Procedure), against the term of Imprisonment imposed on the accused.

(iv) The muddemal property including:-

(a) Jeans Pants, Half Shirt, Friendship Band, Leather Belt, blood mixed soil, plain soil, blood stained plants, plain plants, full T-shirt, Jeans Pants, Vest, Underwear, Knife, and cotton gauze, as mentioned from Sr.Nos. 1, 2 and 4 to 15, respectively, in the Charge-sheet, be destroyed after a year from today, unless in the meantime an appeal has been preferred; and

(b) watch and Mobile handset – ASUS make – as mentioned at Sr.Nos. 3 and 16, respectively, in the Charge-sheet, be handed over to the sister of deceased Vishal named Sharvari Dnyaneshwar

Munde (P.W.6), after a year from today, unless in the meantime the appeal has been preferred.

- (v) A Conviction Warrant be issued addressed to the District Prison, Raigad-Alibag, accordingly.
- (vi) A copy of the Judgment and Order be immediately sent to the District Prison, Raigad-Alibag for handing it over to the accused free of cost.

Mangaon.
Date: 09.04.2026

(S. T. Bhalerao)
Additional Sessions Judge
Mangaon, Dist. Raigad.

ANNEXURE

[As per the Directions issued by the Hon'ble Supreme Court, in the case of Manojbhai Jethabhai Parmar (Rohit) Vs. State of Gujarat (In Criminal Appeal No(s). 2973 of 2323, Judgment dated 15.12.2025]

Chart for Witnesses Examined

Prosecution Witness No.	Name of Witness	Description
1	Dinesh Dilip Adit (Exh.13)	Eye witness (Informant)
2	Kalpesh Sadu Adit (Exh.18)	Eye witness
3	Santosh Narayan Ranpise (Exh.19)	Panch witness
4	Bharat Nathuram Patole (Exh.24)	Panch witness
5	Dhondiba Arjun Gite (Exh.32)	Police personnel - witness concerning digital evidence
6	Sharvari Dnyaneshwar Munde (Exh.36)	Other witness - sister of the deceased Vishal
7	Shreyas Shrikant Mhatre (Exh.40)	Police personnel, witness concerning digital evidence
8	Santosh Balu Tribhuvan (Exh.43)	Police personnel - Carrier of Muddemal
9	Kiran Tukaram Jadhav (Exh.45)	Police personnel - Carrier of Muddemal
10	Dr. Rahul Deepak Jadhav (Exh.48)	Medical Officer – who opined in respect of the weapon
11	Dr. Anil Jalaba Pundse (Exh.52)	Medical Officer – who conducted Postmortem on deceased Vishal
12	Sudarshan Balkrushna Gaikwad (Exh.66)	Investigating Officer

Chart for Exhibited Documents

Exhibit No.	Description of the Exhibit	Proved by/ Attested by
14	Report of the incident, dated 12.08.2018	PW.1
15	Printed F.I.R.	PW.1
16	Statement of the informant recorded under section 164 of Cr.P.C.	PW.1
20	Inquest panchanama	PW.2
21	Spot panchanama	PW.2
25	Clothes seizure panchanama	PW.4
26	Disclosure statement - admissible portion.	PW.4
27	Memorandum panchanama	PW.4
28	Hash value calculation panchanama	PW.4
29	Arrest panchanama	PW.4
33	18 Printouts of Hash value calculation, collectively	PW.5
34	Certificate under section 65-B	PW.5
35	Certificate under section 65-B	PW.5
37	Mobile Phone seizure panchanama	PW.6
41	Certificate under section 65-B	PW.7
49	Requisition letter dt. 18.10.2018, and Opinion of Medical Officer (PW.10) about the weapon	PW.10
50	Request letter dt. 28.08.2018 for getting biological samples of the accused and opinion of Medical Officer (PW.10) about the fitness of the accused	PW.10
53	Postmortem Examination Report	PW.11
54, 55, 56	03 Forms sent with the biological samples	PW.11

67, 69, 70, 73, 76	Muddemal Receipts	PW.12
68, 71, 74, 78	Receipts issued by a Photocopy Center 'Swara Xerox Centre'	PW.12
72	Letter sent by Dy.S.P	PW.12
75	Letter addressed to Court	PW.12
77	Receipt issued by Siddhi Digital Photo Studio	PW.12
79, 81, 82	Letter dt.23.08.2018 addressed to F.S.L.	PW.12
80	Letter addressed to J.M.F.C.	PW.12
83	Letter addressed to Executive Engineer, M.S.E.D.C.L.	PW.12
84	Reply letter dated 15.10.2018 issued by M.S.E.D.C.L.	PW.12

Chart for Material Objects / Muddemal

Material Object No.	Description of the Exhibit	Proved by/ Attested by
Article-A	Blue colour Pants	PW.1
Article-B	Parrot-green colour shirt	PW.1
Article-C	A wrist watch	PW.1
Article-D	Wrist band	PW.1
Article-E	Red colour belt	PW.1
Article-F	Photograph	PW.3
Article-G	Two photographs, collectively	PW.3
Article-H	Four packets containing soil and plants	PW.3
Article-I	9 Photographs, collectively	PW.4
Article-J	T-shirt	PW.4
Article-K	Pants	PW.4
Article-L	Vest	PW.4
Article-M	Blue colour underwear	PW.4

Article-N	18 photographs, collectively	PW.4
Article-O	Knife	PW.4
Article-P	34 photographs and one Screenshot, collectively	PW.6
Article-Q	Mobile Phone	PW.6
Article-R	7 Photographs, collectively	PW.7
Article-S	10 Photographs, collectively	PW.7

Chart of Court Exhibits

Sr. No.	Exhibit Number	Description
1 to 5	Exhs.59 to 63	05 C.A. Reports

Mangaon.
Date: 09.04.2026

(S. T. Bhalerao)
Additional Sessions Judge,
Mangaon, Dist. Raigad.
