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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, CHIPLUN,
TALUKA CHIPLUN DISTRICT RATNAGIRI**

(Presided over by : D.B.Mhalatkar)

[Date of the Judgment : 01.07.2026]

**SESSIONS CASE NO.14 OF 2020
(Old Session Case No.15/2015)
(Exhibit No.477)**

Details of FIR/Crime and Police Station	:	Crime No.67 of 2014 Police Station, Guhagar Taluka Guhagar, District Ratnagiri
<u>PROSECUTION</u>	:	The State of Maharashtra, Through - Police Station Officer, Police Station Guhagar Taluka Guhagar, District Ratnagiri
Represented by	:	Mr. P.R.Salavi APP
<u>V E R S U S</u>		
Accused No.1	:	Amol Chandrakant Gadhave Age: 41 years, Occu: Service R/o. Bopkhel, Ganesh Nagar Colony No.6, Moraya Heights, Room No.311, Khadaki Pune.
Accused No.2	:	Kiran Ramdas Kuchekar Age: 38 years, Occu: Service R/o. Uttam Nagar, Kopari Road, Near Water Tank, Waraje,

		Malwadi, Pune.
Represented by	:	Mr. S.S.Butala, Advocate.
Accused No.3	:	Vishnu Kisan Tanpure Age: 42 years, Occu: Service, R/o. Survey No.83, Dnyaneshwar Park, Shriram Colony, Dighi, Pune.
Represented by	:	Mr. N.G.Lad, Advocate.

Part 'B'

[As per Para 44(ii) of Chapter VI of Criminal Manual.]

Date of offence	:	01.10.2014
Date of F.I.R.	:	01.10.2014
Date of Charge-sheet	:	26.03.2015
Date of Framing of Charges	:	01.07.2015
Date of commencement of evidence	:	24.01.2017
Date on which judgment is reserved	:	20.06.2026
Date of the Judgment	:	01.07.2026
Date of the Sentencing Order, if any	:	01.07.2026

Accused Details

Rank of the accused	:	Accused No.1
Name of the accused	:	Amol Chandrakant Gadhave
Date of arrest	:	08.01.2015
Date of release on bail	:	--
Offences charged with	:	Section 302, 394 r/w 34 of

		IPC
Whether acquitted or convicted	:	Convicted
Sentence imposed	:	Accused No.1 is convicted for commission of offence punishable under section 302 r/w 34 of the Indian Penal Code and sentenced to suffer imprisonment for life and to pay fine of Rs.1,000/- and in default to undergo rigorous imprisonment for six months. Accused No.1 is also convicted for commission of offence punishable under section 394 r/w 34 of the Indian Penal Code and sentenced to suffer imprisonment for life and to pay fine of Rs.1,000/- and in default to undergo rigorous imprisonment for six months.
Period of detention on undergone during trial for the purpose of section 428 of Cr.P.C./section 468 of BNSS	:	11 Years 5 Months 11 Days

Rank of the accused	:	Accused No.2
Name of the accused	:	Kiran Ramdas Kuchekar
Date of arrest	:	08.01.2015
Date of release on bail	:	--
Offences charged with	:	Section 302, 394 r/w 34 of IPC
Whether acquitted or convicted	:	Convicted
Sentence imposed	:	Accused No.2 is convicted for commission of offence punishable under section 302

		r/w 34 of the Indian Penal Code and sentenced to suffer imprisonment for life and to pay fine of Rs.1,000/- and in default to undergo rigorous imprisonment for six months. Accused No.2 is also convicted for commission of offence punishable under section 394 r/w 34 of the Indian Penal Code and sentenced to suffer imprisonment for life and to pay fine of Rs.1,000/- and in default to undergo rigorous imprisonment for six months.
Period of detention on undergone during trial for the purpose of section 428 of Cr.P.C./section 468 of BNSS	:	11 Years 5 Months 11 Days

Rank of the accused	:	Accused No.3
Name of the accused	:	Vishnu Kisan Tanpure
Date of arrest	:	08.01.2015
Date of release on bail	:	10.07.2015
Offences charged with	:	Section 302, 394 r/w 34 of IPC
Whether acquitted or convicted	:	Acquitted
Sentence imposed	:	N.A.
Period of detention on undergone during trial for the purpose of section 428 of Cr.P.C./section 468 of BNSS	:	N.A.

CHARGE : Under Sections 302, 394 r/w 34 of the Indian Penal Code, 1860.

JUDGMENT

(Delivered on this 01st day of July 2026)

The accused persons are facing trial for the commission of the offences punishable under Section 302, 394 r/w 34 of the Indian Penal Code, 1860.

The prosecution's case in brief is as follows:-

2. Deceased Vishwas Mahadev Khare operated a tourist spot called 'Khare's Pleasure Point' near the seashore, situated in a coconut and arecanut orchard owned by his family, about 400 meters from his house. He and his brother Vivek live separately with their families in one house. His brother Vivek runs a milk business.

3. On 30.09.2014, at about 7: 00 p. m., two tourists arrived at the tourist room at Pleasure Point operated by Vishwas. On 01.10.2014, at about 6:45 a.m., Vishwas picked up his wife Vidya from the bus stand, who had gone to her maternal home at Safala, Taluka & District Palghar, about 5 to 6 days earlier. Vishwas asked his wife to prepare tea for the two tourists who had come to their tourist room. Accordingly, Vishwas took tea to the tourist room around 8:00 a.m. and served it to the tourists. Later, at about 9:30 a.m., he brought breakfast (Pohe) to the tourist room.

4. As he had not returned by 11:00 a.m., his wife, Vidya, tried to contact him on his mobile phone, but it was

switched off. She then went to the guest house around 12:15 p.m. And found her husband's motorcycle parked near the kitchen. The kitchen was locked from the outside. She did not see her husband nearby. The bathroom light was on, but no one was there. She returned and informed her sister-in-law, Shweta, about this. She also tried calling her husband again but couldn't reach him, as his mobile was switched off.

5. At about 1:15 p.m., she returned to the guest room to look for breakfast dishes. Since the kitchen was locked, she looked for the keys, but could not find them. Peering through a crack in the wall, she saw the hot pot on the kitchen table, with pohe in one dish and the other dish empty. The iron table was toppled on the ground. She tried to look through the hole again and saw her husband lying on the ground with a cut on his neck, blood around him, and with no movement. Frightened and confused, she called her sister-in-law Shweta, asking her to come.

6. Her brother-in-law Vivek Khare, sister-in-law Shweta, and Advait Gokhale arrived. They broke open the kitchen door and found Vishwas's neck had been cut, with a sickle lying nearby. One dish of kandepohe was filled, while the other was empty. It was also observed that Vishwas's 10- tola gold chain and mobile phone were missing. It appeared there had been a scuffle in the kitchen, as items were scattered. When they checked the guest room, the two tourists from the previous day were not there. Consequently, Vivek Mahadev Khare filed a

complaint against the two unknown tourists at the Guhagar police station.

7. On the basis of the same, Guhagar police registered Crime No.67/2014 for the commission of an offence punishable under sections 302, 394 r/w 34 of the Indian Penal Code against unknown tourist persons.

8. Initial investigation was conducted by Police Inspector Mr.Vinit Jaywant Chaudhari. He went to the spot and prepared an inquest panchanama. He forwarded the body for postmortem to Rural Hospital, Guhagar. He prepared a spot panchanama. He found one knife with a green handle, one sickle, four notebooks, and one Rudrash Maal at the spot of the murder. He seized these items. He collected blood-stained soil and blood samples from the spot. He also found one ash-coloured T-shirt, one Disprin tablet, and one shirt in the tourist room. He seized all these articles and prepared a spot-cum-seizure panchanama. Police Station Officer seized the clothes of the deceased, which were produced by Police Naik Mr.Mondule after the postmortem. He took photographs of the clothes seized from the spot.

9. He collected the advanced death certificate. He requested the medical officer to collect blood samples of the deceased. On 02.10.2014, he recorded statements from witnesses. He issued a letter to Talathi Guhagar to supply the

assessment extract of the spot. He received the death certificate from Guhagar Municipal Council. He gave a letter to Tahasildar Guhagar for the preparation of a sketch map of the spot. He issued a letter to the Medical Officer, Guhagar to specify the exact time of death. He forwarded all seized muddemal along with a letter for chemical analysis to FSL Pune on 07.10.2014. He collected the postmortem report of the deceased.

10. On 22.10.2014, Nitesh Suresh Pawar produced the mobile phone of the deceased, which he found on 14.10.2014 on the seashore. He seized the said mobile by preparing a seizure panchanama. He went to the spot where the mobile handset was found and prepared a spot panchanama at the seashore. He sent a letter to the Sub Divisional Officer requesting CCTV camera footage from Ganeshkhind police check post. He received the CCTV footage and seized the hard disk containing the footage.

11. On 22.11.2014, investigation was handed over to the Local Crime Branch Ratnagiri by order of the Superintendent of Police Ratnagiri. Therefore, further investigation was conducted by the LCB under the leadership of Police Inspector Mr. S.L. Patil, and different teams were formed.

12. Police Head Constable Mr. Tanaji Shivram More and his team were deputed to track down the accused persons in the Guhagar area and surrounding regions. On 26.11.2014, he

received information that two women were approached by two men on a motorcycle about the road leading to Chiplun on 01.10.2014 near Asgoli Bus Stop. Consequently, he visited Asgoli village and recorded the statement of Sharmila Umesh Ghume, who stated that two unknown persons inquired about the Chiplun road near Asgoli bus stop on 01.10.2014.

13. He prepared a map of the incident site in the presence of the deceased's relatives. Similarly, he was assigned the responsibility of depositing the muddemal seized during the investigation period from 12.01.2015 to 15.01.2015.

14. Another ASI, Mr.Subhash Mahadev Mane, went to Pune to conduct part of the investigation. On 19.01.2015, he travelled to Pune as per the letter/authorization order of PI Mr. S.L. Patil. He found that the accused had given an amount of Rs.40,000 to Latika Narayan Sawant. He seized this amount from Latika Sawant and recorded her statement. He also recorded the statement of witness Pravin Annasaheb Tapkir. He collected an entry from the station diary at Dighi police station. Since the accused were in custody at Khadaki police station, he obtained an extract from the lock-up register there. He handed over a letter issued by PI Mr. S.L. Patil to Principal, Sayaji Maharaj Vidyalay, Pune, seeking information about the attendance and school leaving certificates of accused No.1 & 3. He collected the attendance records and school leaving certificates of the accused. He gave a letter to witness Veersing Chavan to record his statement under section 164 of the Code of

Criminal Procedure. He gathered information about customers who transacted gold in the shop of Goldsmith Veersing Chavan between 01.10.2014 and 03.10.2014 and recorded his statement. He also collected information about the mobile numbers used by the accused and recorded their statements. All collected documents were submitted to PI Mr. S.L. Patil. Additionally, he submitted Rs.40,000 as muddemal to the police station.

15. Police Inspector Mr.Patil led the investigation and formed different teams. He collected tower data of the mobile at the scene of the incident and analyzed it. Relatives of the deceased described the two tourists who visited the day before the incident and went missing immediately after. The description given by the relatives matched the description provided by Sharmila Ghume and her sister-in-law on 26.11.2014. He found that two mobile users with Nos. 7743942244 and 8983192621 were found at Guhagar in the evening and left there on 01.10.2014. Their mobile locations moved from Guhagar to Mahabaleshwar and then to Pune. He collected information about these users and found their descriptions to be matching or similar. Accordingly, on 08.01.2015, he travelled to Pune and met accused Nos. 1 and 2, discovering they had visited Pleasure Point the day before the incident and went missing. He also found that accused No.3 was involved. Therefore, he brought accused Nos. 1, 2, and 3 to Ratnagiri and arrested them. During the arrest, they were searched. One mobile phone and a brown pocket was seized

from accused No.1, Amol Gadhave. One mobile phone and an election card were seized from accused No.2, Kiran Kuchekar. From accused No.3, Vishnu Tanpure, a mobile phone, driving licence, smart card, a note regarding the election voter list, and 27 visiting cards were seized. He arrested the accused and sent them for medical examination with their faces covered. A letter was also sent to collect DNA samples from the accused.

16. Accused No.1 Amol Gadhave showed the spot of the incident and the road they travelled on and back. He prepared a discovery panchanama of the same. The said accused also showed the rexin cloth that was used at the time of the commission of the offence, which was kept in the store room by Vishwas Khare's nephew. It was also seized. Accused No.1 disclosed that the disperin tablet and Gems chocolate in his pocket were purchased from Prakash Medical's shop. The batch number of the said tablet matched the record of Prakash Medical. He recorded the statement of Prakash Medical.

17. During the journey from Guhagar to Panchgani, accused No.2 showed his willingness to display the blood-stained jeans and towel, which were thrown into Parasani Ghat. Accordingly, they went there and prepared a discovery Panchanama of the spot, but the jeans and towel were not found.

18. On 13.01.2015, it was found that accused No.3 Vishnu used the mobile phone of Shakuntala Baban Savai at the

time of the offence. Therefore, her statement was recorded and the mobile handset was seized.

19. Accused No.1 at Dighi police station disclosed that he sold the deceased's gold chain to Jeweler Veersing Malsing Chavan. Accordingly, they went to the jeweler, who disclosed that he converted it into a gold bar and paid Rs.1,91,900 to accused No.1, Amol Gadhave. The gold bar and a paper with accused No.1's name as the seller were seized. Specimen handwriting of Veersing Chavan and some notebook papers were obtained for comparison. Based on accused No.1's statement, the motorcycle used in the offence was discovered and seized by drawing panchanama; it bears the No.MH-14/DC-7205. Additionally, accused No. 1's pant, jerkin, and sports shoes were seized from his flat. The DVR from Sundha Jewelers was seized, along with the memory card of accused No.1's mobile phone from his sister, Jayashri Gadhave. Statements were recorded from Savita Gadhave, Jayashri Gadhave, Dattatray More, Alka More, and the owner of Sundha Jewelers. The statement of Ajit Pandit, whose vehicle was used by accused No.3 for reki purposes, was also recorded. Additionally, the statement of Jayesh Mhaduskar, who travelled in the said vehicle, was taken.

20. Based on the statement given by accused No.2 Kiran Kuchekar, a bluish jerkin and a pair of canvas shoes were seized from his house. A mobile handset was recovered from his brother Suraj Kuchekar and was seized by drawing a panchanama. He also seized Rs.20,000 from one Ramdas Tapkir,

to whom accused No.1 Amol Gadhave paid this amount after selling the gold chain. Additionally, he seized Rs.28,000 from one Pravin Tapkir, to whom accused No.1 Amol Gadhave paid this amount after selling the gold chain. He recorded the statements of both witnesses.

21. He recorded statements of the friends of the accused and confirmed that accused No.1 was wearing a rudraksh maal. He also recorded a statement from the manager of Waman Hari Pethe Jewelers regarding the purchase of a gold chain by the deceased. Additionally, he collected the receipt for the said purchase. The maternal uncle of accused No.1 produced Rs.75,000/-, which was kept by accused No.1 in his house, and the amount was seized by drawing a panchanama.

22. He sent various letters to Revenue Authorities to collect documents of ownership of the incident site. He sent the seized muddemal for CA analysis. He obtained permission from the JMFC Court for an identification parade and gave a letter to the Tahasildar to conduct the parade. The Tahasildar carried out the identification parade on 29.01.2015 and informed him about it. He also sent a letter to RTO to obtain information regarding the seized motorcycle. He recorded statements of relevant witnesses and filed a charge sheet for prosecuting the accused persons.

23. My learned Predecessor framed charges at Exh.9 against accused Nos. 1 to 3 for committing an offence

punishable under section 302, 394 r/w 34 of the Indian Penal Code, to which the accused persons did not plead guilty and claimed a trial.

24. Prosecution examined all 51 witnesses and relied on various documents, which are referred to wherever required to avoid repetition.

25. Incriminating evidence was presented against the accused persons through statements recorded under section 313 of the Code of Criminal Procedure at Exh. 451, 452 & 453. They denied the entire evidence and claimed that a false case has been filed against them. They have not adduced any evidence in their defence.

26. I heard learned APP for the State and learned Advocate for accused No.1 & 2 and Advocate for accused No.3. I also went through the written notes of the argument and the citations referred by both parties.

27. In view of charge framed, evidence adduced and arguments advanced, the following points arise for my determination, and I have answered them accordingly with reasons as follows:-

Sr. No	<u>P O I N T S</u>	<u>F I N D I N G S</u>
1)	Whether the prosecution proves that the death of Vishwas Mahadev Khare was homicidal?	Yes

2)	Whether the prosecution proves that, on 01.10.2014 at about 9.30 a.m. in the kitchen room of Khare Pleasure Point guest house owned by deceased Vishwas Khare at Guhagar, Taluka Guhagar District Ratnagiri accused No.1 & 2 in furtherance of their common intention with accused No.3 stabbed and cut by means of knife and sickle on the head, neck, back and chest and different parts of Vishwas Mahadev Khare with intention to cause his death and thereby intentionally caused his death and thereby committed an offence punishable under Section 302 r/w 34 of the Indian Penal Code ?	:	Yes. Only against accused No.1 & 2
3)	Whether the prosecution proves that on the aforesaid date, time and place, accused No.1 & 2 in furtherance of their common intention with accused No.3 stolen gold chain of 10 tolas and mobile handset of the deceased Vishwas Khare while committing the said robbery voluntarily caused physical hurt to the deceased Vishwas Khare and thereby committed an offence punishable under section 394 r/w 34 of the Indian Penal Code ?	:	Yes. Only against accused No.1 & 2
4)	Does the prosecution prove that whether accused had committed any other offence?	:	No
5)	What order?	:	As per final order.

REASONS

28. It is argued for the prosecution that the homicidal death of Vishwas Khare is admitted. It is proved through the postmortem report (Exh.304), the medical report (Exh.305),

and the evidence of the Medical Officer. The incident took place at a home stay called 'Khare Pleasure Point,' owned by the deceased Vishwas Khare near the seashore, which is also admitted. The fact that accused No.1 to 3 were known to each other is also admitted. The ownership of a mobile phone is also admitted.

29. Though there is no eyewitness, the prosecution proved through circumstantial evidence that accused No.1 and No.2, acting in furtherance of a common intention, committed the murder of the deceased Vishwas Khare. PW2 Govind Khare saw accused No.1 and No.2 at night and identified them as tourists who visited the said home stay. PW27 Sharmila Ghume met accused No.1 and No.2 on 01.10.2014 at Asgoli road, where they asked her for directions to Chiplun. She also identified accused No.1 and No.2. The identification parade was proved. PW2 Govind and PW27 Sharmila identified the accused No.1 and No.2. This evidence establishes that on 30.09.2014, accused No.1 and No.2 visited Pleasure Point home stay and departed on 01.10.2014.

30. Prosecution further relied on CDR reports of the accused persons' mobile phones. Their locations are established at Guhagar, Chiplun, and Pune.

31. Through the evidence of the informant and the wife of the deceased, it is proven that on 30.09.2014, two tourists visited their said home stay. In the morning at 7.00 a.m., the deceased went to the home stay with tea, returned, and again

went around 9.30 a.m. with breakfast (pohe) for the tourists. By about 1.30 p.m., the tourists had gone missing, the breakfast was not eaten, and Vishwas Khare's dead body was found lying in a pool of blood on the floor. This indicates that the two tourists were the murderers of Vishwas Khare. The aforementioned two witnesses and the CDR report confirm that accused No. 1 and 2 were the said tourists.

32. According to the prosecution, after committing the murder of Vishwas Khare on 01.10.2014 and stealing a 10-tola gold chain, accused No.1 sold the chain to PW26 Veersing Chavan on 02.10.2014. He paid Rs.1,91,900/- to accused No.1 and made an entry about this on a paper. His statement under section 164 of the Code of Criminal Procedure was recorded. Although he became hostile during cross-examination conducted by learned APP, it is also duly proved that he purchased the gold chain from accused No.1 immediately the day after the incident. The handwriting expert's report shows that the handwriting on the paper, which mentions the name of accused No.1, matches the handwriting of the witness. His statement was also established through the evidence of PW50 JMFC, who recorded his statement.

33. The prosecution proved that at 9.00 a.m. the deceased was with the accused. There were no regular workers employed by the deceased and therefore, it is not necessary to examine the workers. Shweta was not an eye witness. There is no question of discrepancy in the evidence regarding test identification parade. There is no document to show that

witnesses saw the accused persons in the police station prior to the identification parade. As the motorcycle parked at the home stay belongs to the deceased, there is no necessity of investigation to that effect. It is not the case of any witness that the deceased Vishwas Khare was maintaining a proper case register. It was a home stay, and the notebooks found in the said home stay are of miscellaneous entries. Accused No.3 was in continuous contact with accused Nos. 1 & 2.

34. He relied on various judgments which are stated below and prayed that the accused be convicted.

1.	Kallumal Jaidmal Kukareja v/s. State of Maharashtra 2019 ALL MR(Cri) 79
	The Hon'ble Bombay High Court referred paragraph 226 of the Police Manual to explain the purpose and maintenance of the Station Diary and held that a Station Diary is an official public record maintained in the ordinary course of police duty and the certified copy of the Station Diary entry is admissible and could be read into evidence even without production of the original Station Diary.
2.	Rameshbhai Mohanbhai Koli & Ors. v/s. State of Gujarat 2010 LawSuit (SC) 734
	It is held by the Hon'ble Supreme Court that the testimony of hostile witnesses is not automatically discarded; only the reliable portions can be considered. Evidence of a hostile witness would not be totally rejected if spoken in favour of the prosecution or the accused but would be required to be subjected to close scrutiny, and that portion of the evidence which is consistent with the case of the prosecution or defence can be relied upon. Where the evidence of the investigating officer who recovered the material objects is convincing, the evidence as to recovery need not be rejected on the ground that the seizure witnesses did not

	support the prosecution's version. Even if panch witnesses turn hostile, which happens very often in criminal cases, the evidence of the person who effected the recovery would not stand vitiated
3.	K. Chinnaswamy Reddy v/s. State of Andhra Pradesh 1962 LawSuit (SC) 220
	The Hon'ble Supreme Court held that what part of the statement is admissible under a. 27 is only that part which distinctly relates to the discovery which is admissible; but if any part of the statement distinctly relates to the discovery it will be admissible wholly and the court cannot say that it will excise one part of the statement because it is of a confessional nature. Section 27 makes that part of the statement which is distinctly related to the discovery admissible as a whole, whether it be in the nature of confession or not. Now the statement in this case is said to be that the appellant stated that he would show the place where he had hidden the ornaments. The Sessions Judge has held that part of this statement which is to the effect 'where he had hidden them' is not admissible. It is clear that if that part of the statement is excised the remaining statement (namely, that he would show the place) would be completely meaningless. The whole of this statement in our opinion relates distinctly to the discovery of ornaments and is admissible under s. 27 of the Indian Evidence Act. The words "where he had hidden them" are not on a par with the words "with which I stabbed the deceased" in the example given in the judgment of the Judicial Committee. These words (namely, where he had hidden them) have nothing to do with the past history of the crime and are distinctly related to the actual discovery that took place by virtue of that statement.
4.	Amitsingh Bhikamsing Thakur v/s. State of Maharashtra 2007 LawSuit (SC) 14
	It is held by Hon'ble Supreme Court that the necessity for holding an identification parade can arise only when the accused are not previously known to the witnesses. The whole idea of a test identification parade is that

	witnesses who claim to have seen the culprits at the time of occurrence are to identify them from the midst of other persons without any aid or any other source. The test is done to check upon their veracity. In other words, the main object of holding an identification parade, during the investigation stage, is to test the memory of the witnesses based upon first impression and also to enable the prosecution to decide whether all or any of them could be cited as eyewitnesses of the crime. The identification proceedings are in the nature of tests and significantly, therefore, there is no provision for it in the Code of Criminal Procedure, 1973 (in short “the Code”) and the Evidence Act, 1872 (in short “the Evidence Act”). It is desirable that a test identification parade should be conducted as soon as after the arrest of the accused. This becomes necessary to eliminate the possibility of the accused being shown to the witnesses prior to the test identification parade. This is a very common plea of the accused and, therefore, the prosecution has to be cautious to ensure that there is no scope for making such allegation. If, however, circumstances are beyond control and there is some delay, it cannot be said to be fatal to the prosecution. It is accordingly considered a safe rule of prudence to generally look for corroboration of the sworn testimony of witnesses in court as to the identity of the accused who are strangers to them, in the form of earlier identification proceedings. This rule of prudence, however, is subject to exceptions, when, for example, the court is impressed by a particular witness on whose testimony it can safely rely, without such or other corroboration.
5.	Mehboob Ali & Anr. v/s. State of Rajasthan 2015 LawSuit (SC) 1078
	It is held by the Hon’ble Supreme Court that for the application of Section 27 of the Evidence Act, the admissible portion of a confessional statement has to be found as to a fact which was the immediate cause of the discovery, only that would be part of legal evidence and not the rest. In a statement if something new is discovered or recovered from the accused which was not

	in the knowledge of the police before disclosure statement of the accused is recorded, is admissible in the evidence. The statement of both the accused has led to discovery of fact and arrest of co-accused not known to police. They identified him and ultimately statements have led to unearthing the racket of use of fake currency notes. Thus the information furnished by the aforesaid accused persons vide information memos is clearly admissible.
6.	Ningappa Yallappa Hosamani v/s. State of Karnataka 2009 LawSuit (SC) 975
	It is held by the Hon'ble Supreme Court that three possibilities are there when an accused points out the place where a dead body or an incriminating material was concealed without stating that it was concealed by him. One is that he himself would have concealed it. Second is that he would have seen somebody else concealing it. And the third is that he would have been told by another person that it was concealed there. But if the accused declines to tell the criminal court that his knowledge about the concealment was on account of one of the last two possibilities the criminal court can presume that it was concealed by the accused himself. This is because the accused is the only person who can offer the explanation as to how else he came to know of such concealment and if he chooses to refrain from telling the court as to how else he came to know of it, the presumption is a well-justified course to be adopted by the criminal court that the concealment was made by him. Such an interpretation is not inconsistent with the principle embodied in Section 27 of the Evidence Act.
7.	Prakash Chand v/s. State (Delhi Administration) 1978 LawSuit (SC) 341
	The Hon'ble Supreme Court observed that there is a clear distinction between the conduct of a person against whom an offence is alleged, which is admissible under Section 8 of the Evidence Act, if such conduct is influenced by any fact in issue or relevant fact and the

	statement made to a Police Officer in the course of an investigation which is hit by Section 162 of the Criminal Procedure Code. What is excluded by Section 162, Criminal Procedure Code is the statement made to a Police Officer in the course of investigation and not the evidence, relating to the conduct of an accused person (not amounting to a statement) when confronted or questioned by a Police Officer during the course of an investigation. For example, the evidence of the circumstance, simpliciter, that an accused person led a Police Officer and pointed out the place where stolen articles or weapons which might have been used in the commission of the offence were found hidden, would be admissible as conduct, under Section 8 of the Evidence Act, irrespective of whether any statement by the accused contemporaneously with or antecedent to such conduct falls within the purview of Section 27 of the Evidence Act.
8.	A. N. Venkatesh v/s. State of Karnataka 2005 LawSuit (SC) 1057
	The Hon'ble Supreme Court held that the effort of the criminal court should not be to prowl and to find out imaginative doubts. Unless the doubt is of a reasonable dimension, which the judicial mind thinks, require consideration with objectivity, no benefit can be claimed by the accused on the basis of some hypothetical proposition.
9.	Ram Gopal s/o Mansharam v/s. State of Madhya Pradesh 2023 LiveLaw (SC) 120
	The Hon'ble Supreme Court held that the information under Section 27 Evidence Act is admissible only when the discovery is the direct consequence of that information and not where the fact was already known to the police from other sources.
10.	Subramani v/s. State by Inspector of Police 2003 LawSuit (SC) 496
	Applying the "last-seen together" doctrine, the Hon'ble Supreme Court held that once the prosecution proved

	the appellant's presence with the victim shortly before her death, the burden shifted to the appellant to explain when and how he parted company with her—an onus he did not discharge. The Court found no motive for PWs 4–7 to falsely implicate the appellant and considered minor discrepancies immaterial. The cumulative effect of the proven circumstances permitted only one reasonable inference: the appellant alone committed the rape and murder.
11.	State of Rajasthan v/s. Kashi Ram 2006 LawSuit (SC) 956
	The Hon'ble Supreme Court considered the evidentiary value of the "last seen" doctrine combined with an accused's failure to explain facts within exclusive knowledge under Section 106 of the Evidence Act. It underscores that such failure can bridge gaps in circumstantial evidence
12.	Mangesh s/o Gurudeo Jumnake v/s. State of Maharashtra, through PSO, PS Gadchiroli 2017 LawSuit (Bom) 54
	The Hon'ble Bombay High Court held that it is a settled legal proposition that while appreciating the evidence of a witness, minor discrepancies on trivial matters which do not affect the core of the case of the prosecution, must not prompt the court to reject the evidence in its entirety. Therefore, unless irrelevant ,details which do not in any way corrode the credibility of a witness should be ignored. The court has to examine whether evidence read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the court to scrutinize the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witnesses and whether the earlier evaluation of the evidence is shaken, as to render it unworthy of belief. Thus, the court is not supposed to give undue importance to omissions, contradictions and discrepancies which do not go to the heart of the matter, and shake the basic version of the

	prosecution witness. Thus, the court must read the evidence of a witness as a whole, and consider the case in light of the entirety of the circumstances, ignoring the minor discrepancies with respect to trivial matters, which do not affect the core of the case of the prosecution. The said discrepancies as mentioned above, should not be taken into consideration, as they cannot form grounds for rejecting the evidence on record as a whole. In a case based on circumstantial evidence where no eye- witness account is available, there is another principle of law which must be kept in mind. The principle is that when an incriminating circumstance is put to the accused and the said accused either offers no explanation or offers an explanation which is found to be untrue, then the same becomes an additional link in the chain of circumstances to make it complete.
13.	Vitthal Eknath Adlinge v/s. State of Maharashtra 2009 LawSuit (SC) 304
	The Hon'ble Supreme Court reiterated that a conviction resting solely on circumstantial evidence is permissible only when every incriminating circumstance is firmly established and the cumulative chain is incompatible with any hypothesis of innocence. Referring to the extensive body of case-law outlined above, the Court endorsed four specific circumstances accepted by the trial court and the High Court: (i) the appellant and the deceased were last seen together; (ii) the deceased was immediately afterwards found dead while the appellant was absent; (iii) prior enmity established motive; and (iv) witnesses (PWs 6 and 7) testified to earlier harassment of the victim by the appellant. The Court further noted the appellant's unexplained abscondence for seven days as reinforcing the prosecution narrative.
14.	State of Maharashtra v/s. Suresh 1999 LawSuit (SC) 1377
	It is held by the Hon'ble Supreme Court that circumstantial evidence, if cogent and complete, suffices for conviction even in capital offences.Minor procedural

	lapses in identification parades do not render them inadmissible when core safeguards are intact. Section 27 disclosures carry strong probative value unless the accused offers a plausible alternative explanation.
15.	K. Gopal Reddy v/s. State of Andhra Pradesh 1978 LawSuit (SC) 347
	The Hon'ble Supreme Court held that the accused is entitled to the benefit of any reasonable doubt. If two reasonably probable and evenly balanced views of the evidence are possible, one must necessarily concede the existence of a reasonable doubt. But, fanciful and remote possibilities must be left out of account. To entitle an accused person to the benefit of a doubt arising from the possibility of a duality of views, the possible view in favour of the accused must be as nearly reasonably probable as that against him. If the preponderance of probability is all one way, a bare possibility of another view will not entitle the accused to claim the benefit of any doubt. It is, therefore, essential that any view of the evidence in favour of the accused must be reasonable even as any doubt, the benefit of which an accused person may claim, must be reasonable. "A reasonable doubt", it has been remarked, "does not mean some light, airy, insubstantial doubt that may flit through the minds of any of us about almost anything at some time or other; it does not mean a doubt begotten by sympathy out of reluctance to convict; it means a real doubt, a doubt founded upon reasons.
16.	Achhar Singh; Buddhi Singh v/s. State of Himachal Pradesh 2021 LawSuit (SC) 309
	The Hon'ble Supreme Court held that there is, thus, a marked differentia between an exaggerated version and a false version. An exaggerated statement contains both truth and falsity, whereas a false statement has no grain of truth in it (being the opposite of true). It is well said that to make a mountain out of a molehill, the molehill shall have to exist primarily. A Court of law, being mindful of such distinction is duty bound to disseminate truth from falsehood and sift the grain from the chaff in

	case of exaggerations. It is only in a case where the grain and the chaff are so inextricably intertwined that in their separation no real evidence survives, that the whole evidence can be discarded
17.	Maqsoodan v/s. State of Uttar Pradesh 1982 LawSuit (SC) 225
	The Hon'ble Supreme Court held that the minor inconsistencies did not vitiate otherwise credible, injured eyewitness account. When a person who has made a statement, maybe in expectation of death, is not dead, it is not a dying declaration and is not admissible under Section 32 of the Evidence Act. In the instant case, the makers of the statements Exts. Ka-22 and Ka-23, are not only alive but they deposed in the case. Their statements, therefore, are not admissible under Section 32; but their statements however are admissible under Section 157 of the Evidence Act as former statements made by them in order to corroborate their testimony in court.
18.	Vilas Shankar Bhilare v/s. State of Maharashtra & Ors. 2011 LawSuit (Bom) 1276
	It is held by the Hon'ble Bombay High Court that 'falsus in uno falsus in omnibus' is not applicable in India. It is merely rule of caution. Whole body of testimony of witness is not required to be rejected if witness is found to be speaking truth in some aspects while speaking untruth in other aspects. The evidence has to be scrutinized with care.
19.	Yogesh Singh v/s. Mahabeer Singh & Ors. 2016 LawSuit (SC) 1032
	The Hon'ble Supreme Court held that Every case in the final analysis would have to depend upon its own facts. Although the benefit of every reasonable doubt should be given to the accused, the courts should not at the same time reject evidence which is ex facie trustworthy, on grounds which are fanciful or in the nature of conjectures.

	The cherished principles or golden thread of proof beyond reasonable doubt which runs through the web of our law should not be stretched morbidly to embrace every hunch, hesitancy and degree of doubt. The excessive solicitude reflected in the attitude that a thousand guilty men may go but one innocent martyr shall not suffer is a false dilemma. Only reasonable doubts belong to the accused. Otherwise any practical system of justice will then break down and lose credibility with the community.
20.	Sahabuddin & Anr. v/s. State of Assam 2012 LawSuit (SC) 832
	The Hon'ble Supreme Court characterised the matter as resting on circumstantial evidence. It found a complete chain of circumstances: (i) prior dowry-related threats, (ii) the victim's reluctance to return to her matrimonial home, (iii) her death within the home four months after marriage, and (iv) consistent physical injuries noted by family witnesses, the inquest report, and the post-mortem. On credibility of witnesses, the Hon'ble Supreme court , ruled that relationship to the deceased does not per se render a witness interested. Hostile neighbours (PWs 8-9) offered inconsistent versions attributing death to epilepsy or evil spirits. Given their proximity to the accused and contradictions, their testimony was accorded little weight. The hon'ble Court held that defective investigation cannot exonerate the guilty. It directed departmental proceedings against PW 11 (Investigating Officer) and PW 1 (Doctor) for professional dereliction.
21.	Ravirala Laxmaiah v/s. State of A.P 2013 LawSuit (SC) 456
	The Hon'ble Supreme Court upheld the trial court's ten specific findings-motive, ill-treatment, false information, last-seen presence, recovery of ornaments, and flight from the scene-were endorsed. Minor inconsistencies in witness statements were deemed natural and not fatal.

	Although panch witnesses did not fully support the prosecution, their admission of signatures on recovery memos and other corroborative facts satisfied the Court of the recovery's authenticity.
22.	Bhagwan Singh v/s. State of Haryana in 1975 LawSuit (SC) 502
	It is held by the Hon'ble Supreme Court that testimony of a witness declared hostile is not automatically rendered useless when adequately corroborated.
23.	State of Gujarat v/s. Vrajlal Arjanbhai Gohel 1980 LawSuit (Guj) 17
	The Hon'ble Gujarat High Court held that simply because he is a Government servant, it does not mean that he would be a party to a false panchnama being made in a false case on a trap being set up against an innocent person.
24.	Mallikarjun Ningappa Ragati v/s. State of Karnataka 2006 LawSuit (Kar) 466
	It is held by the Hon'ble Karnataka High Court that when scanning the evidence of the various witnesses, we have to inform ourselves that variances on the fringes, discrepancies in details, contradictions in narrations and embellishments cannot militate against the veracity of the core of the testimony, provided there is an impress of truth and conformity to probability in the substantial fabric of testimony delivered. Merely because, there have been certain discrepancies and contradictions in the evidence of some or all of the witnesses, it does not mean that the entire evidence of the prosecution has to be discarded. It is only if, after exercising caution and care, and sifting the evidence to separate truth from untruth, exaggeration, embellishments and improvement, the Court comes to the conclusion that what can be accepted implicates the accused, it will convict them, The maxim "falsus in uno falsus in omnibus" is not a sound rule for the reason that hardly one comes across a witness, whose evidence does not contain a grain of untruth or at any rate, exaggeration,

	embroideries or embellishments. In most cases, the witnesses when asked about the details, venture to give some answer not necessarily true or relevant, have fear that their evidence may not be accepted in respect of the main incident which they have witnessed but, that is not to say that their evidence as to the salient features of the case after cautious scrutiny cannot be considered though, where the substratum of the prosecution case is disbelieved, it may not be permissible for the Court to reconstruct a story of its own out of the rest.
25.	Mulakh Raj v/s. Satish Kumar 1992 LawSuit (SC) 298
	It is held by the Hon'ble Supreme Court that the absence of proven motive does not vitiate a conviction based on a compelling chain of circumstantial evidence
26.	Rakesh Kumar v/s. State of Haryana 1987 LawSuit (SC) 96
	The Hon'ble Supreme Court considered the factual position as follows and observed that- in this matter P.W.3, Bhagat Singh, stated in his examination-in-chief that he had identified the accused at the time of occurrence. But curiously enough, he was not cross-examined as to how and in what manner he could identify the accused as pointed out by the learned Sessions Judge. No suggestion was also given to him that the place was dark and it was not possible to identify the assailants of the deceased. P.W. 8 denied that the electric light existing on the spot was out of order at the time of occurrence. It is, therefore, manifestly clear from the evidence of P.W.8 that the place was not at all dark although the light was not sufficient for filling up the inquest form. But, it cannot be said that there was no light and the place was dark.
27.	State of Uttar Pradesh v/s. Jagdeo 2002 LawSuit (SC) 1196
	The Hon'ble Supreme Court held that even if investigative lapses existed, they could not eclipse "clinching" eyewitness testimony. The written report was filed within approximately one hour of the occurrence;

	its contents matched on-site findings, medical evidence and the testimonies, reinforcing authenticity. Minor inconsistencies in witness statements or investigative steps were deemed inevitable in rural night-time incidents and did not erode the core prosecution case.
28.	Ashok Dhondiram Dhavale v/s. State of Maharashtra 2021 LawSuit (Bom) 591
	The Hon'ble Bombay High Court held that the witnesses may lie but circumstances speak for themselves. In a case of circumstantial evidence, if the material collected in the course of investigation are interlinked the same has to be considered accordingly. A logical inference has to be drawn. What needs to be appreciated and considered is the cumulative effect of the circumstances which must be such as to negate the innocence of the accused and the said circumstances lead to the only conclusion that the accused is the perpetrator of the Crime. Circumstantial evidence must be complete and conclusive before an accused can be convicted thereon. This, however, does not mean that there is any particular or special method of proof of circumstantial evidence. We must, however, guard against the danger of not considering circumstantial evidence in its proper perspective, e.g. where there is a chain of circumstances linked up with one another, it is not possible for the court to truncate and break the chain of circumstances. In other words where a series of circumstances are dependent on one another they should be read as one integrated whole and not considered separately, otherwise the very concept of proof of circumstantial evidence would be defeated.
29.	Pakala Narayana Swami v/s. Emperor (1939) 41 BOMLR 428
	The Hon'ble Privy Council considered the admissibility of the deceased's widow's statement under Section 32(1) of the Evidence Act, holding that statements made by a deceased person relating to the cause of death or circumstances of the transaction resulting in death are

	relevant, even if made before the death or without expectation of death. The statement that the deceased was going to meet the accused's wife at the accused's house was deemed a circumstance of the transaction resulting in death and was rightly admitted.
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35. It is argued for the accused Nos. 1 & 2 that there is no direct evidence to show that accused Nos. 1 & 2 visited the said home stay on 30.09.2014 and stayed till 01.10.2014. The prosecution has not examined independent witnesses, such as workers at the home stay, even though the witnesses admitted that workers were employed. Hence, an adverse inference is required to be drawn. The statement of PW2 Govind was not recorded on the day of the incident, but it was a belated statement. A test identification parade was conducted at a belated stage. The witnesses had seen the accused persons, and therefore, there is no value to the test identification parade.

36. It is necessary to prove five fundamental principles regarding circumstantial evidence. There was a motorcycle near the home stay, and there was no investigation to that effect. The wife of the deceased admitted that the handwriting in the diary seized from the home stay does not belong to her husband. It shows that there was a manager who managed the said home stay. The DNA samples were not matched. Except for the relatives of the deceased, police, and government witnesses, all other witnesses, especially regarding the panchanamas at Pune, turned hostile. There is no evidence to connect the accused No.1 and 2 with the offence. If the said tourists resided earlier at the home stay, they would know about the keys to the room. The informant's knowledge that on 30.09.2014 two tourists came

there is not probable.

37. The complainant alone went to the police station. Why PW2 Govind did not accompany the complainant through his elder brother is unexplained. There are crucial admissions in the cross-examination of the complainant Vivek and his brother Govind. Govind and PW27 Sharmila Ghume, who were prosecution witnesses, had not seen the accused and cannot be relied on. The deceased Vishwas had quarrels with Ramesh Bhosale, Sanjay Gadre, Devkar, and the Inspector of Gharda Company. He was known as Goldman, having many enemies and being a target for thieves. The prosecution has not proved the entire chain of circumstances beyond a reasonable doubt. Hence, he prayed for the acquittal of the accused.

38. Learned Advocate for the accused No.3 submitted that PW9, PW10, PW11, PW12, PW15, PW16, PW17, PW18, PW19, PW20, PW26, PW41, and PW45 have failed to support the prosecution. There is no evidence against accused No.3. There is no proof that Shakuntala Savai owned the mobile used by the accused. There is no evidence that the accused No.3 used the said mobile and phone number. There is no evidence that, on 14.12.2013, the accused No.3 came to Guhagar for reki. He was not present in Guhagar on the day of the incident. There is no evidence that he actively participated in the commission of the crime. No seizure has been made from him. Therefore, he prayed for the acquittal of accused No.3.

39. Learned Advocates of the accused relied on the following case laws.

1.	Bir Singh & Ors. v/s. State of Uttar Pradesh AIR 1978 SC 59
	The Hon'ble Supreme Court considered the factual position as follows: It would thus appear that all the eye witnesses are interested, inimical and belonging to the faction of the deceased and have taken sides with them and against the accused in earlier litigations. It would thus appear from the evidence of eye-witness that Shambhu and Bhikari were exactly in the same position as the eye-witness and yet no reasonable explanation has been given by the prosecution for not examining them. It is true that it was not incumbent on the prosecution to examine each and every witness so as to multiply witnesses and burden the record. This rule however does not apply where the evidence of the eyewitnesses suffers from various infirmities and could be relied upon only if properly corroborated. In view of these special circumstances it was incumbent on the prosecution to examine the two witnesses at least to corroborate the evidence and if they were not examined the Sessions Judge was justified in drawing an adverse inference against the prosecution. That although the FIR has been lodged at 7.30 p.m at Kotwali Police Station at Unnao yet according to the Investigating Officer the seal of the SP Office dated November 9, 1967 was given by mistake as the FIR could have been received on the next date i.e November 10, 1967 because the office of the S.P closed at 5 p.m on November 9, 1967. There does not appear to be any room for such a clerical mistake unless it be held that the FIR must have been actually prepared on November 10, 1967 so that it was not in existence on November 9, 1967. If the possibility of "Narain" having been converted to "Dularey" is not excluded this would appear to show that an attempt was made by the prosecution to interpolate the general diary so as to falsely implicate Ram Dularey Singh. Even though the High Court has not agreed with the Sessions Judge about the conversion of "Narain" into "Dularey" it has found that there are overwritings in the general diary but has failed to give

	any explanation for these overwritings and has also omitted to draw an adverse inference against the prosecution.
2.	Narain and Ors. v/s. State of Punjab AIR 1959 Supreme Court 484
	The Hon'ble Supreme Court held that the witnesses essential to the unfolding of the narrative on which the prosecution is based, must, of course, be called by the prosecution." It will be seen that the test whether a witness is material for the present purpose is not whether he would have given evidence in support of the defence. The test is whether he is a witness " essential to the unfolding of the narrative on which the prosecution is based ". Whether a witness is so essential or not would depend on whether he could speak to any part of the prosecution case or whether the evidence led disclosed that he was so situated that he would have been able to give evidence of the facts on which the prosecution relied. It is not however that the prosecution is bound to call all witnesses who may have seen the occurrence and so duplicate the evidence.
3.	State of U.P. & Anr. v/s. Jaggo Alias Jagdish & Ors. AIR 1971 Supreme Court 1586
	The Hon'ble Supreme Court observed that Ramesh, present with the deceased at the incident and named in the FIR, was not called and it led the Court to view this omission as a serious prosecution defect.
4.	The State of Maharashtra v/s. Rajesh Alias Kaka Madanlal Soni & Ors. 1998 Bombay CR Criminal
	The Hon'ble Bombay High Court held that accused need not prove affirmatively that they were shown to witnesses; it is sufficient to create reasonable doubt by showing circumstances that make prior showing reasonably possible. Illustrative examples include presence in police station at same time, being marched

	through witnesses' area, or inspector present when jail warrant was prepared. The Hon'ble Court emphasised that identification evidence must be "fair and beyond reproach." The court set out the mandatory and illustrative requirements from the Criminal Manual (High Court of Bombay) for conducting identification parades and then examined, in detail, whether those requirements were followed for each accused. On <i>Rajesh alias Kaka Madanlal Soni</i> (parade dated 24-6-1992): The Special Executive Magistrate (S.E.M.) Nandkumar Salvi (P.W.5) admitted he did not ask witnesses whether they had seen the suspect at any time subsequent to the offence or after arrest, as required by the Criminal Manual. He admitted he could not say whether he had seen the suspect prior to the parade and did not record key details (e.g., identification marks) in the identification memo; he later contradicted himself about whether the memo was in his handwriting. Because the Magistrate had not satisfied himself as to the dummies' similarity and because the identifying procedure was not properly recorded or followed, the court found the identifications of <i>Rajesh</i> by the remaining credible in-court witnesses (Bhimrao Patil and Ramesh Babu Sutar) to be unreliable. Given these infirmities, the court concluded <i>Rajesh</i> deserved acquittal on all counts.
5.	Mohd. Abdul Hafeez v/s. State of Andhra Pradesh AIR 1983 Supreme Court 367
	The Hon'ble Supreme Court held that the victim's dock identification was "innocuous" because (a) no names or descriptions of the assailants appeared in the FIR, (b) no test-identification parade was conducted after arrest, and (c) more than four months elapsed between the incident

	and the in-court identification, rendering it unreliable.
6.	Dasharath Balu @ Sakharam Waghe v/s. State of Maharashtra 2004 ALL MR (Cri) 1012
	The Hon'ble Bombay High Court observed that it is well settled legal principle that, in cases resting upon circumstantial evidence, such evidence should satisfy three tests - (i) the circumstances from which an inference of guilt was sought to be drawn, should be cogently and firmly established; (ii) those circumstances should be of a definite tendency unerringly pointing towards the guilt of the accused; and (iii) the circumstances, taken cumulatively should form a chain so complete that there was no escape from the conclusion that within all human probability the crime was committed by the accused and none else.
7.	Basudev @ Vasudev Behare v/s. State of Maharashtra 2005(1) Crimes 184
	The Hon'ble Bombay High Court held that if this entire evidence is accepted the maximum that has been proved by the prosecution is that victim having blood group 'B' died homicidal death and accused having blood group 'B' had his clothes blood stained. The maximum that prosecution has proved therefore is that accused was wearing blood stained clothes of 'B' group. His own blood being of that group. How that blood came there is not explained. It cannot be held to be that of the deceased as he also had same blood group. In the circumstances all that has been proved by the prosecution is failure to explain existence of blood stains on the clothes of the accused.
8.	Subaiyya @ Kumar Mattu Pandiankonar v/s. State of Maharashtra 2005(1) Crimes 185
	The Hon'ble Bombay High Court observed that the possibility of the death having been caused more than 48 hours of post-mortem also cannot be overruled. Cause of death is not certain. How the fracture was caused is not known. Doctor states that it can be caused by fall. Even if we assume that the entire evidence is true it does not

	lead to a definite conclusion that merely because they were seen together on 7-10-1995 the accused caused her death on 8-10-1995 or thereafter. merely because the accused was seen with the accused in the morning of 17-10-1995 it cannot be held conclusively that it the accused who committed murder. In such circumstantial set of evidence benefit of doubt must go to the accused.
9.	Toran Singh v/s. State of U.P AIR 2002 Supreme Court 2807
	The Hon'ble Supreme Court held that the motive for the alleged offence is that the deceased had eloped with the wife of the appellant. . In the background of ill-will and enmity, he could not have chosen to call the deceased and his son to his house and the deceased and his son could not have gone to the house of the appellant and that too to stay there overnight. There is no evidence on record to speak about the deceased and his son reaching the house of the appellant or their stay in that house. PW-1 was the only eye-witness according to the prosecution. He being the son of the deceased is obviously an interested witness. His evidence ought to have been scrutinized with greater care and caution. Even otherwise, his evidence is not corroborated on material aspects by the evidence of other witnesses.
10.	Gangadhar Fakkad Salunke v/s. State of Maharashtra 2005(3) Mh.L.J.
	The Hon'ble Bombay High Court considered the factual position that another aspect which renders the version of three eye witnesses having witnessed the incident is absence of proper illumination. Assuming, that there were lights burning in the house of Joshi and Tagad, the lights were at far distance and illumination of those lights would not render it possible for the witnesses to have witnessed the incident. the police were aware about the statement which was to be made by the accused and as such according to us no importance can be attached to the disclosure

	memorandum at Exh. 35 and the consequent recovery of the knife pursuant thereto.=
11.	Kali Ram v/s. State of Himachal Pradesh AIR 1973 (SC) 2773
	The Hon'ble Supreme Court held that if a witness professes to know about a gravely incriminating circumstance against a person accused of the offence of murder and the witness keeps silent for over two months regarding the said incriminating circumstance against the accused, his statement relating to the incriminating circumstance, in the absence of any cogent reason, is bound to lose most of its value. Another golden thread which runs through the web of the administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. This principle has a special relevance in cases wherein the guilt of the accused is sought to be established by circumstantial evidence. Rule has accordingly been laid down that unless the evidence adduced in the case is consistent only with the hypothesis of the guilt of the accused and is inconsistent with that of his innocence, the court should refrain from recording a finding of guilt of the accused. It is also an accepted rule that in case the court entertains reasonable doubt regarding the, guilt of the accused, the accused must have the benefit of that doubt. Of course, the doubt regarding the guilt of the accused should be reasonable : it is not the doubt of a mind which is either so vacillating that it is incapable of reaching a firm conclusion or so timid that it is hesitant and afraid to take things to their natural consequences. The rule regarding the benefit of doubt also does not warrant acquittal of the accused by resort to surmises, conjectures or fanciful considerations. "Certainly it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distinction between 'may be' and 'must be' is long and divides vague conjectures from sure

	considerations".
12.	Ashish Batham v/s. State of Madhya Pradesh AIR 2002 Supreme Court 3206.
	The Hon'ble Supreme Court observed that it is well to remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should in first instance be fully established, and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused. Realities or Truth apart, the fundamental and basic presumption in the administration of criminal law and justice delivery system is the innocence of the alleged accused and till the charges are proved beyond reasonable doubt on the basis of clear, cogent, credible or unimpeachable evidence, the question of indicting or punishing an accused does not arise, merely carried away by heinous nature of the crime or the gruesome manner in which it was found to have been committed. Mere suspicion, however, strong or probable it may be is no effective substitute for the legal proof required to substantiate the charge of commission of a crime and grave the charge is greater should be the standard of proof required. Courts dealing with criminal cases at least should constantly remember that there is a long mental distance between 'may be true' and 'must be true' and this basic and golden rule only helps to maintain the vital distinction between 'conjectures' and

'sure conclusions' to be arrived at on the touch stone of a dispassionate judicial scrutiny based upon a complete and comprehensive appreciation of all features of the case as well as quality and credibility of the evidence brought on record.

Curiously, the Courts below chose to summarily reject the claim faulting the appellant for not examining the railway officials ignoring the fact that in spite of Inspector Gaur collecting the materials relating to his reservation and travel, neither he was examined nor the prosecution summoned those officials, who were examined during the course of investigation or marked the materials collected to prove that the appellant did not travel as claimed by him. Different and contradictory standard of appreciation of evidence seems to have been adopted to the detriment of the accused resulting in grave injustice. In the absence of any clinching material brought on record by the prosecution to show that the appellant did not, as a matter of fact, travel as per the reservations made by him along with his sister (D.W.1), it was not permissible for the courts below merely to disbelieve DW-1 and DW-2 for no valid reason and to surmise, in our view, most unjustifiably that the appellant was clever enough to prepare the material for the defence of alibi, which, according to them, remained unsubstantiated.

The serious lapse in not pursuing the examination of the finger prints or bring on record the results of fingerprints taken and making them available for consideration as well as the omission to bring to the notice of the Court the result of the lie detector test, to which the appellant was subjected, sufficiently create serious suspicion and cast great shadow of doubt on the credibility and truthfulness of the prosecution case.

It is also doubtful as to whether one person could have, without getting himself hurt, or receiving any form of injury during altercation, in retaliation from the two girls, inflicted so many injuries. In this context, the absence of any explanation to the bloodstains found on the terrace of the house also assumes significance and considerably affect the veracity of the case projected by

the prosecution.

both the courts below have committed the same serious error in presuming the guilt of the appellant first and try thereafter to find out one or other reason to justify such a conclusion without an objective, independent and impartial analysis or assessment of the materials, before recording a finding on the guilt of the appellant. Contradictory standards or yardstick and lack of coherence is found writ large in the manner of consideration adopted by the courts below. In the case of evaluation of the evidence, it could be seen so patently that insignificant things have been unduly magnified and serious lapses and withholding of vital materials and relevant witnesses have been unjustifiably glossed over despite the fact that the production of those materials would have really helped to fix the guilt or otherwise of the appellant concretely and bring about the real truth about the matter. We find, on going through the materials on record and the judgments of the courts below, the case before us to be an ideal and illustrative one to justify the apprehensions often reiterated by this Court that the mind was apt to take pleasure in adopting the circumstances to one or the other circumstance without straining a little to supply even the links found wanting to render them complete. The fact that at a busy place like the one in and nearby the Hospital area, a thickly residential with surroundings as spoken to by the witnesses such murder of two girls could be said to have been executed without attracting the attention of anyone nearby or regular passersby at that point of time in the area also seriously improbabilise the prosecution version that the appellant alone was and could have been the culprit. We are also of the view that the doubtful and suspect nature of the evidence sought to be relied upon to substantiate the circumstances in this case themselves suffer from serious infirmities and lack of legal credibilities to merit acceptance in the hands of Courts of Law, since the very circumstances sought to be relied upon themselves stood seriously undermined the existence or proof of one or more of stray circumstances in the chain, break and dislocate the link in such a manner so as to irreversibly snap the link in the chain of circumstances rendering it difficult, inappropriate as well

	as impossible too, to consider even one or more of them alone to either sufficiently constitute or provide the necessary basis to legitimately presume the guilt of the appellant.
13.	Mohd. Aman, Babu Khan & Anr. v/s. State of Rajasthan AIR 1997 SC 2960 The Hon'ble Supreme Court held that the prosecution has failed to establish that the seized articles were not - or could not be - tampered with before it reached the Bureau for examination. Though evidence was led to prove that after seizure the articles were packaged and then sealed, no evidence was led to indicate what was the mark given in the seals and whether the Bureau received the packages with the marked seals intact. Indeed, even the contemporaneous letters exchanged between them (Ext. P.59 and P.60) do not throw any light on this aspect of the matter. Rather, other circumstances appearing on record make the prosecution case doubtful in this regard : first, the articles were kept in the police station for five days without any justifiable reason, secondly the Investigating Officer (P.W. 20) admitted that the seal, mark of which was put on the articles, was with him since the time of seizure and lastly his letter (Ext. P.39) forwarding the seized articles to the Bureau contains admittedly, an overwriting as regards the date of its writing/dispatch and no satisfactory explanation is forthcoming for the same. Apart from the above missing link and the suspicious circumstances surrounding the same, there is another circumstance which also cast a serious mistrust as to genuineness of the evidence. In other words, unless the prosecution conclusively establishes that the articles recovered were stolen whom the murder was committed, and not on an earlier occasion, there would be a missing link in the chain so far as the specific accusation leveled against the accused is concerned. Once it is found that the evidence relating to find of foot prints and finger prints of the appellant and the recovery of the four silver rings cannot be safely relied upon, the proof of the other two circumstance, namely that a blood stained knife was recovered after fifteen days of the incident pursuant to the statement of

	the accused and that few simple injuries were found on his person on April 20, 1983 when he was arrested would only raise a strong suspicion against him and not a conclusive inference of his guilt.
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As to Point No.1:

40. Prosecution must prove that the death of Vishwas Mahadev Khare was homicidal. PW1 Vivek Khare and PW3 Vidya Khare stated that the deceased Vishwas Mahadev Khare was found with multiple injuries on his body in a pool of blood at the home stay around 1.30 p.m. PW1 Vivek Khare stated that he went to the police station and filed the report. The report was filed at about 2.35 p.m. Thereafter, PW46 Police Inspector Mr. Vinit Chaudhari went to the spot, prepared the inquest panchanama, and sent the dead body for postmortem.

41. Inquest panchanama witness. He stated that on 01.10.2014, at about 2:45 p.m., he was called by the police for an inquest panchanama of Vishwas Khare's dead body at Khare's Pleasure Point, Guhagar Varacha Paat. Another panch, Sameer Ghanekar, was present with him. He observed that Vishwas Khare's body was lying there, with his throat cut and a head injury on his backside caused by a sharp-edged weapon. There were injuries on his face and hand, also caused by a sharp-edged weapon. The deceased's t-shirt and bermuda were soaked with blood. The police prepared the inquest panchanama in his presence, and he signed it after reading. He proved the inquest panchanama at Exh.61. During cross-examination, nothing except denial was recorded regarding the inquest panchanama. Therefore, the inquest panchanama is duly proved. The

document shows injuries on the deceased's body, consistent with witness statements.

42. The Medical Officer PW44, Dr. Satyarthprakash Kashinath Balawant (Exh.44), deposed that on 01.10.2014, he conducted a postmortem on the corpse of Vishwas Mahadev Khare. He received the dead body at approximately 5:20 p.m. He identified the following injuries on the body.

43. He found 21 external injuries on the corpse of Vishwas Mahadev Khare.

1. Four incised cuts in occipital region resulting in removing of flap of skull of size 4X5 c.m. margins clean cut, blood infiltrated.
2. Incised wound frontal region right side 1X0.3X0.5 c.m. clean cut margins, blood infiltrated.
3. Incised wounds frontal region, upper central part
 - a) 1.5X0.2X0.5 c.m. horizontally placed
 - b) 2X0.3X0.5 c.m. oblique
 - c) 2x0.3x0.3 c.m. oblique.all with clean cut margins and blood infiltrated
4. Incised wound 3X0.5X0.5 cm between upper part of right ear and right neck, obliquely placed, clean cut margins, blood infiltrated.
5. Incised wound in front of right ear 2X0.5X0.5 c.m. clean cut margins, blood infiltrated.
6. Incised wound left parietal region 2.5X0.2X0.5 c.m.

7. Incised wound left partial region 1 c.m. blood injury 6, 2.7X0.2X0.5 c.m. clean cut margins, blood infiltrated.
8. Incised wound above right ear 2x0.5x0.5 c.m. clean cut margins, blood infiltrated.
9. Incised wound right lateral side of neck 7X6 c.m. muscle deep, underlying vessels and muscle cut down margins straight and clean cut, blood infiltrated
10. Incised wound on anterior surface of neck below chin at level of 'thyroid cartilage' of size 10X7 c.m. upto pre vertebral fascia, cutting- completely underlying thyroid cartilage, trachea and oesophagus and vessels of neck in that region, margins are clean cut, reddish and blood infiltrated.
11. Incised wound between left scapula and spine, near to spine 2X0.5X1 c.m. margins clean cut blood infiltrated.
12. Incised wound right shoulder 1X0.3X0.5 c.m. -clean cut margins blood infiltrated.
13. Incised wound right wrist laterally obliquely placed 1X0.7X1 c.m. clean cut margins, blood infiltrated.
14. Incised wound near angle 'of mouth right side 1.5x0.5x0.5 c.m. obliquely placed, clean cut margins, blood infiltrated.
15. Incised wound left neck below right ear.
 - a) 3.5x0.7x0.5 c.m.
 - b) 1x0.5x0.5 c.m.
 - c) 2.5x1x1 c.m.

All horizontally placed with clean cut margins and blood

infiltrated.

16. Incised wound below left ear between left ear and 'angle of mouth 0.5x0.5x0.5 c.m. clean cut.
17. Incised wound 2.5x1x1.5 c.m. near left nipple lateral side clean cut margins, blood infiltrated.
18. Incised wound between right scapula and spine 4 x 1 x 3 c.m. obliquely placed clean cut margins, blood infiltrated.
19. Incised wound lower back above right buttock 4x1.5x1.5 c.m. horizontally placed, clean cut margins, blood infiltrated.
20. Incised wound lower back above left buttock 1x0.3x0.5 cm. clean'cut margins.
21. Incised wound below left scapula.
 - a) 1.5x0.5x0.5 c.m., clean cut, blood infiltrated.
 - b) 1x0.3x0.3 c.m. clean cut, blood infiltrated.

44. On internal examination, he found congestion under the scalp. The skull was intact with no fractures. The meninges and brain matter were also intact. In the thorax, the trachea was completely incised with clean-cut margins. In the oral cavity, the tongue was inside the mouth, upper teeth were intact, but only one left lower molar was present, with the others missing. The oesophagus was completely incised with clean-cut margins. He collected blood and nails for viscera purposes. In his opinion, the probable cause of death was hemorrhagic shock due to neck injuries.

45. Accordingly, he prepared the postmortem report (Exh.303) and the provisional postmortem report (Exh.304). He stated that the time of death was less than 18 hours at the time of the postmortem. All injuries were ante-mortem. The deceased's death was homicidal. They were caused by a hard and sharp object. Due to significant blood loss from the body, there was no lividity. It was a brutal murder. He opined that the injuries on the deceased's body could have been caused by an iron sickle (Article A) and a knife (Article B). Except for denial, nothing else emerged in the cross-examination of PW44, the Medical Officer.

46. Considering the abovesaid evidence, it is clear that the death of Vishwas Mahadev Khare was not accidental or natural. It was a homicidal death. Hence, I answer point No.1 in the affirmative.

As to Point No.2 to 5:

47 As this is case based on circumstantial evidence , in view of abovesaid judgments referred by both parties, prosecution has to prove all links of the chain of evidence as specifically laid down as five golden principles of circumstantial evidence.

- A. The circumstances from which the conclusion of guilt is to be drawn should in first instance be fully established,
- B. All the facts so established should be consistent only with the hypothesis of the guilt of the accused.
- C. The circumstances should be of a conclusive nature and

tendency.

- D. they should be such as to exclude every hypothesis but the one proposed to be proved.
- E. there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused.

48. Witnesses may lie but circumstances speak for themselves. In a case of circumstantial evidence, if the material collected in the course of investigation are interlinked the same has to be considered accordingly. A logical inference has to be drawn. What needs to be appreciated and considered is the cumulative effect of the circumstances which must be such as to negate the innocence of the accused and the said circumstances lead to the only conclusion that the accused is the perpetrator of the Crime. This, however, does not mean that there is any particular or special method of proof of circumstantial evidence. Where there is a chain of circumstances linked up with one another, it is not possible for the court to truncate and break the chain of circumstances. In other words where a series of circumstances are dependent on one another they should be read as one integrated whole and not considered separately, otherwise the very concept of proof of circumstantial evidence would be defeated.

49. Mere suspicion, however, strong or probable it may be is no effective substitute for the legal proof required to substantiate the charge of commission of a crime and grave the

charge is greater should be the standard of proof required. Courts dealing with criminal cases at least should constantly remember that there is a long mental distance between 'may be true' and 'must be true' and this basic and golden rule only helps to maintain the vital distinction between 'conjectures' and 'sure conclusions' to be arrived at on the touch stone of a dispassionate judicial scrutiny based upon a complete and comprehensive appreciation of all features of the case as well as quality and credibility of the evidence brought on record.

50. Based on the above-mentioned settled principles of law, it is necessary to examine the evidence and determine whether the prosecution has proved beyond a reasonable doubt all links connecting the accused solely to the commission of the offence.

51. Prosecution's case was that on 01.10.2014 at about 1.30 p.m., in the kitchen of Khare Pleasure Point resort, Vishwas Mahadev Khare, the owner, was found dead with multiple stab wounds and a cut injury on his neck. The prosecution initially alleged that two tourists, who visited on the night of 30.09.2014 and stayed at the resort by using a key due to their familiarity with the guest house from their previous residence, committed the murder at around 9.30 a.m. After investigation, police found that accused No.1 and No.2 were the individuals who stayed overnight on 30.09.2014 and committed the murder. Accused No.3 was their conspirator who provided them with information about the deceased, having previously visited the Guhagar area in December 2013.

52. Therefore, the prosecution has to prove that the accused Nos. 1 & 2 are the same persons/tourists who visited the Khare Pleasure Point on 30.09.2014 and halted at night. The job of prosecution is not only to prove the said fact, but also to prove that they had committed the murder.

53. As the prosecution has relied on 51 witnesses and various documents I divide the witnesses for discussion to get clarity on evidence on each point separately.

Spot of incident, position of dead body, Things seized from spot, relatives of deceased, inquest etc relating to discovery of commission of offence.			
Rank	Exh. No.	Name	Nature of Evidence
PW01	40	Vivek Mahadev Khare	Informant/ brother of deceased
PW03	51	Vidya Vishwas Khare	Wife of deceased
PW04	60	Mayuresh Mukund Patankar	Inquest Panch
PW23	167	Vikram Vivek Khare	Nephew of deceased and panch of seizure of clothes of deceased
PW24	169	Advait Keshav Joshi	Spot panch
PW32	220	Sameer Divakar Desai	Circle Officer who prepared rough sketch of the spot
PW33	222	Sameer Sudhakar Bavadhankar	Photographer

PW44	300	Dr. Satyarthaprakash Kashinath Balwant	Medical Officer who conducted postmortem
PW46	314	Vinit Jaywant Chaudhari	First Investigating Officer
PW47	343	Bhagwan Chimajirao Shinde	Police Station Officer
PW48	351	Tanaji Shivram More	Police witness

54. PW1 Vivek Mahadev Khare (Exh.40) is the informant and brother of the deceased. He occupies one section of the house, while his brother Vishwas and his wife Vidya live in a different part. He further stated that behind their house, there was a common land owned by them. They had constructed rooms for tourists, which was called "Khare Pleasure Point." This point was located 400 meters from their house. Vishwas was managing the said home stay while he was engaged in dairy farming. There is no dispute about this evidence. Hence can be considered as admitted one.

55. He further stated that on 30.09.2014 Vishwas was alone in his house as his wife Vidya went to her maternal home. He stated that that evening two individuals arrived at Vishwas's house to inquire about a room. At that time, Vivek was at his house. Vishwas provided them with a room, and the two individuals stayed there, posing as tourists.

56. He further stated that on 01.10.2014 in between approximately 6:45 a.m. and 7:00 a.m., Vishwas's wife returned home. Vishwas asked her to prepare tea for two tourists. She

then prepared the tea, and Vishwas took it to the tourists. At about 9:00 am to 9:15 am, Vishwas took 'poha' (पोहे) for the said tourists. Thereafter Vivek went to the market and then to the Goddess Durgadevi temple. At about 1:00 p.m., he received a phone call from his wife, who informed him that Vishwas was not seen anywhere and asked if he was with him. He told her that Vishwas was not with him. He then received another phone call from his wife, who asked him to come immediately since Vishwas was still missing. She also mentioned that a vehicle was seen near the tourists' room. He reached home immediately.

57. He further stated that he immediately went towards guest house with his wife. Vishwas's wife had already gone there. She looked through a gap. While she was looking, they reached there. They saw that Vishwas was lying on the ground in a pool of blood. The room was locked. They cut the betel-nut branches used to construct the tourist's room. They broke the lock with a sickle and entered inside. They saw that Vishwas was lying in a pool of blood, his throat was cut, and the sickle, stained with blood, was lying there. They saw that one dish was filled with poha and another dish was empty. The golden chain of 10 tolas was not found around Vishwas's neck. The gold chain was worth Rs.2,00,000. His mobile phone was also not found. He realized that, due to a scuffle, the articles were scattered in the kitchen. Afterwards, they went to the tourist room. But the tourists who had arrived the day before were not found there.

58. Therefore he went to Guhagar Police Station and filed complaint (Exh.45). The police prepared an inquest

panchanama (Exh.61). He also showed them the place of the incident. The police prepared a panchanama of the scene of the offence (Exh.170). The police seized sickle, knife, blood stained soil and simple soil, Rudraksha Mal and four notebooks from the spot, and one shirt & one t-shirt stained with blood from tourists room. On 02.02.2015 the police called him for identify the accused persons. He identified them in Court . He came to know about their names from police.

59. To discredit this witness, various question asked to him. He admitted that he had not gone to reside in Vishwas Khare's house to provide moral support or to encourage his sister-in-law. However, it is clear that they resides in the same house but separately. Hence the question asked immaterial. He claimed that Govind and he handling all the situations. He claimed that they never went together to police station. This admission in the cross-examination is material to wipe out the fact that on 02.02.2015 Govind went to the police station and saw the accused persons.

60. He admitted that he went to police station to lodge complaint. The witness came to know about the incident at about 1.30 p.m. and he immediately went to the police station and his complaint was registered on 2.35 p.m. Each person reacts to the trauma in different way. His brother was brutally murdered. As per PW2 Govind on hearing the news of death of his real brother, he was not feeling well. Therefore there is nothing unnatural that one of the brother went to police station to file the complaint.

61. PW3 Vidya Vishwas Khare (Exh.51) deposed that she came from her maternal home on 01.10.2014 at 7.00 a.m. She was picked up by her husband at bus stand. Therefore this is not material fact which should be contained in the FIR. The FIR is meant for giving information to the police regarding the offence. It is not encyclopedia. Witness PW1 Vivek Khare and deceased Vishwas resides in the same house in different parts. They are not inimical against each other. Therefore, it is natural for him to know that some tourists have arrived in the guest house. The guest house is situated in common land. Therefore, there is nothing unnatural for the informant Vivek to know about the tourists. Therefore, it is not material who told Vivek about tourists. Hence cross-examination in that respect taken by accused No.1 & 2 is wholly irrelevant.

62. It is not the case of prosecution that informant Vivek saw the tourists. It is also not claimed in the complaint that he saw the tourists. Therefore, there is no question of identification of accused No.1 & 2 by the said witness. He specifically stated that he came to know about their names from the police. How room was allotted by Vishwas is also none of the concern of the informant Vivek. Therefore, the cross-examination on that line is also immaterial. His knowledge of staying of the tourist person is hearsay. Hence his evidence is only material as to the registration of the crime and position of things at the spot where Vishwas was found dead in pool of blood.

63. PW3 Vidya Vishwas Khare (Exh.51) is a material witness and wife of the deceased. She saw Vishwas alive at 9.30

a.m. when he went to deliver breakfast Kandepohe to tourists. She stated that her both daughters were married. Informant Vivek is her brother-in-law resides with her family in the same house but separately. Her husband used to run a tourism business called Khare Pleasure Point, located on the seashore behind their house. There is no dispute about this fact.

64. She stayed at her maternal home at village Safala between 24.09.2014 to 30.09.2014. During that period her husband used to eat at hotel or temple. On 01.10.2014 she was picked by her husband from Guhagar bus stand. On 01.10.2014 at about 6.45 a.m. they reached home. Her husband informed her that he would visit the guest room overlooking the sea. Upon visiting the guest room, he returned and told her that two guests had arrived during the night to stay. They called the visitors guests. Her husband also mentioned that the guests had told him they had visited before and knew the key, so they stayed there by opening the room. He further informed her that the guests requested tea at 8:00 a.m. Her husband had seen the items she had brought from Mumbai. At 8:00 a.m., he took tea to guests using a teapot. After serving the tea, he returned around 8:30 am. He then told her that the guests wanted two plates of kandapohe for breakfast around 9:30 a.m. He also informed her that the guests paid Rs.500 and gave it to her. Additionally, he mentioned that the guests had that much amount with them, while the remaining amount was to be paid by two girls arriving on a motorcycle, who would settle the rest after they arrived.

65. She further stated in her evidence that at about 9:30 a.m. she prepared breakfast and served two plates of kandapohe to her husband in the hotpot. Her husband took it, while she was busy cleaning the house because there was dust. Until 11:00 a.m., her husband did not return, so she tried calling him on his mobile, but it was switched off. Around 12:15 noon, she went to the guest house. She saw a motorcycle near the kitchen, which was locked from outside. She checked for the key, which was normally kept in its place, but it was missing. Her husband could not be found anywhere. She peeked through the window of the guest house; the bathroom light was on, but no one was there. She then returned home and told her sister-in-law Shweta that her husband was nowhere to be found.

66. She further stated that she then tried to make a phone call to her husband again, but it was switched off. After 1.00 p.m., she went to the guest house to check on her husband. From a crack in the wall (made up coconut leafs and bamboo and betel-nut), she found that the iron table was toppled over. She also noticed one dish filled with poha and another dish empty on the kitchen platform. She peeped further inside and saw her husband lying prone on the ground, covered in blood. His throat appeared to be slit. She was frightened and called her sister-in-law, Shweta, asking her to come there.

67. After some time her brother-in-law Vivek Khare, her sister-in-law Shweta, and Advait Gokhale arrived there. Since the door was locked from outside, Vivek and Advait broke the lock with the help of a sickle and opened the kitchen door. Her

sister-in-law tried to control her. The gold chain of 10 tolas, which her husband was wearing, and his mobile phone were not found. The two guests were also missing. As they were not found and the husband's valuables were missing, there was suspicion that the guests had committed her husband's murder. Her brother-in-law Vivek filed a report. The police recorded her statement. She had not suspected any third person except the tourist who visited day before the murder. She stated that she and her husband were not on inimical terms with anyone. The police inquired with her about the transactions of her husband. She had not raised suspicion about any other persons. Her sister-in-law informed her that on an earlier day, two persons inquired about a room and stayed there by taking the key. She and her family raised suspicion about two guests who resided in their room.

68. The police arrested the accused persons and shown her. Police also told her that gold chain was sold by the accused to goldsmith and he melted it into gold bar. She further stated that her husband had purchased the gold chain of 10 tolas from the shop by name 'Waman Hari Pethe Jewelers'. The gold chain was having the mark of the said shop.

69. The tenure of her cross-examination that there were workers employed in the guest house and their statements have not been recorded by the police and not examined by the prosecution. She admitted that in the month October 2014 one Manasi Padve used to clean rooms and utensils in their guest house. She including her family members were not preparing

non-veg food. She denied that manager is working in their home stay.

70. On the basis of four notebooks she was cross-examined and tried to find out the names mentioned therein. She admitted in cross-examination that she was not looking after the business of home stay. Therefore her ignorance as to the contents of notebooks are natural.

71. Much reliance was placed on the fact who informed the witness that two tourists came to home stay in the evening and stayed there by taking key as they were aware of the key of the room. However, this is not material question to the witness as her knowledge is hearsay one. Her husband told her about the same in the morning. Same thing has been repeated by her sister-in-law, therefore, there is no contradiction in her evidence that two tourists came to their home stay and resided there. PW1 Vivek specifically stated that in the kitchen room two plates were found. Out of them, one is empty and another is filled with Kandepohe. Therefore, her evidence is supported by physical evidence. So far as money borrowed by various persons from deceased is concerned, it is not material fact in this matter as the informant and wife of the deceased have not suspected any other person of the crime. These are only speculations made by the accused persons based on the statements of the PW3 Vidya Khare recorded by the police. In the cross-examination of this witness, it is brought on record that Govind Khare informed her that one person came to him to inquire about her husband and the room. Hence, this clarifies that Govind Khare saw the

tourists persons who visited on 30.09.2014.

72. PW24 Adviat Keshav Joshi (Exh.169) is the spot panch. He stated that on 01.10.2014 the police called him for panchanama at Pleasure Point where the murder of Vishwas Khare was took place. He was present there at 5.00 p.m. Another panch Sachin Khare was present there. Vivek Mahadev Khare shown the spot. It was Pleasure Point, Varacha Paat, by the side of Guhagar sea. The spot was having four hut. The police inspected the spot in their presence. They found soil in the hut with fresh blood in it. In the said hut towards the western side there was sickle, a knife with iron handle, one filled plate with poha and one empty plate, four notebooks. To the southern side there was one rope, red colour jacket. One broken Rudraksh chain was found on the floor. The police seized blood stained soil and normal soil from the spot of incident. In front of the said hut there is one guest house situated to eastern side. On inspection of the same, on gray colour full kurti shirt stained with blood was found. There were disperin tablet and gems were found in the shirt. Half t-shirt also in wait condition. The police seized the same and prepared panchanama at Exh.170. He identified those articles.

73. In the cross-examination for the accused No.1 & 2, he admitted that he knew deceased Vishwas Khare since he get sense. He was knowing Vidya Khare, Vivek Khare and Govind Khare. He used to reside at Varacha Paat Guhagar. Khare Pleasure Point is about 1 km from his house. After getting information of the incident, he had not visited the family of

deceased. He had not even went for 12 days for condolence. None of his family members visited their house. He claimed that due to medical condition, they had not visited the house of deceased. From February 2014 to May 2015 none of his family members and he went out of the house. On 01.10.2014 he did not go out of his house. But he stated that he went for panchanama. He admitted that he was at the place of panchanama for one and half hour to quarter to two hours. He was doing hotel business during February 2014 to May 2015. He and his family members attending the customers. They used to make entry of customers after obtaining ID proof. He had made such entries of all customers from February 2014 to May 2015. He admitted that the police found hotel registers with the entry of customers at the time of panchanama. He do not remember the names of customers and entries therein. He admitted that the police seized four registers. He stated that he do not remember the contents of the said registers. He do not remember whether there was a copy of ID proof of customers in the said resort. He denied that he and family members of deceased destroyed those ID proofs.

74. Nothing in his cross examination to disbelieve the witness. Merely because he had not visited family of decease, it cannot be inferred that he is disbelivable witness.

75. PW.46 Vinit Jaywant Chaudhari (Exh.314) stated that between 2014 and 2016, he served as a Police Inspector at Guhagar Police Station. On 01.10.2014, a person named Vivek Khare came to the police station and informed that his brother

Vishwas Khare had been murdered. He immediately visited the scene to verify the information and found it to be correct. PSO PSI Yadav recorded Vivek Khare's complaint, which was lodged against two tourists. The said complaint is Exh. 45. PW 34 Maruti Baburao Jadhav (Exh.225) stated that In 2014, he was attached to Guhagar Police Station as PSI. On 01/10/2014, he was on duty as PSO at the police station. On that date, informant Vivek Mahadev Khare came to him at 1:45 p.m. and lodged a complaint that his brother Vishwas Khare had been murdered at Pleasure Point. Accordingly, he recorded the complaint (Exh. 45) as per the informant's say. Based on the complaint, he registered Crime No. 67/2014 for offences punishable under sections 302 and 394 read with Section 34 of the Indian Penal Code. The printed FIR, marked at Exh. 226, was also shown to him, bearing his signature and that of the informant. The complaint was lodged against two unknown persons. He handed over the case diary to P.I. Shri. Chaudhary for investigation.

76. PW46 Vinit Jaywant Chaudhari called two panchas on the spot, which was Khare Pleasure Point, and prepared the inquest panchnama of the dead body. He saw that the throat of the deceased was cut and blood was lying on the ground. There were injury marks on the body of the deceased. All the injuries were noted in the inquest panchnama. The inquest panchnama is Exh. 61. PW4 Mayuresh Mukund Patankar (Exh.60) is the inquest panchnama witness. He stated that on 01.10.2014, at about 2:45 p.m., he was called by the police for an inquest panchnama of Vishwas Khare's dead body at Khare's

Pleasure Point, Guhagar Varacha Paat. Another panch, Sameer Ghanekar, was present with him. He observed that Vishwas Khare's body was lying there, with his throat cut and a head injury on his backside caused by a sharp-edged weapon. There were injuries on his face and hand, also caused by a sharp-edged weapon. The deceased's t-shirt and bermuda were soaked with blood. The police prepared the inquest panchanama in his presence, and he signed it after reading

77. He forwarded the dead body to the Medical Officer, Guhagar, for postmortem examination and opinion. The letter is Exh. 301. It bears his signature. Its contents are correct. He also forwarded the postmortem form Exh. 302 along with it. The said form bears his signature and its contents are correct. He handed over the dead body to Police Naik Mondula for postmortem examination. The receipt bears his signature and its contents are correct. It is marked at Exh. 315. The Medical Officer PW44, Dr. Satyarthprakash Kashinath Balawant (Exh.44), deposed that on 01.10.2014, he conducted a postmortem on the corpse of Vishwas Mahadev Khare and prepared postmortem report.

78. On 01.10.2014, he prepared the spot panchnama in the presence of panchas. He found one knife having a green handle, one sickle, four notebooks of 100 pages, and one Rudraksha Mala. The aforesaid articles were seized. He also collected blood-stained soil from the spot and blood sample. He found false teeth of the deceased but did not seize it. The aforesaid articles were found in the kitchen room of Khare Pleasure Point. PW24 Adviat Keshav Joshi (Exh.169)

corroborated the said fact.

79. There was one room adjacent to the kitchen room in which two tourists had resided. He found one ash-coloured T-shirt and one light ash-coloured half-sleeve T-shirt with collar in the said room. There were red colour spots on the aforesaid T-shirts. He found one Disprin tablet packet in the first T-shirt. Blood stains were found on the sickle and knife. All the aforesaid facts were noted in the panchnama. He sealed all the aforesaid articles in the presence of panchas and seized them. The spot-cum-seizure panchnama is Exh.170.

80. After postmortem examination, Police Naik Mondule produced the clothes of the deceased before the Station Diary Officer, and the report was submitted to him. The report is Exh. 317. It bears the signature of Police Naik Mondule. The Station Diary Officer seized the aforesaid clothes of the deceased by preparing a seizure panchnama in the presence of panchas. The seizure panchnama is Exh. 168. PW23 Vikram Vivek Khare (Exh. 167) is the nephew of the deceased. He stated that on 01.10.2014, he and Sachin Khare were present at the police station, where the clothes of the deceased were produced by the police, and they were seized by drawing a seizure panchanama at Exh. 168. It bears his signature and that of Sachin. He admitted the contents of the panchanama. The clothes were deposited in the police malkhana and receipt obtained (Exh. 318).

81. He snapped photographs of the clothes seized from the spot. The two photographs are Exh. 223. PW.33 Sameer

Sudhakar Bavdhankar (Exh.222) was the photographer. He stated that he was also known by the name Rajan, and owns Pramila Photo Studio in Guhagar. On 01/10/2014, he received a phone call from the Guhagar police requesting him to visit Pleasure Point with his camera. At the scene, Police Officer Chaudhary informed him that Vishwas Khare had been murdered and that he needed to photograph the scene. He using a Canon 600D camera, took photographs of Vishwas Khare's body and the adjacent room, capturing the entire spot. He then connected his camera to a computer and developed 21 photographs without any editing, he provided them to the police. He stated that these photographs reflected the original images in his camera and could be identified by him if shown. The police showed him these 21 photographs, which he confirmed were the same and collectively marked as Exhibit 223. He also produced a 65B Certificate (Exh.224) related to the photographs.

82. This evidence shows that Deceased Vishas Mahadev Khare was alive upto 9.30 a.m. on 01/10/2014. At about 1.30 p.m. her wife Vidya found him murdered. From 11.00 a.m. she was not able to contact him. He was brutally murdered in Kitchen room of the Home Stay. The witnesses identified following muddemal articles.

Sr. No.	Muddemal Article	Mark/ Article
1	sickle	A
2	a knife having green handle and having five shotten tooth	B
3	blood mixed soil collected from the place of incident	C

4	100 pages notebook seized from the scene of offence	D
5	seized a shirt with full sleeves of ash colour stained with blood and two packets (tablets and Gems Candy)	E
6	a T-shirt of ash colour stained with blood	F
7	a round neck blue colour half t-shirt stained with blood of vishwas	G
8	Blood stained Baniyan of Vishwas	H
9	Blood stained barmuda of Vishwas	I
10	Blue colour Innerwear of Vishwas	J
11	Mobile Hand set of deceased	K
12	Gold Bar	L

83. It is case of prosecution that PW.2 Govind Mahadev Khare saw two tourist persons to inquire about deceased Vishawas in the evening of 20/09/2014 and they also told him that they knew the keys of guest room and they will go there. Prosecution also claimed that PW27 Sharmila Umesh Ghume (Exh.183) saw two tourist at asagoli Fata at 10.00 a.m. who asked her about the road going towards Chiplun. This both witnesses identified the accused no. 1 and 2. Hence this group of witnesses is as follows.

Rank	Exh. No.	Name	Nature of Evidence
PW02	49	Govind Mahadev Khare	Brother of deceased
PW27	183	Sharmila Umesh Ghume	Witness who seen the accused while going towards Chiplun
PW28	187	Vaishali Balaso Patil	Tahasildar
PW29	203	Gurunath Sitaram Chavan	TI parade panch

PW. 48	351	Tanaji Shivram More	Police Officer recorded statement of PW26
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84. PW2 Govind Mahadev Khare (Exh.49) deposed that his brother Vishwas Mahadev Khare and Vivek Khare resides in same house but separately. The deceased Vishwas Khare was involved in the tourist business under the name Pleasure Point, located on the shoreline. On 30.09.2014 at about 7:00 to 7:30 p.m., he was sitting on a swinging bed (Jhopala) in his veranda, with his wife Geeta. As the electricity was off, the solar lamp was switched on. At that time, two persons came in front of his house. One of them inquired about the owner of the rooms, i.e., Pleasure Point. He informed them that he had previously resided there. The said person was wearing a T-shirt, and the other was wearing a full shirt with full sleeves. He came out with the solar lamp, and in its light, he saw them. He identified the accused No.1 and 2 in court by pointing towards them. He told them that the house was just ahead after taking a turn. Their dialect was Ghati Marathi. They went to the house of Vishwas.

85. He further stated that on 01.10.2014 he was at his home. At about 1.30 p.m. his brother Vivek Khare came to his house and stated me that the tourists who came yesterday killed Vishwas. Hence he went there with his son Sachin. He found that Vishwas was lying in a pool of blood. There was a cutting Wound on his throat . There were many wounds on his person. The golden chain of deceased Vishwas was missing from his body. Thereafter, he visited the room where tourists stayed. He

saw blood-stained and wet T-shirt and a shirt with full sleeves. Those clothes belonged to a tourist who visited the day prior to the incident and inquired with him. He shared his suspicion with the police that the said persons killed his brother Vishwas and stole the gold chain and mobile phone handset. He also stated his ability to identify those persons before the police. His brother Vivek filed report in Police Station. He identified shirt with full sleeves of ash colour stained with blood (Article E), ash colour t-shirt stained with blood (Article F) and the clothes of the deceased.

86. He stated that on 29.01.2015 he was called by the Tahasildar, Ratnagiri. He was called at the District Prison, Ratnagiri. Accordingly, he went there. An identification parade was held there. He identified the accused No.1 and 2 there and in Court. Tahsildar obtained his signature on the pnachnama (Exh.50).

87. During cross-examination by the accused, he admitted that he has cordial relations with his brothers. He explained that he reached the spot at 3:30 p.m., although he came to know about the incident around 1:30 p.m. and was unable to stand after hearing the news. This shows that he was in shock. His statement was recorded on the 2nd or 3rd day. He stated that he did not record his statement on the day of the incident because he was not in a mental condition to do so. He showed ignorance regarding the alleged quarrels with his son Sachin Khare and the deceased Vishwas. He admitted that two tourists came to his homestay and left around 8:30 a.m., ruling

out the possibility that those two persons went to the deceased's guest room. He also admitted that Vaishali Suresh Raut was working at Vishwas's hotel for some time. He stated that he does not remember whether he went with Vivek and Vidya to see the accused persons. This question must be considered alongside Vivek's denial that he and Govind ever visited the police station together. He claimed that Executive Magistrate Guhagar did not record his statement, but Executive Magistrate Ratnagiri did. Since this witness is 62 years old and the test identification parade was held in Ratnagiri, confusion about these details is understandable. He admitted to signing his statement recorded during the test identification parade, so this does not affect his credibility. He denied that police showed him the accused persons five times. He claimed that the identification parade lasted one hour, with about 10 minutes spent on each accused. This admission supports the prosecution's case that the witness attended the Ratnagiri Jail for the test identification parade and identified the accused persons.

88. By claiming contradictions in his oral evidence and statement, he was asked whether a tourist asked him where the owner of Pleasure Point was. He stated before the police that after taking a turn, his house is ahead. This answer cannot be considered an omission or contradiction. The sketch map of the spot with houses was prepared by PW48 Tanaji More. It is at Exh.352 and annexed with this judgment as Annexure-D. On perusing it, if a person came from the seashore, the question asked and the answer given by the witness clarify everything. The fact that contradicts the statement made before the police

and makes the court's statement improbable can be considered a contradiction. However, it cannot be said that there is a contradiction in his statement.

89. PW48 Tanaji Shivram More (Exh.351) deposed that during the year 2014–2015 he was attached to the Local Crime Branch, Ratnagiri, as a Police Head Constable. He stated that Crime No.67/2014, registered under Sections 302 and 394 read with Section 34 IPC, had been entrusted to Police Inspector S. L. Patil of the Local Crime Branch for investigation. For tracing and apprehending the accused, several police teams, including an expert team, were constituted. One such team was deputed to trace the accused in the Guhagar and adjoining areas.

90. He further deposed that on 26.11.2014 his team received information that on 01.10.2014 two persons travelling on a motorcycle had enquired with two women near Asgoli Bus Stop about the road leading to Chiplun. Acting upon this information, he visited Asgoli village, met one Sharmila Umesh Ghume, who informed him that the motorcycle riders had asked her about the route towards Chiplun. He recorded her statement as narrated by her and incorporated the same into the investigation papers.

91. PW27 Sharmila Umesh Ghume (Exh.183) is the person who saw the accused No.1 & 2 immediately after the incident going out of Guhagar. She stated that on 01.10.2014, she along with her sister-in-law Pranali Ghume went to Asgoli Fata, Varachi Wadi to fetch her cow, which had run away, at about 10:00 a.m. When returning home after taking her cow,

she saw two persons on a motorcycle coming from Guhagar. They stopped beside her. The motorcycle rider was fat, wearing a grey jacket, and the pillion rider was thin, wearing a blue jacket. They inquired about the road toward Chiplun. She told them to go to Guhagar Naka and asked about it. Then they continued towards Guhagar road. The pair appeared frightened and were sweating. Afterwards, she went to her work and then to Chandika Devi temple at Dabhol. At the temple, she received news of the murder of Vishwas Khare. Her statement was recorded by the police after about one month, following her inquiry.

92. Regarding the test identification parade, she stated that on 29.01.2015, the Tahasildar called her to Ratnagiri jail, where she was taken to a room with the Tahasildar and two other persons present. There were 10 accused persons standing in a row. The Tahasildar asked her to identify the person she had seen that day by pointing with her finger. She identified a thin pillion rider and was then sent out of the room. She was called again to identify the accused out of the 10 individuals. She identified the motorcycle rider. The Tahasildar obtained her signature on a document. The identification parade panchanama at Exh.184 bears her signature and details regarding the test identification parade. She identified accused No.2 Kiran as the driver and accused No.1 Amol Gadhave as the thin pillion rider.

93. In the cross-examination of accused Nos. 1 & 2, she admitted that Asgoli Fata is 2 km from Guhagar. She reached her house at 10:15 a.m. and stated that she had seen the

motorcyclist at about 10:00 a.m. walking towards Asgoli Fata from her house, which took approximately 10 minutes. Her sister-in-law Pranali appeared in court. They are residing together. She had not mentioned to the police earlier that she was a labourer. She cannot explain why the police recorded her occupation as 'labourer' in her statement. She admitted that there are many hotels along the road between Guhagar and Asgoli. She was engaged in cooking outside her house. She voluntarily stated that she used to cook school food. Cooking food for others can be considered as labour, and therefore, no importance can be given to such a minor difference of perception.

94. She acknowledged that tourists visit Guhagar and that there are small hotels there. She stated that she does not know whether many women from her village work part-time in such hotels. It holds no relevance to her evidence as a witness who saw the accused.

95. She further admitted that she came to know about Vishwas Khare's murder in the afternoon. She has never gone to the police and only informed them about the two persons who met her on the road. Her statement was recorded after one month of the incident. The police approached her seeking information. On 01.10.2014 at Chandika Mandir, she was under the impression that the accused had committed the murder of Vishwas Khare, and despite this, she did not inform the police. She knows it was a white colour. She did not tell the police about the white colour jacket. She cannot explain why it was

mentioned in her statement. The cow was her joint property and was purchased two years prior to the incident. It was left for grazing around 8:00 a.m. Her cow wandered away. They had brought the cow from Asgoli Fata. At that time, Pranali was present with her. When she was taking the cow towards her house, a motorcyclist came there. The police did not ask about identification marks of these two persons. She described the faces of those persons to the police.

96. Vishwas Khare attended a programme in her wadi during Dasara, bringing DJ for the event. She only has hearsay knowledge that he ran a hotel. Her husband was a driver. She went with him to Ratnagiri jail. No family members accompanied her, and she bore her expenses. She denied visiting Khare Pleasure Point with her husband but confirmed their participation in wadi activities. Khare provided DJ, but she doesn't know if it was free. She's a Mahila Bachat Gat member and was Vice President for four years. About 7-8 village functions occurred, but she was never elected to the grampanchayat. She denied close ties with Khare or giving false testimony. She stated no cow was tied with a knot or log, and her father-in-law sold the cow the next day. She hadn't tied a log as the cow had run away before.

97. The witness is an ordinary worker who cooks food as her livelihood, and it is natural for her not to go to the police. However, the police obtained information that she saw those persons around 10:00 am while inquiring about the road. This information was only received because she had disclosed it to

someone. When the police approached her, she cooperated and gave a statement. Her statement was recorded two months prior to the arrest of accused Nos. 1 and 2. Therefore, simply because the deceased visited her Wadi for functions and provided a D.J., she cannot be considered an interested witness. There is nothing on record to disbelieve her.

98. In her cross examination, she further admitted that in the jail, Tahasildar had not inquired about her description of the two persons and did not note it. Tahasildar had not asked her about any specific marks of identification. She had seen the said motorcyclist at Asgoli Fata for 1 to 2 minutes. She does not remember whether her entry of visit to the jail was recorded in the register. She returned from jail within two minutes. Only one accused was identified. She waited outside the jail for 15 to 20 minutes. This cross-examination shows that the witness visited Ratnagiri Jail to identify accused Nos. 1 and 3.

99. Tahasildar PW28 Vaishali Balaso Patil, who conducted the test identification parade, deposed at Exh.187. She stated that on 21.01.2015, as Tahasildar and Executive Magistrate Guhagar, she received a letter from Guhagar police for an identification parade in Crime No.67/2014. On 26.01.2015, she received the same letter with an order from JMFC Guhagar. The letters are at Exh.188 & 189. She decided to conduct an identification parade on 29.01.2015. The police provided the names of the witnesses who would remain present for the identification parade. She orally directed them to be present on 29.01.2015. She also informed the panchas to be present

through Tahasildar Ratnagiri. The panchas were from the Revenue Office. The Jail Superintendent was also informed about the proposed test identification parade.

100. On 29.01.2015 at 10:00 a.m., she reached Ratnagiri jail. She met the panchas and recorded their statements regarding their connection with the police. The said statements are at Exh.190. She recorded statements of two witnesses, Govind Khare and Sharmila Ghume, regarding the fact that they had not seen the accused prior to the incident. The statements are at Exh.191 and 184.

101. She verified the preparation made by the Jailer. She arranged it so that witnesses would not be able to see each other and participate in the identification parade. She conducted the identification parade of accused No. 1 and 2 one after the other.

102. She started the identification parade of accused No.1, Amol Gadhave. With the help of a jailer, she gathered nine accused persons who resembled Amol Gadhave. They were dressed alike. She collected them and arranged them in a row in a closed area at Mahapurush Kala Mandir in jail. She had those ten persons stand in a line from right to left. She gave accused No.1 the choice to select his position in the line. Accused No.1 chose to stand at Sr.No.7. She recorded the names and ages of all ten persons. At that time, she was accompanied by her clerk. Only the ten persons present in the room appeared for identification.

103. She called Govind Mahadev Khare. At that time, two panchas were present. She told Govind to identify the suspected accused by his finger. He identified Amol Gadhave by his finger. She made an entry of this identification and told Govind to leave, taking precautions not to meet the other witness, Sharmila Ghume. Again, she asked the accused, Amol Gadhave, to change his position or dress. The accused, No.1, changed his clothes and moved to the position at Sr. No.5. She called Sharmila Ghume for identification purposes. She instructed Sharmila to identify the accused by her finger. Sharmila identified Amol Gadhave at Sr. No.5 by her finger. She told Sharmila to leave the room and not meet Govind. Finally, she handed over custody of the 10 accused persons to the jailer.

104. Thereafter, she held an identification parade for accused No. 2, Kiran Kuchekar. She called accused No. 2 and collected nine persons who resembled him through the Jail Administration. Clothes of ten accused persons were changed for this purpose. They were assembled at Baba Mahapurush Kala Mandir and told to stand in a row. She was accompanied by a clerk and two panchas. Accused No. 2 was allowed to stand at a place of his choice, and he chose to stand at serial number 3 from the right. She inquired about the names and ages of the accused persons. She called Sharmila Ghume for identification purposes and instructed her to identify the accused by pointing with her finger. Accordingly, she identified accused No. 2, Kiran, this way. She asked Sharmila to go outside, ensuring she would not meet Govind. The accused was permitted to change clothes and his serial number, and he stood at serial number 7. Govind

Khare was then called and asked to identify the accused by pointing with his finger. He identified accused No. 2, Kiran. She then left the witness outside the room and instructed the Jail Authority to take custody of the accused persons. She had brought her personal laptop into jail. She prepared the identification parade panchanama and made a printout. The panchas signed after reading it, and she also signed it. The panchanama is at Exh.50. She identified the accused persons.

105. She was cross-examined about the possibility of witnessing Govind Khare & Sharmila Ghume seeing the accused persons who were kept in Sub jail Guhagar. In the cross-examination of accused No.1 & 2, she admitted that Guhagar is a small village compared to Chiplun and Dapoli. Four years ago, it became Nagar Panchayat. The population of Guhagar is about 8500 to 9000. She came to know about occurrence of the crime on 01.10.2014 after receiving the abovesaid letters. Being Tahasildar, she received information about the incident on 02.10.2014. After one and a half months of the incident, she learned that the accused had been arrested by the police.

106. She further admitted that the Tahasildar office and Guhagar police station are situated in the same compound. She is in charge of Guhagar sub-jail, which is in the same building. She does not remember whether the accused were kept in the sub-jail in her custody. She admitted that after the accused were sent to MCR, he used to be kept in the sub-jail in her custody for some time. She admitted that the sub-jail has an iron net, and the accused could be easily seen from outside. She also stated

that her office is located at the back of the building, in the last corner of the campus. Guhagar police station and the sub-jail are in front of the building. She denied that anyone has to pass over the sub-jail to reach her office. If the accused was to be shifted to Ratnagiri Jail, she used to issue a letter to the police for providing police protection. She admitted that the accused were taken to Ratnagiri Jail by ST Bus accordingly. A letter was also issued to the Guhagar ST Depot. She admitted that while the accused were in her custody, they did not use to put a veil on him. She does not remember whether the accused in this matter were in her sub-jail. She also does not remember whether, by issuing the letter, the accused were shifted to Ratnagiri. However, there is no evidence that accused Nos. 1 and 2 were kept in the Guhagar Sub Jail. Both witnesses denied seeing the accused No.1 and 2 after their arrest. Therefore, this cross-examination is of little significance.

107. She further admitted that she called Panchas for the identification parade. She also called witnesses for the identification parade. Witness Sharmila Ghume reached Ratnagiri Jail by ST bus. She does not remember whether she came alone or was accompanied by any family member. She learned from Sharmila Ghume that she travelled by ST bus. She does not know which vehicle she took to return to Guhagar. She came to Ratnagiri Jail with the driver and clerk in a government vehicle. It is an 8-seater vehicle. It was possible for her to bring witness Sharmila with them. There was only one laptop and some books in the vehicle. It was her personal laptop. The jail Administration provided a printer, which was used to print the

identification parade panchanama. In identification parade Exh.50, there is mention of the word संगणक. She denied that she prepared the panchanama at Guhagar. She admitted that no police officer from jail was present when the panchanama was prepared. Her clerk brought 10 accused persons for the identification parade, and the jail handed them over to her. Two different sets of 10 accused persons were used for the identification parade of accused No.1 and 2. She had not obtained the signature of the Jail Authority on the panchanama. She had not recorded statements from the Jail Authority. She cannot identify the printer. It was a laser printer. Its font was Unicode. Her clerk typed the identification parade panchanama. She personally connected the laptop to the printer and took a printout.

108. It is not her concern which vehicle Sharmila arrived in. Therefore, answers to questions about whether Sharmila came in a four-wheeler with her husband are not material. The fact that Sharmila was present in jail for test identification is material and has been duly proven. There is no material difference between the terms 'computer' and 'laptop,' as the functions of both are the same. It is not mandatory to obtain the signature of the jail authority. Therefore, the cross-examination mentioned above has no effect on the sanctity of the test identification parade.

109. She further admitted that Mahapurush Kala Mandir is not a nearby place, but jail authorities prepared it with the help of a curtain. Initially, she and the panchas entered Ratnagiri

Jail, and witnesses were allowed to wait outside. It did not happen that the panchas were sitting in the veranda outside the jail. She cannot explain why this fact is mentioned in the panchanama at Exh.50. There is no mention in the panchanama that witnesses were told to wait for 5 to 7 minutes or how and when the witnesses arrived. She admitted that she inquired with the witnesses about the description of the accused persons. She did not inquire about any special identification marks on the accused persons. She also did not inquire about the reason behind their remembering the accused persons. She denied that the witnesses had not identified the accused.

110. Abovesaid cross examination does not affect the sanctity of the test identification parade. On the contrary, suggestions given during cross examination strengthen the prosecution's case that the test identification of accused No. 1 and 2 was conducted in Ratnagiri Jail. Substantive evidence of PW 2 Govind and PW 27 Sharmila is materially corroborated. The panchnama shows how the test identification parade is conducted.

111. PW29 Gurunath Sitaram Chavan (Exh.203) was a panch of the test identification parade. He stated that on 29.01.2015, he was called by Tahasildar Guhagar through Tahasildar Ratnagiri at Ratnagiri Special Jail near the Mahapurush temple. Accordingly, he visited the place, where Tahasildar Guhagar was present. At that time, another panch, Liyakat, was also present. Subsequently, he, along with Tahasildar Guhagar, entered Ratnagiri jail. Tahasildar Guhagar

informed them that they had been called for an identification parade. He further stated that the parade was to be conducted for accused Kuchekar and accused Gadhave in connection with the murder at Guhagar. They gave their consent to act as panchs. At that time, one male and one female witness, Ghume and Khare, were also present.

112. The Tahasildar arranged to present ten persons for the identification parade. In the first round, he organised ten individuals to stand for identification- nine dummies and one the accused. This event took place in a hall inside the jail. All ten individuals were aligned in a row, and their clothes were changed. Afterwards, he and witness Khare went to another room where Khare was present, and he was brought to the same place for identification. At that time, Khare identified the person at Serial No. 7 by pointing with his finger and recognized him as the accused Gadhave. Khare then identified this accused in court, where the accused stated his name as Amol Chandrakant Gadhave.

113. After the first parade was completed, witness Khare was taken to a room, where the ten persons were allowed to change their clothes. During this time, accused Amol Gadhave also changed his clothes. The ten persons were then made to stand in a row by reassigning their serial numbers. Subsequently, witness Smt. Ghume was called to identify the accused. She identified the person at serial number 3 as the accused. When asked his name, he replied that he was accused Kuchekar. In the second round of the identification parade, witness Khare

identified the individual at serial number 5 as Amol Gadhave.

114. Though this witness make mistake in stating about identification of accused, it does not make any difference as in the cross-examination by learned APP, he corrected the said mistake. He admitted that in the first round, witness Khare had identified the accused Amol Gadhave by fingertip. Tahasildar Guhagar gave the accused Amol Gadhave the opportunity to change his clothes. At that time, the accused Amol Gadhave removed his T-shirt and wore a shirt. In the first round, the accused Amol Gadhave was standing at Sr. No.7, and in the second round, he was standing at Sr. No. 5. In the second round, witness Sharmila Ghume was called to identify the accused. In the second round, she identified the accused Amol Gadhave by fingertip. Both witnesses were kept in separate rooms from the beginning. After both rounds, the Tahasildar made entries. After the identification parade, the accused Amol Gadhave and the remaining nine dummy persons were taken into custody by jail authorities.

115. Thereafter, it was decided to conduct an identification parade of the accused Kiran Kuchekar. The jail authorities brought nine dummy persons and the accused Kiran Kuchekar to the designated place. The ten persons stood in a row, with the accused Kiran Kuchekar at Sr. No. 3. The witness was called to identify the accused. Witness Sharmila Ghume identified the person standing at Sr. No. 3. She was then sent back to her room. He admitted that later, the Tahasildar allowed the accused to change clothes, and Kiran Kuchekar changed into

a white shirt. He stood at Sr. No. 7. He admitted that Khare was then called to identify Kiran, and he identified him by fingertip at Sr. No. 7. He admitted that after the identification parade, all accused persons were handed over to jail authorities.

116. He also admitted that the Tahasildar, with her staff, prepared the panchnama on her laptop. She then provided a printed copy, which was read and signed by the witnesses. The said identification parade panchnama Exh. 50 bears his signature, as well as that of another pancha and the Tahasildar. On that day, the Tahasildar recorded the statements of Khare and Sharmila Ghume. He identified Kiran Kuchekar. He admitted that the panchnama was completed at 11:25 a.m. and also acknowledged that he wrongly stated Khare identified Amol Gadhave in the second round at Sr. No. 5.

117. In his cross-examination for accused No.1 and 2, he admitted that he is a social worker. He denied that whenever police called him, he would immediately go to them. Today, he does not remember how many times he has given evidence in court. Prior to this, he had never acted as a police panch. Before the identification parade, he knew the name of another panch, Liyakat, but did not know him personally. He was called by Tahasildar Guhagar for panchnama and met him outside Ratnagiri jail between 9:30 a.m. and 10:00 a.m. At that time, the witnesses for the panchnama were not present. About half an hour later, he and Tahasildar went inside Ratnagiri jail. When they entered, both witnesses for the identification panchnama were not inside. He did not know at what time the witnesses

had come outside the jail or whether they were present during the identification parade.

118. He stated that he saw the witnesses for the first time when they were called in the ID parade and that he had not asked them any questions before or during the parade. During the parade, some questions were asked by Tahasildar, but he and another panch with him did not ask anything. He recalled that Tahasildar asked the witness who identified him to select the accused from among the persons present. He stated that he did not know when witnesses Khare and Ghume had come into the jail or why they were there. He could have inquired about their reasons for being there or their identifying marks but did not.

119. He stated that inside Ratnagiri jail, there is a large compound surrounded by barracks on all sides, and the identification parade was held in a hall within the jail, which is enclosed on all sides. He did not know how or when the witnesses arrived at the jail or if they were brought by police or in which vehicle they came. He stated that if they had arrived after him, he would have known. After preparing the panchnama on a laptop, the Tahasildar did not print it in the hall. He could not describe the room where the witnesses stayed, only that it had a window with a wooden plank and a door.

120. He admitted that the first parade was conducted with Khare, about 15 minutes before Ghume's parade. Ghume identified the first accused within five minutes, and Khare was

called about ten minutes later. The entire process took roughly one and a half hours. He believed that approximately two to two and a half hours passed during the parade and doubted it could have started at 11:00 a.m. and ended at 11:25 a.m. He did not know if the panchnama stated the parade commenced at 11:00 a.m. or if there was a place called Mahapurush Baba Kalam in the jail vicinity; he testified that the parade took place in Rangmanch Hall, which had closed windows and where police were present.

121. The test identification parade panchanama is at Exh.190. It shows that it commenced around 10:30 a.m. and was completed by 12:45 p.m. It actually started at 11:00 a.m. The accused Amol Gadhawe was identified by PW2 Govind at Sr.No.7, while PW27 Sharmila Ghume identified him at Sr. No.5. Two dummy persons aged 25 years, two dummy persons aged 26 years, and one dummy person each aged 24, 27, 28, 30, and 39 were used for the identification parade. Most of these are of similar age to accused No.1. PW2 Govind identified accused No.2 Kiran Kuchekar at Sr. No.3, and PW27 Sharmila identified him at Sr. No.7. Persons aged 35, 23, 23, 25, 32, 30, 36, 33, 35, and 19 were involved. The statements of PW2 and PW27 recorded at Exh.191 and 184 state that they had not seen the accused persons after their arrest until the test identification parade.

122. There is extensive cross-examination of accused No.1 & 2 by PW2 Govind Khare, PW1 Vivek Khare, PW3 Vidya Khare, and even PW23 Vikram Khare to obtain an admission

that PW2 Govind Khare and PW27 Sharmila Ghume saw the accused after their arrest in Guhagar. However, not a single witness admitted that Govind Khare saw the accused after their arrest. A general admission that Vidya Khare was accompanied by her relatives or family members is not enough to conclude that PW2 Govind Khare had the opportunity to witness the accused No.1 & 2 before their test identification parade.

123. From the evidence above, it is clear that the witnesses, PW2 Govind Mahadev Khare and PW27 Sharmila Ghume, identified the accused Nos. 1 and 2 in the test identification parade and in court. It proves that the accused No.1 and 2 came on the evening of 30/09/2014 in Guhagar, inquired with Govind about Vishas Khare, and told him that they would go to the guest room as they were aware of the keys. It also proves that the accused Nos. 1 and 2 at 10 a.m. inquired with PW27 Sharmila about the road going towards Chiplun at Asgoli Cross.

124. Prosecution further relied on Mobile phone CDR to establish the presence of accused Nos. 1 and 2 at Guhagar on the evening of 30/09/2014 and their departure to Pune on 01/10/2014. Prosecution relied on following witness to establish those facts.

Rank	Exh. No.	Name	Nature of Evidence
PW05	65	Rahul Rajendra Pilankar	Body Search Panch
PW 16	128	Mayur Vitthal Pawar	Mobile seizure

			pancha(Accused No. 2)
PW41	273	Mrunal Ashok Sope	Registered user of SIM card No.8983192621
PW42	276	Dattaram Shantaram Ambre	Nodal Officer of Idea Cellular company
PW43	291	Dhananjay Dattatray Yadav	Nodal Officer of Tata Docomo company
PW51	387	Shivaji Lahu Patil	Investigating Officer

125. PW42 Dattaram Shantaram Angre (Exh.276) is the Nodal Officer for Idea Cellular. He stated that since 2006, he has been serving as the Nodal Officer for Idea Cellular in Pune. All cellular data for Idea in Maharashtra and Goa, excluding Mumbai, is collected at Pune and stored on a server under his control. The data is automatically fed into the server, preventing tampering. On 16/01/2015, he received a letter (Exh. 277) from SP Ratnagiri in Crime No. 67/2014 requesting CDR, SDR, CAF, and 65B Certificates for two mobile numbers, 7743942244 and 9850089814, covering periods from 10/06/2014 to 10/07/2014 and 20/09/2014 to 10/10/2014. He also requested to provide the address of the cell tower ID by letter (Exh. 278).

126. According to office records, Mobile No. 7743942244 is registered in the name of Amol Chandrakant Gadhave. He provided a CAF copy of the application, along with

a copy of the Aadhaar card, collectively marked as Exh. 279. Call details for this period, also provided by him, match the records marked at Exh.280 and 281 showing the number, details of calls made or received, date, time, duration, tower ID location, IMEI number, and IMSI.

127. Similarly, for Mobile No. 9850089814, registered to Mishra Rajnish Ramsukh, he submitted the CAF copy and a bank passbook (Exh. 282). The call details for this number, marked in Exh. 283 and 284, contain the same type of information.

128. He also provided cell ID addresses for both numbers based on the letter from the SP office, which he confirmed is accurate according to the server data marked as Exh.285. He issued a 65B certificate confirming the correctness of the supplied information, signed by him, and marked at Exh. 286. On 22/01/2015, he forwarded all the documents through a letter to the police, which he confirmed bears his signature and contents, marked at Exh. 287.

129. During cross-examination, he denied that the entire data was not automatically saved on the server, that he did not control the server room, or that data could be tampered with. He also denied that he did not receive the police letter requesting information on January 16, 2015, and that he did not provide copies of CAF and cell tower details, as well as call details, all confirmed by the documents. Additionally, he denied giving false evidence. It is clear from his cross-examination that no fatal admissions that doubt his credibility came on record.

130. PW43 Dhananjay Dattatray Yadav (Exh. 291) is the nodal officer of Tata Docomo. Since July 2006, he has been serving as the Nodal Officer for Tata Docomo in Pune. All cellular data for Tata Docomo within Maharashtra and Goa, except Mumbai, is collected at Pune and automatically fed into a server controlled by the IT Department, using his user ID and password.

131. He received a letter (Exh. 292) dated 16.01.2015 from the S P office Ratnagiri and he was asked to provide the CDR from 20.09.2014 to 10.10.2014, the subscriber's SDR, attested copies of the CAF, and a Section 65B certificate for mobile number 8983192621. In response, he submitted the customer detail form, customer application form, Xerox of voter ID, CDR, 65B certificate, and a covering letter (Exh.293). The 65B certificate, application form, and election card copy are at Exh. 294 and Exh. 274 respectively. The CDR, stamped with the company's seal, is verified as accurate and marked as Exh. 295. The cell address ID, signed and sealed, matches office records, marked as Exh. 296. The letter with outward No. 2197/2015 from SP Ratnagiri, received by his office, is at Exh. 297.

132. He stated that all entries in these documents match the data fed into the server and are deemed correct. The call types are explained: MOC (Mobile Originating Call), SMT (SMS Mobile Terminating Incoming), MTC (Mobile Terminating Call), and SMO (SMS Mobile Originating); with SMT indicating incoming messages, SMO outgoing messages, MOC outgoing calls, and MTC incoming calls. The first and last cell entries

show tower IDs. The IMEI indicates the mobile device's equipment identity, and the IMSI is the SIM card number, with all details documented in Exh. 295.

133. In his cross-examination, he admitted that none of the pages of CDR Exh. 295 bears his signature. He acknowledged that it is not mentioned in 65B certificate Exh. 294 that CDR pages Exh. 295 are annexed to it. He admitted that there is no mention of the period for which certificate Exh. 294 is issued. He stated that he has not provided any document to the police to prove he was in control of the computers of the said company. He agreed that he can issue 'certificate Exh. 294' only with permission from a superior officer. He admitted that he has not given any document to show he possessed the user ID and password for the said computers. He acknowledged that he has not provided any document indicating that the date is automatically fed into the computer for the SP office. He admitted that Exh. 274 does not bear his signature. He denied that he cannot issue a data certificate unless his superior compares and certifies it. He also denied that no data is stored in their computers as stated and falsely claimed he deposed about it. Furthermore, he denied giving false documents to the police to help them, and he denied that any such documents are available in their office. Lastly, he denied giving false testimony on oath to assist the police. There are no fatal admission which taints his evidence.

134. As per the prosecution, accused No.1 was using mobile number 7743942244 from the operator Idea Cellular.

PW51 Shivaji Lahu Patil (Exh.387) deposed that, on 08.01.2015, he conducted a body search of accused No.1 and found a white Samsung mobile with a SIM card from Idea Cellular bearing No.7743942244. The mobile handset is a dual SIM device with IEMI Nos. 352116067230464 and 352116067230462. The Investigating Officer identified the mobile at Article-K. Although PW5 Rahul Rajendra Pilankar (Exh.65) failed to support the prosecution regarding the seizure of the mobile phone from the accused, the seizure panchanama was duly proved by PW51 Mr.Patil.

135. PW5 Rahul Pilankar, during cross-examination by the learned APP (at Exh.65), admitted his signature on the panchanama. He also acknowledged that two persons were present and that, in his presence, the mobile, pocket, identity cards, driving licence, and visiting card were seized. He admitted that, during cross-examination by the accused, no muddemal articles were seized in his presence. However, the presence of the mobile phone, the SIM card registered in his name, and the evidence of the Investigating Officer confirm that accused No.1 was using the said mobile phone with the SIM card bearing No.7743942244.

136. The Idea Cellular company provided documents regarding the said mobile connection. The application form is at Exh.279, accompanied by the Aadhar card of accused No.1. It shows that accused No.1 was using the mobile number 7743942244. It is not the case of the accused that he allowed others to use the said mobile number. It is also not the case of

accused No.1 that someone misused his documents. The copy of the Aadhar card with the application form and photograph came from proper custody and is admissible in evidence. Therefore, the prosecution has proved beyond a reasonable doubt that accused No.1 was using mobile number 7743942244.

137. The prosecution claimed that accused No.2 was using a mobile phone with SIM card No.8983192621. The said SIM card is registered in the name of PW41 Mrunal Ashok Sope (Exh.273). She stated that she has an education up to graduation. She was using a SIM card with the number 9689079755. In 2012, she used another SIM card, but she cannot remember its number now. In 2015, Guhagar police came to her for inquiry. At that time, Guhagar police inquired about one SIM card number, but she does not remember the number today. She was declared hostile by the APP and, in her cross-examination, she admitted that Guhagar police inquired her about SIM card number 8983192621. She admitted that at that time, police showed her the form and documents required for purchasing the said SIM card. One application form (Exh.274) along with a copy of her election card was shown to her. She stated that she did not write the contents of the application (Exh.274), and it does not bear her signature; however, the photograph and identity document are hers. The date of birth mentioned in the form is also incorrect; her actual date of birth is 24.01.1981. At that time, she gave a copy of her PAN card (Exh. 275) to the police. She states that she has never used SIM card number 8983192621 or purchased a SIM card with that number.

138. She states in the evidence that in 2012, she applied for a job at Specific Glass Mozak company in Pune. She confirms that at that time, she provided copies of all her KYC documents to the said company. She admits that, based on these documents, someone illegally obtained a SIM card in her name. She stated that she does not know anyone by the name Kiran Kuchekar and that she never gave the SIM card or any documents for purchasing the SIM card of the mentioned number to that person. She further clarifies that she has never provided any documents to Kiran Kuchekar for buying the SIM card of the same number. She states that she does not know accused No. 2.

139. During her cross-examination, she admitted that after learning her documents were used illegally to purchase a SIM card, she did not file any complaint. Witness volunteers state that, since the case was ongoing, she did not submit any complaint. She denied that she had previously told the police that the form (Exh. 274) was not in her handwriting. She stated before the police that the incorrect date of birth was listed in Exh. 274. She also said she provided a copy of her PAN card to them. Furthermore, she admitted that she told the police she had never used the SIM card number mentioned in Exh. 274. She stated that her statement did not mention any misuse of her KYC documents by another person. She cannot explain why these facts were not included in her statement. These are minor issues and do not significantly undermine her credibility.

140. She admitted that she did not purchase SIM card No.8983192621 and that it was not her property.

141. Her evidence shows that documents of her identity led to the procurement of the SIM card. PW51 Mr. Patil seized the mobile phone during a body search on 08.01.2015. The mobile handset, manufactured by I Ball, was produced by the brother of accused No.2, Kiran Kuchekar, namely Suraj Ramdas Kuchekar, before PW51 Mr. S.L. Patil. The seizure panchanama is at Exh.400. PW16 Mayur Pawar (Exh.128) admitted signing the panchanama. PW51 Mr. S.L. Patil proved the panchanama in his chief examination. The mobile handset is listed as Article-Q. There is no reason to doubt the Investigating Officer's account that he seized the phone from the custody of the brother of accused No.2. The mobile phone has IMEI Nos. 9113670-52039477 and 9113670-52089472. The accused has not explained the custody or use of the said mobile phone or SIM card. It is also not the case of accused No.2 that his brother was using the mobile phone at the relevant time or that he went to Guhagar. The combined evidence and seizure panchanama at Exh.400 establish that accused No.2 was using a mobile phone with IMEI Nos. 9113670-52039477 and 9113670-52089472, along with SIM card No.8983192621.

142. The CDR report at Exh.280 relates to mobile phone number 7743942244. The said number is mentioned in column No.1. The IMEI No. 352116067230460 also matches the phone of accused No.1. Based on the CDR report combined with tower IDs (Exh.285), the call details show that the movement of

accused No.1 occurred during 30.09.2014 to 01.10.2014.

Date	Time	Tower Number	Location Address
30.09.2014	14.16.35	4042210111642	Kashedi Ghat Hill near BSNL Tower Taluka Khed
30.09.2014	17.31.34	4042210111383	Gat No.1538 Borgaon, Taluka Chiplun, District Ratnagiri
30.09.2014	17.32.36	4042210111383	Gat No.1538 Borgaon, Taluka Chiplun, District Ratnagiri
30.09.2014	17.33.37	4042210111383	Gat No.1538 Borgaon, Taluka Chiplun, District Ratnagiri
30.09.2014	17.34.16	4042210111827	Gat No.76/12 Shrungartali, Taluka Guhagar, District Ratnagiri
30.09.2014	18.44.39	40422-10111-4253	Bajarpeth Guhagar, Taluka Guhagar, District Ratnagiri
30.09.2014	18.46.39	40422-10111-4253	Bajarpeth Guhagar, Taluka Guhagar, District Ratnagiri

30.09.2014	19.31.49	40422-10111-4253	Bajarpeth Guhagar, Taluka Guhagar, District Ratnagiri
01.10.2014	4.41.03	40422-10111-4253	Bajarpeth Guhagar, Taluka Guhagar, District Ratnagiri
01.10.2014	15.23.59	40422-10075-152	Open plot Velhe, Satara-Kolhapur Highway
01.10.2014	15.24.05 15.24.33 15.39.12 15.39.43 15.40.13 15.40.14 15.41.14 15.48.27	40422-10075-152	Open plot Velhe, Satara-Kolhapur Highway
01.10.2014	19.21.52	40422-10030- 20381	Ganesh Nagar, Bopkhel, Pune

143. The accused No.2 was using a Tata Docomo SIM card, and his mobile location can be stated as follows:

Date	Time	Tower Location Number	Address
30.09.2014	8.53.31	12442	Shivaji Chowk, New Kopargaon, Uttam Nagar

			Pune
30.09.2014	14.23.19	22210	TTML GBT Sakhar, Taluka Poladpur, District Raigad
30.09.2014	15.51.08	18387	Gat No.118, Village Jambhurde, Taluka Khed, District Ratnagiri
30.09.2014	16.03.40	28387	Gat No.118, Village Jambhurde, Taluka Khed, District Ratnagiri
01.10.2014	8.33.32	28235	Tata Tower, Opposite Police Station Guhagar, Taluka Guhagar
01.10.2014	8.33.34 8.33.37 8.33.39 8.35.10	28235	Tata Tower, Opposite Police Station Guhagar, Taluka Guhagar
01.10.2014	8.36.44	38235	Tata Tower, Opposite Police Station Guhagar, Taluka Guhagar
01.10.2014	11.22.11	28212	Indus Tower, Konkan Bajar, Chiplun Market,

			Chiplun
01.10.2014	11.44.24	28387	Gat No.118, Village Jambhurde, Taluka Khed, District Ratnagiri
01.10.2014	15.54.37	18164	Surur, Taluka Wai, District Satara
01.10.2014	19.50.38	12442	Shivaji Chowk, New Kopargaon, Uttam Nagar Pune

144. This evidence shows how accused No.1 & 2 travelled from Pune to Guhagar on 30.09.2014 and how they returned to Pune. Their location data indicates they were in Shrungartali Guhagar between 17:34:16 on 30.09.2014 and 11:22:11 on 01.10.2014 at Chiplun. The data also shows that they halted in Guhagar. This evidence was automatically generated through mobile phone usage and collected by the mobile company, and it is produced and proved by the prosecution. There is no explanation from accused No.1 & 2 regarding how their location is found in Guhagar on the evening of 30.09.2014 and the morning of 01.10.2014. This circumstance is duly proved beyond reasonable doubt by the prosecution.

145. Prosecution relied on forensic evidence extracted from the memory card and mobile phone of the accused to

pinpoint his presence at the spot. In that respect, prosecution examined the following witnesses.

Rank	Exh. No.	Name	Nature of Evidence
PW05	65	Rahul Rajendra Pilankar	Body Search Panch
PW 20	142	Bhagwan Tanaji Mahadik	Memoary card seizure panch
PW35	232	Police Naik Vinod Shankar Jadhav	Carrier
PW51	387	Shivaji Lahu Patil	Investigating Officer

146. PW51 Mr. S.L. Patil stated at Exh.387 that during the investigation on 13.01.2015, he seized the memory card of the mobile phone used by accused No. 1, Amol Gadhave, at the time of the offence, from his sister Jayashri Gadhave. Accordingly, he prepared panchanama of the said memory card vide Exh.148. He further stated that upon verification of the information of those three persons i.e., the accused he arrested them, and they disclosed their names as Amol Chandrakant Gadhave, Kiran Ramdas Kuchekar, and Vishnu Kisan Tanpure. Accordingly, he prepared the arrest-cum-seizure panchanama in the presence of panchas. At that time, he conducted a search of the accused's person. While searching the accused, Amol Gadhave, he found a white Samsung mobile with a SIM card from Idea, bearing No.7743942244, and a brown pocket containing relevant identification documents.

147. PW20 Bhagwan Tanaji Mahadik (Exh.142) stated that sister of accused No.1 gave a 16GB memory card, which was used by accused No.1, and police seized it by drawing panchanama. PW 5 Rahul Pilankar only admitted his signature on the panchanama.

148. The accused's mobile phone along with this memory card was sent for forensic analysis by the Investigating Officer through a letter dated 06.02.2015 (Exh.233) to FSL at Kalina, Mumbai.

149. PW35 Police Naik Vinod Shankar Jadhav (Exh.232) stated that in 2015, he served as a Police Naik in LCB Ratnagiri. On 11.02.2015, his Superior Officer gave him some muddemal from this crime in sealed condition to deposit at the CA office in Kalina Santacruz, Mumbai, along with a letter. (Exh. 233) On 12.02.2015, he visited the CA office in Kalina, deposited the muddemal, and received a receipt from the office. He then handed over the letter to his Superior Officer. On 19.02.2015, his Superior Officer directed him to deposit an empty hard disk with the CA office Kalina and instructed him to record a statement from CCTV contractor Mahadik. The order is at Exh.234. Accordingly, on 20.02.2015, he deposited the said disk with the CA office Kalina and obtained their acknowledgement on the said letter (Exh.235) .

150. In his cross-examination, he admitted that he did not record any entry of his visit to the CA office at any point in the police station. He acknowledged that he did not prepare a

panchnama while taking possession of the muddemal. He also admitted that he did not prepare any panchnama to show that he received sealed muddemal properties. He stated that he did not prepare any panchnama regarding the said empty hard disk.

151. This witness PW35 Police Naik Vinod Shankar Jadhav (Exh.232) is a carrier of muddemal, and he is not supposed to prepare panchnama. Therefore, nothing in his cross-examination disbelieves him.

152. Through this evidence, it is proved that the mobile handset of the accused No.1 and the memory card along with the DVR from the goldsmith and the DVR at Ganeshkhind were sent for forensic analysis. The prosecution has produced the CA report of the same at Exh.432. From the said report, it is clear that CCTV video footage from 30.09.2014 to 01.10.2014 was not found on the hard disk, i.e., CCTV facility at Ganeshkhind. Similarly, no video footage was found on the hard disk/DVR seized from the goldsmith's shop on 02.10.2014. However, case-related images were found in the memory card at EX-3/2. The DVD report shows 3 images of accused No.1 near the beach. This indicates that the accused was at Guhagar during the time of the offence. The forensic report of his mobile and memory card places him at Guhagar in the home stay of the deceased Vishwas Khare.

153. The prosecution claimed that after stealing the 10-tolas gold chain of the deceased on 01.10.2014, accused No.1 immediately sold it to goldsmith PW26 Veersingh Malsing

Chauhan on 02.10.2014. Accused No.1 gave a memorandum statement about the same, and based on this, the police identified PW26 Veersingh Malsing Chauhan. He admitted purchasing the gold chain from accused No.1 and paying him Rs.1,91,900/-. He also recorded the transaction on paper. In that respect, the prosecution has examined the following witnesses.

Rank	Exh. No.	Name	Nature of Evidence
PW20	142	Bhagwan Tanaji Mandalik	Memorandum & discovery panch
PW26	175	Veersing Malsing Chauhan	Goldsmith
PW39	262	Mahipati Dagadu Jamdar	Carrier of Specimen handwriting with disputed document
PW40	267	Vinodkumar Meshram Markan	Chief Document Examiner
PW45	307	Dattatray Dnyanoba More	Owner of shop of goldsmith and relative of flat owner which was rented to accused No.1's family
PW50	380	Ravindra Virupaksha Nadadgalli	JMFC who recorded statement of goldsmith
PW5	387	Shivaji Lahu Patil	I.O.

154. PW51 Shivaji Lahu Patil (Exh.387) specifically stated that accused No. 1 Amol Gadhave voluntarily gave a

statement that he sold a gold chain to a jeweler and that he is ready to show the jeweler's shop. The memorandum panchanama is at Exh. 143 and is duly proved. He further stated that accused No. 1 took them to the jeweler's shop, namely Sundha Jewelers. The gold bar and the record of the entry made by the jeweler were seized by drawing a panchanama at Exh. 144. The paper containing handwriting of PW26 Veersing Malsing Chauhan is at Exh. 231. During investigation, he collected specimen handwriting of PW26 Veersingh Malsing Chauhan and prepared a panchanama at Exh. 149. The specimen signatures are at Exh. 176.

155. PW20 Bhagwan Tanaji Mahadik (Exh.142) stated that on 13.01.2015, he was called to Dighi police station. At that time, another panch was present with him. He identified accused No.1 in court as the person present with the police. Accused No.1 told him that he committed murder and sold a gold chain to a goldsmith, and was ready to take them to the goldsmith. The police recorded his statement and prepared a memorandum panchanama at Exh.143. The said panchanama bears the signatures of the panchas and accused.

156. Accused No.1 took them to a goldsmith's shop at Bopkhel. The name of the goldsmith was Chavan. The goldsmith stated that accused No.1 sold the gold ornament to him and showed a gold bar. The police seized the gold bar by preparing a panchanama at Exh.144.

157. Though he admitted in his cross-examination that he cannot tell the time and place of each panchanama as his evidence was recorded after 8 years, it is probable that he may not remember the details. He denied that he does not know the contents of the panchanama. He denied that the police have not prepared panchanamas in his presence. He also denied that the police have not obtained specimen signatures of the goldsmith PW26 Chauhan. There is nothing in his cross-examination that leads to disbelieve this witness.

158. As per memorandum panchanama at Exh.143, the accused No.1 gave a statement at Dighi police station around 11:20 p.m., which was recorded between 11:20 and 11:40 on 13.01.2015. Subsequently, they went to the goldsmith's shop, and the seizure took place between 12:15 p.m. and 1:00 a.m. The prosecution relied on the lock-up register entries of Khadaki police station and the station diary entry at Dighi police station, marked as Exh.365. PW49 Subhash Mahadev Mane proved these documents. Being public documents, they are admissible in evidence. On 12.01.2015, accused No.1 Amol Gadhave and accused No.2 Kiran were in custody at Khadaki police station and were taken out at approximately 8:45 a.m. on 13.01.2015. The station diary entry regarding the accused's statements and subsequent recovery is recorded at Dighi police station and is at Exh.364. These records, being contemporaneous, serve as independent police station records that corroborate the Investigating Officer's testimony that accused No.1 and No.2 were brought to Pune, held at Khadaki police station, taken out for inquiry around 8:45 a.m. on 13.01.2015, and later gave

statements to the police. Therefore, the evidence of the Investigating Officer and the panch witness memorandum, including the accused No.1's statement, is duly proven.

159. PW45 Dattatray Dnyanoba More (Exh.307) stated that he had rented the shop to PW26 Veersing Chauhan and that it is still operational.

160. PW26 Veersing Malsing Chauhan (Exh.175) stated that he has been running a goldsmith business in a rented shop owned by Alka Dattatray More at Bopkhel, Ganesh Nagar, Pune, since February 2014. There is a CCTV camera in the shop that stores data for up to 15 days. A building named Moraya Heights is located next to his shop, and Amol Gadhave resides in that building. He was unable to identify him due to the passage of time. On 02.10.2014, Amol Gadhave came to his shop with a chain, which he bought from him. He does not remember the amount he paid to Amol Gadhave.

161. In the cross-examination by learned APP, he admitted that Amol Gadhave was residing with his mother, sister, and brother in Moraya Heights. Amol Gadhave and his mother used to visit his shop to sell or purchase gold ornaments. He knew them and had good relations with them. He does not remember whether Amol Gadhave on 02.10.2014 brought a gold chain in broken condition. He admitted that he purchased gold without a receipt only from known customers. On 02.10.2014, while purchasing gold from Amol Gadhave, he had not verified the receipt.

162. He admitted that he used to keep a record of his daily business on paper. He made an entry of the said transaction on 02.10.2014 in his notes. He denied the handwriting on Article 'N'. He stated that he does not remember the weight of the gold chain, which was 99.230 grams.

163. He admitted that he paid Rs.1,91,900/- to Amol Gadhave. He stated that he did not know whether the chain was made by Waman Hari Pethe Jewelers with the WHPS logo. He did not recall whether he recorded the payment to Amol Gadhave in his daily notes. The name of his shop is Sundha Jewelers. He admitted that he regularly carries cash with him. He does not remember whether he melted the gold chain purchased from Amol Gadhave into a gold bar. He does not recall whether he added extra gold, making it 100.20 grams. The seller of the gold chain is Amol Chandrakant Gadhave.

164. He further admitted that on 13.01.2015, the police came to his shop. He does not know whether Amol Gadhave showed his shop to the police. He admitted that Amol Gadhave told the police that he sold a chain to him. He also stated the same. He admitted that he handed over the gold bar to the police. He denied giving a daily entry paper to the police. He admitted that the police prepared panchanama at Exh.144 in his presence. He stated that it does not bear his signature. He admitted that on 13.01.2025, the police prepared three panchanamas in his presence. He admitted that the police obtained his specimen handwriting on papers. The six specimen writings are in his handwriting and are at Exh.176. He does not

remember whether the police prepared a panchanama regarding the same. He identified the panchanama at Exh.149 and stated that it bears his signature and its contents are correct.

165. He admitted that the police seized six papers from his daily notebook. They are at Exh.177. He denied his handwriting on the said notebook. He admitted that the police seized a DVR box from him. He does not remember preparing any panchanama regarding the DVR box. He denied his signature on the panchanama at Exh. 147. He admitted that police recorded his statement on 13.01.2015 as per his statement, and the contents are correct.

166. His statement is recorded in Guhagar Court and is at Exh.178. He claimed that he cannot say whether the accused No.1 was the same Amol Chandrakant Gadhave who sold a gold chain to him. He denied that the gold bar at Article 'L' was seized from him. He admitted that More was the owner of his shop. He stated that he does not know whether accused No.1 was the tenant of said More. He denied that he had known accused No.1 for the last 15 years. He denied that the family members of accused No. 1 are his customers. He denied that Article 'N' is in his handwriting. He denied that the Accused No.1 is the person known to him as Amol Gadhave.

167. In his cross-examination of accused No.1 and 2, he admitted that he personally does not know Amol Gadhave, his mother, sister, and brother. He does not know Marathi and had not given any statement to anyone. He had not handed over any

paper or article to the police. The police had not prepared any panchanama in his presence. He had not made any statements to the police. He admitted that he did not give Rs.1,91,900/- to accused No.1. He also admitted that gold bar Article 'L' was not owned by him nor seized from him. Amol Gadhave never gave him a gold chain at any point. Based on police instructions, he gave a statement in the Guhagar Court.

168. In his statement recorded on 17/01/2015 under section 164 of the Code of Criminal Procedure, he specifically admitted that the accused No.1, Amol Gadhave, sold him the gold chain and he paid Rs. 1,91,900/- to him. Though he failed to support prosecution by adhering to his statement, his statement under section 164 of the Code of Criminal Procedure (Exh.178) is duly proved through evidence of PW50 Ravindra Nadadgalli-JMFC (Exh.380).

169. PW50 Ravindra Nadadgalli-JMFC (Exh.380) stated that from May 2014 to June 2015 he was serving as a Judicial Magistrate First Class at Guhagar and had also worked on deputation for fifteen days at the JMFC Court, Chiplun. On 17.01.2015, while functioning as JMFC, Guhagar, he received a report in connection with Crime No.67/2014 requesting the recording of the statement of a witness under Section 164 of the Code of Criminal Procedure. He identified the said report (Exh.381), stated that it bore his signature below the order dated 17.01.2015, and deposed that he had directed the Investigating Officer to produce the witness before the Court for recording the statement.

170. He further deposed that on 02.02.2015, the police produced Veersingh Chauhan, a jeweler, before him in the JMFC Court, Guhagar. He identified the forwarding report (Exh.382), which bore the inward number and the seal of the Guhagar Court. Before recording the statement, he verified the witness's identity through his Aadhaar Card and confirmed that the witness was willing to make the statement voluntarily and without any pressure or coercion. He specifically stated that, at the time of recording the statement, only he, the witness, and his stenographer were present in the court hall, and no police personnel remained present during the recording.

171. He deposed that he recorded the statement of the witness in Marathi as narrated by him, since the witness was conversant with Marathi. After completing the recording, he read over the statement to the witness, who thereafter personally read its contents and signed the statement in his presence. He also signed the statement as the Judicial Magistrate and endorsed the statutory certificate certifying that the statement had been recorded in his presence as per the version of the witness and that its contents were true and correct. He identified the statement of Veersingh Malsingh Chauhan recorded under Section 164 Cr.PC. (Exh. 178). He further stated that, after completing the prescribed procedure, he sealed the statement in an envelope (Exh.383),

172. During cross-examination, he denied the suggestion that he had failed to ask the witness whether he was making the statement voluntarily or without pressure. He admitted that the

statement recorded under Section 164 Cr.P.C. (Exh.178) did not mention the time at which the recording commenced or concluded. He also admitted that a copy of the Aadhaar Card of the witness was not attached to the statement produced before the Court, but voluntarily clarified that the copy of the Aadhaar Card had been attached to the office copy of the statement. He denied the suggestion that he had failed to properly verify the identity of the witness or that he had not followed the prescribed procedure while certifying the statement.

173. He further admitted that the witness had been produced before him by the police. However, he denied the suggestion that the witness had been brought against his wishes or that the statement was not voluntary. He maintained that he had verified the witness's identity before recording the statement and that the witness had voluntarily made the statement after assuring him that no pressure had been exerted. He reiterated that only he, the witness, and his stenographer were present in the Court hall, and that no police personnel were present during the recording. He further denied the suggestions that he had failed to read over the statement to the witness, that he had not complied with the legal procedure prescribed under Section 164 Cr.P.C., that he had failed to ascertain whether the witness had been pressurised by the police, or that he had not actually recorded the statement of Veersingh Chauhan.

174. Hence, through the evidence of PW50 Ravindra Nadadgalli-JMFC (Exh.380), the statement under S. 164 of

Cr.p.c. of PW26 Veersing Malsing Chauhan is duly proved.

175. This oral evidence is corroborated by the entry made by PW26 Veersing Malsing Chauhan regarding the purchase of the gold chain, which is at Exh.231. It states as follows:

०२.१०.२०१४ अमोल गाडवे मोड चैन ९९/२३०=१९१९०० रु दिले.

176. Though PW26 Veersing Chauhan denied his handwriting on the said document, the prosecution sent the paper to a handwriting expert along with specimen handwriting and natural handwriting of PW26 Veersing Chauhan and obtained a report by way of a letter dated 29.01.2015. The handwriting was referred to a Handwriting Expert. PW39 Mahapati Dagadu Jamdar carried the said letter with the disputed document, the specimen handwriting, and the natural handwriting.

177. PW39 Mahapati Jamdar (Exh.262) stated that his superior officer also instructed him to deposit the documents related to the crime with the Chief Examiner of Documents in Pune. Accordingly, on 02/02/2015, he, along with police constable Shri. Shaikh, went to the Pune office with sealed documents pertaining to the crime. He deposited three sealed packets at the office and obtained acknowledgment, at Exh. 264 and 265.

178. Prosecution examined handwriting expert PW40 Vinodkumar Markan Meshram (Exh.267). He stated that in

2015, he was serving as the Chief State Examiner of Government Documents in Pune. He holds a B.Sc. degree and has completed a one-and-a-half-year course in handwriting identification and forgery detection. He has been overseeing this work since 2006. In crime No. 67/2014 of Guhagar Police Station, he received three sealed envelopes for handwriting examination along with a letter (Exh. 265). He also received another letter (Exh. 264). He opened all three sealed envelopes. In the first envelope, he found (Exh. 231), which he marked as Q1, and identified it as the same document. In the second envelope, he found six pages with writing on them, which he marked as S-1 to S-6, and verified as the same. In the third envelope, he found six pages of natural writing, marked as N-1 to N-6, collectively exhibited as Exh. 177.

179. He examined the aforementioned documents side by side using the comparison method in various settings. He reviewed the documents with the aid of a magnifying glass, an illuminated ultra lens, and a stereo microscope. He observed that the handwriting skills on both documents were similar. He noted that the movement, slant, spacing, pen lift, line quality, pressure, rhythm, alignment, speed, relative size, and proportion of letters exhibited comparable writing characteristics. He identified significant similarities in both handwritings as follows:

- i. The peculiar execution of the letter 'a' with its body and shank.
- ii. The letter with a blunt beginning and a flourished terminal after the curve.
- iii. The letter ल with its shoulder characteristics.

- iv. The letter 'a' with its initial and terminal curves.
- v. The 'st' horizontal stroke.
- vi. The curved component and peculiar placement of the letter डबल मात्रा of Chei.
- vii. The unconscious habit of writing the sign '='.
- viii. The manner of writing letters 'n', 's', 'a', 'र' and figures in English 1, 2, 0, 4, 9, 3, which reveal similar tendencies.
- ix. The overall writing habit.
- x. The execution of the words 'मात्रा' and 'वैलांटी', 'smr' shows similar patterns.

180. The differences between the questioned and standard writings are attributed to natural variation.

181. The similarities mentioned above are found in various places, with no observed differences between the two sets. All of these similarities are significant and collectively sufficient to establish common authorship. Therefore, he concluded that the red-marked writing labelled as 01 Exh. 231 was authored by the same person who wrote the writings marked at Exh. S-1 to S-6 Exh. 176 and N-1 to N-6 Exh. 177. Accordingly, he expressed his opinion on 30/11/2015, vide No. HW/91/15. It is at Exh. 268. After examining the documents, he handed over the said document to S.P. Ratnagiri. In his opinion, all three documents ie. Exh. 231, Exh. 176, and Exh. 177 were written by the same person.

182. He admitted in cross-examination that there is no signature on Exhibits 231, 176, and 177. He clarified that

receiving a document for examination does not require him to affix his signature and stamp. He confirmed that there are no signatures or stamps from his superior officer or office on Exhibits 231, 176, and 177. He also noted that there is no mention of the date of marking 01, S-1 to S-6, and N-1 to N-6 on these exhibits. Furthermore, he stated that he did not include the entire procedure for examining the documents he deposed in his chief in his certificate, Exhibit 268. Lastly, he confirmed that he did not mention Points Nos. i to ix as stated in his examination-in-chief recorded in the certificate at Exhibit 268.

183. He admitted that he did not mention the date and time of the examination's commencement and conclusion in his report. He denied that he deemed it necessary to include the aforementioned facts in his report. He denied that he issued a false report solely because he was working in an expert office. He denied that it is possible for Q1, S-1 to S-6, and N-1 to N-6 to be written by different persons.

184. He denied that it is necessary to mention the complete procedure of examination of the disputed document in the report. He admitted that there is no mention of the procedure and steps he followed to reach his conclusion in the certificate at Exh. 268. He denied that, because he is a government servant, he issued a false certificate to help the police.

185. Based on the statement of PW26 Veersing Chauhan before the Court under section 164 of the Code of Criminal

Procedure and considering the handwriting expert's evidence and report, it is clear that the entry at Exh.231 was made by PW26 Veersing Chauhan.

186. In view of the above-mentioned evidence, it is clear that accused No.1 Amol Gadhave sold a gold chain weighing 99.230 grams to PW26 Veersing Chauhan, who converted it into a gold bar. According to the prosecution's case, the deceased purchased the gold chain from Waman Hari Pethe Jewelers on 05.07.2013. The prosecution submitted the purchase receipt at Exh.405, which shows that the listed gold chain weighed 99.230 grams. Therefore, it is proved beyond a reasonable doubt that the gold chain belonging to the deceased Vishwas Khare was sold on 02.10.2014 by accused No.1 Amol Gadhave to PW26 Veersing Chauhan for Rs.1,91,900/- immediately after Vishwas Khare's murder.

187. The prosecution further claimed that accused No.1 Amol Gadhave paid Rs.20,000/- to PW17 Ramdas Vilas Tapkir, Rs.28,000/- to PW18 Pravin Annasaheb Tapkir, Rs.40,000/- to PW37 Lalita Narayan Sawant and Rs.75,000/- to PW19 Sanjay Aasaram Gavade. In that respect prosecution examined following witnesses.

Rank	Exh. No.	Name	Nature of Evidence
PW11	119	Manoj Ramdas Ghule	Seizure panch regarding amount

PW12	123	Nikhil Anil Tapkir	Seizure panch regarding amount
PW13	124	Najbool Kamaldaraj Khan	Seizure panch regarding amount of Rs.75,000/-
PW17	134	Ramdas Vilas Tapkir	Acquaintance of accused No.1 receiving amount from his after the incident
PW18	136	Pravin Annasaheb Tapkir	Acquaintance of accused No.1 receiving amount from his after the incident
PW19	141	Sanjay Aasaram Gavade	Maternal uncle of accused No.1
PW37	253	Lalita Narayan Sawant	Girl friend of accused No.1 and receiver of Rs.40,000/-
PW49	358	Subhash Mahadev Mane	Police witness
PW51	387	Shivaji Lahu Patil	Investigating Officer

188. PW17 Ramdas Vilas Tapkir, PW18 Pravin Annasaheb Tapkir, PW37 Lalita Narayan Sawant, and PW19 Sanjay Aasaram Gavade failed to support the prosecution and denied receiving the abovesaid amounts from accused No.1. Nevertheless, the police recovered the said amounts from these witnesses. PW11 Manoj Ramdas Ghule (Exh.119) also did not support the prosecution regarding the seizure of the amount from Ramdas Tapkir, and PW18 Pravin Tapkir likewise failed to

support the prosecution on the seizure. PW12 Nikhil Tapkir also failed to support the prosecution regarding the seizure of the amount. Hence, the only evidence is that of the Investigating Officer, who prepared the seizure panchanamas and seized the amounts from PW17 Ramdas, PW18 Pravin, and PW37 Lalita Sawant.

189. The PW49 Subhash Mahadev Mane (Exh.358) deposed that in 2015, he was attached to the Local Crime Branch, Ratnagiri, as an Assistant Sub-Inspector. He stated that the investigation of Crime No.67/2014 had been entrusted to Police Inspector S. L. Patil. On 19.01.2015, Police Inspector S. L. Patil deputed him to Pune to carry out part of the investigation and issued him a written order (Exh.359).

190. He further deposed that, pursuant to the said direction, he proceeded to Pune and, during the course of investigation, found that the accused had paid ₹40,000/- to witness Lalita Narayan Savant. He accordingly seized the amount under a seizure panchnama (Exh.360). He also stated that he recorded Lalita Narayan Savant's statement as per her narration and identified the relevant portion marked 'A' in her statement (Exh.361). Similarly, he recorded the statement of Pravin Annasaheb Tapkir and identified the relevant portion marked 'A' in his statement (Exh.362). After completing the investigation, he submitted his report along with all collected documents to Police Inspector S. L. Patil. He identified his report (Exh.372). He also deposited the seized amount of ₹40,000/- in the police station as muddemal, obtained the corresponding

muddemal receipt (Exh.373), and stated that he could identify the seized currency if shown to him. Apart from denials, nothing else has been brought on record by the accused in their cross-examination.

191. The Investigating Officer PW51 Shahaji Lahu Patil stated that he recovered Rs.20,000 from Ramdas Tapkir and Rs.28,000 from Pravin Tapkir. There is no reason for the police to show false recovery of these amounts. Therefore, the recovery is duly proved as both witnesses, Ramdas and Pravin, admitted their signatures on the panchanama.

192. The prosecution further alleged that Rs.75,000/- was produced by PW19 Sanjay Aasaram Gavade maternal uncle of accused No.1 Amol Gadhawe in LCB Office Ratnagiri.

193. PW13 Najbool Kamaldaraj Khan (Exh124) deposed to that effect. He stated that on 17.01.2015 police called him at D.S.P. Office Ratnagiri. Another panch Sheikh was with him. One Sanjay Gavade was present there. He gave Rs.75,000/- to police. They were 75 currency notes of Rs.1,000/- denomination. The police sized the same by drawing seizure panchanama (Exh.125). In his cross-examination he admitted that police had not given him written notice to act as panch. It was prepared on 17.01.2015 between 7.00 to 7.30 p.m. He cannot tell the exact time of panchanama. He denied that the police already prepared the panchanama. He admitted that he had no reason to know the contents of panchanama. He did not know what police has done to seize the amount. He stated that police kept it on the

table. In the cross-examination by accused No.3, he admitted that he had not dictated contents of panchanama and the police had written it.

194. Therefore though PW19 Sanjay Aasaram Gavade denied that he had deposited Rs.75,000/- in police station, his evidence is not worthy to be believed as it is hard to believe that police will place Rs.75,000/- from their own pockets to implicate the accused. Hence, recovery of Rs.75,000/- from the maternal uncle of accused No.1 is proved.

195. The prosecution further relied on memorandum and discovery of clothes of accused No.1 and 2 and their forensic report. In that respect, the prosecution examined following witnesses.

Rank	Exh. No.	Name	Nature of Evidence
PW20	142	Bhagwan Tanaji Mandalik	Memorandum & discovery panch
PW 24	169	Advait Keshav Joshi	Spot panch and seizure of soil and other articles from spot
PW 31	217	Sonali Vilas Dandekar	Carrier of soil from the spot
PW38	260	Pravin Dinkar Barge	Carrier of the clothes of the accused
PW 46	314	Vinit Jaywant Chaudhari	I.O. seizing

			articles from the spot
PW51	387	Shivaji Lahu Patil	Investigating Officer

196. Based on the memorandum statement of accused No.1 on 13.01.2015, the police seized pants, a jerkin, and Adidas shoes from accused No.1's house. PW20 Bhagwan Tanaji Mandalik (Exh. 142) proved the panchanama at Exh. 145. Investigating Officer PW51 Mr Patil corroborated this evidence. These clothes, along with soil from the spot, were sent for chemical analysis by the Investigating Officer. The letter dated 19.01.2015, at Exh. 261 and proved by PW38 Pravin Dinkar Barge, shows that these clothes, along with clothes of accused No.2 and rexine from the incident scene, were sent to FSL Pune. The reports related to these are at Exh.428, 429, and 430. The report at Exh. 430 indicates that no blood was detected on accused No.1's pants, jerkin, and sports shoes, nor on accused No.2's jerkin and canvas shoes, or on the rexin. The report at Exh. 428 relates to the report at Exh. 429. The CA report at Exh.429 is connected to the letter at Exh.218.

197. PW31 Sonali Vilas Dandekar (Exh.217) stated that in 2014, she was posted at Guhagar police station as a WPC. On 07.10.2014, she received the muddemal of C.R. No. 67/2014 from Guhagar police station in sealed condition for deposit at the CA office in Pune. Along with it, she was given a letter (Exh.218). She immediately went to Pune, and on 8/10/ 2014, she deposited the sealed muddemal in the CA office and obtained an acknowledgement. After returning to Guhagar, she

handed the acknowledgement to her superior officer. The said letter is duly proven. It shows that at mark No. 3, a simple soil sample from the kitchen room floor was taken. The spot panchanama is at Exh.170.

198. PW24 Advait Keshav Joshi (Exh.169) stated that on 01.10.2014, the police called him for panchanama at Pleasure Point, where Vishwas Khare's murder took place. He was present there at 5:00 p.m. Another panch, Sachin Khare, was also present. Vivek Mahadev Khare showed the spot. It was Pleasure Point, Varacha Pat, by the side of Guhagar sea. He stated that the police seized blood-stained soil and normal soil from the incident site. PW46 Vinit Jaywant Chaudhari (Exh.314) also stated that he seized blood-stained soil and ordinary soil from the incident site.

199. As stated above, Investigating Officer, through his evidence, duly proved that accused Nos. 1 & 2 gave memorandum statements and on the basis of their statements, the clothes & shoes of accused No.1 and those of accused No.2 were recovered. As stated above, they have been sent for chemical analysis. In the CA report at Exh.428, it is specifically stated that the earth collected from the pant trouser, jerkin and sports shoes of accused No.1 and jerkin and canvas shoes of accused No.2 tally among themselves and also tally with the sample soil which was collected from the spot of incident and sent for chemical analysis in view of CA report at Exh.429 in respect of hue, physico chemical characteristics and spectro chemical composition. In other words, the soil/earth collected

from the clothes of accused No.1 & 2 matches the soil collected from the scene of the incident. There is no explanation from the accused persons regarding this, i.e., how the soil from the scene of the incident appeared on their clothes.

200. The chemical analysis report of Rudraksha mal, sickle, knife, clothes of the deceased, shirt, and t-shirt found at the scene is inconclusive regarding the blood group, and no definitive DNA profile has been identified on any of these objects. Therefore, the reports at Exh. 425, 426, and 427 are not useful in this case, and I am not considering the evidence related to those objects. However, the report indicates that the sickle, knife, clothes, and blood-stained soil contain human blood, and nothing else.

201. PW6 Rupesh Ravindra Bagkar (Exh. 67) was pancha of seizure panchanama of mobile phone of deceased. He stated that on 22.10.2014 he was called in Guhagar police station where one Nitesh Pawar produced mobile handset before him and the police seized the same by preparing seizure panchanama (Exh.68). He identified the said mobile handset at Article 'K'. He also stated that Nitesh told that the mobile handset was found at sea shore and shown the spot where he found the said mobile handset. The police prepared spot panchanama of the said place (Exh.69) in his presence.

202. PW14 Nitesh Suresh Pawar (Exh.126) found a mobile handset belonging to the deceased on the beach. He stated that he is a car owner and driver. He owns car No. MH-

08/R-7364, which was kept on hold for election duty in October 2014. On 14.10.2014, he parked his car behind the Tahasil office and was roaming along with Anant Tatkare, Pappya Hatiskar, and Anil Kadare on Guhagar beach. There, he saw a Samsung mobile phone and picked it up, noticing that it was not working. He went to his duty at Khed. Later, he kept the mobile for charging in a Sumo vehicle. It started working, and he saw a photo of Khare of Guhagar on the mobile. He also found that Khare was murdered, according to the news. The mobile then stopped working again, so he kept the mobile with him. He went to Mumbai for eight days of duty. On 22.10.2014, he handed over the mobile to Guhagar police, who seized it by drawing a panchanama (Exh.68). He also showed the spot where he found the mobile handset and identified the mobile at Article 'K'.

203. Evidence of this witnesses is material only to the effect that the mobile handset of the deceased was found on the seashore and nothing more.

204. PW46 Vinit Jaywant Chaudhari (Exh.314) stated that when he visited spot, he found that there was one room adjacent to the kitchen room in which two tourists had resided. He found one ash-coloured T-shirt and one light ash-coloured half-sleeve T-shirt with collar in the said room. There were red colour spots on the aforesaid T-shirts. He found one Disprin tablet packet in the first T-shirt. P W. 24 Advait Keshav Joshi (Exh.169) corroborated the said fact.

205. PW51 Shivaji Lahu Patil (Exh.387) stated that during investigation, accused No. 1 disclosed that the Disprine tablet and Gems chocolate received in his pocket had been purchased from Prakash Medical, Chiplun. As a result, they investigated the shop of Prakash Medical. During the investigation, it was found that the batch number on the Disprine tablet strip from Prakash Medical and the batch number on the Disprine tablet strip found at the scene were the same. Therefore, he recorded the statements of the owner of Prakash Medical and the dealer as per their account.

206. PW30 Pukharaj Sogalal Oswal (Exh.208) is medical shop owner. He stated that he has been running a medical store named "Prakash Medical Store" at Markandi for the last 30 years. He holds a drug license and used to purchase medicines from Shanti Enterprises, Ratnagiri. He also keeps chocolates in his store and used to buy stock from Om Agency, Khed. On 17.01.2015, PI Patil came to his store. At that time, PI Patil showed him a packet of Disprine medicine and asked whether it was from his shop. The medicine had Batch No. 06193. He checked his bills and found that the medicine was from his stock, purchased from Shanti Enterprises, Ratnagiri, and sold from his shop counter. PI Patil took an attested copy of his stock bill (Exh.209). He had the original bill, but it was destroyed in the flood of July 2021.

207. This evidence shows that a Disprin tablet was purchased in Chiplun, which was found in a tourist's shirt. The accused led the I.O. to the shop of PW30 Pukharaj Sogalal Oswal

(Exh.208), and the batch number matches. It is no coincidence. My CDR record clearly indicates that accused Nos. 1 and 2 were in Chiplun before going to Guhagar.

208. It is argued for the accused that these witnesses are pop-up witnesses and should not be believed. Though Govind, brother of the deceased, his statement was not immediately recorded. The PW27 Sharmila Ghume had not immediately informed the police. Her statement was recorded after one month. She is an interested witness. However, I found no substance in these arguments. The statement of PW2 Govind Mahadev Khare was recorded immediately the day after the incident. He had given a proper description of the persons who visited Khare Pleasure Point. He stated that he was using a solar lamp. This shows that he was able to see accused No.1 & 2 at that time.

209. PW27 Sharmila Ghume was identified by PW48 Tanaji Shivram More (Exh.351). Said PW48, who worked as a Police Head Constable with LCB, received information that on 01.10.2014, two persons on a motorcycle asked a woman near Asgoli bus stop about the road. He received this information on 26.11.2014. He went there and recorded the statement of PW27 Sharmila Ghume. Therefore, her evidence is natural. Both witnesses in the test identification parade and in court also identified the accused persons. There is a difference between related persons and interested persons. The witnesses have no enmity with the accused persons and do not even know them. Therefore, there is no reason for them to falsely implicate the

accused persons. PW2 Govind Khare, being the real brother of the deceased who was brutally murdered, will be interested in seeking justice against the actual perpetrator of the crime and not an imaginary one.

210. The evidence provided by PW2 Govind Khare and PW27 Sharmila Ghume sufficiently establishes that accused Nos. 1 and 2 searched for Vishwas Khare and visited his guest house. Furthermore, on the following day, PW27 Sharmila Ghume observed them leaving from Guhagar toward Chiplun. In addition, the CDR data from accused No.2's mobile shows locations in Chiplun market around 11:00 a.m. on 01.10.2014. The mobile tracking indicates both accused were in Guhagar on the evening of 30.09.2014. This evidence aligns with the testimonies of PW2 Govind and PW27 Sharmila and is supported by their mobile location data. As such, there is no reason to dismiss their testimony.

211. PW48 Tanaji Shivram More (Exh.351) drew the map showing the location of the incident and nearby houses. He proved the said map at Exh.352. The map is attached as Annexure-D in this judgment. It shows that to approach Vishwas Khare's house from the sea shore, one must go past Govind Khare's house. There is a direct path from the orchid to the guest room in the home stay of the deceased Vishwas Khare. Photographs taken from the mobile phone of accused No.1 show the sea shore and the incident site. These photographs are attached as Annexure-E at the end of this judgment. Upon examining these photographs and the map, the story presented

by PW2 Govind appears reliable.

212. The accused argued that Vishwas Khare, the deceased, had disputes with many people and that several individuals had borrowed money from him. They attempted to blame these persons for the incident. This is reflected in the cross-examination of PW3 Vidya Khare. However, No evidence is on record to show that those were on bad terms with Vishwas Khare. In fact, PW1 Vivek Khare's complaint points towards only two unidentified tourists who visited the guest house on 30.09.2014. PW3 Vidya Khare testified that she and her husband arrived home around 6.45 a.m. on 01.10.2014. Her husband left to visit the overnight guests at their guest house, returned around 8.00 a.m. with tea for the guests, then went back out, returning around 8.30 a.m. He gave her Rs.500 and brought two plates of Kande Pohe around 9.30 a.m. After that, he did not come back. She visited the guest house again at 12.15 p.m., and once more at 1.00 p.m., when she saw her husband in a blood pool through a wall made of coconut leaves and bamboo. This account is consistent and supported by PW1 Vivek Khare. PW24 Advait Keshav Joshi testified that the deceased was found in a pool of blood with a slit neck and multiple injuries. A sickle and knife were nearby, and a bloodstained shirt and T-shirt were found in the guest room. PW2 Govind Khare's testimony, along with the mobile tower data from accused No.1 and 2, soil on their clothes, and photographs on accused No.1's phone, collectively point to the conclusion that accused No.1 and 2 stayed at the guest house on 30.09.2014.

213. The motive for the crime was the theft of a gold chain. During cross-examination, PW1 Vivek Khare's advocate revealed that Vishwas loved gold and was nicknamed 'Gold Man'. His fondness for gold was also confirmed by PW3 Vidya Khare, who stated that her husband liked wearing gold and was known as 'Golden Man'. The accused, No.1 and No.2, had previously visited the deceased's home stay, as shown by PW2 Govind Khare and PW3 Vidya Khare. They went directly to the guest house, entered a room, and did not wait for the deceased, whom they met at 7:00 a.m. the next day, indicating familiarity. This evidence supports that theft of gold was the motive, which the prosecution successfully established. Immediately after the theft and murder, accused No.1 sold the gold chain to PW26 Veersing Chauhan, further confirming their motive to commit murder for gold theft.

214. Therefore, the following circumstances independently proved the chain of circumstances that prove the guilt of the accused Nos. 1 & 2 beyond doubt.

1. PW2 Govind Mahadev Khare saw accused Nos. 1 & 2 while inquiring about the deceased at about 7.00 to 7.30 p.m. on 30.09.2014, and they went to the guest house directly.
2. It is proved by PW3 Vidya Khare that on 01.10.2014, her husband, Vishwas, picked her from the bus stop and they went together to their home.
3. At about 7.00 a.m., the deceased went to the guest house and again visited the guest house at about 8.00 a.m., served tea to the guest, and came back with Rs. 500/-.

4. He went with breakfast Kande Pohe for the guests.
5. In the spot panchanama, two plates are found, one is filled with the Kande Pohe, and the other is empty. It shows that it was made for two people and there were two guests.
6. One blood-soaked shirt and t-shirt were found in the guest room, suggesting that two persons stayed there.
7. There is no evidence to show that any other guests stayed in the said homestay.
8. The mobile tower locations show the presence of mobile phones of accused No.1 & 2 in Guhagar during the night and in the morning.
9. They arrived in Chiplun around 11:00 a.m. and then continued to Pune as confirmed by CDR location.
10. Accused No.1 immediately on the next day, i.e., on 02.10.2014, sold a gold chain of the exact weight of the chain belonging to the deceased that was missing, i.e., 99.230 grams, to PW26 Veersing Chauhan for Rs.1,91,900.
11. The handwritten note of PW26 Veersing Chauhan is duly proved by a handwriting expert's evidence.
12. Photographs of Guhagar near the spot were found in the memory card of accused No.1
13. Soil found on the clothes of accused Nos. 1 & 2 matched with the soil sample collected from the spot of the incident.
14. Amount of Rs.20,000/-, Rs.28,000/-, Rs.40,000/- and Rs.75,000/- recovered from persons known to the

accused No.1.

15. Based on the statement of accused No. 1, rexin was identified as the substance used in the offence. The accused showed the spot where they parked their motorcycle.
16. It is on record that the smart card of Bajaj Pulsor motorcycle with registration number MH 14 DC 7205 was found with the accused No.1 and was seized from him, which proves that the vehicle was used to go to Guhagar and return to Pune.
17. Since the deceased did not maintain a proper register of guests, the notebooks found at the scene are not helpful to the accused and contain only miscellaneous entries.
18. There is no evidence of grave enmity of the deceased with any other person.
19. There is no evidence to show that there were workers working on the day of the incident in the Home Stay, and hence the non-examination of casual workers does not affect the prosecution case.
20. There is no reason for the family of the deceased to implicate the accused persons.
21. The statements of PW2 Govind and PW27 Sharmila were recorded prior to two months of the arrest of the accused.
22. There is no explanation on the part of the accused regarding their mobile locations.
23. Motive for the crime, i.e. theft of a gold chain, is proved by the prosecution.

24. PW2 Govind and PW27 Sharmila identified the accused persons in the Court.

215. All this evidence has a cumulative effect, and when taken together, it wipes out any possibility of exonerating accused No.1 and No.2. These circumstances lead to only one conclusion: that on 01.10.2014, at about 9.30 a.m., accused No.1 and No.2, in furtherance of their common intention, caused the death of Vishwas Khare using a sickle and knife.

216. The prosecution examined PW33 Sameer Sudhakar Bawadhankar (Exh.222) and presented the photographs of the scene. The postmortem report shows that the deceased had 21 different injuries on his body. There are four incise cuts on his occipital region. An incise wound is present on his neck. There is no blood remaining on his body. The cause of death is hemorrhagic shock due to neck injuries. These injuries indicate that accused No.1 and 2, with the intent to kill Vishwas Khare, inflicted multiple injuries on his body. These injuries were enough to cause his death in the normal course of nature. The act of inflicting 21 injuries demonstrates that the accused knew that such injuries could lead to Vishwas Khare's death. Therefore, it is conclusively proved that accused No.1 and 2, in furtherance of their common intention, committed the murder of Vishwas Khare on 01.10.2014.

217. Although it is proved that accused No.1 and No.2 actually committed the murder of Vishwas Khare on 01.10.2014, as the prosecution has assigned the role of conspirator to accused No.3, it is necessary to examine what evidence the

prosecution has presented against accused No.3..

218. It is an admitted fact that accused No. 3 was not present in Guhagar at the time of the offence. The prosecution's case is that he is a school friend of accused No. 1 and was in constant contact with him on 30/09/2014 and 01/10/2014, and that he planned with accused No. 1 to rob and kill Vishwas to steal his gold chain. However, it is not a case of prosecution that he helped the accused No.1 in destroying evidence or shared booty of loot.

219. To establish the guilt and conspiracy against accused No.3, the prosecution relied on the evidence of the CDR of the mobile phone used by accused No.2. PW51 Shivaji Lahu Patil (Exh.387) stated that he collected tower data and found that two persons came to Guhagar on the evening of 30.09.2014 and left in the morning of 01.10.2014. Based on this, he collected mobile numbers and, with the descriptions given by witnesses, traced accused No.1, Amol Gadhave and accused No.2, Kiran Kuchekar. He met them, inquired, and found that accused No.3 was also involved in the offence. He prepared an arrest-cum-seizure panchanama of all three accused (Exh.388) and seized their mobile phones. He also found that during the relevant period, accused No.3 used a mobile phone owned by PW22 Shakuntala Sawai. Shakuntala Sawai, the mother of a friend of accused No.3, had her mobile phone seized by drawing a panchanama at Exh.162. He also recorded the statement of PW22 Shakuntala Sawai.

220. The prosecution relied on the CDR reports of the mobile phones of accused No.3 and accused No.1 to demonstrate their connection. The said CDR reports are at Exh.280, 281, 283, 284, and 295.

221. The Prosecution also relied on the school records of accused No.1 and 3, which are at Exh.368 to 371, collected by PW49 Subhash Mahadev Mane (Exh.358). The prosecution also attempted to show that accused No.3 visited Guhagar and Ratnagiri in December 2013 and examined PW25 Ajit Bhagwanrao Pandit (Exh.173), who was the owner of the Innova car on which accused No.3 was the driver, and proved the receipt (Exh.174).

222. PW22 Shakuntala Baban Sawai (Exh.163) is the owner of the mobile phone used by accused No.3. She stated that in 2014, she had given her mobile phone to accused No.3 Vishnu, who was a friend of her son Manoj. He used it for 7 to 8 months and then returned it to her. On 13.01.2015, the police seized the said mobile from her and obtained her thumb impression. The panchanama is at Exh.162. She identified the mobile phone at Article 'M'.

223. During cross-examination on behalf of accused No.3, she admitted that she does not know anything about the incident. She put her thumb impression on an already prepared panchanama. She has no documents in her possession to prove that she was the owner of mobile phone Article 'M'. She also admitted that the police did not seize anything in her presence.

224. PW25 Ajit Bhagwanrao Pandit (Exh.173) is the owner of the Innova vehicle used by accused No.3 for reki purposes. He stated that he owned an Innova MPV with registration No. MH-12/EF-1956 and a Scorpio SUV with registration No. MH-15/AS-9018. Accused No.3 Vishnu Tanpure, Amol Mahamune, and one other person used to serve his driver on his vehicles. He identified accused No.3 in the Court.

225. On 14.12.2013, he got a customer tourist who wanted to go to Guhagar and Ratnagiri, namely Jayesh Mahaduskar. Accused No.3 Vishnu Tanpure drove the aforementioned Innova MPV with the said tourist. The rent was fixed based on the running kilometers. On 15.12.2013, after covering a distance of 640 km, his Innova vehicle was brought back. Jayesh Mahaduskar paid him Rs. 6,000/- to Rs. 6,500/- as rent. He made an entry to that effect in his notebook. He gave a copy of this entry to the police. It is at Exh.174.

226. In his cross-examination of accused Nos. 1 and 2, he admitted that he cannot produce the original notebook. He stated that there is no specific mention that rent was paid in relation to the tour to Guhagar. He confirmed that rent is decided based on kilometers travelled or the tourist spot. Before giving the vehicle, he used to inquire about the destination and its route. In the case mentioned, he also inquired with the passengers. He admitted that he used to instruct the drivers to make necessary oral entries of places visited. He issued the entry at Exh.174 after returning the Innova car. There is no mention of villages visited by the Innova in the entry. There is no mention of

the number of passengers or the date. He admitted that he had not issued any receipt for the payment of rent.

227. In his cross-examination of accused No.3, he admitted that the police had not seized the original notebook from him. He denied that accused No.3 was not a driver of his Innova vehicle on that day and that he prepared a false entry at Exh.174.

228. PW49 Subhash Mahadev Mane (Exh.358) deposed that in 2015, he was attached to the Local Crime Branch, Ratnagiri, as an Assistant Sub-Inspector. He stated that the investigation of Crime No.67/2014 was entrusted to Police Inspector S. L. Patil. On 19.01.2015, Police Inspector S. L. Patil deputed him to Pune to carry out part of the investigation and issued him a written order (Exh.359), which he identified as bearing the signature of the Investigating Officer.

229. He further deposed that, acting under the directions of Police Inspector S. L. Patil, he delivered a letter addressed to the Principal of Sayaji Maharaj Vidyalaya, Pune, requesting attendance records and School Leaving Certificates of accused No.1 Amol Gadhave and accused No.3 Vishnu Tanpure. He identified the requisition letter (Exh.367), the attendance information received from the school (Exh.368), the School Leaving Certificate of accused Amol Gadhave (Exh.369), the School Leaving Certificate of accused Vishnu Tanpure (Exh.370), and the certified attendance extracts collectively marked as Exh.371.

230. In his cross-examination, he denied the suggestion that he had falsely deposed regarding the collection of attendance records and School Leaving Certificates of accused Amol Gadhave and Vishnu Tanpure under Exhs.367 to 371. He also denied that the documents had been falsely the accused Amol Gadhave and Vishnu Tanpure under Exhs. procured or that he had not collected the attendance extracts.

231. From the evidence of PW22 Shakuntala Sawai, it was recorded that she had given a mobile handset to accused No.3. Based on the evidence of PW25 Ajit Bhagwanrao Pandit (Exh.173) and the receipt (Exh.174), it is established that on 14.12.2013, accused No.3 was the driver of the Innova car. Both witnesses are independent, and there is no reason to disbelieve them. The CDR report indicates that Accused No.1 and No.3 were in constant contact with each other.

232. The letter issued by Shri Sayajirao Maharaj Secondary and Higher Secondary School dated 21.01.2015 shows that accused No.1, Amol Gadhave, took admission in the school in 2001-2002, and accused No.3, Vishnu Kisan Tanpure, took admission in 1999-2000. Both were studying in 7th standard in 2001-2002, but in different divisions.

233. This shows that accused No. 1 and 3 are school friends. Therefore, it is natural for them to talk with each other. There is no evidence except CDR, i.e., telephonic communication between accused No. 1 and 3 from 30.09.2014 to 02.10.2014, to connect accused No. 3 with the offence. He was not present at the spot. It is not the case of the prosecution that he helped

accused No. 1 and 2 before or after the offence. From the evidence of PW25 Ajit Bhagwanrao Pandit (Exh. 173), it is clear that accused No. 3 was working as a driver for a tourist vehicle. Therefore, it is natural for accused No. 3 to visit tourist spots like Guhagar. As per the prosecution, he visited Guhagar on 14.12.2013.

234. The alleged incident occurred on 01.10.2014, nearly 10 months after accused No.3's visit. There is no evidence showing that accused Nos. 1 to 3 travelled together to Guhagar. The prosecution's case is that accused Nos. 1 and 2 previously stayed at the home of the deceased, Vishwas Khare, and thus knew about the deceased's habit of wearing heavy gold chains. Therefore, relying on accused No.3's information about the deceased's style of wearing gold is too far-fetched. Merely because there was telephonic communication between accused Nos. 1 and 3 during the relevant period cannot be considered evidence of guilt for accused No.3. This single circumstance is not enough to link accused No.3 to the offence. Consequently, the prosecution failed to prove that accused No. 3 was involved with the other accused.

235. In view of abovesaid discussion the prosecution failed to prove that accused No.3 committed any offence. Hence, he is required to be acquitted of the offence punishable under section 302, 394 r/w 34 of the Indian Penal Code. However, it is proved beyond reasonable doubt by prosecution that the accused No.1 & 2 had murdered the deceased Vishwas Khare and robbed his gold chain and thereby committed offences

punishable under section 302, 394 r/w 34 of the Indian Penal Code. Hence, here I take pause to hear the accused No.1 & 2 on the point of sentence.

(D. B. Mhalatkar)

Date: 01.07.2026

Addl. Sessions Judge, Chiplun

236. The learned Advocate for accused Mr. Butala is absent. However, learned Advocate Mr. N.G. Lad made submission on behalf of accused No.1 & 2. It is submitted that accused are of young age and their families are dependent on them. There is no criminal antecedents of the accused No.1 & 2. It is not a rarest of rare case. Therefore, minimum sentence as per law be imposed.

237. The learned APP Mr. P.R. Salvi for the State through VC submitted that there are 21 stab injuries on the person of deceased. It is murder committed in cold blood for the purpose of monetary gain i.e. gold chain. The way in which the murder was committed, it shocked the conscience of society. In view of judgment of the Hon'ble Supreme Court in **Bachan Singh v/s. State of Punjab 1982(3) SCC 24 and Macchi Singh v/s. State of Punjab AIR 1983 SC 957**, it is one of the rarest of rare case. Therefore, it is fit case where death penalty can be imposed. The punishment of life imprisonment is not sufficient in view of the nature of the offence and brutal way of murder.

238. The Hon'ble Supreme Court in abovesaid judgments laid down the guidelines regarding imposition of death penalty and evolved doctrine of rarest of rare case. The Court has to

consider the aggravating circumstances and mitigating circumstances in the matter. Then the Court has to consider that whether the crime is exceptional and no other punishment fits for the accused.

239. In this case the aggravating circumstances can be mentioned as follows:

1. There were 21 stab injuries on the body of deceased as per postmortem report. They were caused by knife and sickle.
2. Motive for the crime was stealing gold chain.
3. Murder was committed in cold blood and accused ran away from the spot.
4. It was murder committed at the tourist spot of Home Stay owner at his kitchen when he was totally unaware of intention of the accused persons and was serving breakfast to them.

240. The mitigating circumstances can be noted as follows:

1. Age of both the accused is about 25 years when the offence was committed.
2. The families of the accused is dependent on them.
3. There is no criminal antecedents on record of the accused persons.
4. The case is based on circumstantial evidence.
5. Both the accused are in Jail for last 11 years 5 Months and 11 Days.
6. There is no report of Jailer or any other report regarding

the conduct of the accused persons in the jail.

241. Normally, in the case where conviction is based on circumstantial evidence imposition of death penalty should be in exception. Both the accused are languishing in the jail for last 11 years 5 months and 11 days and facing trauma of trial for all these years. This is one of the most mitigating circumstance over the aggravating circumstances. There is nothing on record which shows that there is no chance for the accused persons to reform or improve. The manner in which the offence is committed is one of the aggravating circumstance in this matter. However, it is not sufficient alone to impose death penalty. It cannot be said that the motive indicates exceptional depravity. It is not a murder of child or woman. Considering aggravated and mitigating circumstances in this matter, in my opinion, due to long incarceration of the accused persons as under trial prisoners, it is not a fit case where the death penalty can be imposed.

242. The offence punishable under section 302 of IPC provides for either death penalty or life imprisonment. Therefore, as it is not the case of death penalty, it is proper to impose sentence of life imprisonment on accused No.1 & 2 for commission of offences punishable under sections 302 r/w 34 of IPC. So also, it is proper to impose fine of Rs.1,000/- on both accused and in default, it is required direct them to undergo rigorous imprisonment for six months.

243. The offence punishable under section 394 w 34 of IPC provides for punishment of imprisonment for life or rigorous

imprisonment upto 10 years and fine. In this matter, at the time of committing robbery the death of Vishwas Khare was caused by the accused persons. Hence, it is proper to impose the maximum punishment provided by section 394 of IPC. Hence, it is proper to sentence the accused No.1 & 2 for life imprisonment for commission of offences punishable under section 394 rw 34 of IPC and to impose fine of Rs.1,000/- on them. In default, they shall undergo rigorous imprisonment for six months each.

244. In this matter, as accused No.3 is acquitted it is proper to obtain PR Bond of Rs.50,000/- from him under section 481 of BNSS so that he may appear before the Appellate Court in case of appeal against acquittal.

245. In this matter police seized gold bar from PW26 Veersing Chauhan. Prosecution duly proved that the accused No.1 after the stealing the gold chain, sold the same to PW26 Veersing Chauhan. PW26 Veersing Chauhan converted it, into gold bar. The PW3 Vidya Khare prayed for interim custody of said gold bar. However, by moving pursis at Exh.476 she prayed for order of final custody as per section 498 of BNSS. The original receipt issued by Waman Hari Pethe Jewelers is on record. No third claimant claimed the said gold bar. Therefore, it is just and proper to deliver the custody of gold bar to PW3 Vidya Vishwas Khare as per section 498 of BNSS subject to indemnity bond of Rs.2,00,000/- to produce it before the Appellate Court, if required.

246. During the investigation the Investigating Officer seized Rs.1,63,000/- in total i.e. Rs.20,000/- from PW17

Ramdas Vilas Tapkir, Rs.28,000/- from PW18 Pravin Annasaheb Tapkir, Rs.40,000/- from PW37 Lalita Narayan Sawant and Rs.75,000/- from PW19 Sanjay Aasaram Gavade. However, none of these persons or any third person claimed the said amount. Hence, it is proper to credit Rs.1,63,000/- to the State Government, after expiry of appeal period.

247. The Investigating Officer has seized hard-disk at Ganeshkhind Post owned by the State Government by issuing letter to Sub Divisional Officer Khed. There is no relevant CCTV footage found in the said hard-disk. Hence, it is proper to return the said hard-disk to Sub Divisional Office Khed after expiry of appeal period.

248. The Investigating Officer has seized hard-disk and DVR from the shop of PW26 Veersing Chauhan. Nothing was found on the said hard-disk. As no person including PW26 Veersing Chauhan claimed the custody of said hard-disk and DVR it is proper to auction it and credit the sale proceeds to the State Government.

249. The Investigating Officer has seized mobile phone handsets (six in number) in the year 2014. The life of electronic device is 5 years. Therefore, it is not proper to auction those mobile phones. As per E-waste (Management) Rules, 2022 it is responsibility of the producer of the mobile phone to collect mobile handsets and disposed off as per rules. Hence, it is proper to direct the police station Guhagar to take those mobile phone handsets to authorized collection centre of mobile phone company concern having extended producer responsibility for

disposal as per law after expiry of appeal period.

250. The Bajaj Pulsure motorcycle bearing registration No.MH-14/DC-7205 used for travelling to Guhagar and return to Pune. It is not claimed by any person. It is stored at Guhagar police station. It is proper to allow the registered owner to claim the same before Guhagar police station and after expiry of appeal period Guhagar police deliver the said motorcycle to registered owner or his authorized representative by taking necessarily indemnity bond, if any such claim is made on proper identification. If no such claim is made, required to be sold in public auction and amount be credited to Government after expiry of appeal period.

251. The various documents i.e. driving licence, PAN card, election cad, smart card etc. were seized from the accused by way of body search panchanama dated 08.01.2015 required to be returned back to the accused persons, after expiry of appeal period.

252. The knife and sickle seized during the investigation, required to be be sold in public auction and amount be credited to State Government after expiry of appeal period.

253. Rest of the muddemal being worthless, required to be destroyed after expiry of appeal period.

254. In view of this I answer the point No.2 & 3 in the affirmative only against accused No.1 & 2, and point No.4 in the negative and in answer to point No.5, I proceed to pass following order.

ORDER

1.	Accused No.1 Amol Chandrakant Gadhave & accused No.2 Kiran Ramdas Kuchekar are hereby convicted for the offences punishable under sections 302, 394 r/w 34 of the Indian Penal Code vide Section 258(2) of BNSS.
2.	Accused No.1 Amol Chandrakant Gadhave is convicted for the offence punishable under section 302 r/w 34 of the Indian Penal Code and sentenced to suffer imprisonment for life and shall pay fine of Rs.1,000/- and in default to undergo rigorous imprisonment for six months, vide section 258(2) BNSS.
3.	Accused No.1 Amol Chandrakant Gadhave is convicted for the offence punishable under section 394 r/w 34 of the Indian Penal Code and sentenced to suffer imprisonment for life and shall pay fine of Rs.1,000/- and in default to undergo rigorous imprisonment for six months, vide section 258(2) BNSS.
4.	Accused No.2 Kiran Ramdas Kuchekar is convicted for the offence punishable under section 302 r/w 34 of the Indian Penal Code and sentenced to suffer imprisonment for life and shall pay fine of Rs.1,000/- and in default to undergo rigorous imprisonment for six months, vide section 258(2) of BNSS
5.	Accused No.2 Kiran Ramdas Kuchekar is convicted for the offence punishable under section 394 r/w 34 of the

	Indian Penal Code and sentenced to suffer imprisonment for life and shall pay fine of Rs.1,000/- and in default to undergo rigorous imprisonment for six months, vide section 258(2) of BNSS
6.	Accused No.3 Vishnu Kisan Tanpure is hereby acquitted for the offences punishable under section 302, 394 r/w 34 of the Indian Penal Code vide section 258(1) of BNSS.
7.	The bail bond of accused No.3 Vishnu Kisan Tanpure stands cancelled.
8.	The accused No.3 Vishnu Kisan Tanpure shall execute a Personal Bond of Rs.50,000/- as per Section 481 of BNSS, which shall remain in force for six months.
9.	The seized muddemal at Sr. No.3 to 12, 15, 19, 21, 23 to 25, 28, 31 & 32 i.e. simple soil, blood mixed soil, 3 notebooks, rudraksha mal and clothes, rexin, rexin pocket, jerkins, pair of shoes, written paper, pair of canvas shoes, tablet & gems cadbury etc, are being worthless be destroyed after period is over.
10.	Seized muddemal at Sr. No.13, 14, 16, 18, 26 & 35 mobile phones along with SIM cards be sent to concern police station to deliver it to authorized agency of the mobile phone manufacturer as per E-waste (management) Rules 2022, after expiry of appeal period.

11.	Seized muddemal at Sr. No.27 i.e. gold bar, being valuable be delivered to PW3 Vidya Vishwas Khare on due verification on executing indemnity bond of Rs.2,00,000/- after expiry of appeal period.
12.	Seized muddemal at Sr. No.20 i.e. hard-disk DVR seized from SDO, Khed, be returned to it after expiry of appeal period.
13.	Seized muddemal at Sr. No.22 i.e. Bajaj Pulsure motorcycle, be given to its registered owner or his authorized representative, if it is claimed within three months after expiry of appeal period subject to indemnity bond and if no such claim is made, it be sold in public auction and amount to be credited to Government.
14.	Seized muddemal at Sr. No.29 i.e. DVR produced by PW26 Veersing Chauhan, be sold in public auction and sale proceeds to Government after expiry of appeal period.
15.	Seized muddemal at Sr. No.30 i.e. 16GB memory card, be destroyed as per rules, after appeal period is over.
16.	Seized muddemal at Sr. No.33, 34, 36 & 37 i.e. total amount of Rs.1,63,000/- be credited to the Government after appeal period is over.

17.	Seized muddemal at Sr. No.17 and other documents belongs to accused persons i.e. PAN card, driving licence, smart card, aadhar card, election card, keys etc. be returned to them, after appeal period is over.
18.	The seized muddemal i.e. at Sr. No.1 & 2 sickle and knife be sold in public auction and sale proceeds to State Government after expiry of appeal period.
19.	The substantive sentences shall run concurrently, and the default sentence shall run consequently.
20.	The accused No.1 Amol Chandrakant Gadhave & accused No.2 Kiran Ramdas Kuchekar are in custody from 21.01.2015, and they are entitled to set off for said period, as per section 468 of BNSS.
21.	A copy of the judgment be provided free of costs to the accused No.1 & 2.

(Dictated and Pronounced in Open Court.)

(D. B. Mhalatkar)

Date: 01.07.2026

Addl. Sessions Judge, Chiplun

Part 'C'**[As per Para 44 (iii) of Chapter VI of Criminal Manual.]****LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution :**

Rank	Exh. No.	Name	Nature of Evidence
PW01	40	Vivek Mahadev Khare	Informant/ brother of deceased
PW02	49	Govind Mahadev Khare	Brother of deceased
PW03	51	Vidya Vishwas Khare	Wife of deceased
PW04	60	Mayuresh Mukund Patankar	Inquest Panch
PW05	65	Rahul Rajendra Pilankar	Body Search Panch
PW06	67	Rupesh Ravindra Bagkar	Seizure panch of mobile of deceased
PW07	74	Sujit Gangaram Shinde	Seizure panch of hard-disk
PW08	79	Amol Arvind Gole	Memorandum & discovery panch
PW09	96	Shailendra Sudhakar Devkule	Memorandum & discovery panch
PW10	97	Nandkumar Babanrao Khamkar	Memorandum & discovery panch
PW11	119	Manoj Ramdas Ghule	Seizure panch regarding amount
PW12	123	Nikhil Anil Tapkir	Seizure panch regarding

			amount
PW13	124	Najbool Kamaldaraj Khan	Seizure panch regarding amount of Rs.75,000/-
PW14	126	Nitesh Suresh Pawar	Person who found mobile of deceased
PW15	127	Sahil Suresh Kamble	Memorandum & discovery panch
PW16	128	Mayur Vitthal Pawar	Memorandum & discovery panch
PW17	134	Ramdas Vilas Tapkir	Acquaintance of accused No.1 receiving amount from his after the incident
PW18	136	Pravin Annasaheb Tapkir	Acquaintance of accused No.1 receiving amount from his after the incident
PW19	141	Sanjay Aasaram Gavade	Maternal uncle of accused No.1
PW20	142	Bhagwan Tanaji Mandalik	Memorandum & discovery panch
PW21	161	Priyashil Rambhau Potbhare	Mobile phone seizure panch
PW22	163	Shakuntala Baban Sawai	Owner of mobile phone used by accused No.3
PW23	167	Vikram Vivek Khare	Nephew of deceased and panch of seizure

			of clothes of deceased
PW24	169	Advait Keshav Joshi	Spot panch
PW25	173	Ajit Bhagavanrao Pandit	Owner of the Innova & Scorpio vehicles
PW26	175	Veersing Malsing Chauhan	Goldsmith
PW27	183	Sharmila Umesh Ghume	Witness who seen the accused while going towards Chiplun
PW28	187	Vaishali Balaso Patil	Tahasildar
PW29	203	Gurunath Sitaram Chavan	TI parade panch
PW30	208	Pukharaj Sogalal Oswal	Medical shop owner
PW31	217	Sonali Vilas Dandekar	Muddemal Carrier
PW32	220	Sameer Divakar Desai	Circle Officer who prepared rough sketch of the spot
PW33	222	Sameer Sudhakar Bavadhankar	Photographer
PW34	225	Maruti Baburao Yadav	Retired PSI
PW35	232	Vinod Shankar Jadhav	Muddemal Carrier
PW36	240	Ramesh Ratan Chavan	Muddemal Carrier
PW37	253	Lalita Narayan Sawant	Girl friend of accused No.1 and receiver of Rs.40,000/-

PW38	260	Pravin Dinkar Barge	Muddemal Carrier
PW39	262	Mahipati Dagadu Jamdar	Carrier
PW40	267	Vinodkumar Meshram Markan	Chief Document Examiner
PW41	273	Mrunal Ashok Sope	Registered user of SIM card No.8983192621
PW42	276	Dattaram Shantaram Ambre	Nodal Officer of Idea Cellular company
PW43	291	Dhananjay Dattatray Yadav	Nodal Officer of Tata Docomo company
PW44	300	Dr. Satyarthaprakash Kashinath Balwant	Medical Officer who conducted postmortem
PW45	307	Dattatray Dnyanoba More	Owner of shop of goldsmith and relative of flat owner which was rented to accused No.1's family
PW46	314	Vinit Jaywant Chaudhari	First Investigating Officer
PW47	343	Bhagwan Chimajirao Shinde	Police Station Officer
PW48	351	Tanaji Shivram More	Police witness
PW49	358	Subhash Mahadev Mane	Police witness
PW50	380	Ravindra Virupaksha Nadadgalli	JMFC who recorded statement of goldsmith

PW51	387	Shivaji Lahu Patil	Investigating Officer
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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

A. Prosecution :

Sr. No.	Exhibit Number	Description
1	Exhibit 45	Complaint
2	Exhibit 50/190	Identification Parade Panchanama
3	Exhibit 61	Inquest panchanama of the dead body
4	Exhibit 68	Seizure panchanama of mobile handset of deceased
5	Exhibit 69	Spot panchanama of place where the mobile of deceased was found

6	Exhibit 75	Seizure panchanama of hard disk
7	Exhibit 80	Memorandum statement of accused No.1 regarding rexin and spot
8	Exhibit 81	Discovery panchanama
9	Exhibit 82	Seizure panchanama of rexin paper
10	Exhibit 125	Seizure panchanama of cash amount of Rs.75,000/- from maternal uncle of accused No.1
11	Exhibit 143	Memorandum statement of accused No.1 regarding gold chain at Dighi police station
12	Exhibit 144	Seizure of gold bar and paper slip from the goldsmith
13	Exhibit 145	Seizure panchanama of motorcycle, one pair of shoe, one pant, one cap
14	Exhibit 146	Memorandum statement of accused No.1 regarding showing the motorcycle used in the commission of offence
15	Exhibit 147	Seizure panchanama of hard disk and DVR produced by goldsmith
16	Exhibit 148	Seizure panchanama of memory card produced by the sister of accused No.1 Amol Gadhave
17	Exhibit 149	Specimen signature panchanama dated 13.01.2015
18	Exhibit 162	Seizure panchanama of Samsung company's mobile from Shakuntala Sawai used by accused No.3 during commission of offence
19	Exhibit 168	Seizure panchanama of clothes of deceased
20	Exhibit 170	Spot panchanama at Pleasure Point

21	Exhibit 174	A copy of notebook entry in respect of travel by Innova by accused No.1 to Guhagar-Ratnagiri
22	Exhibit 176	6 Specimen handwriting papers
23	Exhibit 177	6 Papers from daily notebook of goldsmith having natural handwriting
23	Exhibit 178	Statement of PW26 under section 164 of the Code of Criminal Procedure.
24	Exhibit 188 & 189	Letters issued by Investigating Officer to conduct test identification parade
25	Exhibit 190	Statement of panchas recorded before conducting identification parade
26	Exhibit 191	Statement of witnesses regarding they have not seen the accused prior to the incident
27	Exhibit 209	Attested copy of stock bill regarding tablet disprin found in the pocket of shirt of the tourist at the place of offence
28	Exhibit 218	Letter dated 07.10.2014 for referring muddemal to FSL Pune
29	Exhibit 219	Letter dated 27.11.2014 for referring muddemal/phone of deceased to FSL Mumbai
30	Exhibit 221	Sketch map of the spot
31	Exhibit 223 & 224	Photographs of the blood stained clothes snapped during investigation and 65B Certificate
32	Exhibit 226	Printed FIR
33	Exhibit 233	Letter dated 06.02.2015 for referring muddemal/hard disk, DVR, Samsung mobile and memory

		card to FSL Mumbai
34	Exhibit 234	Order dated 19.02.2015 to Police Naik Jadhav PW35 to deposit the hard disk
35	Exhibit 235	Letter dated 19.02.2015 for sending empty hard disk through PW35
36	Exhibit 241	Order dated 08.01.2015 to PHC Mr.Chavan PW36 to take possession of DNA Kit
37	Exhibit 242	Letter dated 08.01.2015 issued to FSL Pune to provide DNA Kit
38	Exhibit 243	Letter to Civil Surgeon Ratnagiri dated 11.01.2015 to take samples of accused for DNA analysis
39	Exhibit 244	Letter dated 11.01.2015 for referring samples of accused and weapons and clothes for DNA analysis to FSL Pune
40	Exhibit 261	Letter dated 19.01.2015 for referring samples i.e. clothes of the accused seized from Pune with rexin for analysis along with earlier sent muddemal to FSL Pune
41	Exhibit 263	Order dated 20.01.2015 to PW39 to obtained documents from Idea and Tata mobile company from Pune
42	Exhibit 264	Letter dated 29.01.2015 issued to Chief Examiner of Document for examination of the documents and calling opinion in respect of paper slip seized from the goldsmith
43	Exhibit 265	Forwarding letter dated 29.01.2015 issued by Additional Superintendent of Police Ratnagiri to Chief Examiner of Document for examination of the disputed

		document.
44	Exhibit 266	Report regarding duties performed by PW39 Mr.M.D.Jamdar
45	Exhibit 268	Handwriting Expert's Opinion
46	Exhibit 274	Customer Application Form of PW41 Mrunal Ashok Sope
47	Exhibit 275	Copy of PAN card of PW41 Mrunal Ashok Sope
48	Exhibit 277	Letter dated 16.01.2015 issued by Superintendent of Police Ratnagiri to Nodal Officer Idea company calling CDR, SDR, CAF and 65B certificate
49	Exhibit 278	Letter dated 16.01.2015 issued by Superintendent of Police Ratnagiri to Nodal Officer Idea Cellular company calling address of Cell ID Tower Numbers
50	Exhibit 279	Customer Application Form along with Aadhar card of accused No.1 Amol Gadhave
51	Exhibit 280 & 281	Call details report of mobile No. 7743942244
52	Exhibit 282	Copy of application form for new pre-paid connection one Ramvilas Mishra
53	Exhibit 283 & 284	Call details report of mobile No. 9850089814
54	Exhibit 285	Cell ID Address provided by Idea Cellular company to Superintendent of Police Ratnagiri
55	Exhibit 286	65B certificate issued by PW42
56	Exhibit 287	Letter regarding submitting documents to the police issued by PW42

57	Exhibit 292	Letter issued by Superintendent of Police to Nodal Officer, Tata Docomo calling details of mobile No. 8983192621
58	Exhibit 293	Letter issued by Chief Nodal Officer Tata Tele Services to the Superintendent of Police Ratnagiri providing details of mobile No. 8983192621
59	Exhibit 294	65B certificate issued by PW43
60	Exhibit 295	CDR report
61	Exhibit 296	Details of Cell ID Addresses
62	Exhibit 297	Letter to Nodal Officer Tata Docomo Pune for furnishing address of Cell ID Tower Numbers
63	Exhibit 301	Office copy of letter issued to Medical Officer, Rural Hospital Guhagar regarding conducting postmortem and seeking opinion
64	Exhibit 302	Police report sent to the District Civil Surgeon along with dead body
65	Exhibit 303	Postmortem report
66	Exhibit 304	Provisional postmortem report
67	Exhibit 305	Letter issued by Medical Officer Rural Hospital Guhagar to LCB Ratnagiri regarding exact time of death
68	Exhibit 306	Receipt regarding handing over the dead body to the relatives of deceased
69	Exhibit 315	Receipt regarding handing over the body for postmortem
70	Exhibit 316	Muddemal receipt
71	Exhibit 317	Report of the Police Naik Mondula regarding producing the clothes on

		the person of deceased in the police station
72	Exhibit 318	Muddemal receipt regarding depositing the clothes on the body of deceased in malkhana
73	Exhibit 319	Letter to Medical Officer for collecting blood & nail clipping samples of deceased
74	Exhibit 320	Letter issued by Investigating Officer to Talathi Sajja Guhagar seeking assessment extract of the spot of incident
75	Exhibit 321	Letter issued by Investigating Officer to Chief Officer Nagar Panchayat for registering the death and seeking death certificate of deceased
76	Exhibit 322	Death Certificate of the deceased Vishwas Khare
77	Exhibit 323	Letter issued to Tahasildar Guhagar for preparation of sketch map of the spot of incident
78	Exhibit 324	Letter issued to Medical Office for providing exact time of death of deceased
79	Exhibit 325	Letter issued to Medical Officer for providing postmortem report of the body of the deceased
80	Exhibit 326	Muddemal receipt regarding depositing muddemal Samsung mobile phone in Malkhana
81	Exhibit 327	Letter issued to Sub Divisional Officer Khed for providing CCTV footage of Ganeshkhind police post
82	Exhibit 328	Letter from Sub Divisional Officer Khed providing CCTV footage

83	Exhibit 329	Muddemal receipt regarding depositing muddemal hard disk in Malkhana
84	Exhibit 330	Letter by Investigating Officer providing hard-disk of the CCTV camera to LCB Ratnagiri
85	Exhibit 331	Written order of Superintendent of Police Ratnagiri to hand over investigation to LCB Ratnagiri dated 15.11.2014
86	Exhibit 332	Letter by Police Inspector Guhagar to hand over investigation paper
87	Exhibit 333	Page No.13 of Notebook Article D
88	Exhibit 334 to 336	Portion Mark A, B & C in the statement of PW3 Vidya Khare
89	Exhibit 352	Map of the spot of incident
90	Exhibit 353	The written order for depositing the muddemal in the police station
91	Exhibit 354 & 355	Muddemal receipts regarding depositing the muddemal in Malkhana
92	Exhibit 356	Report to Police Officer Mr.Patil for depositing the muddemal
93	Exhibit 359	Letter issued by Police Inspector Mr.Patil to PW49 to conduct investigation by visiting Pune
94	Exhibit 360	Seizure panchanama of amount of Rs.40,000/- from witness Lalita Narayan Sawant
95	Exhibit 361	The Portion Mark A of statement of witness Lalita Narayan Sawant
96	Exhibit 362	The Portion Mark A of statement of witness Pravin Annasaheb Tapkir
97	Exhibit 363	Letter issued to Senior Police Inspector Dighi police station for

		collection of station diary extract
98	Exhibit 364	The certified copy of station diary extract of Dighi police station
99	Exhibit 365	Letter to Khadaki police station for collection of entries of lock up register
100	Exhibit 366	Lock up register entries extract of Khadaki police station
101	Exhibit 367	Letter to Headmaster, Sayajirao Maharaj Vidyalay seeking school admission of accused Amol and Vishnu
102	Exhibit 368	Information provided by Headmaster, Sayajirao Maharaj Vidyalay regarding school admission of accused No.1 Amol and accused No.3 Vishnu
103	Exhibit 369	School leaving certificate of accused No.1 Amol Gadhave
104	Exhibit 370	School leaving certificate of accused No.3 Vishnu Tanpure
105	Exhibit 371	School muster roll
106	Exhibit 372	Report of ASI Mr.Mane (PW49)
107	Exhibit 373	Muddemal receipt depositing cash amount of Rs.40,000/- in malkhana
108	Exhibit 381	Letter addressed to JMFC Guhagar seeking permission to record statement of witness Veersing Chauhan under section 164 of the Code of Criminal Procedure
109	Exhibit 382	Letter addressed to JMFC Guhagar for recording statement of witness Veersing Chauhan under section 164 of the Code of Criminal Procedure

110	Exhibit 383	Envelope in which statement under section 164 of Cr.PC. is kept
112	Exhibit 388	Arrest-cum-seizure panchanama
113	Exhibit 389	Muddemal receipt
114	Exhibit 390	Letter to Asstt. Chemical Analyzer Pune for preserving blood found on the seized clothes and weapon
115	Exhibit 391	Muddemal receipt about depositing muddemal rexin in malkhana
116	Exhibit 392	Order dated 10.01.2015 to search mobile of deceased
117	Exhibit 393	Memorandum statement of accused No.2 Kiran Kuchekar dated 12.01.2015 regarding disposal of pant and towel
118	Exhibit 394	Discovery of spot panchanama
119	Exhibit 395	Certificate in respect of gold bar from another jeweler Mr.Jain
120	Exhibit 396	Statement of witness Veersing Chauhan
121	Exhibit 397	Portion Mark A of statement of Dattatray Dnyanoba More
122	Exhibit 398	Memorandum statement of accused Kiran Kuchekar
123	Exhibit 399	Seizure panchanama of jerkin and shoes of accused No.2 Kiran Kuchekar
124	Exhibit 400	Seizure panchanama of mobile handset produced by brother of accused Kiran Kuchekar
125	Exhibit 401	Seizure panchanama of amount of Rs.20,000/- from Ramdas Tapkir
126	Exhibit 402	Portion Mark A of statement of

		witness Ramdas Tapkir
127	Exhibit 403	Seizure panchanama of amount of Rs.28,000/- from Pravin Tapkir
128	Exhibit 404	Portion Mark A of statement of witness Pravin Tapkir
129	Exhibit 405	Receipt issued by Waman Hari Pethe Jewelers in the name of deceased Vishwas Khare
130	Exhibit 406	Muddemal receipt in respect of depositing muddemal amount of Rs.75,000/- in malkhana
131	Exhibit 407	Portion Mark A of statement of witness Sanjay Gavade
132	Exhibit 408, 410, 411 & 415	Letters issued to various authorities seeking information regarding licence and other documents of Khare Pleasure Point
133	Exhibit 409	Tahasildar provided information about licence and relevant documents of Khare Pleasure Point
134	Exhibit 412	Assessment extract of property bearing No.357A & 357B
135	Exhibit 413 & 414	7/12 extracts of Gat No.100 & 101
136	Exhibit 416(1 to 18)	Information provided by Sales Tax Officer regarding Khare Pleasure Point
137	Exhibit 417	Letter to Jail Authority to take precautions before test identification parade
138	Exhibit 418	Letter to Jail Authority about test identification parade
139	Exhibit 419	Letter to Police Inspector, Wai Police Station for taking search of clothes of accused Kiran Kuchekar

140	Exhibit 420	Letter sent to Tahasildar Guhagar for drawing map of the spot of incident
141	Exhibit 421	Letter sent to RTO Pimpri Chinchawad seeking information regarding vehicle No.MH-14/DC-7205
142	Exhibit 422	Letter sent to Medical Officer Rural Hospital Guhagar seeking exact time of death of deceased
143	Exhibit 423	Letter sent to FSL Ganeshkhind Pune dated 11.03.2015
144	Exhibit 424	Letter sent to RTO dated 11.03.2015
145	Exhibit 425	CA report regarding Rudraksha mala
146	Exhibit 426	CA report regarding seized muddemal found on the spot of incident
147	Exhibit 427	CA report regarding blood sample and nail clippings of deceased Vishwas Khare
148	Exhibit 428	CA report regarding pant, two jerkins, pair of sport shoes and pair of canvas shoes
149	Exhibit 429	CA report regarding earth referred vide letter Exh.218
150	Exhibit 430	CA report regarding the blood on the clothes of accused and rexin
151	Exhibit 431	DNA report
152	Exhibit 432	Report regarding DVR, Hard-disk, Samsung mobile phone and memory card

B. Defence :

Sr. No.	Exhibit Number	Description
NIL		

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
NIL		

D. Material Objects :

Sr. No.	Material Object Number	Description
1	Article-A	Sickle
2.	Article-B	Knife
3.	Article-C	Blood Mixed Soil
4.	Article-D1 to D3	3 Notebooks
5.	Article-E	Tablet & Gems Cadbury
6.	Article-F	Ash colour t-shirt stained with blood
7.	Article-G	Blue colour round neck t-shirt stained with blood
8.	Article-H	Blood Stained Baniyan
9.	Article-I	Blood Stained Barmuda
10.	Article-J	Blue Colour Inner Wear

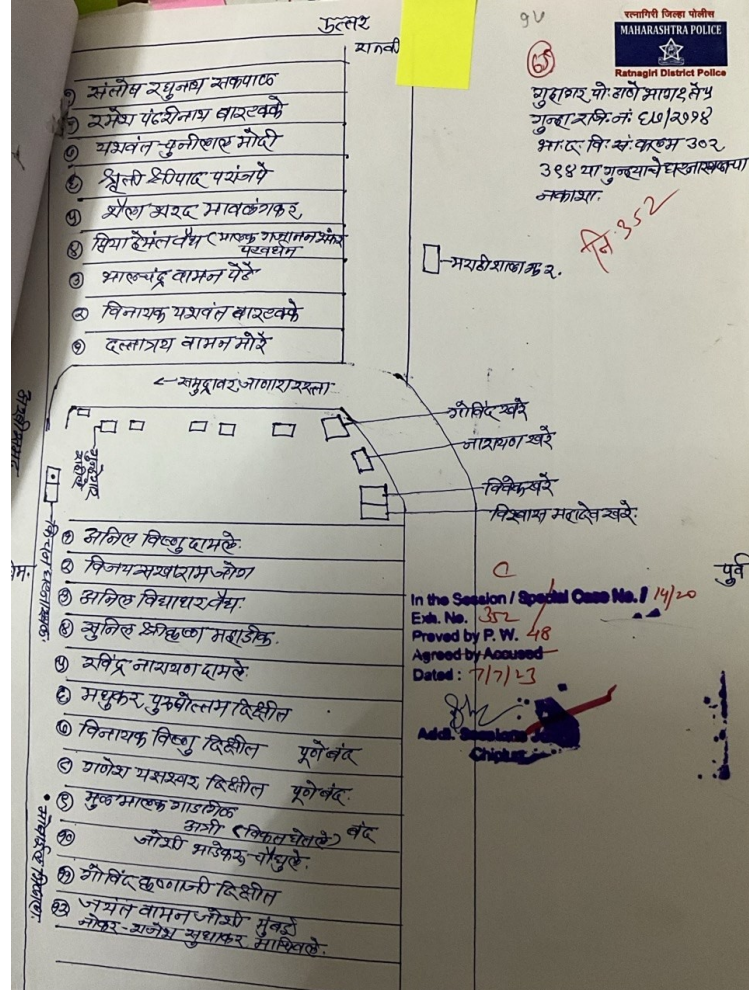
11.	Article-K	White colour Samsung make Mobile Handset
12.	Article-L	Gold Bar
13.	Article-M	Seizure of mobile handset from the possession of Shakuntala Sawai
14.	Article-N	A copy of handwritten entries on notebook
15.	Article-O	CCTV footage DVR
16.	Article-P	Hard disk
17.	Article-Q	I Ball company's mobile handset
18.	Article-R	Photograph of the motorcycle
19.	Article-S	White colour Samsung mobile
20.	Article-T	Driving licence, PAN card of accused No.1 Amol Gadhave, Smart card of Bajaj Pulsure motorcycle and other documents found with the accused No.1
21.	Article-U	Black colour Samsung mobile
22.	Article-V	Election card of accused No.2 Kiran Kuchekar
23.	Article-W	Black colour mobile of Mircromax company
24	Article-X	Black colour Rixin pocket with driving licence and other documents of accused No.3

Date: 01.07.2026

(D. B. Mhalatkar)
Addl. Sessions Judge, Chiplun

Appendix - C

Map of the spot showing houses.



Date: 01.07.2026

(D. B. Mhalatkar)
Addl. Sessions Judge, Chiplun

Appendix – D

Photographs recovered from memory card.



Date: 01.07.2026

(D. B. Mhalatkar)
Addl. Sessions Judge, Chiplun

Case No.Session Case No.14/2020 (By Judgment)

I affirm that the contents of this pdf file order are same word as per original order.

Name of Grade I Stenographer : Sandeep S. Patil

Court Name : Addl. Sessions Judge, Chiplun

Date of Decision : 01.07.2026

Order Signed by P.O. on : 01.07.2026

Order uploaded on : 01.07.2026