

PART-A

CNR No.MHSN170001672020 	<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE, VITA</u> (Present :- <u>Usha V. Indapure</u>) <u>ADDITIONAL SESSIONS JUDGE</u> [Dated 25/03/2026] [Session Case No. 22/2024] (old Sessions Case No. 234/2015) [Exh. No.- 286]
	[Crime No. 9/2011, Police Station,Vita]
Informant/ Prosecution	State of Maharashtra, Through Police Station, Vita Tal. Khanapur, Dist. Sangli.
REPRESENTED BY	Smt. V. K. Murchite Learned A.P.P
ACCUSED	1. Sou. Varsha Naikba Yadav, Age : 31 yrs. Occu: Household. R/o. Vijaymalanagar, Jaisinghpur, Tal. Shirol. Perm. R/o - Mankapur, Tal. Chikodi, Dist. Belgaon. 2. Chandrakant Maruti Kurne, Age : 26 yrs. Occu: Labour. R/o. Shivnakwadi, Tal. Shirol. 3. Hanmant Rama Magdum, Age : 42 yrs. Occu : Labour. R/o. Magdum Mala, Sangamnagar, Tardal, Tal. Hatkangale.

	4. Santosh Ananda Shinde, Age : 25 yrs. Occu : Labour. 5. Manoj Tanaji Jagdale, Age : 26 yrs. Occu : Labour. 6. Pankaj Vasant Joshi, (Died) Age : 29 yrs. Occu : Labour. 7. Kishor Sukumar Jagdale, Age : 28 yrs. Occu : Labour. 8. Pravin Balasaheb Patil, Age : 23 yrs. Occu : Labour. Accused No. 4 to 8 R/o. Sangamnagar, Tardal, Tal. Hatkangale.
REPRESENTED BY	Advocate Shri. D. V. Shinde, for accused No. 1 & 2. Advocate Shri. R. T. Kamble, for accused No. 3. Advocate Smt. V. G. Desai, for accused No. 4,5,7 & 8

PART-B

Date of Offence	02/02/2011
Date of FIR	04/02/2011
Date of Charge-sheet	04/12/2015
Date of Framing of Charges	28/06/2016
Date of Commencement of evidence	08/07/2022
Date of which judgment is reserves	-----
Date of Judgment	25/03/2026
Date of the Sentencing order, if any	-----

Accused Details

Rank of the accused	Name of Accused	Date of Arrest	Date of Release on Bond	Offence Charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428 of Cr.P.C.
1.	Varsha Naikba Yadav	10/09/2015	14/01/2016	Sec.143, 147,148 149, & 120(B) r/w. 34 of I.P.C.	Acquitted	-----	-----
2.	Chandrakant Marut Kurne	11/09/2015	08/02/2016	Sec.302, 143, 144, 147, 148, 149, 120-(B), 201, r/w 34, 149 of I.P.C.	Acquitted	-----	-----
3.	Hanmant Rama Magdum	10/09/2015	16/02/2016	Sec.143, 147,148 149 r/w. 34 of I.P.C.	Acquitted	-----	-----
4.	Santosh Ananda Shinde	17/09/2015	06/10/2016	Sec.302, 143, 144, 147, 148, 149, 201, r/w 34, 149 of I.P.C.	Acquitted	-----	-----
5	Manoj Tanaji Jagdale	11/09/2015	25/01/2016	Sec.143, 147,	Acquitted	-----	-----

				148,149, r/w. 34 of I.P.C.			
6	Pankaj Vasant Joshi	11/09/2015	25/01/2016	Sec.143, 147,148, 149, r/w. 34 of I.P.C.	Acquitted	-----	-----
7	Kishor Sukumar Jagdale	11/09/2015	25/01/2016	Sec.143, 147,148, 149, r/w. 34 of I.P.C.	Acquitted	-----	-----
8	Pravin Balasaheb Patil	12/09/2015	31/12/2015	Sec.143, 147,148, 149, r/w. 34 of I.P.C.	Acquitted	-----	-----

PART-C

[Para 44 [iii] of Chapter VI of Criminal Manual]

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES**A- Prosecution**

RANK	NAME	Exh.	NATURE OF EVIDENCE [EYE WITNESS, POLICE WITNESS, EXPERT WITNESS MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS]
PW-1	Sambhaji Balasaheb Surve	168	Seizure Panch
PW-2	Pratap Sahebrao Surve	172	Seizure Panch
PW-3	Shiraj Rahiman Shikalgar	179	Memorandum and Seizure Panch
PW-4	Shantaram Bhairu Kamble	183	Memorandum and Seizure Panch

PW-5	Dhananjay Damodar Shinde	188	Memorandum and Seizure Panch
PW-6	Suresh Ramchandra Nalwade	194	Memorandum and Seizure Panch
PW-7	Ashok Ramchandra Deshmukh	197	Witness
PW-8	Farukha Dada Mulla	204	Seizure Panch
PW-9	Jagdish Ramchandra Jangam	245	Witness
PW-10	Nanda Sadashiv @Shashikant Yadav	259	Witness
PW-11	Mohan Tulshiram Jadhav	263	Investigating Officer.

B- Defence Witnesses, if any

RANK	NAME	NATURE OF EVIDENCE [EYE WITNESS, POLICE WITNESS, EXPERT WITNESS MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS]
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C- Court Witnesses, if any

RANK	NAME	NATURE OF EVIDENCE [EYE WITNESS, POLICE WITNESS, EXPERT WITNESS MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS]
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LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**A- Prosecution :-**

Sr.No	Exhibit Number	Description
01	Exhibit 173/Admitted	Inquest Panchanama.

	by defence.	
02	Exhibit 178/ Admitted by defence.	Seizure Panchanama
03	Exhibit 180 & 181/ PW-3	Memorandum of accused Varsha and Spot Panchanama
04	Exhibit 184 / PW-4	Letter of police station to Vita Nagarparishad
05	Exhibit 185 / PW-4	Letter of Vita Nagarparishad
06	Exhibit 186 / PW-4	Memorandum form of accused No.2
07	Exhibit 187 / PW-4	Spot panchanama
08	Exhibit 189 / PW-5	Letter to P.W.D. Office, Khanapur
09	Exhibit 190 / PW-5	Letter of P.W.D. Office, Vita
10	Exhibit 191 / PW-5	Memorandum form of accused No.4
11	Exhibit 192/ PW-5	Seizure Panchanama
12	Exhibit 195 / PW-6	Memorandum form of accused No.1
13	Exhibit 196 / PW-6	Spot panchanama of spot shown by accused no.1.
14	Exhibit 205/ PW-8	Seizure Panchanama of Motorcycle
15	Exhibit 206/ PW-8	Seizure Panchanama of TVS Motorcycle
16	Exhibit 269/PW-11	Letter sent to Rural Hospital, Vita
17	Exhibit 270/PW-11	Letter sent to Director, Forensic laboratory Mumbai for giving opinion of D.N.A.
18	Exhibit 271/PW-11	Letter sent to Police Inspector Sadalga Police Station for providing certified copies of Missing Reg. No.27/2011.
19	Exhibit 272/ PW-11	Letter to Magistrate Vita for recording statement under section 164 of Cr. P. C.

20	Exhibit 273/ PW-11	Seizure panchanama of TVS Motorcycle No. MH-09-BR 5104.
21	Exhibit 274/ PW-11	Contents portion mark 'A' in the Supplementary statement of witness Jagdish Jangam

B- Defence :-

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

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

Sr. No.	Exhibit Number	Description
1.	Article A	Sickle (Koyata)
2.	Article A1 to A6	Photographs of dead body.

J U D G M E N T**(Delivered on this 25th day of March, 2026)**

Accused Nos. 1 to 8 are charge sheeted for the offences punishable u/sec. 302, 143, 144, 146, 147, 148 r/w 149, 120(B) and 201 of the Indian Penal Code, 1860.

02. In brief, case of the prosecution is as under -

One Jayram Raghunath Gurav Patil lodged F.I.R. on 04.02.2011 to police station Vita stating that he is Police Patil of Village Ranavi. It is alleged that, on 04.02.2011 at 9:00 a.m., when

he was going to Ravanshidha Temple, Ranavi, he heard from public that on the road proceeding to Ravanshidha original temple, near bushes a dead body was lying. For confirmation, he went on the spot on his motorcycle. He saw dead body of a person aging 30 to 35 years on the east side of tar road proceeding to Ravanshidha Mandir near the small bush. His face was cut and mutilated with some sharp weapon. He was understood that said person was murdered by unknown accused with unknown sharp weapon for an unknown reason. Accordingly, he lodged complaint to police station, Vita. He had given description of said person, 30 to 35 years old, dark complexion, strong build, black hairs on head, face disfigured, wearing a dirty T-shirt with blood stains all over, gray cotton pant with blood on the sides of the legs, a picture of Maruti on his right hand and tattooed Gopi below it, a black thread tide on his right leg, a garland of white beads around his neck and another saffron color garland, saffron color thread with six beads tide around his right hand and black color plastic shoes lying nearby.

03. On the basis of First Information Report, Crime No.9/2011 came to be registered in the police station, Vita for offence punishable under section 302 of the Indian Penal Code. The dead body was not identified, therefore investigating officer who conducted initial investigation, submitted 'A' final summary. In the month of July 2015, P. I. Mohan Jadhav got information regarding the dead person. Accordingly, he investigated the matter. During investigation the investigating officer arrested accused persons, prepared spot panchnama, seizure panchnama, recorded statements

of witnesses, collected P.M. report. During the investigation, letter given to the Magistrate for adding sections 143, 144, 146, 147, 148 r/w 149, 120(B) and 201 of the Indian Penal Code, 1860 against the accused persons. After completion of investigation submitted Charge-sheet against accused Nos. 1 to 8 in the Court.

04. The Offence punishable under sections 302 of the Indian Penal Code is exclusively triable by the Court of Sessions, hence by order dated 04/12/2015 Learned Judicial Magistrate First Class, Vita committed case to the Court of Sessions, Sangli for disposal according to Law.

05. My Learned Predecessor framed Charge of accused Nos. 1 to 8 below Exh. 74 for the offences punishable under section 302, 143, 144, 146, 147, 148 r/w 149, 149, 120(B) r/w. 34 and 201 r/w. 34 of the Indian Penal Code, 1860. The contents of the Charge were read over to the accused persons in vernacular language to which accused persons have denied. Accused are not pleaded guilty and claimed to be tried.

06. In support of the case, prosecution has examined total Eleven witnesses. On the other side, defence has not produced any evidence. During pendency of the matter accused No. 6 Pankaj Vasant Joshi died, therefore the case against him is abated. Accordingly, order passed below Exh.1 by my Ld. Predecessor on 22/10/2021. Statement of the accused under section 313 (1) (b) of the Code of Criminal Procedure, 1973 is recorded at Exh. 278 to 284. The defence of accused is total denial.

07. Following points arise for my determination. The points along-with my findings thereon are as under.

Sr. No.	<u>POINTS</u>	<u>FINDINGS</u>
01.	Whether the prosecution has proved that, on 02/02/2011 at about 7.30 hours at Ravanshindha within the limits of village Vita, Tal Khanapur, accused Nos. 2 and 4, in furtherance of their common intention committed murder intentionally or knowingly causing death of Sadashiv @ Shashikant Ramchandra Yadav, by means of blow of sickle on his face ?	In the Negative
02.	Whether the prosecution has proved that, on the aforesaid date, time and place all accused were member of an unlawful assembly, in furtherance of their common intention, to give Rs.20,000/- for cutting hands and legs of deceased ?	In the Negative
03.	Whether the prosecution has proved that, on the aforesaid date, time and place accused Nos. 2 and 4 member of an unlawful assembly, in furtherance of their common object, being armed with a deadly weapon sickle which was used to cut hand and legs of deceased and is likely to cause his death ?	In the Negative.
04.	Whether the prosecution has proved that, on	In the Negative.

	the aforesaid date, time and place all the accused were member of an unlawful assembly and in prosecution of the common object of such assembly to cut hands and legs of deceased ?	
05.	Whether the prosecution has proved that, on the aforesaid date, time and place all the accused were member of an unlawful assembly and were at that time armed with a deadly weapon sickle which was used as weapon of offence likely to cause death ?	In the Negative.
06.	Whether the prosecution has proved that, on the aforesaid date, time and place, each one of the accused being a member of an unlawful assembly and in prosecution of their common object, all of them knew to be likely to be committed in prosecution of common object of the said assembly ?	In the Negative.
07.	Whether the prosecution has proved that, on the aforesaid date, time and place accused Nos. 1 and 2 agreed to pay Rs. 20,000/- to accused Nos. 3 to 8 for cutting hands and legs of deceased and besides the above agreement they committed some act in pursuance of the said agreement to commit the offence of punishable with death or imprisonment for life or rigorous imprisonment for a term of	In the Negative.

	two years or upwards or a criminal conspiracy other than a criminal conspiracy to commit an offence ?	
08.	Whether the prosecution has proved that, on the aforesaid date, time and place accused Nos. 2 and 4 knowing or having to reason to believe that the offence of murder of deceased Sadhashiv punishable with death or life has been committed, caused certain evidence connected with the said offence, namely to disappear or knowingly gave false information by throwing mobile handset in Panchganga river, Ankali, Tal. Miraj with intention to screen the offender from legal punishment ?	In the Negative.
09.	What order ?	Accused persons stand Acquitted.

REASONS

POINT NOS. 1 to 9 :-

8. In order to avoid repetition and the points are interlinked with each others, hence all the points are taken together for consideration.

9. Sambhaji (PW-1) and Pratap (PW-2) are panch witnesses, have not stated anything in their evidence. The

prosecution has conducted their cross-examination in which they admitted only their signatures on the panchanama and label of articles.

10. Shiraj (PW-3) has deposed that another panch Bhosale was with him in the police station, Vita on 14/09/2015. Police told them they have to go to Ichalkarnji and accordingly they went to Ichalkarnji in Xylo vehicle. He has not stated anything more in his examination-in-chief. In the cross-examination conducted by prosecution he admitted Varsha Yadav gave statement before them that she was ready to show spot of planning. The police recorded her statement in their presence and thereafter accused Varsha had taken them from Shivaji Chowk of Vita towards Ichalkarnji. She told to stop vehicle in one lane at Asaranagar, they came down from vehicle and accused Varsha took them to first floor of a building. She had shown spot of planing which was hall of 10 x 22 feet in first floor.

11. In the cross-examination conducted on behalf of accused Nos. 1 and 2, he has admitted on that day he put signatures on the documents in the police station. He is unable to tell who is owner of said room and house number of said house. He signed already prepared panchanama in police station.

12. Santaram (PW-4) has deposed that on 11/09/2015 as per direction of Chief Officer, Vita, he went to police station, Vita at about 5:00 p.m. Satish Dandavate was also with him. They met P. S.O. initially and thereafter to P.I. Jadhav. In the cabin of P.I. Jadhav

one person was sitting and his name was Chandrakant Maruti Kurne. Said accused stated before them that he is ready to show the spot. Police recorded his statement. Thereafter, both panchas, P.I. Jadhav, his staff members and accused Chandrakant proceeded in one vehicle. They firstly proceeded to Khanapur Road, thereafter to Sulewadi and after that to Ravansidha Gunfa. The accused asked to stop vehicle on tar road near Ravanshidha Gunfa. At a distance of 200 to 250 feet from the road, he had shown the spot of incident. There was water stream, one electric pole near the spot.

13. In the cross-examination he has stated, they never told to P.S.O. that they came as panch witnesses in particular crime registered in police station P.I. Jadhav had told that this is an accused and they have to go Ravansidha Gunfa for preparing panchanama. P.I. Jadhav asked staff member to write the contents in the panchanama. The accused was present in chamber of P.I. Jadhav. There was no talk between P. I. Jadhav and accused in their presence. The accused narrated the incident to them i.e. the only conversation between them. There was no conversation between them and accused since they proceeded from police station to spot.

14. Dhananjay (PW-5) has deposed on 21/09/2015, he was called to the Vita Police Station. He went to Vita Police Station in between 3:30 p.m. to 3:45 p.m. at the said location, another panch named Kamble and Accused No. 4, Santosh were present. The Police Officer introduced them to him. Accused No. 4 Santosh Shinde stated that he had concealed a weapon at Sangamnagar and was willing to produce the said weapon. Accused No. 4 further stated

that Sangamnagar is situated near Ichalkaranji, and that he would identify the individual to whom he had sold a motorcycle. Subsequently, acting upon instructions of accused No.4 Santosh, they proceeded from Vita, Tasgaon, Sangli, and Jaysingpur towards Sangamnagar. At that location, the accused led them into a house that was under construction and facing north, where a mound of soil was present. Accused No. 4 pointed out this mound of soil and retrieved a sickle from within it, the sickle measured 18 to 19 inches in length and featured a plastic handle. The plastic handle itself measured 5 to 6 inches in length. He has identified the weapon.

15. Further, he has deposed, accused No. 4 was taken them to an automobile shop near the Ichalkaranji Municipal Council, where he stated to the shop owner that he had sold the motorcycle. Accordingly, police prepared a panchnama.

16. In the cross-examination he has stated P.I. Jadhav did not tell them that the person who brought cabin of P.I. Jadhav, is accused Santosh Shinde. Said person did not tell to everybody that he is Santosh Shinde. There was no talk between accused Santosh Shinde and P.I. Jadhav in front of them. At the time of recording panchanama at Sangamnagar, no other persons were gathered there. They have not inquired about the ownership of house situated on the western side of said house. The entire panchanama Exh. 192 was written at one stroke.

17. Suresh (PW-6) has deposed on 15/9/2015, at 3:00 p.m. he was called by the police. Shankar Shinde, a colleague from his

office, also accompanied him in the capacity of a Panch witness. At the police station, the police officers, the police staff, and accused No. 1 were present. At that time, accused No. 1 stated that she had thrown the mobile handset belonging to the deceased, Sadashiv Yadav, into the Krishna River at Ankali, and she expressed her willingness to take them to that location. Subsequently, she led everyone to the Krishna River at Ankali and pointed out the exact spot from where the deceased's mobile handset had been thrown into the river. Due to the flowing nature of the river water, the police were unable to recover the mobile phone. At that location, the police prepared a spot panchnama.

18. In the cross-examination he has stated when they reached at police station, other police staffs were present there. The road of the spot was having traffic. There was water in the river on the spot. Scuba Drivers were not called by police for taking search of the mobile handset of the deceased in the river.

19. Ashok (PW-7) has deposed, on 5/2/2011, he was engaged in the business of selling coconuts at Renavi, near the Revansiddha Temple. On that day, around 9:00 AM, Police Patil Jayaram Raghunath Gurav informed him over the phone that a dead body was lying at the Revansiddha Ghat and that he needed to go there. Accordingly, he accompanied the Police Patil to view the body. The body of deceased was lying near an electric pole situated by a drain. It was the body of a male aged between 30 to 35 years. The Police Patil reported this matter to the police station. Subsequently, the police arrived at the scene and conducted inquest panchnama of

the body. There were injuries on the face of deceased. He must have been killed by someone. When the police called him again on 13/9/2015, he realized that the deceased was Sadashiv Ramchandra Yadav. He identified the photographs of body of the deceased, which are marked as Articles A-1 to A-6.

20. In the cross-examination he admitted Ravansiddha Temple is an ancient and important temple in the area. Hundreds of people visiting the temple daily. He was not acquainted with the deceased Sadashiv. When he went with Police Patil to see dead body, the face of dead body could not be recognized and dead body was lying beside tar road near the Nala. He was not present when panchanama was prepared.

21. Farukh(PW-8) has deposed, on 21/9/2015, he and Ganesh Chinke were called to the Vita Police Station. They were called to serve as panchas for the purpose of drawing up a seizure panchnama regarding a motorcycle. The police seized the motorcycle registration bearing No. MH-09-AE-7443 from Subhash Magdum in their presence and prepared seizure panchnama. He has further deposed, two days later, the police called the two individuals. At that time, a flame-orange colored motorcycle manufactured by TVS was seized from Gajanan Chougule and a seizure panchnama was prepared.

22. In his cross-examination he has stated one policeman namely Paradhi called him on 21/09/2015 at about 10:00 a.m. to 10:15 a.m. to police station. The police had not shown documents of

motorcycle to them. The police had not stated contents of portion mark 'A' in the panchanama Exh.205 to him.

23. Jagdish (PW-9) has deposed, he has been residing at the Revansiddha Temple in Vita since his birth. In the year 2011, he was the priest of the Revansiddha Temple. On 04.02.2011, he was present at the temple. On that day, he did not see any incident and dead body in drain near a small bush.

24. The prosecution has conducted cross-examination in which he admitted that on 4/2/2011, at 7:30 a.m., while he was proceeding towards the restroom via the Devasthan road, he spotted the dead body of a male individual aged approximately 30 to 35 years. The body was emitting a foul odor. Upon observing the body, he suspected that the individual had been murdered by someone, consequently, he informed the Police Patil of Renavi about the incident. Subsequently, the police arrived at the scene, conducted inquest panchnama and removed the body. On 4/2/2011, the police inquired him and recorded his statement.

25. In the cross-examination conducted on behalf of accused, he has admitted that anyone can come and go on the original temple road and there is open space around that road. The body was unrecognizable and it was lying on the bank of the drain. He did not know anything about the incident that took place. The Revansiddha Temple is holy temple and people come there from different places.

26. Nanda (PW-10) has deposed that on 02/02/2011, she

and her mother-in-law went to the fields in the morning for wage labour and returned home between 5:00 p.m. to 5:30 p.m. Her father-in-law, Ramchandra, informed her that her husband had gone out, stating that he was going to visit the temple. Her husband did not return that day. on the 3rd, when her sister-in-law Varsha arrived at her home with her children and they were all sitting and talking, her husband's friend, Bedkihaile came to the house and stated that her husband had taken his motorcycle on the 2nd but had not yet returned it.

27. She has further deposed that on the 4th, she, her in-laws, and her sister-in-law Varsha, were sitting together at home. At that time, a call from her husband was received on Vijaya Waingade's coin box. She answered the call, during which she was informed that he would not be returning for 4–5 days as he was going to Goa. The voice on the line was not her husband's. She has also deposed that during the call, it was stated that the motorcycle had been parked at the Ichalkaranji S.T. Stand. Her father-in-law, Ramchandra, went to Sachin's residence and instructed him to go and retrieve the motorcycle.

28. She has further deposed, on 10/02/2011, her father-in-law and sister-in-law reported missing complaint of her husband to the Sadalga Police Station. At that time, while providing a physical description of her husband, they mentioned that deceased had a tattoo of Lord Hanuman on his arm, with the name "Gopi" inscribed below it. Subsequently, on 09/09/2015, the Vita Police Station called them. The police showed them photographs of the deceased.

The deceased had sustained injuries to the face inflicted by a weapon. As the face of the deceased was disfigured, it was unrecognizable. However, based on the tattoo of Lord Hanuman with the name "Gopi" written below it found on the arm of deceased, she identified the deceased as her husband.

29. She has deposed, subsequently, on the 17th, her brother-in-law visited Vita. When he arrived home in the evening, she and her in-laws were present. The brother-in-law informed them that Varsha and 5–6 other persons had been arrested. A photograph A-4 depicts a hand bearing an image of Hanuman, with the name "Gopi" written underneath it. she does not know Kannada language. Her father-in-law, too, does not know Kannada language.

30. She has further deposed, on the 2nd, Varsha had called Sadashiv to accompany her on a visit to a temple. Upon reaching the Revansiddha Ghat, her husband stopped the motorcycle on the side of the road to relieve himself. At that moment, the assailants met her husband, assaulted him with a weapon, and killed him. Subsequently, two or three days later Varsha's foster brother, Chandrakant Kurne, called them and asked, "The motorcycle is currently at the Ichalkaranji stand. She has further stated that Varsha Yadav, Chandrakant Kurne, Santosh Ananda Shinde, Pankaj Joshi, Jagdale, Prakash Balaso Patil, and an unidentified individual are the killers. She knows Varsha Yadav. The killers are present in court.

31. In her cross-examination, she admitted that Varsha did

not make complaint with her against anyone. Varsha is residing at Jaysingpur for education of her children. Varsha and Naikba were visiting to their house at Mankapur. She has also admitted that till she was told over the phone that her husband was going to Gao, neither Varsha nor Naikba had made any complaint against anyone to her or her in-laws. She lastly met to sadashiv on 02/02/2011. They made inquiry about her husband at their guest from 02/02/2011 to 10/02/2011. She did not know with whom, where and how her husband left Mankapur village. On 10th when they went to Sadalga Police Station, they did not express any suspicion on anyone for missing of her husband. In the police station, she came to know from the police that her husband was not alive and he had been murdered. She did not know or acquaint of any accused except accused Varsha.

32. Mohan (PW-11) is the investigating officer has deposed about the investigation. He has stated, during investigation he prepared spot panchnama, seized motorcycle's, recorded statements of witnesses. Accused were arrested. Recorded memorandum panchnama of accused Varsha, accused Chandrakant and accused Santosh and thereafter prepared disclosure panchnama. Letter issued to Magistrate to record statements of accused Varsha and Chandrakant under section 164 of Cr.P.C. Muddemal article sent for C.A. to Forensic Science Laboratory, Ganeshkhind, Pune, along with letter. Issued letter to Sadalga Police Station with request to sent documents regarding missing complaint of deceased. Recorded supplementary statements of witnesses. After completion of

investigation submitted charge-sheet against accused persons in the Court.

33. In the cross-examination, he admitted that when the investigation work was assign to him he was not knowing about relative of the deceased. When the family members of deceased lodged missing complaint, they did not express suspicion against anyone. In the year 2011, police had received information regarding location where the incident took place. The accused persons are relatives of each others. No documentary evidence demonstrating that accused Nos. 1 to 8 were in contact with one another has been placed on record. The police had visited the location where the dead body was discovered back in the year 2011. He did not collect C.D.R. of accused persons and witnesses. In the investigation, it was revealed that deceased was using mobile phone.

34. He has further admitted mobile number or customer application form of the deceased were not collected. No incriminating articles were seized from accused Nos. 1 and 2. The alleged incident occurred in an open area. No eye witnesses were found who could state when, at what time or with whom the deceased had arrived in the vicinity of crime scene. No witness were found during the investigation who could state or who had observed when, at what time or with whom the accused arrived in the vicinity of crime scene.

35. Learned A.P.P. Smt. V. K. Murchite has submitted, the prosecution has proved memorandum panchanama of accused Nos.

1, 2 and 4 and also the spot where conspiracy planned by the accused. The prosecution has also proved that motorcycle was used for commission of crime by proving seizure panchanamas. The wife of deceased has stated that accused No. 1 is responsible to the death of her husband. Initially, the investigating officer could not get any information about the offence but in the year 2015 investigation was started and Investigating Officer collected material against the accused persons. The prosecution has established motive of accused No. 1 to commit murder of the deceased. Accused No.1 in conspiracy with co-accused committed serious offence. Hence, accused be convicted.

36. On the other side learned advocate Shri. V. B. Deshmukh for accused nos. 1 and 2 has submitted that, the F.I.R is lodged against the unknown person. There is delay of 4 and 4 ½ years to lodge F.I.R. Prosecution has not produced any material evidence such as C.D.R. to show connection of accused Nos. 1 to 8. Weapons were not seized from accused Nos. 1 and 2. Wife of deceased denied the allegations made against accused No. 1. She has specifically admitted that accused No.1 had not made complaint against anyone with her. The Investigating Officer has not recovered anything from the spot of incident. The prosecution has totally failed to establish chain of offence to prove guilt of the accused, Hence accused be acquitted.

37. learned advocate Smt. Thanekar for accused No.3 has submitted that in the F.I.R. role of accused No.3 is not found. There is no evidence about seizure of motorcycle. The prosecution

witnesses have not stated anything against accused No.3. The charges levelled against accused No.3 are not proved, hence accused be acquitted.

38. learned advocate Smt. V. G. Desai for accused Nos. 4, 5 7 and 8 has submitted that panch witnesses are not supported to the case of prosecution. Seizure panch has admitted that he put signature in the police station on already prepared panchanama. There is doubt about the spot where the spot panchanama was prepared. Wife of deceased is not an eye witness. She has deposed on the basis of hearsay information received to her. The Investigating Officer has stated that name of the accused No. 4 as Santosh Ananda Sathe but there is no accused who has named Santosh Ananda Sathe in this matter. The prosecution has failed to prove guilt of the accused. Hence, accused be acquitted.

39. To attract section 302 of the Indian Penal Code, the prosecution must have to prove ingredients of culpable homicide, consists in the doing an act -

- a) With the intention of causing death,
- b) With the intention of causing such bodily injury as it likely to cause death,
- c) With the knowledge that the act is likely to cause death.

40. So also the prosecution must have to prove the following ingredients;

- i) Culpable homicide is murder, if the act by which the death is caused is done with intention of causing death or
- ii) if it is done with intention of causing such bodily injury as the offender knows to be likely to cause death of the person to whom the harm is caused or
- iii) if it is done with intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death or
- iv) if the person committing the act knows that, it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid

41. In the light of above legal position, let us see whether prosecution has proved charges levelled against the accused. So far as oral evidence of Nanda (PW-10) is concerned, she is wife of deceased. She admitted that she did not know reason of the incident. She came to know from police there was murder of her husband. She did not know with whom, where and how her husband went. She has not deposed that accused Nos. 1 to 8 in furtherance of their common intention and being member of unlawful assembly stabbed her husband with sharply weapon and committed murder. She has not flatly stated that all accused are present in the court. She has not stated names of the accused present in the court.

42. Sambhaji (PW-1) and Pratap (PW-2) panch witness of

spot and seizure panchanama, but they have not supported to the case of prosecution. Nothing incriminating brought by prosecution on record through cross-examination of these witnesses.

43. After carefully scrutiny of the evidence of Siraj (PW-3) shows that, he has not stated anything about the incident in his examination-in-chief but in the cross-examination he stated about the memorandum Panchanama of accused Varsha and about spot Panchanama prepared in the room at Aasranagar. He specifically admitted on that day he put his signature on the papers in the police station. In the cross-examination conducted by the defence, he has admitted the panchanama was already prepared in the police station and he put his signature on it. This witness is supported to prosecution in the cross-examination while supporting to defence by giving admission that panchanama was prepared in police station. Thus, the testimony of this witness is not reliable as he is changing his version and supported to prosecution as well as defence.

44. So far as evidence of Santaram (PW-4) is concerned, he has admitted that P.I. Jadhav told about the accused and spot panchanama. Accused Chandrakant was not brought from the custody but he was present in the cabin of P.I. There was no talk between accused and P.I. Jadhav. The witness has not stated which fact disclosed by accused Chandrakant to him during their conversation. The accused was not introduced him and the purpose for coming to police station by the panch witness, was not told to the accused. There was no conversation between him and accused during the traveling period from police station to spot of incident.

He has also admitted that he put signature on the papers in the police station. If the P.I. and accused did not talk and accused was not introduced to panchas then doubt creates about recording of memorandum panchanam and seizure panchanama.

45. Witness Dhananjay (PW-5) has admitted P.I. Jadhav did not tell that person was accused Santosh Shinde. It was not happened that the person who was present in cabin of P.I. Jadhav, introduced himself that he is accused Santosh Shinde. The entire panchanama Exh.192 prepared at one stroke. He could not assign reason why the price of sickle mentioned in seizure panchanama. The witness and accused did not speak with each other at Shopping Mall, in Ichalkarnji. When the witness is specifically admitted that the accused was not known to them and entire panchanama prepared at on stroke, then it can be presumed that either it is written in the police station or at the place from which sickle was seized. Wife of the deceased and informant have not stated either in the F.I.R. or in their testimony that deceased was stabbed with sickle.

46. The prosecution tried to prove memorandum panchanama of accused Varsha and spot panchanama of spot situated on bridge on river Krishna at Ankali through witness Suresh (PW-6). This witness has not stated that accused Varsha was in the police custody on 15/09/2015 and the P.I. brought her from police custody. From the cross-examination of witness, the defence has brought on record that the police officer told them that they are going to prepare panchanama of spot on the bridge of river. This

fact shows that accused Varsha did not confess anything before panch witness and police officer told about spot to the panch witnesses.

47. Ashok (PW-7) is not eye witness to the incident but he accompanied Police Patil Jayram Gurav to confirm about the news received from the villagers i.e. a person of approximately 30 to 35 years of age lying dead in a small bush on the east side of road leading to Ravanshiddha temple. He had seen 6 photos of dead body. This witness has not stated anything against accused Nos. 1 to 8. He has stated only about dead body found on road leading to Ravanshiddha temple and he accompanied police patil.

48. So far as evidence of witness Faruk (PW-8) is concerned, he is witness on seizure panchanama of motorcycles. In the cross-examination he has admitted that contents portion mark A in the panchanama Exh.205 have not been read over to him. This facts shows testimony of this witness is not corroborated to the contents of seizure panchanama Exh.205, therefore doubt creates about preparing panchanama Exh.205 in presence of this witness.

49. Jagdish (PW-9) has not stated anything against the accused persons either in examination-in-chief or in the cross-examination conducted by the prosecution. In the cross-examination conducted by the defence, he admitted there is open space around the spot of incident. The dead body was not in position to identify. He was not aware since when the body was laying there. He does not know anything about the incident. The witness had seen dead body and informed to Police Patil of the

village. He has not stated anything about the incident. He is not aware what was happened with dead person.

50. The Investigating Officer has admitted that no documents are collected to show connectivity of all accused. Mobile phone of the deceased was not searched and seized. Family members of deceased did not express their suspicion on anyone. Nothing brought on record to show that all accused are relatives with each others.

51. If we considered overall evidence of the prosecution witnesses, it appears that they have not stated anything about the incident took place on 04/02/2011. The evidence of prosecution witnesses is based on hearsay information. Nothing is brought on record to show that all accused persons were present on spot of incident on 04/02/2011. The missing complaint lodged to Sadalga Police Station is written in Kanada language. Wife and father of deceased do not know Kannada language, so possibility cannot be ruled out that they are not aware what was written in the missing complaint. Transcript of said complaint is not produced on record. The missing complaint was lodged in the year 2011 and thereafter complaint lodged to police station against unknown person on 04/02/2011 that to a police patil of Renavi village. Wife of deceased herself did not go to file complaint in the police station. Even she did not disclose the fact to police regarding call received on coin box and that voice on the call was not her husband's. Since 2011 till 2015 there was no progress in the investigation of this crime. No police personnel from any police station approached to police

station Vita to make inquiry about the deceased. The family members of deceased have not been taken any efforts to search the deceased till 2015. They came to know about death of Sadashiv from the Police Station, Vita.

52. Section 6 of the Evidence Act is an exception to the rule against hearsay evidence. In order to bring a statement within its ambit the same must be made contemporaneously with the act or immediately thereafter. If the witness came to place of occurrence in such a case immediately after incident had taken place and found dead body of deceased and injured victim unconscious state, thereafter the injured witness informed the entire incident to other witness, in this situation, hearsay evidence would be admissible.

53. It was not happened in this case, the witnesses came on the spot of occurrence immediately after the incident and informed incident to other witness. There are no eye witnesses to the incident, then it is required to be seen, whether there is a circumstantial evidence available on record to prove guilt of the accused.

54. The Hon'ble Supreme Court while considering the circumstantial evidence has pleased to laid down five golden principles known as PANCHASHEEL in land mark judgment of **Sharad Birdhi Chand Sarda vs State Of Maharashtra** on 17 July, 1984 as under.

1. The circumstances from which the conclusion of guilt is to be drawn should be fully established;
2. The facts so established should be consistent with the

hypothesis of guilt and the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty;

3. The circumstances should be of a conclusive nature and tendency;
4. They should exclude every possible hypothesis except the one to be proved; and
5. There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

55. In present matter C.A. report is not produced. The seized muddemal is not identified by the panch witnesses. D.N.A. report of mother of deceased is not brought on record, so that to come conclusion that deceased was her son. The Investigating Officer did not collect C.D.R. and record statement of Vijaya Waingade on whose coin box call received to PW-10 Nanda. Moreover Nanda (PW-10) did not inform to police immediately after 04/02/2011 a call received on the coin box of Vijaya Waingade and the voice on the phone was not of her husband. Nanda (PW-10) is wife of deceased but she has not been taken any steps or pursue to the police station about missing complaint of her husband. The relatives of deceased did not make any inquiry and keep quite till the Investigating Officer M. T. Jadhav called them for investigation in the year 2015. The conduct of relatives of deceased clearly shows they were not having doubt on anyone about missing of the deceased.

56. The absence or presence of motive and evidence of preparation, opportunity, previous attempt etc. are relevant, as they not only go to show the mens rea of a crime, but may also furnish elements in establishing its commission. They are circumstantial evidence. Every voluntary act has a motive and the absence of any motive is generally a circumstance in favour of the accused. Under section 8 of the Evidence Act, a motive is provable as a relevant fact, but it cannot be proved by hearsay evidence. By proving the motive, the prosecution can rely upon the conduct of the accused whether previous or subsequent which is directly and immediately influenced by a fact in issue or relevant fact.

57. The prosecution witnesses Ashok (PW-7), Jagdish(PW-9) and Nanda (PW-10) have not stated anything that accused Nos. 2 and 4 stabbed with sickle on the face of the deceased. The panch witnesses on memorandum and spot panchanama do not inspire confidence. Moreover, it is not brought by the prosecution on record that there was an agreement that accused Nos.1 and 2 will pay Rs.20,000/- for cutting hands and legs of deceased to accused Nos. 3 to 8. Non production of C.D.R. fatal the case of prosecution because the investigating officer has failed to collect material document to show meeting of all accused persons at one place.

58. Thus, on oral and documentary evaluation of evidence, the facts/circumstances are emerged which are not against the accused. The prosecution witnesses are not eye witnesses to the incident. PW-1 and 2 are not supported to the case of prosecution. The informant is not eye witness to incident and he has not deposed

anything against any accused. The prosecution failed to establish chain of circumstances so that on the basis of circumstantial evidence accused persons are to be held as guilty.

59. The oral and documentary evidence produced by prosecution is not sufficient to draw a conclusion that, the accused persons have committed murder of Sadashiv. The prosecution witnesses have not stated a single word about the accused Nos. 3, 5, 7 and 8 that, they engaged in conspiracy to commit murder of Sadashiv.

60. Thus, the prosecution has failed to prove guilt of the accused beyond reasonable doubt, hence, I accept submission of learned advocates for the accused persons. In these facts and circumstances, it is held, the charges levelled against the accused are not proved by the prosecution beyond reasonable doubt.

61. As I discussed above, the prosecution measurably failed to establish guilt of accused persons beyond reasonable doubt and failed to complete the chain of circumstances, therefore accused Nos. 1 to 8 are entitled to be acquitted from the charges levelled against them. Accordingly, I answer point Nos. 1 to 8 in the negative and as to point No.9, I pass following order -

ORDER

1.	Accused no. 1 Sou. Varsha Naikba Yadav, 2. Chandrakant Maruti Kurne, 3. Hanmant Rama Magdum, 4. Santosh Ananda Shinde, 5. Manoj Tanaji Jagdale, 7. Kishor
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	Sukumar Jagdale and 8. Pravin Balasaheb Patil are acquitted vide Section 235 (1) of Criminal Procedure Code for the offence punishable under Section 302, 143, 144, 146, 147, 148 r/w 149, 120(B) and 201 of the Indian Penal Code, 1860.
2.	Accused No.6 Pankaj Vasant Joshi died during pendency of trial, hence case is abated against him.
3.	In compliance of Sec. 437-A of the Code of Criminal Procedure, accused are directed to furnish their personal bond and surety bond of Rs. 30,000/- (Rs. Thirty Thousand Only) each for a term of six months, to appear before Hon'ble Higher Court as and when such Court will issue notice in respect of any appeal or petition filed against the Judgment of their acquittal.
4.	Seized muddemal soil, hairs, black color plastic shoes, Nylon thread, cloths, garland of white beads, saffron color garland, saffron color thread with six beads and sickle being worthless be destroyed after appeal period is over.
5.	Seized motorcycles be returned to its owner on due identification, after appeal period is over.
	(Dictated and pronounced in open court.)

Date :- 25/03/2026
Place :-Vita.

(U. V .Indapure)
Addl. Sessions Judge, Vita

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original Order.	
Name of the Stenographer	: Shri.S. K. Patil. Stenographer (Grade-I.)
Name of the Court	: Adhoc District Judge-1, & Addl. Sessions Judge, Vita.
Date of the Judgment/Order	: 25/03/2026
Judgment/Order signed by the Presiding Officer on	: 04/04/2026
Judgment/Order uploaded on	: 04/04/2026
