



Presented on : 23/04/2024  
 Registered on : 25/04/2024  
 Decided on : 14/05/2026  
 Duration : Ys. Ms. Ds.  
 02 00 21

<b>IN THE COURT OF SESSIONS JUDGE AT SOLAPUR</b> <b>Present : Manoj S. Sharma, Sessions Judge</b>  <b>Sessions Case No. 88 / 2024</b> <b>(CNR : MHSO-1001201-2024)</b>  <b>Date of the Judgment – 14/05/2026</b>  <b>Exh. 96 “A”</b>	
FIR No. 166/2023 of Kamati Police Station, Solapur	
<b>COMPLAINANT</b>	State of Maharashtra
<b>REPRESENTED BY</b>	Learned APP Mr. A. G. Kurdukar
<b>ACCUSED No.1</b>	<p>1. Rajaram Gorakh Salgar, Age. 34 years, Occ. Agriculturist, R/o.Kothale, Tal.Mohol, Dist.Solapur</p> <p>2. Tukaram Bapu Terave, Age. 32 years, Occ. Agriculturist, R/o. Pulujiwadi, Tal. Pandharpur, Dist.Solapur</p> <p>3. Lingadev Krishna Salgar, Age. 30 years, Occ. Agriculturist, R/o. Pulujiwadi, Tal. Pandharpur, Dist.Solapur</p> <p>4. Kakasaheb Dasharath Salgar, Age. 40 years, Occ. Agriculturist, R/o. Pulujiwadi, Tal. Pandharpur, Dist.Solapur</p>
<b>REPRESENTED BY</b>	Adv. A. S. Auti, for accused persons.

Date of Offence	From 2019 to 27/05/2023
Date of FIR	29/05/2023
Date of Charge-sheet	02/12/2023
Date of Framing of Charge	13/12/2024
Date of commencement of evidence	05/03/2026
Date on which judgment is reserved	14/05/2026
Date of the Judgment	14/05/2026
Date of the Sentencing Order, if any	N. A.

### Accused Details

Rank of Accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
1	Rajaram Gorakh Salgar	24/06/2024	UTP	Section 306, 504, 506 read with 34 of IPC and section 39 & 45 Money Lending Act.	Acquitted	N.A.	N.A.
2	Tukaram Bapu Terave,	22/06/2024	UTP		Acquitted	N.A.	N.A.
3	Lingadev Krishna Salgar,	24/06/2024	UTP		Acquitted	N.A.	N.A.
4	Kakasaheb Dasharath Salgar,	24/06/2024	23/10/2024		Acquitted	N.A.	N.A.

### LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

#### A. Prosecution :

RANK	NAME	EXH	NATURE OF EVIDENCE
PW-1	Vasant Brahmdev Pawar	57	First informant
PW-2	Yogesh Shivaji Pawar	61	Witness

PW-3	Dr.Aishwarya Rajendra Bhaganagare	75	Medical Officer
PW-4	Ashwini Somnath Pawar	80	Witness
PW-5	Viraj Somnath Pawar	81	Witness
PW-6	Sukhdev Prakash Gode	85	Investigating officer

**B. Defence Witnesses, if any :**

RANK	NAME	EXH.	NATURE OF EVIDENCE
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**C. Court Witnesses, if any :**

RANK	NAME	EXH	NATURE OF EVIDENCE
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**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS****A. Prosecution :**

Sr. No.	Exhibit Number	Description
1	58	FIR
2	59	Spot panchanama
3	60	Seizure panchanama
4	70	Inquest panchanama
5	76	Chemical analysis report
6	78	Postmortem examination report
7	86, 87	Letter to Registrar from I.O.
8	88	Letter to Mini FSL, Solapur from I. O.

**B. Defence :**

Sr. N	Exhibit Number	Description
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**C. Court Exhibits**

Sr. N	Exhibit Number	Description
1	---	---

**D. Material Objects :**

Sr. N	Exhibit Number	Description
1	--	----

**JUDGEMENT**

(Delivered on this 14<sup>th</sup> day of May, 2026)

1. The accused no.1 to 4 stood tried for the offences punishable under section 306, 504, 506 read with section 34 of the Indian Penal Code (for the sake of brevity, hereinafter to be referred as “IPC”) and section 39 & 45 of the Maharashtra Money Lending Regulation Act (hereinafter to be referred as “Money Lending Act”).

**Case of the prosecution, in brief, is as under :-**

2. On 29/05/2023, PW-1 Vasant Pawar lodged an FIR with Kamati Police Station alleging that, in the year 2019, his son Somnath has borrowed money from accused No.1 and 2 and as against the same, had executed a sale deed in respect of his agricultural land in favour of accused no. 1 and 2. He was not aware about the said transaction and when in the year 2020, he came to know about the same, he sold some portion of his land and paid Rs. 7,00,000/- to accused No.1 and Rs. 9,00,000/- to accused No.2 and the land sold by his son Somnath was reverted and he got a same mutated in the name of PW-4 Ashwini, wife of deceased Somnath. Since entire transaction was closed, therefore, they did not pay any further attention to the same, but, at about 9.00 p.m. on 25/05/2023, all four accused persons came to his house and threatened deceased Somnath by saying that, more amount is lying due against him and he should pay the same immediately. They hurled abuses at Somnath and threatened to kill him. Thereafter, his grandson Viraj told him that, on 24/05/2023, near a milk dairy, these accused persons has threatened the deceased Somnath, due to which he was under stress.

3. He further alleged that, on 26/05/2023, they all went to sleep and that time, deceased Somnath was sleeping near the cattles. At about 3.30 a.m. on 27/05/2023, Somnath started calling them and when they went there, Somnath told them that, he has consumed a medicine and therefore, he is feeling uneasy and asked them to bring him to the hospital, therefore, with the help of neighborers informant brought Somnath to CNS hospital at Solapur. On the way to the hospital, Somnath is claimed to have told PW-1 that, the accused persons are asking him to pay more money and they are harassing him and since said harassment became unbearable, he has consumed weed killer named '2,4-D'. In the hospital, he was under treatment till 27/05/2023, but at 8.00 a.m. on that day, said Somnath expired and thereafter, PW-1 lodged this FIR, in view of which, Crime No. 166/2023 came to be registered for aforesaid offences and investigation of the same was handed over to PW-6 PSI Sukhdev, who, visited spot of incident, drew spot panchanama, recorded statement of witnesses, arrested accused persons, collected postmortem examination report, forwarded viscera and seized articles to forensic laboratory for chemical analysis and after completing the investigation, filed a charge sheet against these accused persons before learned Judicial Magistrate First Class, Solapur, who in turn, committed case of trial to the court of Sessions.

4. My learned predecessor framed charge below exh.50 against all accused persons for aforesaid offences. Accused persons pleaded not guilty and claimed to be tried.

5. Upon commencing the trial, in all, prosecution has examined six witnesses and closed the evidence by filing a pursis below Exh.90.

Thereafter, statement of the accused persons, as per section 313 of the Code of Criminal Procedure was recorded below Exh. 91 to 94. Their defence is of total denial and neither they entered in the witness box nor he examined any witness on their behalf and they have come with the case that, they have been falsely implicated in the present crime.

6. Heard learned APP for the State and learned advocate for the accused.

7. In the light of evidence so placed on record, following points arise for consideration ;

**POINTS**

**FINDINGS**

- |   |   |     |
|---|---|-----|
| 1 | Do the prosecution prove that, from 2019 to 27/05/2023 before 3.30 hours in the agricultural land of informant Vasant Pawar at village Kathale, Tal. Mohol, Dist. Solapur, accused No. 1 to 4 in furtherance of their common intention, abetted the commission of suicide by deceased Somnath Vasant Pawar by subjecting him to cruelty or harassment & thereby committed an offence punishable under section 306 read with section 34 of IPC ? | No. |
| 2 | Do the prosecution prove that, on aforesaid time, date and place, accused persons in furtherance of their common intention, insulted deceased Somnath Vasant Pawar by abusing him in order to provoke him, intending or knowingly it to be likely that, such provocation would cause him to break public peace and thereby committed an offence punishable under section 504 read with section 34 of IPC ?                                      | No. |
| 3 | Do the prosecution prove that, on aforesaid time, date and place, accused persons in furtherance of their common intention, threatened the informant's son Somnath Vasant Pawar by abusing him and thereby committed an offence punishable under section 504 read with section 34 of IPC ?  | No. |

- 4 Do the prosecution prove that, on aforesaid time, date and place, accused persons carrying the business of money lending without obtaining a valid license and thereby committed an offence punishable under section 39 of the Maharashtra Money Lending (Regulation) Act ? No.
- 5 Do the prosecution prove that, on aforesaid time, date and place, accused persons molested the informant's son for the recovery of a debt and thereby committed an offence punishable under section 45 of the Maharashtra Money Lending (Regulation) Act ? No.
- 6 What order ? Accused persons are acquitted.

**All the points are accordingly answered for the reasons stated below;-**

**REASONS**

8. To discharge the burden so cast on it prosecution led oral as well as circumstantial/documentary evidence on record

9. In so far as the oral evidence is concerned following witnesses have been examined by the prosecution, viz.,

RANK	NAME	EXH	NATURE OF EVIDENCE
PW-1	Vasant Brahmdev Pawar	57	First informant
PW-2	Yogesh Shivaji Pawar	61	Witness
PW-3	Dr.Aishwarya Rajendra Bhaganagare	75	Medical Officer
PW-4	Ashwini Somnath Pawar	80	Witness
PW-5	Viraj Somnath Pawar	81	Witness
PW-6	Sukhdev Prakash Gode	85	Investigating officer

10. In so far as the circumstances/documents are concerned they are as follows :-

Sr. N	Exhibit Number	Description
1	58	FIR
2	59	Spot panchanama
3	60	Seizure panchanama
4	70	Inquest panchanama
5	76	Chemical analysis report
6	78	Postmortem examination report
7	86, 87	Letter to Registrar from I.O.
8	88	Letter to Mini FSL, Solapur from I. O.

**As to point No. 1 :-**

11. It is alleged against accused No. 1 to 4 that, out of illegal money lending transaction, though the borrowed amount was duly paid, these accused persons demanded more money from deceased Somnath and persistently harassed him for the same and when deceased could not bear the harassment, he consumed a weed killer 2,4-D and committed suicide and all accused persons are responsible for commission of suicide by the deceased Somnath.

12. At the outset, it is pertinent to note that, the burden on the prosecution was therefore to prove firstly that, deceased Somnath committed suicide and then, to prove that, these accused persons abetted commission of suicide by deceased Somnath. Thus, first important question is whether deceased Somnath committed suicide.

13. To discharge said burden, prosecution examined PW-1 Vasant Pawar, father of deceased Somnath, PW-2 Yogesh Pawar, the neighborer, PW-4 Ashwini Pawar, wife of the deceased and the most important witness PW-3 Dr. Aishwarya Bhaganagare, a Junior Resident-3, who conducted autopsy of the dead body of deceased Somnath.

14. As per version of the PW-1, at about 3.30 a.m. on 27/05/2023, the deceased awoke them from their sleep, at that time, the deceased was sleeping near cattle. He went there and saw that, deceased was lying near cattles and there was a smell of poisonous insecticide. He inquired the deceased, that time, the deceased told him that he had consumed a weed killer named 2,4-D. Then, he called neighborers, PW-2 Yogesh and Santosh Surwase and they brought deceased Yogesh to CNS Hospital at Solapur, where, he expired.

15. As per the version of PW-2 at about 5.00 to 5.30 a.m. on 27/05/2023, he heard loud shouts from the house of PW-1. Then, he went to house of PW-1, that time, PW-1 informed him that, the deceased has consumed a poison, therefore, he brought the deceased in his vehicle to CNS Hospital.

16. PW-4, the wife of deceased deposed that, at about 3.30 to 4.00 a.m. on the day of incident, her husband was sleeping in the cattle shed and that time, her husband gave a call, because of which, she and her son went closed to deceased Somnath. PW-1 was already present there. That time, she asked deceased Somnath as to why he consumed insecticide, upon which, deceased told her that, since he was unable to repay the loan he consumed insecticide, then, deceased was brought to the hospital.

17. Thus, as per the version of PW-1 and PW-4, at about 3.30 to 4.00 a.m. on 27/05/2023, they heard a call from deceased Somnath who was sleeping in a cattle shed, they went there. There was a smell of

poisonous insecticide there and the deceased Somnath told them that he has consumed weed killer 2,4-D and he is feeling uneasy, therefore, he was brought to CNS Hospital at Solapur.

18. The important testimony is of PW-3 Dr. Aishwarya who at the relevant time was serving as a Resident Doctor in Department of Forensic Medicine and Toxicology of Dr. V. M. G. M. College, Solapur. The body of deceased was sent to her for postmortem examination and after conducting the same, she reserved the findings till receipt of report of chemical analysis and had given her primary opinion regarding cause of death as "Bilateral Lobar Pneumonia". She preserved the viscera for necessary analysis and samples were accordingly sent to Forensic Laboratory for chemical analysis. Then, she received report of chemical analysis of viscera of deceased Somnath. As per said report, no poison was detected in the viscera of deceased.

19. The chemical analysis report is below Exh. 76. As per her version, after considering the examination report below Exh. 76, in her opinion, cause of death of deceased Somnath was "bilateral lobar Pneumonia". But, based on the history of the patient, in her opinion, his death was suicidal. This witness further deposed that, pneumonia can be caused to a person due to bacterial and viral infection and may also get caused due to aspiration. She also deposed that, death due to pneumonia may also be a natural death. As per her further version, the only sign of poisoning noted while conducting postmortem examination by her was mucosa of stomach was found congested, but in next breath she deposed that, the mucosa of a person may get congested due to various reasons, such as poisoning, gastritis and long term gastric diseases.

20. In her cross-examination, this witness has given important admissions which throws light on the important aspects. She admitted that, if a person consumes poison like 2,4-D, then, there is every likelihood that, there may be marks of burn and there may be blisters in the throat of said person. She further admitted that, due to consumption of said weed killer mucosa of stomach may get perforated, however, while conducting postmortem examination she did not notice presence of burn mark or glisters in the throat or perforation of mucosa of the stomach. This witness further admitted that, due to weak immune system or if a person is an alcoholic, then, bilateral lobar pneumonia can be caused.

21. Thus, as per the opinion of PW-3, the cause of death of deceased Somnath was 'Bilateral Lobar Pneumonia' and this witness have succinctly narrated causes for the same. As per her version, the only sign she noted was the mucosa of the stomach was found congested and she herself has given the reason of causing of the same, such as poisoning, gastritis and long term gastric diseases. The aspect of congested mucosa of stomach due to poisoning is ruled out by the witness herself as she admitted that, if it would have been due to poisoning, then there would have been burn marks or presence of blisters in the throat and there would have been perforation of mucosa of stomach which was not present there, which clearly shows that, the congestion of mucosa was not due to poisoning.

22. Furthermore, the postmortem examination report below Exh.78 shows no findings regarding presence of any poison in the body of the deceased at the time of postmortem examination. The chemical

analysis report below Exh. 76 which is in respect of samples of stomach, loop of intestine with their contents, liver, spleen and kidneys and also blood clearly show that, no poison was revealed in general and specific chemical testing of those samples.

23. The spot panchanama below Exh. 59 clearly show that, no suspicious object was found at the spot of incident, where, deceased Somnath alleged to have consumed a weed killer, nor, there is anything in the evidence of PW-6 the I.O that, any bottle of weed killer 2,4-D was seized during investigation. In fact, prosecution is absolutely silent about said bottle of weed killer 2,4-D.

24. If aforesaid evidence so brought on record by the prosecution is carefully analyzed, then it is apparent that, apart from allegations so made by PW-1 and PW-4, there is no proof on record to show that the deceased Somnath has consumed weed killer 2,4-D and died due to poisoning.

25. Furthermore, though the spot of incident is a cattle shed belonging to PW-1, non finding of any bottle of the said weed killer either on the spot or in the vicinity and also silence of PW-6, the I.O. regarding investigation in respect of the same makes the case of prosecution highly doubtful.

26. Thus the medical evidence which is most important, clearly show that, no poison was found in the dead body of deceased Somnath, nor chemical analysis revealed presence of weed killer 2,4-D or any other poison in any of the internal organ of the deceased nor any bottle of

alleged weed killer was found on the spot or in the vicinity. In the light of such circumstances the opinion of PW-3 that, a person may die a natural death due to bilateral lobar pneumonia seems to be more probable and it can be safely inferred that, the deceased Somnath died a natural death due to pneumonia and not due to consuming poison, i.e., weed killer 2,4-D and apart from bare allegations so leveled by PW-1 and PW-4 alleging that, deceased Somnath consumed poison, there is no proof on record which may lend even slightest corroboration to their version. Thus, prosecution could not prove that, deceased Somnath committed suicide.

**Whether accused persons abetted commission of suicide of deceased Somnath ?**

27. Since, prosecution failed to prove that, the death of deceased Somnath was suicidal, no question of abetting the commission of suicide of deceased Somnath by accused persons arise at all and therefore, point No.1 is answered in the negative.

**As to points No. 2 and 3 :**

28. Nowhere, in the evidence of PW-1 and PW-4, it has come on record that, all the accused persons caused any intimidation to either of them or act of these accused persons was of such a nature, so as to compel the witnesses to commit breach of public peace. There is also no any evidence on record to show that, any of the accused insulted or gave provocation intending or knowing that, such provocation would cause them to break the public peace or to commit any other offence. Therefore, the prosecution also failed to bring the guilt of accused persons at home and aforesaid offences, as such points No. 2 and 3 are answered in the negative.

**As to points No. 4 and 5:-**

29. The accused persons were also charged for the offences punishable under section 39 and 45 of the Money Lending Act. Section 39 of Money Lending Act provides punishment for doing money lending without license and while section 45 of Money Lending Act provides penalty for molestation of a debtor.

30. In so far as allegations of money lending without license done by accused No.1 to 4 are concerned, again apart from bare words of PW-1, PW-4 and PW-5 there is nothing on record even to remotely suggest that, accused persons were engaged in money lending business without license.

31. The investigation done by PW-6, the I.O. merely revealed that, he has issued a letter to the office of Sub-Registrar, Mohol and Pandharpur for getting the copy of sale deeds. Those letters are below Exh. 86 and 87. He deposed that he included the copy of sale deeds in the charge sheet, however, none of the sale deeds have been proved by the prosecution, neither Registrar was examined nor any other witness was examined to show that those sale deeds were executed out of money lending transaction. Apart from sale deeds, which only show sale of certain agriculture lands. There is no evidence on record even to remotely suggest that the accused No.1 to 4 were engaged in a money lending business without license.

32. Apart from that, not a single allegation is there which may even remotely indicate that, the accused persons molested deceased Somnath or abetted his molestation or any family members belonging to the deceased. Thus, there is no evidence on record to bring the guilt of the accused persons at home for offences punishable under section 39 and 45

of the Money Lending Act. As such, points No. 4 and 5 are also answered in the negative.

**As to point No. 6 :-**

33. Since, the prosecution has miserably failed to discharge the burden beyond reasonable doubt, all the accused persons are entitled to be acquitted. Hence, the following order is passed.

**ORDER**

- 1 Accused No. 1 to 4 are acquitted of the offences punishable under Section 306, 504, 506 read with section 34 of the Indian Penal Code and section 39 and 45 of the Maharashtra Money Lending (Regulation) Act, vide Section 235(1) of the Code of Criminal Procedure, 1973.
2. Accused No. 1 to 4 shall execute the bail bond of Rs.15,000/- (Rs.Fifteen Thousand) each with a surety in like amount to appear before the Appellate Court as and when the Court issued notice in respect of appeal or petition against the judgment vide Section 437-A of the Code of Criminal Procedure, 1973.
3. The bail bond stand cancelled and surety be discharged.
4. Seized muddemal articles, viz.,
  - i) stamp paper below article No. 2(5), 2(10) & cheques below article No. 2(8) and 2(9) and also copies of note books and receipts being useless and worthless, be destroyed after the expiry of appeal period.
  - ii) Registered sale deed below article No. 2(12) and receipt of sale deed below article No. 2(13) be returned to the concerned holder after the expiry of appeal period.
  - iii) Original bond papers below article No. 2(1), 2(2), 2(3), 2(4), 2(6), 2(7) & 2(11) be sent to the Joint District Registrar & Collector of Stamps at Solapur for further appropriate action as per rules.

Date : 14/05/2026

( Manoj S. Sharma )  
Sessions Judge, Solapur

**CERTIFICATE**

I affirm that, the contents of this PDF file Judgment are same word to word, as per the original order.

Name of the Court : Principal District & Sessions

Court, Solapur.

Name of Stenographer : P. N. Kanaki

Judgment signed by the  
Presiding Officer on : 14/05/2026

Judgment uploaded on : 14/05/2026