



Presented on : 26/08/2025
Registered on : 26/08/2025
Decided on : 21/08/2026
Duration : Ys. Ms. Ds.
01 00 05

IN THE COURT OF SESSIONS JUDGE AT SOLAPUR Present : Manoj S. Sharma, Sessions Judge Sessions Case No. 189 / 2025 (CNR : MHSO-01-002656-2025) Date of the Judgment – 21/08/2026 Exh. 53 “A”		
FIR No. 39/2020 of Valsang Police Station, Tal. Akkalkot Dist. Solapur		
COMPLAINANT		State of Maharashtra
REPRESENTED BY		Learned APP Mr. A. G. Kurdukar
ACCUSED No.	1	Suresh Siddhaling Ghongade, Age. 62 years, Occ. Agriculturist, R/o. Mardi, Tal. North Solapur, Dist. Solapur.
	2	Shankar Narayan Wadaje, Age. 42 years, Occ. Labourer, R/o. Sevalal Nagar, Mardi, Tal. North Solapur, Dist. Solapur.
	3	Sanjay @ Appi Bhoju Rathod, Age. 42 years, Occ. Labour, R/o. Asha Nagar, MIDC, Solapur.
	4	Rahul Chandu Rathod, Age. 28 years, Occ. Labour, R/o. Mulegaon Laman Tanda, Tal. South Solapur, Dist. Solapur.
REPRESENTED BY		Mr. D. E. Mane Advocate for the accused persons

Date of Offence	28/01/2020
Date of FIR	30/01/2020
Date of Charge-sheet	21/04/2020

Date of Framing of Charge	12/11/2025
Date of commencement of evidence	25/03/2026
Date on which judgment is reserved	21/08/2026
Date of the Judgment	21/08/2026
Date of the Sentencing Order, if any	---

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.PC.
1	Suresh Siddhaling Ghongade,	14/02/2020	14/08/2020	302, 201, 120B read with section 34 of IPC	Acquitted	N.A.	N.A.
2	Shankar Narayan Wadaje	14/02/2020	16/06/2021		Acquitted	N.A.	N.A.
3	Sanjay @ Appi Bhoju Rathod	14/02/2020	30/11/2020		Acquitted	N.A.	N.A.
4	Rahul Chandu Rathod	14/02/2020	30/11/2020		Acquitted	N.A.	N.A.

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

RANK	NAME	EXH	NATURE OF EVIDENCE
PW-1	Swamirao Chanbasappa Patil	15	Witness
PW-2	Shakil Isak Korabu	30	Panch
PW-3	Samadhan Suresh Ghongade	34	Witness
PW-4	Rohit Nagnath Thorat	38	Investigating officer
PW-5	Dr. Vinod Vasant Rathod	42	Medical Officer
PW-6	Shirish Kakasaheb Mangave	45	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	19	FIR
2	22	Registration of unidentified dead body
3	24	Police report
4	16	Inquest panchanama
5	25	Seizure panchanama
6	18	Spot panchanama
7	27	Provisional cause of death certificate
8	28	Postmortem examination report
9	20	Accused memorandum statement

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 21st day of August, 2026)

1. Accused No.1 to 4 stood tried for the offence punishable under sections 302, 201, 120B read with section 34 of the Indian Penal Code (for the sake of brevity, hereinafter to be referred as “IPC”).

A case of the prosecution, in brief, is as, under :-

2. It is alleged that, on 29/01/2020 at about 7.30 a.m., an information received that, an unknown person was lying in injured condition and in unconscious state near Jamadar Vasti, Solapur-Akkalkot road, therefore, informant PHC Pandit Tukaram Chavan immediately visited the spot and sent the injured person to the Civil Hospital, Solapur by an Ambulance. Upon examining said person, doctor there declared him brought dead. In connection with the same, an Accidental Death Case No. 4/2020 was registered at Valsang Police Station and investigation of the same was handed over to him.

3. Upon further inquiry, it was revealed that, an unknown person killed deceased by pressing his neck and assaulting on his head.

4. With such allegations, an FIR came to be lodged on 30/01/2020 with Valsang Police Station, in view of which, Crime No. 39/2020 for offences punishable under section 302, 201, 120B read with section 34 of IPC came to be registered against unknown person and investigation of the same was handed over to API Shirish Mangave, attached with Valsang police station, who, after taking over investigation, perused the documents, visited spot of incident and prepared a

panchanama, seized clothes of the informant and accused, stones, vehicle and knife, prepared memorandum statement of the accused, forwarded dead body of the deceased to the Civil Hospital, Solapur for postmortem examination and obtained report to that effect, forwarded seized articles to Forensic Laboratory for chemical analysis and recorded statement of witnesses. It was revealed in the investigation that, deceased, the younger son of accused No.1 was addicted to bad vices and used to harass him and being fed up with the same, accused No.1 gave a contract to accused No.2 to 4 to kill his own son and got him murder. Then, on finding sufficient evidence against all accused persons, he filed a charge sheet against them before learned Judicial magistrate First Class, Akkalkot, who, in turn, committed case for trial to the court of Sessions.

5. Charge below Exh. 06 came to be framed against the accused persons for the offences punishable under section 302, 201, 120B read with 34 of IPC. The accused pleaded not guilty and claimed to be tried.

6. Upon commencing the trial, in all, prosecution has examined six witnesses and closed the evidence by filing a pursis below Exh. 47.

7. Thereafter, the statements of accused persons as per section 313 of the Code of Criminal Procedure were recorded below Exh. 48 to 51. The defence of the accused persons is of total denial and they have come with the stand that, they have been falsely implicated in the crime.

8. Heard learned APP for the State and learned advocate for the accused persons. Perused the record. In the light of evidence so placed on record, following points arise for consideration ;

POINTS**FINDINGS**

- | | |
|---|------------------------|
| 1 Do the prosecution prove that, in between 21.00 hours of 28/01/2020 to 7.30 a.m. of 29/01/2020 by the side of cement road on Solapur to Akkalkot road in front of Jamadar Vasti, accused persons in furtherance of their common intention, did commit murder by intentionally or knowingly causing the death of Shailesh Suresh Ghongade by giving blows of knife at the backside of head and pressed the neck of said Shailesh Ghongade with help of the cotton rope and thereby committed an offence punishable under section 302 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, knowing that an offence of murder punishable under section 302 of IPC has been committed by pressing neck of the deceased and giving knife blow at the backside of his head and pressed his neck with cotton rope and thereafter thrown the dead body on road, in front of Jamadar Vasti on Solapur-Akkalkot road with intention to screen the offender from legal punishment and thereby committed an offence punishable under section 201 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, accused persons agreed to an illegal act and thereby committed an offence punishable under section 120B read with section 34 of IPC ? | No. |
| 4 What order ? | Accused are acquitted. |

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

REASONS

9. In so far as evidence on record is concerned, it is both oral as well as documentary. As far as, oral evidence is concerned, it is as follows;-

RANK	NAME	EXH	NATURE OF EVIDENCE
PW-1	Swamirao Chanbasappa Patil	15	Witness
PW-2	Shakil Isak Korabu	30	Panch
PW-3	Samadhan Suresh Ghongade	34	Witness
PW-4	Rohit Nagnath Thorat	38	Investigating officer
PW-5	Dr. Vinod Vasant Rathod	42	Medical Officer
PW-6	Shirish Kakasaheb Mangave	45	Investigating officer

10. In so far as documents are concerned, they are as follows ;-

Sr. No.	Exhibit Number	Description
1	19	FIR
2	22	Registration of unidentified dead body
3	24	Police report
4	16	Inquest panchanama
5	25	Seizure panchanama
6	18	Spot panchanama
7	27	Provisional cause of death certificate
8	28	Postmortem examination report
9	20	Accused memorandum statement

As to points No. 1 to 3 : -

11. In so far as allegations of murder are concerned, the burden on the prosecution was first to prove death of the deceased Shailesh was homicidal or not.

12. In so far as this question is concerned, facts of the case shows that, on 29/01/2020, deceased Shailesh was found lying by the side of a road near Jamadar colony (Vasti). That time, he was not identified by anybody. PW-1 brought him to the hospital, where doctor stated that, he is dead. Thereafter, upon examination PW-1 found that, there was injury on the head of the deceased Shailesh which was caused by a knife. Also, he had injuries on armpit and neck. He accordingly prepared inquest panchanama which is below Exh. 16. This inquest panchanama is admitted by the defence and therefore, presence of injuries on the person of the deceased Shailesh is not disputed.

13. Then, the prosecution examined PW-5, who was serving as an Assistant Professor in M.V.G.M. College, Solapur at the relevant time. He conducted postmortem examination of the dead body of the deceased Shailesh and upon examination, he found presence of following injuries on the person of body of the deceased Shailesh.

1. Pressure abrasion in the form of colored ligature mark present on the Neck region. Length of ligature mark is 40 cm, completely encircling neck, horizontally and below at the level of Thyroidcartilage.

It is running obliquely upward, backward towards back of the neck. Upper margin of ligature mark is 5 cm from right mastoid process and 6 cm from left mastoid process.

Distance from chin is 6 cm and that from supra sternal notch is 5 cm. Maximum breadth of ligature mark is seen 2 cm below occiput, over the midline posteriorly. Neck circumference is 40cm

On dissection of neck, underlying subcutaneous tissue shows hemorrhages at places. Haematoma is present on superior and strap muscles of neck in and around ligature mark and in supra and infra hyoid muscles infiltration of blood is present in and around the areas of Thyroid, Cricoid, laryngeal cartilages underlying the Ligature mark.

Inward Compression Fracture of hyoid bone with fracture of part of body of Hyoid on Left Side with Infiltration of blood present.

2. Linear Incised wound of size 4 cm in Length, Muscle deep is present on Left parietal Region of Head red in color.
3. Multiple Atypical Finger nail abrasions ranging in length 0.2 cm x 0.4 cm to 05 cm x 1.7cm are present below ligature mark, Red in color.
4. Multiple contusions of size 2 cm x 3 cm to 4cm x 5 cm are present on Left and lateral side of chest , reddish in color.
5. Multiple abrasions (5 to 7 in no.) of size varying from 2 cm x 4 cm to 5 cm x 6 cm, red in color are present on lateral aspect of right side of back in the Lumbar region.
6. Abrasion of size 1cm x 0.5 cm is present on left side of back , laterally in the lower lumbar Region red in color.
7. Abrasion of size 7 cm x 5 cm is present on Posterior aspect of Left side of Leg, Red in color.

8. Lacerated wound of size 4 cm x 3 cm red in color, muscle deep , Mud stained is present on Anterior aspect of Great Toe of Left Foot.

14. Upon internal examination also, he found presence of hematoma under lacerated wound on left parietal region. The skull was intact. Meninges of the brain were found to be congested. Both lungs were also congested and on the basis of external and internal examination of dead body, he opined that, cause of death of the deceased was strangulation which was unnatural and in his further opinion, said opinion was on the basis of finding of ligature mark on the neck of the deceased which was horizontal and was completely encircling the neck and said ligature was below thyroid cartilage. Apart from that, inward compression fracture of thyroid bone was present, which is a typical characteristics of strangulation and instant death was possible due to strangulation and the injuries sustained by the deceased. He also opined that, time since death of the deceased may have been within 24 hours from the time of commencement of the postmortem examination. The postmortem examination report is below Exh. 28.

15. The defence did not examine this witness and as such, his testimony went unchallenged and conclusively establish that, deceased Shailesh died due to strangulation and injuries inflicted on him and thus, it was an homicidal death.

16. Now, the most important question remains to be answered is, whether accused No. 1 to 4 committed murder of the deceased.

17. At the outset, it is pertinent to note that, there is no eye witness in the case and case is squarely based on circumstantial evidence. To establish the guilt of the accused on the basis of circumstantial evidence, the prosecution was under obligation to prove each and every circumstance beyond reasonable doubt and all the circumstances when considered together must be of such a nature that, they conclusively point to the guilt of the accused only and shall not be compatible with his innocence.

18. In the case in hand, prime witnesses of the prosecution are PW-1 who was serving as a Police Sub Inspector in Police Station Valsang. On 29/01/2020, information was received that, one unknown person is lying by the side of the road, therefore, he visited there, brought said person to the Civil Hospital, where, he was declared dead. The postmortem examination was conducted on the dead body of the deceased Shailesh, wherein, it was opined that, his death was homicidal and somebody has committed his murder.

19. The dead body of the deceased was identified by accused No.1, who is father of deceased Shailesh. Thereafter, statement of accused No.1 and his family members got recorded. Thus, till that stage, only it was certain that, death of the deceased was homicidal and some unknown persons have committed his murder, therefore, PW-1 lodged an FIR with police Station Valsang against an unknown person, in view of which present crime came to be registered.

20. During the investigation, PW-6, the investigating officer arrested accused persons and PW-6 informed PW-1 that, accused persons

have admitted the guilt and directed him to record memorandum statement of the accused persons. Accordingly, PW-1 recorded memorandum statement of accused No.2 who stated that, he is ready to show the place where he has kept the knife and rope concealed. Thereafter, this accused No.2 is claimed to have brought them to place near BSNL Tower situated by the side of Akkalkot road. He gave recovery of one knife and a rope. There were stains of blood on the knife. Thereafter, one motorcycle was seized from the accused persons.

21. This important circumstance was not proved by the prosecution for the reason that, the place from where recovery was alleged to have been given by accused No.2 was the shrub in open place situated near BSNL Tower by the side of Akkalkot road. Further more, though memorandum statement of accused No.2 was recorded and same is below Exh. 20. The important portion of statement is found to be self incriminating and therefore, is not admissible in the evidence and what remains to be admissible is statement that, he burnt the mobile by throwing it in to the country oven. Thus, it can not be said that, it was the discovery given by accused No. 2.

22. As per version of PW-6, the investigating officer, during investigation it was revealed to him that, deceased was having several bad vices and he used to harass his father. Being fed up with the same, accused No.1 got his son killed by giving contract to other accused persons, however, not a single witness is there to depose that, deceased Shailesh had bad vices and he was harassing accused No.1, due to which, accused No.1 was fed up and therefore, he got his son killed by giving contract other accused persons.

23. PW-3 is brother of the deceased Shailesh and son of accused No.1. He clearly deposed that, while alive behavior of deceased Shailesh was good and as per information received by him, said Shailesh has met with an accident, due to which, he has died. He denied all the suggestions that, during his life time, Shailesh used to harass his father and him and therefore, being fed up with the behavior of deceased Shailesh, accused No.1 got him killed.

24. Thus, not a single circumstance is there which is proved beyond reasonable doubt by the prosecution. Also, there is no eye witness to the case. In absence of any eye witness or the circumstanace duly proved beyond reasonable doubt pointing to the guilt of the accused persons, it can not be said that, the prosecution has discharged the burden beyond reasonable doubt.

25. Also, there is nothing on record even to remotely suggest that, all accused persons has destroyed the evidence to screen themselves from the legal punishment nor there is any evidence to show that, all accused persons hatched a criminal conspiracy to commit murder of the deceased Shailesh, therefore, points No.1 to 3 are answered in the negative.

As to point No. 4 :-

26. Since, prosecution has failed to discharge the burden beyond reasonable doubt, no offence as alleged stood proved against any of the accused or all of them and therefore, they are entitled to be acquitted. Hence, following order is passed.

ORDER

- 1 Accused No.1 to 4 are acquitted of the offences punishable under Section 302, 201, 120B read section 34 of the Indian Penal Code vide Section 235(1) of the Criminal Procedure Code.
- 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 The muddemal articles, viz.,
 - i) the clothes of the informant and accused persons, stones, cotton rope and knife being useless and worthless, be destroyed after expiry of appeal period, if any.
 - ii) one Bajaj Pulsar motorcycle registration No. MH-45/L-2463 and Bajaj Apache motorcycle bearing registration No. MH-13/BB-3177 be handed over to its registered owner and if already returned, be retained with him, after the expiry of appeal period or subject to finality of appeal, if any.
 - iii) one Iball company mobile and one Nokia company mobile be returned to its owner and if already returned, be retained with him, after the expiry of appeal period or subject to finality of appeal, if any.

Date : 21/08/2026

(Manoj S. Sharma)
Sessions Judge, Solapur

CERTIFICATE

I affirm that, the contents of this PDF file order 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

Order signed by the
Presiding Officer on : 21/08/2026

Order uploaded on : 25/08/2026

