

MHSO050018492025



Received on : 24.12.2025
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Decided on : 11.05.2026
Duration : 0Y, 04M, 18D

Sessions Case No.150/2025

Exh.33

Form No.XXXII

Part 'A'

(Title Page of Judgment)

(Para 44(i) of Chapter VI of Criminal Manual)

	<p style="text-align: center;">IN THE COURT OF ADDITIONAL SESSIONS JUDGE, AT PANDHARPUR, DISTRICT - SOLAPUR</p> <p style="text-align: center;">Present : Smt. T. G. Mitkari Additional Sessions Judge (Sessions Case No.150/2025) Date of the Judgment – 11.05.2026</p> <p style="text-align: center;">(FIR No.610/2025 punishable under Sec.109 of Bhartiya Nyaya Sanghita registered with Police Station City, Pandharpur</p>
COMPLAINANT	: The State of Maharashtra Through police station officer City Police Station
REPRESENTED BY	: Shri. F. M. Shaikh Learned Public Prosecutor for the State
ACCUSED	: Narayan Pandurang Suryawanshi
REPRESENTED BY	: Adv.Dharurkar

Part 'B'

(Para 44(ii) of C of the Scheduled Castes & Scheduled Tribes
(Prevention of Atrocities) Act, Chapter VI of Criminal Manual)

Date of Offence	24.09.2025
Date of FIR	25.09.2025
Date of Charge-sheet	09.12.2025
Date of Framing of Charge	31.01.2026

Date of commencement of evidence	29.04.2026
Date on which judgment is reserved	11.05.2026
Date of the Judgment	11.05.2026
Date of the Sentencing Order, if any	--

Accused Details

Ran k of the Acc used	Name of the accused	Date of Arrest	Date of Release on Bail	Offence s charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
1	Narayan Pandurang Suryawanshi, Age – 40 years, Occ. Business, Gopalpur, Pandharur	25.09.2025	UTP	Sec.109 of Bhartiya Nyaya Sanhita	Acquitted	--	--

Part 'C'

(Para 44 (iii) of Chapter VI of Criminal Manual)

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution :

RAN K	NAME	EXH.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
1	Anita Dnyaneshwar Suryawanshi	8	Informant
2	Dnyaneshwar Vasantryao Suryawanshi	9	Witness
3	Tukaram Govind Mane	10	Witness
4	Aniket Dnyaneshwar Ghodake	11	Witness

B. Defence Witnesses, if any :

RANK	NAME	EXH.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW-1	Nil.	----	----

C. Court Witnesses, if any :

RANK	NAME	EXH.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW-1	Nil.	---	---

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

Sr. No.	Exhibit Number	Description
1	--	--

B. Documents admitted under section 294 of the Code of Criminal Procedure, 1973 :-

Sr. No.	Exhibit Number Admitted by Defence	Description
1	25	Report of Hospital--
2	27	Crime Details Form
3	12	Forensic Laboratory report
4	28	Seizure panchanama
5	13 and 29	Panchanama
6	14 & 15	Medicolegal wound certificate
7	16 & 20, 25	Medico legal Certificate of Lifeline

		Hospital
8	21 & 22, 24	Hematology
9	23	Medical report
10	31 & 32	Discharge summary

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	--	--

D. Material Objects :

Sr. No.	Material Object No.	Description
1	Portion Mark A, B, C and D	Statement of Dnyaneshwar Suryawanshi
2	Portion Mark A	Witness Tukaram Mane and Aniket Ghodake

JUDGMENT

(Delivered on 11.05.2026)

The informant Anita Suryawanshi residing with her joint family. Their family business is of Kumkum shop situated at Mahadwar Pandharpur. The facts of prosecution case are that brother in law of informant namely Pandurang Suryawanshi died prior to five years. Wife of deceased Pandurang namely Rumini, and their sons Pankar, Prashant are residing in joint family with informant. Prashant married with Vidya despite it, he is having illicit relation with one Reshma. Therefore the family was always insisting Prashant not to be in contact with Reshma.

2 Incident narrated in the report lodged by the informant is of

23.09.2025 when her nephew Prasant at about 11.30 p.m. at night hours came in her shop, that time her husband Dnyaneshwar persuade Prashant to lead his life with morality, and to leave apart his illicit relation otherwise they would not allow Prashant to reside in the home.

3 On 24.09.2025 at about 10.00 p.m. she along with son Prem were on second floor of shop. Her husband was slept in shop. At about 11.30 she heard noise of her husband and came down and saw that nephew Prashant attacked on throat of her husband with knife caused bleeding injury, informant tried to save her husband from the attack of knife but accused Prashant also caused injury to her on her left throat with knife. The hue and cry on the spot had caused nearby people to gather on the spot who had extended helping hand and had shifted the injured to the hospital. During the treatment statement of informant was recorded on 25.09.2025 in presence of medical officer which has been treated as complaint to the police giving rise to registration of cognizable offence punishable under Sec.109 of BNS and the crime No.610/2025 came to be registered with City police station, Pandharpur.

4 On registration of crime, investigation was conducted. Spot panchanama was collected. Medical samples collected during treatment was forwarded to the forensic lab. Accused was arrested weapon of crime was seized on his personal search at the time of his arrest. The clothes of accused stained with blood on his person at the time of incident occurred was seized at his instance. Police recorded statement of witnesses collected medical certificates of the injured.

5 On completion of investigation, police filed charge-sheet

before Sessions Court. My learned predecessor framed charge against accused vide Exh.2 to which accused pleaded guilty and claimed to be tried. Defence of accused is of total denial.

6 Prosecution recorded evidence of four witnesses but none of the witnesses have supported the allegations against accused as per the charge framed. During trial accused has not disputed the genuineness of medical certificate and other documents collected during investigation of the crime.

7 Incriminating evidence against accused was not adduced therefore today before passing judgment this Court has passed specific order below Exh.1 of dispensing with recording of statement of the accused under Sec.313 of Cr.P.C.

8 Heard arguments of learned APP and learned advocate for the accused. The allegations, investigation conducted of the crime registered, evidence adduced, genuineness of the documentary evidence admitted, gave rise to following points for my consideration followed the reasons and findings thereon.

Sr. No.	POINTS	FINDINGS
1	What offence, if any, proved against accused ?	In the negative
2	What order ?	As per final order

REASONS

As to point No.1 and 2 :

9 These points interconnected taken together for discussion.

10 The story of prosecution reveals that there were allegations of committing deadly attack with knife at the instance of accused upon

his uncle and aunt on the count that he was restricted by the family members from keeping relations with his paramount.

11 The incident occurred was witnesses by informant who deposed before the Court below Exh.8 PW1 Anita had supported the case of prosecution of deadly assault on her husband on the night of 24.09.2025 at about 11.30 p.m. when her husband was sleeping in their shop. The informant further narrated on oath that she heard screaming of her husband. She rushed to the ground floor and saw that her husband was assaulted on neck and he had sustained injuries.

12 The material aspect of evidence of informant of PW1 is not supporting the prosecution as the star eye witness of the incident in categorical terms deposed that she tried to rescue her husband but the person who assaulted her husband had ran away from the spot and she do not know who was that person. It is specific evidence of informant PW1 that while running that fellow had also caused injury on her neck with sharp weapon and then the assailant flee away from the spot.

13 Thus the material witness of the incident who was injured while rescuing the injured husband upon whom deadly assault of knife was committed. The informant at the time of recording her statement on 25.09.2025 in presence of medical officers of lifeline super specialty hospital, Pandharpur has specifically mentioned the name of assailant to the present accused Narayan Pandurang Suryawansih her nephew family member but the informant has not uttered a single incriminating word against Narayan.

14 In further evidence of witness informant Anita, she disputed the alleged illicit relationship of accused Narayan with one lady though

he is marriage and the further understanding given by her husband to Narayan.

15 The motive of crime at the instance of accused as alleged in the first information report thus, has been discarded by the informant herself though her husband has faced deadly attack which might have caused his death or death of informant herself.

16 The cross-examination conducted of the informant but nothing could be extracted to bring incriminating evidence against accused in support of charge-sheet.

17 Learned advocate for the accused had declined to conduct cross-examination of PW1 informant.

18 Prosecution relied on evidence of PW2 Dnyaneshwar Vasantao Suryawanshi is injured himself though admitted the occurrence of incident dated 24.09.2025 assault with knife upon him and sustaining injury on his neck and throat however, he denied about his knowledge of accused having extra marital affair with lady even though he was married. This witness also not supported the prosecution on the point of illicit relation of accused Narayan and understanding given by the injured to the accused. Moreover, it is not supported by the injured that he had warned accused Narayan not to enter in the house if he continued to be in company of said lady and keep ignoring his married wife.

19 The injured PW2 Dnyaneshwar on the same line i.e. his wife informant PW1 has disputed the identity of accused Narayan as an

assailant of this crime responsible for causing injury to him and his wife with deadly weapon of knife sustained to them on their vital body part neck and throat which was ordinary course of life was sufficient to cause their death.

20 Prosecution witness No.3 Tukaram Govind Mane in his evidence deposed that he had received phone call from Prem son of injured Dnyaneshwar on 24.09.2025 and thereafter he went on the spot but except this, this witness has not supported the case of prosecution as per story of prosecution as this witness PW3 has seen the accused when he was about to flee from the spot and at that time he was on the spot by surrounding people had caught hold the accused namely Prashant @ Prasad @ Narayan. The accused in present case were referred witnesses with these different names but it is not dispute that at instance of accused that he is known by all these names.

21 This witness PW3 also disputed the presence of police on the spot, call of ambulance and injured shifted to the hospital.

22 Aniket Dnyaneshwar Ghodake whose shop is situated in front of shop of injured of this crime has adduced evidence as PW4. Evident of this witness is supported to the prosecution on the point of occurrence of incident on 24.09.2025 of assault of knife on injured and informant. But this witness also had not supported on the point of identity of accused Narayan as an assailant of the crime responsible of causing injury to informant and her husband.

23 Prosecution witness No.1 to 4 are material witnesses of crime deposed on record to the extent of occurrence of incident, injuries

sustained, but disputed the identity of the accused. Moreover, name of the assailant is not mentioned by either of the prosecution witness. The suggestions on behalf of state that witnesses are not deposing against accused Narayan and had not affirm his identity that he was responsible for assault committed with weapon knife and causing deadly injury to the informant and her husband, on this point suggestions of learned APP to the informant and injured that accused Narayan being family member out of natural love and affection, they exonerated accused from the liability of attempt to commit murder. The admissions of prosecution witnesses to the suggestions of learned APP in their cross-examination are sufficient enough to suggest on record that accused being family member even though he had committed a crime of attempt to murder but family members injured and eye witnesses has not deposed about his identity.

24 This fact of absence of evidence on record to prove the identity of accused Narayan as an assailant in the crime will not support the prosecution to prove the charge framed, even if, the documentary evidence on record i.e. FIR lodged, crime detail form, Exh.27 conducted on spot, seizure of weapon effected at the time of arrest of accused at Exh.28. The blood stained clothes of the injured and informant seized vide panchanama Exh.29 and 13 are the documents effected during investigation of the crime. The genuineness of these documents is not disputed by the accused as these documents are admitted and thereafter marked with exhibit numbers will not suffice the purpose of proof of serious crime against the accused punishable under Sec.109 of BNS.

25 The medical evidence on record in the form of exhibits admitted to the accused are Exh.12 to 16 and at Exh.20 to 25 and also at Exh.27 to 29 and discharge summary are at Exh.31 and 32, these are the medical documents filed on record in reference to the injury sustained and treatment provided to the injured and informant. Exh.14 and 15 medicolegal wound certificate issued by Yashodhara Super specialty, Solapur reveals that Anita informant had sustained neck injury. It was bleeding wound over right side of neck behind mandible. The nature of injury mentioned in Exh.16 is of grievous nature with sharp metal object.

26 The medicolegal certificate issued by lifeline super specialty hospital, reveals that the grievous injury was sustained to Dnyaneshwar and he was shifted to higher center. Yashodhara super Specialty Hospital Pvt. Ltd. at Solapur where Dnyaneshwar was treated had issued certificate of final diagnosis pertaining injury to neck and upper limb. The operative notes therein reveals that wound exploration over neck upper limb and posterior neck was treated. These medical documents on record are in support with the alleged incident of assault with sharp weapon i.e. knife on the injured Dnyaneshwar and his wife Anita.

27 The proof of injury and of the incident occurred is not sufficient to fasten criminal liability upon accused and to make him liable to suffer the imprisonment prescribed under Sec.109 of BNS unless the identity of the accused as to his involvement in the crime is not proved beyond all reasonable doubt. Mere the documentary proof on record that accused was arrested immediately after the incident reported and police reached on the spot. Moreover from his custody the weapon

of crime was seized and his clothes were blood stain, simmered with blood was referred to forensic lab of which reports are not produced on record by the police machinery. To convict the accused for his guilt of commission of attempt to murder needs proof of facts, specifically proof of involvement of the accused in the crime being assailant who had inflicted the injuries proved on record on the person of injured and informant with the reliable and trustworthy and oral evidence of injured and eye witnesses. Unfortunately, though the incident is proved to have been occurred there was deadly assault on husband and wife but they themselves have chosen not to disclose the name of assailant might be with intention to screen the offender from the punishment which might be imposed as accused is their family member.

28 Whatever be the reason available with the witnesses who had taken every care not to disclose the name of accused, results into non proof of guilt of accused on record beyond reasonable doubt as to his involvement in the crime. In its legal consequences the facts and circumstances proved on record with oral and documentary evidence, is that proof of charge framed against accused for commission of offence under Sec.109 of BNS is not proved beyond all reasonable doubt. It results that no offence is proved against the accused. Hence, I answered point No.1 in the negative and in answer to point No.2 I proceed to pass following order.

ORDER

- 1 The accused Narayan Pandurang Suryawanshi stands acquitted in Crime No.610/2025 registered with Police Station City of the offence punishable under Section 109 of Bhartiya Nyaya Sanhita vide Section 235(1) of Code of Criminal Procedure.

- 2 The accused Narayan Pandurang Suryawanshi shall execute the bail bond of Rs.50,000/- (Rs. Fifty Thousand) and shall furnish surety of like amount to appear before the Appellate Court in compliance of Section 437(A) of Code of Criminal Procedure for six months.
- 3 Seized muddemal being worthless be destroyed after appeal period is over.
- 4 Inform to the Superintendent of Jail, Mangalwedha where the accused Narayan Pandurang Suryawanshi is under trial prisoner.

The judgment dictated and pronounced in open Court.

Date – 11.05.2026

(Smt. T. G. Mitkari)
Additional Sessions Judge, Pandharpur

CERTIFICATE

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

- a) Name of the Stenographer : S. A. B. Shaikh, Steno, Grade - I
- b) Court : Additional Sessions Judge, Pandharpur
- c) Date of Order : 21.04.2026
- d) Order signed by the Presiding Officer on : 21.04.2026
- e) Order uploaded on : 21.04.2026