

MHST010021582020 	Presented on : 03.11.2020 Registered on : 05.11.2020 Decided on : 17.06.2026 Duration : Y. Ms. Ds. 05 07 14
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SESSIONS CASE NO. 144/2020

EXH. 145

Part 'A'

	IN THE COURT OF SESSIONS JUDGE, SATARA AT : SATARA Present : Sardar Rajekhan Tamboli, Addl. Sessions Judge, Satara Details of FIR-Crime and Police Station (C.R.No. 268/2020, Satara Taluka Police Station, Dist. Satara).
COMPLAINANT	State of Maharashtra
REPRESENTED BY	Miss. G. M. Lakade A.P.P. for the State
ACCUSED	1) Rajesh Budhan Tudu, Age :-25 years; Occupation:- Mason work; R/o:- Khairaghat Purniddi, Post- Koiridih, Thana Sariya, District Giridih, State – Jharkhand, Presently residing at Govindnagar, Amarlaxmi Chowk, MIDC, Sambhajinagar, Satara. 2) Ganesh Sonaram Murmu, Age :- 30 years; Occupation:- Mason work; R/o:- Rajbitha, Post- Chalmo Baramsiya, Thana:-Dumari, District: Giridih, State :- Jharkhand, Pin No.825106, Presently residing at 361, New Kranti Bhosalevasti, Sambhajinagar, Satara,

	Taluka and District Satara.
REPRESENTED BY	Ld. Adv. Shri. N. J. Nikam for accused.

Part 'B'

Date of Offence	31.05.2020
Date of FIR	01.07.2020
Date of Charge-sheet	03.11.2020
Date of Framing of Charge	16.12.2020
Date of commencement of evidence	04.10.2021
Date on which judgment is reserved	17.06.2026
Date of the Judgment	17.06.2026
Date of the sentencing order, if any	--

Accused Details

Rank of the Accused	Name of 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 of Cr.PC.
1.	Rajesh Budhan Tudu	15/06/2020	Under Trial	Offences U/ss. 302 and 201 r/w 34 of I.P.C.	Convicted us. 302 r/w 34 & acquitted us. 201 r/w 34 of IPC	Rigorous life imprisonment and fine of Rs.5,000/- in default to suffer S.I. for six months.	06 years 02 days.
2.	Ganesh Sonaram Murmu	15/06/2020	Under Trial	As above	As above	As above	--

Part 'C'

LIST OF PROSECUTION / DEFENCE/ COURT WITNESSES

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE	Exh.
P.W.1	Tulshidas Ananda Chavan	Spot Panch Witness	23
P.W.2	Vishnu Bhiku Mahamulkar	Memorandum Panch Witness	31
P.W.3	Nandkumar Vishwas Chavan	Complainant/Informant	38
P.W.4	Dr. Rahul Khade	Medical Officer	51
P.W.5	Anandrao Eknath Pawar	Inquest Panch Witness	68
P.W.6	Mansur Madan Ansari	Witness	79
P.W.7	Kamruddin Gulam Ansari	Witness	81
P.W.8	Shailendra Nandkumar Kamble	Witness of last scene	90
P.W.9	Shubham Subhash Kadam	Witness	103
P.W.10	Santosh Tukaram Gadade	Muddemal Carrier	111
P.W.11	Amit Ganpati Patil	Investigating Officer	112
P.W.12	Mithun Mohan More	Witness (Police Head Constable)	116
P.W.12-A	Prakash Vyankatrao Mane	Police Constable (carrier)	121
P.W.13	Sajan Vithoba Hankare	Investigating Officer	124

B. Defence Witnesses, if any :

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

RANK	NAME	NATURE OF EVIDENCE
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LIST OF PROSECUTION / DEFENCE/ COURT Exh.

A. Prosecution :

Sr.No.	Exh.No.	Description
1	24	Spot Panchanama.
2	32	Memorandum panchanama
3	33	Spot panchanama.
4	39	Complaint
5	52	Postmortem Report
6	53	Death Certificate
7	69	Inquest Panchanama
8	P1/PW4 & P2/PW4	Opinion of Doctor Khade about stone
9	82	Seizure Panchanama of mobile
10	P-1/PW.07 & P-2/PW7	Videos

11	P3/PW7	Screen shot of accused
12	P4/PW7	Screen shot of accused No.02
13	P5/PW7 & P6/PW7	Screen shot of accused No.02
14	P7/PW7	Two videos recorded in mobile
15	P1/PW9	Mobile Panchanama
16	P2/PW9 & P3/PW9	Screen shot of accused No.1
17	P4/PW9, P5/PW9 & P6/PW9	Screen shot of accused No.02
18	P7/PW9	Mobile
19	P1/PW10	Letter
20	P1/PW10	Letter from Hankare to Forensic Laboratory, Pune.
21	P1/PW11	Station diary
22	P2/PW11	Police report to the Civil Surgeon about dead body for postmortem examination.
23	P3/PW11	Letter for DNA.
24	P4/PW11	Obtaining Advance certificate of postmortem
25	P5/PW11 & P6/PW11	Seized articles deposit receipts
26	P7/PW11	Remand report
27	P8/PW11	Certificate under section 65-B regarding the photos

28	P9/PW11	Letter to medical officer
29	P10/PW11 & P11/PW11	Order regarding investigation
30	P12/PW11	Letter dated 17/06/2020 for the accused blood.
31	P1/PW12	Receipt dated 05/06/2020
32	P2/PW12	Letter to Municipality from PI Hankare
33	P2/PW12-A	Letter to Forensic Chemical Laboratory
34	P-1/PW13	Letter to PI Hankare about registering crime
35	P2/PW13	Letter about search of relatives of deceased
36	P3/PW13 to P12/PW13	Order regarding search of deceased
37	P13/PW13 to P19/PW13	Letter to editor of various newspaper regarding search of deceased
38	P20/PW13	Letter about PM notes
39	P21/PW13 to P23/PW13	Three Letters to Forensic Laboratory, Pune for DNA profiling
40	P24/PW13	Letter to Forensic Laboratory, Pune about blood of deceased
41	P25/PW13	Station diary
42.	P26/PW13	Death certificate
43.	P27/PW13	Station Diary
44.	P28/PW13 to P36/PW13	Receipts of muddemal
45.	P37/PW13	Letter regarding adding section 201 of IPC

46.	P38/PW13	Order regarding search of relatives of deceased.
47.	P39/PW13 to P40/PW13	Letter regarding correction in name of deceased
48	35, 42, 43	Property Search and Seizure Form respectively
49.	44	Spot Panchanama
50.	45	Spot Panchanama
51.	46	Property Search and Seizure Form
52.	47	Property Search and Seizure Form
53.	55	Stone Panchanama
54.	84, 85	Arrest Panchanama
55.	86	Seizure Panchanama

B. Defence :

SR.NO.	Exh. NO.	DESCRIPTION
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C. Court Exhs. :

SR.NO.	Exh. NO.	DESCRIPTION
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D. Material Objects :

Sr.No.	Material Obj.No.	Description
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1.	Articles-A1 to A11	Photographs
2.	Article-B1	Stone
3.	Articles C	Envelope & label
4.	Articles D	Envelope & label
5.	Articles E & E-1	Envelope & label
6.	Articles F	Envelope of soil sample with Signature label
7.	Articles F-1	Envelope
8.	Articles G	Envelope with signature label
9.	Articles G-1	Soil Envelop
10.	Articles H, H1, I, I-1	Slipper Envelope & label
11.	Articles J & J-1	Jeans Pant Envelope
12.	Articles K & K-1	Envelope with soil sample
13.	Articles A-12 to A-15	Photographs
14.	Articles L & M	T-shirt and Underwear
15.	Article-L,M,N,O, & P	Photographs of dead body
16.	MO2 & MO3	Red and black coloured thread
17.	MO4	Yellowish bangles

JUDGMENT
(Delivered on 17th June, 2026)

1. In the instant case, accused Nos. 1 and 2 stand prosecuted for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

2. In brief, the prosecution case is that on 10/10/2020 at about 8:00 a.m., one Nandkumar Chavan, the informant, was proceeding towards his field situated in an area known as Shivaacha Odha Shivar at Degaon village. On the road leading from Degaon to Shivaacha Odha Shivar, there is the field of Kiran Rajendra Salunkhe. On the eastern side said field, in the stream (Odha), he noticed the dead body of an unknown male person aged approximately 25 years lying there. Upon going near and inspecting the same, he found a stone placed on the face of the deceased. The deceased was of dark complexion and was wearing a blue T-shirt and blue undergarment. Near his legs, a sticky blue-coloured jeans pant was lying, and near his head, one red-coloured slipper was found, while another red-coloured slipper was found at some distance. He formed an opinion that some unknown person might have murdered the deceased. He immediately contacted the village police patil, Manaji Shivarama Nikam, and called him to the spot. The said village police patil informed Satara Police Station about the incident over the phone. Accordingly, the police made an entry in the station diary and reached the spot. The Investigating Officer prepared the spot panchanama, seized the articles found at the scene of occurrence, conducted the inquest panchanama of the dead body, and sent the dead body for postmortem examination to the

Civil Hospital, Satara. On the basis of the complaint lodged by the informant, a crime bearing C.R. No. 268/2020 was registered against an unknown person for the offence punishable under Section 302 of the Indian Penal Code.

3. After registration of the offence, the Investigating Officer carried out the investigation, recorded statements of witnesses, including those witnesses to whom the accused had allegedly made an extra-judicial confession regarding the murder of the deceased, and also recorded the statement of the witness who had allegedly last seen the accused with the deceased. The postmortem report of the deceased was obtained, the seized articles were sent to the Forensic Science Laboratory, Pune, and after collecting sufficient evidence against the accused, a charge-sheet was submitted.

4. After the case was committed to this Court, the then learned predecessor framed a charge against the accused for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code. The particulars of the charge were explained to the accused in a language known to them. The accused denied the charge and claimed to be tried.

5. I heard the arguments advanced by learned Additional Public Prosecutor Ms. G. M. Lakde and Mr. N. J. Nikam, learned counsel for the accused. In view of the rival submissions, the following points arise for my determination. My findings thereon

and the reasons for the same are as follows:

Sr.No.	Points	Findings
1.	Whether the prosecution proves that accused Nos. 1 and 2 committed the murder of Raju Shikara Murmu and thereby committed an offence punishable under Section 302 read with Section 34 of the Indian Penal Code?	... Proved
2.	Whether the prosecution proves that accused Nos. 1 and 2, knowing that an offence, i.e., murder punishable with death or imprisonment for life, had been committed, caused disappearance of evidence connected with the said offence and thereby committed an offence punishable under Section 201 read with Section 34 of the Indian Penal Code?	... Not Proved
3.	What order ?	... As per final order.

REASONS

Point Nos.1 and 2 :-

6. The present case is based on circumstantial evidence. Nandkumar (PW-3), who is the informant in this case, stated in his deposition that on 01/06/2020 at about 8:00 a.m., he had gone to his field for irrigating the crops. His land is situated in the Shivecha Odha Shivar area. At that place, towards the eastern side of the field of Kiran Salunkhe, he found a dead body lying in the stream. A large stone was placed on the face of the dead body. The dead body

was lying on its right side. The deceased was wearing a blue-coloured T-shirt and blue undergarment. A bluish-coloured jeans pant was found at a short distance near the lower side of the legs. One red-coloured slipper was found near the head, and another red-coloured slipper was found at some distance. The dead body was not identifiable to him; therefore, he called the village police patil, Manaji Shivarama Nikam.

7. In his cross-examination, it has come on record that after he made the phone call, the police patil immediately reached the spot. Thereafter, the police also arrived at the place of occurrence. He went to the police station in the police vehicle and thereafter lodged a complaint marked as Exhibit 39. It is also mentioned in the said complaint that after reaching the spot, the police patil, Manaji Nikam, immediately informed Satara Taluka Police Station about the incident through a phone call.

8. P.S.I. Amit Patil (PW-11), the Investigating Officer, stated in his evidence that on 01/06/2020, he was working as Police Sub-Inspector at Satara Police Station. On that day, at about 9:30 a.m., Police Inspector Hankare received information that a male dead body had been found within the limits of Degaon village. Therefore, an entry No.011 was taken in the station diary, marked as Exhibit P-1/PW-11. It shows that information was received regarding the finding of a male dead body within the limits of Degaon village under the jurisdiction of Satara Police Station.

9. Tulsidas (PW-1) is the panch witness. In his presence, the spot panchanama was prepared. He stated in his evidence that on 01/06/2020, he was called by the police near Shivecha Odha. He reached there at about 12:00 noon. Vikas Pawar and Nandkumar (PW-3) were present there. A male dead body was lying in the stream. A rough stone was placed on the head of the dead body. The police removed the stone and seized it. A cloth piece containing bloodstains found on the stone was collected and seized. A sample of hair found on the stone was also collected. Blood-mixed soil from the spot was collected and seized.

10. PW-1 further stated that there were tyre marks of a two-wheeler, and red-coloured slippers of Paragon company were lying there. Accordingly, the police prepared the spot panchanama (Exh. 24). It has been brought on record during cross-examination that his land is adjacent to the place of occurrence. PSI Patil (PW-11) called him when he was working in his field. The evidence of this witness is corroborated by the evidence of PSI Patil (PW-11) and PI Hankare (PW-13).

11. Anandrao (PW-5) is a panch witness to the inquest panchanama (Exh. 69). He stated that on 01/06/2020, the police called him to 'Shivecha Odha'. A dead body of a male person was lying there. There were injuries on the backside of the ear and on the eyes. The word "Raju" was carved on the hand of the deceased. Accordingly, the police prepared the inquest panchanama (Exh. 69).

The evidence of this witness has not been challenged by the accused. Further, the evidence of this witness is corroborated by the evidence of PSI Patil (PW-11), PI Hankare (PW-13), and Head Constable More (PW-12).

12. The PW.05 also stated that on 01/06/2020, they went to 'Shivecha Odha' at Degaon. The dead body of an unknown male person was lying there. PSI Patil prepared the inquest panchanama, and thereafter, the dead body was sent to the Civil Hospital, Satara, for postmortem examination and collection of DNA samples along with letters (Exh.P-2/PW-11 to Exh. P-4/PW-11). The seizure of the stone, slippers, clothes of the deceased, and samples collected from the place of occurrence are duly proved by the prosecution.

13. Dr. Khade (PW-4) conducted the postmortem examination of the dead body. He was serving as a Medical Officer at Civil Hospital, Satara. He stated that the police had sent the dead body of an unknown male person along with the inquest panchanama for postmortem examination. He examined the dead body and conducted the postmortem examination. On external examination of the dead body, he found the following injuries on the person of the deceased:

(i) Contused lacerated wound present over the left side of the forehead, extending from a point situated just below the scalp hairline anteriorly in the midline to a point situated over the outer end of the upper eyelid on the left side, exposing the underlying

frontal bone, measuring 8 cm × 6 cm × frontal bone deep, irregular, red.

(ii) Contused lacerated wound present over the forehead, situated 3 cm left lateral to injury No. 1, measuring 3 cm × 1 cm × subcutaneous tissue deep, irregular, red.

(iii) Contused lacerated wound present over the left pinna and pre-auricular area, measuring 4 cm × 0.2 cm × cartilage deep; the lower one-third of the pinna was absent, irregular, red.

(iv) Contused abrasion present over the left cheek, measuring 10 cm × 6 cm, irregular, red.

(v) Contused lacerated wound present over the outer aspect of the upper lip on the left side, measuring 3 cm × 1 cm × muscle deep, irregular, red.

(vi) Contused lacerated wound present over the outer end of the lower lip on the left side, measuring 1 cm × 1 cm × muscle deep, irregular, red.

(vii) Contused lacerated wound present over the philtrum, extending in the midline and tearing the columella, measuring 1 cm × 1 cm × muscle deep, irregular, red.

(viii) Contused lacerated wound present over the tragus of the right ear, measuring 2.5 cm × 1.5 cm × muscle deep, irregular, red.

(ix) Contused lacerated wound present over the right occipital area, 3 cm posterior to the right pinna and 8 cm right lateral to the midline, measuring 3 cm × 1 cm × skull bone deep, irregular, red.

(x) Contused lacerated wound present over the right occipital area, situated 4 cm medial to injury No. 9, measuring 9 cm × 1 cm ×

scalp deep, irregular, red.

(xi) Contused abrasion present over the right and left scapular areas, each measuring 2 cm × 2 cm, irregular, red.

(xii) Contused lacerated wound present over the left eyeball, measuring 3.5 cm × 2.5 cm × eyeball cavity deep, irregular, red.

Fracture was present over the body of the right mandible. On palpation and cut section, the fracture line showed blood infiltration, irregular, red.

14. He further testified that, on internal examination of the dead body, he found the following injuries:

(i) Under scalp:

1. Hematoma present over the right fronto-parieto-temporo-occipital area, measuring 18 cm × 10 cm, irregular, red.
2. Sub-scalp hematoma present over the left fronto-parieto-temporal area, measuring 14 cm × 8 cm, irregular, red.

(ii) Skull:

1. Fracture present over the walls of the right orbital socket, irregular, red.
2. Depressed fracture present over the right occipital area of the skull bone, measuring 4 cm × 4 cm × cavity deep, irregular, red.
3. Depressed fracture present over the left frontal bone, measuring 3 cm × 3 cm, irregular, with the fracture line extending for about 5 cm over the left parietal bone, red.

(iii) Brain:

Brain intact and congested.

Dura:

1. Subdural haemorrhage of about 80 grams each, present over both lobes, irregular, red.
2. A thin layer of diffuse subarachnoid haemorrhage present over the entire surface of both lobes of the brain.

15. His evidence further shows that he prepared the postmortem report (Exh. 52). He opined that the death was due to head injury. Accordingly, he issued the postmortem report (Exh. 52) and the advance death certificate (Exh. 53). It has been brought on record during cross-examination that on 01/06/2020 at about 3:00 p.m., PSI Patil and Police Head Constable More had brought the dead body of an unknown male person to the hospital. The police provided him with the inquest panchanama, request letter, and dead body form. He handed over the postmortem notes to the police on 01/08/2020. In the postmortem notes, it was initially mentioned that the body was of an unknown male person, and subsequently, the name of Raju Baida Murmu was mentioned.

16. Re-examination of this witness was conducted. At that time, he testified that on 01/08/2020, the police had brought the muddemal stone to him in a sealed condition. He opened the seal of the stone and gave his opinion (Exh. P-1/PW-4). He opined that the death of the deceased was possible by the said stone and that the deceased had died approximately 12 hours prior to the postmortem

examination. Therefore, the stone was seized as per the seizure panchanama (Exh. 55).

17. PSI Hankare (PW-13) stated that he sent the blood samples of the deceased received from the Medical Officer. He also sent the viscera and blood samples of the deceased to the Chemical Analysis Laboratory, Pune, as per the letters at Exh. P-21/PW-13 to Exh. P-23/PW-13. The said correspondence was made between 12/06/2020 and 15/06/2020. The C.A. certificates are at Exh. 131 to Exh. 141. The report at Exh. 136 shows that the blood of the deceased contained Ethyl Alcohol. It ruled out the possibility of administration of poison.

18. The evidence of the aforesaid witnesses, coupled with the postmortem report, death certificate, and the opinion of the doctor, shows that the unknown person died due to head injury. It was not a natural death. It was also not a case of suicide or accidental death. Hence, the deceased was murdered. Therefore, the prosecution has proved that the deceased was murdered.

19. The evidence of PI Hankare (PW-13) shows that, as the identity of the deceased was not known, he issued notices and letters to various police stations by affixing the photograph of the deceased and mentioning his description, including the clothes worn by him and the word "Raju" carved on his hand. As per the letters at Exh. P-2/PW-13 and the correspondence at Exh. P-3/PW-

13 to Exh. P-12/PW-13, he also issued letters to newspapers as per the letters at Exh. P-13/PW-13 to Exh. P-19/PW-13. All these correspondences were made on 01/06/2020 and 02/06/2020.

20. Mansur (PW-06), Kamruddin (PW-07), and Shailendra (PW-08) are witnesses related to the accused, and their evidence connects the accused with the commission of the murder of the deceased.

21. Kamruddin (PW-07) testified that he is a resident of Jharkhand. He is acquainted with the Marathi language. He identified accused Rajesh and Ganesh. They were working with Mansur (PW-06). The deceased, Raju, used to work with him. He was working along with Umesh Murmu. On 31/06/2020, Raju and Umesh worked with him for half a day, and thereafter, they took leave. The deceased Raju was residing at Sangamnagar. On the next day, Umesh informed him that Raju had been missing since the previous night. He searched for Raju; however, he could not trace him. He informed the wife of Raju, who was residing in Jharkhand. After two days, he went to the Sangamnagar outpost and informed the police that Raju was missing.

22. In cross-examination, it was brought on record that he did not lodge any complaint. The police informed him that, due to the COVID-19 lockdown, Raju might have gone to his village. He made inquiries with the wife of Raju.

23. PW-07 further testified that after 12 days, both the accused informed Umesh that they had committed the murder of deceased Raju, and Umesh narrated this fact to him. Therefore, he called accused No. 1 Rajesh to Shivraj Petrol Pump, Satara, and made inquiries with him. At that time, accused No. 1 Rajesh told him that deceased Raju had come to his house, had a meal with him, and thereafter he left. Subsequently, PW-07 took accused No. 1 to Powai Naka, Satara, and again made inquiries with him. At that time, he stated that after the meal, he asked accused No. 2 Ganesh to leave the deceased. Kamruddin (PW-07) recorded the statement made by accused No. 1 on his mobile phone.

24. Kamruddin (PW-07) further testified that he called Mansur (PW-06) and asked him to bring accused No. 2 Ganesh to Bombay Restaurant. Accordingly, PW-06 came there along with accused No. 2. He made inquiries with accused No. 2. At that time, accused No. 2 stated that the deceased had come to his house and that they had consumed liquor. Accused No.02 further stated that he informed accused No. 1 that the deceased had insulted him by making an allegation that he had stolen a bicycle. Therefore, they decided to murder him, and he was not reluctant to go with accused No. 1. However, accused No. 1 threatened to kill him. Due to this, he and accused No. 1 went to Degaon along with the deceased, and they killed him by giving a blow of a big stone on his head.

25. The evidence of PW-07 further shows that he recorded
(20/39)

the conversation of the accused on his mobile phone. The accused conversed with him in the Khurta language. He was acquainted with the said language. He communicated with the accused in the Khurta language and understood the said language.

26. The evidence of the PW.07 shows that on next day, he went to Satara City Police Station along with Umesh and told about the missing of the deceased. Police showed him the photographs of the dead body which was found at Degaon on which hand the word “Raju” was written. The PW.07 identified him. He showed to the police the conversation of the accused recorded in his mobile. Police seized said mobile and prepared panchanama. Said panchanama is duly proved in the evidence of panch witness Kadam (PW.09). His evidence shows that on 14/07/2020 PW.07 produced the mobile, the video, then said mobile were seized.

27. Shubham (PW-09) also stated that PW-07 produced the mobile phone before him. He watched the video recorded in the said mobile phone and seized the said mobile phone under the seizure panchanama at Exh. P-1/PW-09.

28. The videos recorded in the mobile phone of PW-07 were played before the Court. PW-07 stated that accused Nos. 1 and 2 had a conversation with him in the Khurta language. He identified the accused after watching the video. The screenshots of the video were taken, and they are marked at Exh. P-2/PW-09 to Exh. P-6/PW-

09. It was suggested by the learned defence counsel that, in the video, both the accused appeared to be under pressure. However, PW-07 denied the said suggestion. This suggestion itself shows that the accused did not dispute their identity in the video.

29. The evidence of PW-07 is corroborated by the evidence of Mansur (PW-06). He testified that since 2020, accused No. 2 Ganesh was working with him. He was acquainted with both the accused. He was a contractor, and his native place was Jharkhand. In June 2020, Kamruddin (PW-07) made inquiries with him about accused No. 2 Ganesh and asked him to bring Ganesh to Bombay Restaurant Chowk, Satara. He was acquainted with PW-07. Accordingly, he took accused No. 2 Ganesh to Bombay Restaurant Chowk, Satara. Kamruddin (PW-07) was present there. PW-07 made inquiries with accused No. 2 regarding the quarrel. At that time, initially Ganesh asked him to inquire with accused No. 1 Rajesh. As this witness did not disclose the entire incident, he was declared hostile.

30. The prosecution put leading questions to this witness. At that time, he admitted that he was having a motorcycle bearing registration No. MH-11-AV-0821 and that accused Ganesh used the said motorcycle. He further admitted that on 14/06/2020, at the instance of PW-07, he went to Bombay Restaurant along with Ganesh. Accused No. 2 Ganesh told PW-07 that on 31/05/2020, deceased Raju had come to his house for taking a meal and had

consumed liquor. Accused No. 1 gave more liquor to him. When they were under the influence of liquor, a quarrel took place between them. Accused No. 2 told accused No. 1 to murder the deceased. At about 10:00 p.m., they took the deceased by motorcycle to the field at Degaon. Accused No. 1 started beating the deceased. Accused No. 2 asked him not to beat him. Accused No. 2 told accused No. 1 that he was required to pay a fine in the case of theft of a bicycle on account of the deceased. Accused No. 2 Ganesh told accused No. 1 Rajesh to leave the deceased. Accused No. 1 told accused No. 2 that if he did not kill the deceased, he would assault him. Thereafter, both accused Nos. 1 and 2 gave blows with a big stone on the head of the deceased. It has been brought on record during the cross-examination of PW-06 that he was acquainted with both the accused and Kamruddin (PW-07).

31. The evidence of PW-06 and PW-07 is corroborated by the evidence of Shailendra (PW-08), who is the last seen witness. He testified that he was acquainted with accused Nos. 1 and 2. Accused No. 1 was residing along with his wife in front of his building. Accused No. 2 used to visit his house. On 31/05/2020, at about 9:00 to 9:15 p.m., he was walking in front of his house. At that time, he heard the sound of a quarrel from the house of accused No. 1 Rajesh. Apart from accused Nos. 1 and 2, there was one more person who was under the influence of liquor. He called them outside the house and asked them not to quarrel. He also informed this fact to the owner of the chawl. Thereafter, accused

Nos. 1 and 2 and the third person went away on a motorcycle. The third person was wearing a blue-coloured T-shirt and blue-coloured jeans pant. Subsequently, he came to know that the said third person had been murdered. The police made inquiries with him and showed him photographs of the accused and the deceased. He identified that those persons had gone away on the motorcycle.

32. The video recorded on the mobile phone of PW-07 was sent to the C.A. Office by PI Hankare (PW-13) through Constable Gadade (PW-10) who testified that on 18/08/2020, he carried the mobile phone to the C.A. Office along with the forwarding letter (Exh. P-1/PW-10). PI Hankare (PW-13) also stated the said fact. The C.A. Reports (Exh.137 and 138) do not show that the videos were tampered with. They also show that the videos matched with the photographs of accused Nos. 1 and 2. Therefore, the extra-judicial confessions made by the accused before PW-06 and PW-07 show that they committed the murder of the deceased. The same is corroborated by the video recordings as well as the evidence of Shailendra (PW-08). Hence, the prosecution has proved that accused Nos. 1 and 2, in furtherance of their common intention, committed the murder of the deceased. The prosecution has proved the guilt of the accused under Section 302 read with Section 34 of the IPC beyond reasonable doubt.

33. The prosecution has come with the case that the accused threw the mobile phone, wallet, and Aadhaar card of the

deceased into the river and thereby destroyed the evidence. However, none of the witnesses stated that the accused were in possession of those articles. Therefore, merely on the basis of the statement of the accused, it cannot be said that the accused destroyed the evidence.

34. No doubt, the prosecution has examined Vishnu (PW-02) in order to prove the memorandum panchanama and recovery panchanama (Exh.32 and 33). The said panchanamas have been admitted by the accused. The said panchanama shows that accused No. 1 stated that he had thrown the articles of the deceased into the river. However, no article was recovered from the said river. Hence, though the said panchanama is admitted by the accused, it is not helpful to prove the prosecution case.

35. The prosecution has also relied upon the panchanamas (Exh.44 and 45). They show that accused No. 1 threw the Aadhaar card and wallet into the drainage and showed the said place. However, nothing was recovered from the said place. Panchanama (Exh.45) shows that accused No. 2 stated and showed the place near his room where he had thrown mobile of the deceased. However, the mobile phone was not recovered.

36. Though the accused have admitted these panchanamas, in the absence of any recovery, the said panchanamas are not helpful to the prosecution case. The prosecution has failed to prove

that the accused concealed the articles of the deceased with an intention to destroy the evidence and to screen the offence of murder. As such, the prosecution has failed to prove the guilt of the accused under Section 201 read with Section 34 of the IPC beyond reasonable doubt.

37. Mr. N. J. Nikam, learned counsel for the accused, raised various contentions. Relying upon the said circumstances, he contends that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt. Hence, he prayed that the accused be acquitted by giving them the benefit of doubt. I shall deal with these contentions one by one.

Doubtful Panchanama :-

38. Mr. N. J. Nikam, learned counsel for the accused, invited my attention to the cross-examination of Tulsidas (PW-01). He admitted that there was heavy rain prior to and after the incident. Little water had accumulated in the Degaon river. Relying upon this admission, the learned counsel for the accused contended that it was not possible to collect blood samples of the deceased. Hence, the spot panchanama (Exh.24) does not inspire confidence and it might have been prepared at the police station.

39. However, on 01/06/2020, the accused were not in the picture. The spot panchanama was prepared on the basis of information received by the police regarding the dead body of an

unknown male person lying at the spot. Further, PW-01 has stated that there was no excessive rain. It is also brought on record during the cross-examination of PW-03 that the rain was not heavy. Therefore, it was quite probable that blood was oozing from the head injury of the deceased, and hence PSI Patil (PW-11) prepared the spot panchanama and seized the muddemal articles from the spot. As stated earlier, the inquest panchanama of the deceased is not disputed by the accused. Therefore, I find no substance in the contention raised by the learned counsel for the accused.

40. Mr. N. J. Nikam, learned counsel for the accused, submitted that there was heavy rain; however, PW-03 stated that he had gone to his field to provide water to the sugarcane crop. He further submitted that PW-03 admitted that the road was having traffic, yet no person had witnessed the dead body. He also contended that the complaint (Exh.39) lodged by this witness creates doubt about the prosecution case.

41. However, as stated earlier, there was no heavy rain. Therefore, there is no reason to doubt the presence of this witness in his field during the morning hours. He is a natural witness. The evidence of PW-03 is consistent and inspires confidence. Hence, I find no substance in the contention raised by the learned counsel for the accused.

Delay in Complaint :-

42. Mr. N. J. Nikam, learned counsel for the accused, submitted that as per the testimony of Nandkumar (PW-03), he had noticed the dead body at about 8:00 a.m. However, the complaint was lodged at about 3:56 p.m. This delay in lodging the complaint has not been explained.

43. However, PW-03 has testified that after noticing the dead body of an unknown person, he gave a phone call to the Police Patil. The Station Diary Entry No. P-1/PW-11 shows that at about 9:43 a.m., an entry was taken at Satara Taluka Police Station regarding the receipt of information about the dead body of an unknown person lying at Degaon.

44. As already discussed, the evidence of the witnesses shows that the police reached the spot, prepared the spot panchanama, collected the muddemal articles, and sent the dead body for postmortem. After completing all the necessary formalities, Nandkumar (PW-03) went to the police station and thereafter lodged the complaint.

45. It is needless to say that the incident occurred during the period of the COVID-19 pandemic. Therefore, it was necessary to take due care and caution. Hence, the delay in lodging the complaint has been properly explained. I find no substance in the contention raised by the learned counsel for the accused.

Identity of the deceased:-

46. Mr. N. J. Nikam, learned counsel for the accused, submitted that the deceased was not known to any witness and his identity has not been established. According to him, there is no link connecting the accused with the alleged offence.

47. However, as stated earlier, the word “Raju” was carved on the hand of the deceased. The deceased was working with PW-07. Since 31/05/2020, he had gone missing from the workplace of PW-07. The evidence of PW-07 shows that the police showed him the photographs of the deceased and the word “Raju” carved on the hand of the deceased. Therefore, the identity of the deceased has been established through the evidence of PW-07 as well as Shailendra (PW-08).

48. The photographs at Exh. P-2/PW-13 were shown to PW-08, and he identified the said photographs as those of the deceased. He stated that the deceased was the same person who had gone along with the accused on their motorcycle. Therefore, the identity of the deceased is duly established through the evidence of these witnesses. I find no substance in the contention raised by the learned counsel for the accused.

Doubtful PM. Report:-

49. Mr. N. J. Nikam, learned counsel for the accused, submitted that the postmortem report (Exh.52) shows that the body

of an unknown male person was brought for postmortem. However, subsequently, the name of Raju Shikara Murmu was written on it. Dr. Khade (PW-04) failed to give any explanation for making such correction in the P.M. report. Hence, according to him, the P.M. report is doubtful.

50. However, it is brought on record during the cross-examination of Dr. Khade (PW-04) that, as per the letter issued by the police, he made the correction by mentioning the name of Raju Baida Murmu. The P.M. report shows that the necessary endorsement has been made at the place of correction. Moreover, at the time of conducting the postmortem, the accused were not in the picture. Therefore, there is no reason to doubt the authenticity of the P.M. report. Hence, I find no substance in the contention raised by the learned counsel for the accused.

Weak Extra-Judicial Confession :-

51. Mr. N. J. Nikam, learned counsel for the accused, submitted that PW-07 was not concerned with the accused. The accused were not working with him, nor were they closely associated with him. Therefore, there was no reason for the accused to make any confession before him. He further submitted that an extra-judicial confession is a weak piece of evidence and cannot be made the sole basis for conviction.

52. However, the accused are residents of Jharkhand, and
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PW-06 and PW-07 are also residents of Jharkhand. Accused No.02 was working with PW-06. PW-06 was acquainted with both the accused. PW-07 was acquainted with PW-06 as well as both the accused. PW-07 was also conversant with the Khurta language. Therefore, it was quite probable and natural for the accused to make an extra-judicial confession before PW-07. It is not a law that a conviction cannot be based upon an extra-judicial confession, particularly when such confession inspires confidence and is found to be reliable. Hence, I find no substance in the contention raised by the learned counsel for the accused.

Extra Judicial Confession under compulsion :-

53. Mr. N. J. Nikam, learned counsel for the accused, invited my attention to the evidence of PW.07. He submitted that PW.07 had threatened accused No.02 to tell the truth. Therefore, the learned counsel for the accused contended that the statement made under compulsion cannot be treated as a confession.

54. However, it is important to note that merely asking the accused to tell the truth does not mean that they were compelled to admit their guilt. The accused made the said statements voluntarily. Hence, I find no substance in the contention raised by the learned counsel for the accused.

Script of Language :

55. In the case of **Kailas s/o Bajirao Pawar Vs. The State of**

Maharashtra, reported in 2025 ALL MR (Cri) 2121, the Hon'ble Bombay High Court observed that, if an audio recording is relied upon as evidence, the relevant portion of the audible conversation must be transcribed and placed on record under the signature of the Investigating Officer. In the said case, such procedure was not followed. On that and on other grounds, the Hon'ble Bombay High Court acquitted the accused.

56. Relying upon the aforesaid observation, Mr. N. J. Nikam, learned counsel for the accused, prayed that the accused be given the benefit of doubt for want of transcription of the video recording.

57. However, in the case of *Kailas* (supra), the Hon'ble Bombay High Court observed that, in the case of video recording or CCTV footage, it is necessary to play the recording before the Court and the witness has to describe the incident on oath before the Court. However, in the case of audio recording, the Hon'ble Bombay High Court observed that transcription of the audio recording is mandatory. In the present case, PW-07 has recorded a video and not merely an audio recording. Therefore, the ratio laid down in the said case is not applicable to the facts and circumstances of the present case.

Knowledge of Khurta language :

58. Mr. N. J. Nikam, learned counsel for the accused,

invited my attention to the admissions given by PW-06 and PW-07. PW-06 admitted that he and PW-07 cannot read, write, or speak the Khurta language. PW-07 admitted that he cannot read and write. Relying upon these admissions, the learned counsel for the accused contended that the alleged extra-judicial confession is not admissible in evidence.

59. However, it is important to note that the accused put a compound question to PW-06 regarding his own knowledge as well as the knowledge of PW-07 about the Khurta language. Therefore, the admission given by PW-06 regarding the capacity of PW-07 to understand the Khurta language cannot be read against PW-07.

60. No doubt, PW-07 admitted that he cannot read and write in the Khurta language. However, it does not mean that he cannot speak or understand the Khurta language. The accused ought to have put a specific question to PW-07 regarding his capacity to speak and understand the Khurta language. No such question was put to him. Therefore, there is no reason to disbelieve the evidence of PW-07. Hence, I find no substance in the contention raised by the learned counsel for the accused.

Contents of the Stomach of the deceased :

61. In the case of **State of Karnataka Vs. Chand Basha, reported in 2015 ALL SCR 3177**, the witnesses had stated that the deceased had taken a meal of chicken fry along with the accused.

However, during the postmortem examination, partially digested vegetables and rice were found in the stomach of the deceased. Therefore, the Hon'ble Apex Court observed that the theory of last seen together was not admissible in evidence.

62. Relying upon the ratio laid down in the aforesaid case, Mr. N. J. Nikam, learned counsel for the accused, contended that, as per the prosecution case, the deceased had taken a meal of chicken along with the accused. However, no particles of chicken were found in the stomach of the deceased. He further submitted that the evidence of Shailendra (PW-08), the last seen witness, is also doubtful.

63. So far as the alleged consumption of chicken by the deceased is concerned, none of the witnesses have stated the said fact. The extra-judicial confession allegedly made by the accused regarding the meal is also not clear. The said confession shows that the deceased had consumed liquor and thereafter a quarrel took place between them.

64. The C.A. report also shows the presence of ethyl alcohol in the blood of the deceased. The postmortem report shows that yellowish-brown material was found in the stomach of the deceased. Therefore, there is no evidence on record to show that the deceased had taken a meal of chicken along with the accused. Hence, the ratio laid down in the aforesaid case is not applicable

and is of no assistance to the contention raised by the learned counsel for the accused.

Doubtful Last Scene Witness :-

65. Shailendra (PW-08) admitted that he was not acquainted with the deceased prior to the incident. He had not stated the name of the deceased in his statement. He also did not state to police that the incident occurred between 9:00 p.m. and 9:15 p.m. He failed to identify the registration number of the motorcycle on which the accused allegedly went along with the deceased. On the basis of these admissions, the learned counsel for the accused contended that the theory of the last seen witness is not believable.

66. However, PW-08 never claimed that he was acquainted with the deceased prior to the incident. He stated that he was acquainted with accused No.01 and that accused No.02 used to visit the house of accused No.01. He came to know the name of accused No.02 subsequently. He stated about the quarrel between the accused and a third person who was under the influence of liquor and was unable to control himself.

67. He identified the photographs of the deceased affixed to the letter (Exh. P-2/PW-13). The accused have not disputed the said photographs. The inquest panchnama is also not disputed by the accused. Therefore, the identity of the deceased is duly established.

PW-08 had seen the accused in the company of the deceased, and thereafter, the dead body of the deceased was found lying at Degaon Shivacha Odha.

68. An opportunity was given to the accused to explain the incriminating circumstances while recording their statements under Section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023. However, the accused have merely given evasive denials and have not offered any explanation. The facts which were within the special knowledge of the accused have not been explained by them. Hence, an adverse inference is drawn against the accused under Section 106 of the Bharatiya Sakshya Adhiniyam, 2023. The failure of the accused to explain the incriminating circumstances appearing against them is an additional circumstance which goes against the accused. Hence, I find no substance in the contention of the learned counsel for the accused.

Absence of the Evidence :-

69. Mr. N. J. Nikam, learned counsel for the accused, submitted that, as per the prosecution case, the deceased had made an allegation regarding theft of a bicycle against accused No.02 and, therefore, accused No.02 was required to pay a fine. According to him, this was the motive for committing the murder of the deceased. However, the prosecution has not produced any report or documentary evidence to prove the said fact.

70. The accused and the deceased were residents of Jharkhand. It was difficult for the Investigating Officer to collect such evidence during the period of Covid-19. However, failure to prove the motive is not sufficient to conclude that the accused are innocent. In a case based on circumstantial evidence, it is not mandatory for the prosecution to establish the motive in each and every case. Therefore, I find no substance in the contention raised by the learned counsel for the accused.

71. In view of the above discussion, I hold that the prosecution proved the guilt of the accused under Section 302 r/w 34 of the Indian Penal Code. Hence, I answer point No.1 as proved and point No.2 as not proved.

Sentence :-

72. I heard accused on the question of sentence. They submitted that, they do not want to say anything on the question of sentence.

73. Mr. N. J. Nikam, learned counsel for the accused submitted that, accused are young person. They are having family and children. The case does not fall in rarest of rare case. Hence, he prayed to take the lenient view.

74. Per contra, Miss. G. M. Lakade, learned additional P.P. for the State submitted that, accused brutally murdered the victim. They

showed no remorse for commission of crime. Victim was young person. He was daily wages earner. Hence, she prayed to impose maximum punishment.

75. The case does not fall in the category of rarest of rare care. Hence, this is not a fit case to impose the punishment of hanging neck till death. In the result, I pass following order :

ORDER

1. Accused No.1 Rajesh Budhan Tudu is hereby convicted of the offence punishable under Section 302 r/w 34 of the Indian Penal Code and he is sentenced to suffer rigorous imprisonment for life and to pay fine of Rs. 5,000/- in default to suffer simple imprisonment for six months.

2. Accused No.2 Ganesh Sonaram Murmu is hereby convicted of the offence punishable under Section 302 r/w 34 of the Indian Penal Code and he is sentenced to suffer rigorous imprisonment for life and to pay fine of Rs. 5,000/- in default to suffer simple imprisonment for six months.

3. Accused Nos.01 and 02 are hereby acquitted of the offence punishable under Section 201 r/w. Section 34 of the Indian Penal Code.

4. Accused are entitled for the set off for the period for which they are in jail.

5. Muddemal Property excluding mobile and motorcycle being worthless be destroyed after the appeal period.

6. The muddemal article No.18, ITEL company mobile
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handset be returned to accused No.2 after appeal period is over.

7. The muddemal article No.19, black colour OTHO-T3 company mobile handset be returned to accused No.1 after appeal period is over.

8. Muddemal Article No.24 Black Colour Bajaj Company Discover motorcycle, bearing registration no. MH-11-AY-0821 be returned to the register owner, if already not returned after appeal period is over.

9. The muddemal article No.25, blue colour Vivo company mobile handset be returned to Kamruddin Gulam Ansari, R/o:- Bisanpur, Post- Bharkatta Thana Birani, District Giridih, State Jharkhand, at present residing at 636, Guruwar peth, Tal. & Dist. Satara after appeal period is over.

10. The copy of this judgment be given to the accused free of costs.

Place : Satara.
Date : 17.06.2026.

(S. R. Tamboli)
2nd Addl. Sessions Judge, Satara.