

MHST010023072023

Received on : 09.10.2023

Registered on: 09.10.2023

Decided on : 29.06.2026

Duration : 02Ys. 08Ms. 20Ds.

Exhibit No. : (76)**Part 'A'****(Para 44(i) of Chapter VI of Criminal Manual)**

	IN THE COURT OF SESSIONS JUDGE, SATARA. Presided over by A. S. Waghmare, Sessions Judge (Date of Judgment: 29.06.2026) Sessions Case No.96/2023
	Crime No. : 150/2023. Section : 302 of IPC. Police Station : Koregaon, District Satara.
COMPLAINANT	State of Maharashtra Through Koregaon Police Station, Taluka Koregaon, District Satara.
REPRESENTED BY	PP Mr. M. N. Kulkarni.
ACCUSED	Sambhaji Bapurao Ghadage, Age : 64 years, R/o.: Ganeshwadi, Post Kinhai, Taluka Koregaon, District Satara.
REPRESENTED BY	Advocate Mr. M. D. Todkar.

Part "B"**(Para 44(ii) of Chapter VI Criminal Manual)**

Date of Offence	10.04.2023
Date of F.I.R.	10.04.2023
Date of Charge-sheet	06.07.2023
Date of framing of Charges	10.10.2023

Date of commencement of evidence	29.01.2026
Date of which Judgment is reserved	25.06.2026
Date of the Judgment	29.06.2026
Date of the Sentencing Order, if any	No.

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 Sec.428 of Cr.P.C.
1]	Sambhaji Bapurao Ghadage	10.04.2023	19.10.2024	302 of IPC.	Acquitted	--	--

Part "C"

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

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	EXH.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW.1	Surekha Rajaram Ghadage	21	Complainant.
PW.2	Shekhar Tanaji Namdas	23	Panch witness on spot panchanama.
PW.3	Amar Dattatray Jadhav	31	Witness.
PW.4	Dr. Atul Vitthal Lipare	36	Medical Officer.
PW.5	Dr. Pratik Dighesh Gawade	43	Medical Officer.
PW.6	Aniket Ashok Pisal	55	Panch witness on inquest panchanama.
PW.7	Ashok Babasaheb Raut	57	Investigating Officer.

B. DEFENCE WITNESS, IF ANY:-NIL.

C. COURT WITNESS IF ANY:-NIL.

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exh. No.	Description
1	22	Statement of complainant (PW.1).
2	23	First Information Report.
3	24	Spot panchanama.
4	25	Seizure panchanama of clothes of deceased.
5	35	Seizure panchanama of Coconut peeling machine (Article-A).
6	37	Post-mortem report of deceased.
7	38	Advanced death certificate of deceased.
8	39	Opinion about coconut peeling machine issued by Medical Officer-Dr. Lipare (PW.4).
9	44, 45	Medico Legal Certificates issued by Dr. Gawade (PW.5).
10	56	Inquest panchanama.
11	58	Order of investigation issued to PW.7-API A.B. Raut, Investigating Officer.
12	59, 60	Muddemal receipts.
13	61	Arrest panchanama of accused.
14	62	Letter issued by PW.7-Investigating Officer to Court for recording statement of complainant u/s. 164 of Cr.P.C.
15	63	Portion Mark-A in the statement of Amar Dattatray Jadhav (PW.3).
16	64	Letter issued by PW.7-Investigating Officer to Forensic Science Laboratory, Pune for chemical analysis.

17	64A, 64 B	Chemical Analysis Reports.
18	65	Letter issued by PW.7-Investigating Officer to Civil Hospital, Satara for getting post-mortem report of deceased.
19	66	Letter issued by PW.7-Investigating Officer to Civil Hospital, Satara for getting preserved blood specimen of deceased.
20	67	Letter issued by PW.7-Investigating Officer to Civil Hospital, Satara for getting death certificate of deceased.
21	68	Death certificate of deceased.
22	69	Report of Dog Squad.
23	70	Statement of Suresh Bapurao Ghadage-brother of deceased dated 10.04.2023.

B. Defence Exhibits :-

Sr. No.	Exhibit Number	Description
	-----NIL-----	

C. Court Exhibits :-

Sr. No.	Exhibit Number	Description
	-----NIL-----	

D. Material Objects :-

Sr.No.	Material Object No.	Description
1	Article-A	Coconut peeling machine.
2	Article-A1	Label affixed on Article-A.

3	Article-B	Stone.
4	Article-B1	Label affixed on Article-B.
5	Article-C	White colour full shirt of deceased.
6	Article-C1	Label affixed on Article-C.
7	Article-D	Grey colour pant of deceased.
8	Article-D1	Label affixed on Article-D.
9	Article-E	Blue colour underwear of deceased.
10	Article-E1	Label affixed on Article-E.
11	Article-F	White colour Baniyan of deceased.
12	Article-F1	Label affixed on Article-F.
13	Article-G	Soil sample mixed with blood.
14	Article-G1	Label affixed on Article-F.
15	Article-H	Simple soil sample.
16	Article-H1	Label affixed on Article-H.
17	Article-I	Cotton swab by which blood was collected from the cement tiles.
18	Article-I1	Label affixed on Article-I.
19	Article-J	4 photographs snapped during spot panchanama.

JUDGMENT

(Delivered on 29th day of June, 2026)

The accused is facing charge under Section 302 of Indian Penal Code, 1860 (for the sake of brevity hereinafter referred as “**IPC**”) as he came to be prosecuted by the State through Koregaon Police Station, Taluka Koregaon, District Satara, for causing death of his brother Rajaram Bapurao Ghadage on 10.04.2023.

2] **Brief facts of the prosecution case are as under :-**

a) On 10.04.2023, the complainant-Surekha Ghadage (PW.1) lodged the complaint at Koregaon Police Station alleging therein that deceased-Rajaram Ghadage was her husband. At the time of incident, the complainant was residing at Ganeshwadi, Post Kinhai, Taluka Koregaon, District Satara alongwith her husband i.e. deceased. The accused is her elder brother-in-law and he resides nearby their house alongwith his family. There was dispute between accused and complainant in respect of cultivation of ancestral agricultural property. On the said count, quarrel took place in June 2021 between accused and deceased.

b) On 10.04.2023, at about 09.30 a.m., the complainant (PW.1) and her husband (deceased) had been to house of Jaysing Dinkar Jadhav to return his Coconut plucking machine. However, that time, Jaysing's house was closed. So, they kept the said machine by the side of his house and while they were going from there, accused Sambhaji Ghadage came there. The accused was holding Coconut peeling machine in his hand.

c) The accused Sambhaji Ghadage threatened her husband by uttering words "तु दोन वर्षापूर्वी मला मारले होतेस, वडीलोपार्जित जमिनीवरुन कोर्टात केस खेळत होतास, आज तुला जिवंत सोडणार नाही" and hit with pressure on his head by Coconut peeling machine. Due to which, her husband fell down, sustained injuries and blood was oozing from his head and mouth. Thereafter, the accused picked up stone in front of house of Jaysingrao Jadhav and hit by stone on back of her husband.

Therefore, the complainant intervened to save her husband. Thereafter, the accused left from there.

d) Many villagers gathered there. Ambulance came there. Aniket Suryawanshi, Dattatray Jadhav, Amar Jadhav and Aniket Pisal kept her husband in the Ambulance.

e) The complainant informed the incident to her younger brother-in-law Suresh Ghadage by making phone call, that time, he was at Kinhai village. When Ambulance reached at Kinhai Suresh Ghadage also sat in the Ambulance. The complainant told about said incident to her relatives.

f) Her husband was brought to Civil Hospital, Satara by Ambulance. Doctor started treatment, however at about 11.30 a.m. her husband died during treatment. After post mortem, Doctor told the complainant that as her husband sustained head injury, he died.

g) Thereafter, the complainant went to Koregaon Police Station and lodged complaint (Exh.22) against the accused. Accordingly, the printed FIR was prepared.

3] On the basis of above complaint/report, offence vide Crime No. 150/2023 for the offence punishable under Section 302 of IPC came to be registered with Koregaon Police Station and its investigation was handed over to API Shri. A. B. Raut. During

investigation, he visited the spot, prepared spot panchanama (Exh.24) of the spot of incident, seized Coconut peeling machine (Article-A) under seizure panchanama (Exh.35), collected blood containing soil and simple soil from the spot of incident, collected 4 photographs (Article-J) snapped during spot panchanama, deposited muddemal articles to muddemal room of Koregaon Police Station and prepared its muddemal receipts (Exhs.59 and 60), seized clothes of deceased under seizure panchanama (Exh.25). Thereafter, he arrested accused under arrest panchanama (Exh.61). He collected statement of complainant u/s. 164 of Cr.P.C., post mortem report (Exh.65) of deceased, death extract of deceased (Exh.68), recorded statements of witnesses. Thereafter, on completion of investigation, he filed charge-sheet against the accused.

4] The learned Judicial Magistrate First Class, Koregaon after complying the provision enumerated under section 207 of the Code of Criminal Procedure, 1973 committed the case to the Court of Sessions as per section 209 of the same Code as the offence punishable under Section 302 of IPC, 1860 is exclusively triable by the Court of Sessions.

5] Considering the role attributed to the present accused in the said crime, Learned Predecessor of this Court framed charge against the accused vide Exh.7 on 10.10.2024 under Section 302 of IPC, which was explained to the accused in vernacular. The accused pleaded not guilty and claimed to be tried. Hence, trial proceeded.

6] In view of said charge, the prosecution examined in all seven witnesses and also relied upon various circumstances and documents which would be referred hereinafter at the relevant places. The evidence of prosecution was closed and matter was kept for statement of accused under Section 313 of the Code of Criminal Procedure (for the sake of brevity hereinafter referred as “Cr.P.C.”). Thereafter, on 18.01.2026, statement of accused under Section 313 of Cr.P.C. came to be recorded vide Exh.74. During cross-examination and recording statement under Section 313 of Cr.P.C., the accused has advanced defence of total denial. As well, the defence of the accused is that false complaint is lodged against him.

7] Heard Learned Public Prosecutor Mr. M. N. Kulkarni for the prosecution and Learned Advocate Mr. M. D. Todkar for the accused.

8] After appreciating oral as well as documentary evidence adduced by the prosecution and considering the submissions made by learned Public Prosecutor Mr. M. N. Kulkarni for the prosecution and learned Advocate Mr. M. D. Todkar for the accused, following points arise for my determination and I have recorded my findings against each of them for the reasons stated as under:-

Sr. No.	Points	Findings
1]	Whether the prosecution proves that the death of Rajaram Bapurao Ghadage is homicidal?	In the affirmative.

2]	Whether the prosecution proves that on 10.04.2023 at about 09.30 a.m., within the jurisdiction of village Ganeshwadi, Post Kinhai, Taluka Koregaon, District Satara, the accused intentionally and knowingly assaulted Rajaram Bapurao Ghadage by means of Coconut peeling machine and committed his murder and thereby committed an offence punishable under Section 302 of IPC ?	In the negative.
3]	What order?	As per final order.

R E A S O N S

9] To prove the guilt of the accused, the prosecution has examined seven witnesses, their names are referred in Part-C herein-above.

10] In addition to the aforesaid direct evidence, the prosecution has also placed reliance on circumstances. The documents regarding the same are referred in Part-C, herein-above.

11] Learned Public Prosecutor Mr. M. N. Kulkarni for the prosecution argued that the prosecution in order to prove the charge under Section 302 of IPC against accused examined in all seven witnesses. In arrest panchanama (Exh.61) as well as in order of MCR dated 11.04.2023 it is not mentioned that the accused was paralyzed. As well as, PW.1 during cross-examination, though

admitted that accused Sambhaji suffered paralysis in the year 2020, however, she denied that he lost his speech and his left side and became completely paralyzed. Hence, it creates doubt about the condition of the accused that he is completely paralyzed.

12] It is further argued that PW.1 Surekha is complainant and wife of deceased Rajaram, who stated about the incident occurred on 10.04.2023. The prosecution proved complaint (Exh.22) and printed FIR (Exh.23) through her evidence. Further PW.1 identified coconut peeling machine (Article-A) and stone (Article-B) i.e. weapons in the said offence before the Court. She also identified clothes of deceased Rajaram at the time of assault. Her testimony is fully supported to the prosecution. PW.2 Shekhar is panch witness on spot panchanama (Exh.24). Through his evidence the spot panchanama is duly proved by the prosecution. He also identified the articles seized under seizure panchanama (Exh.25) from the spot of incident during the spot panchanama (Exh.24). Further, the panchanama (Exh.35) in respect of coconut peeling machine (Article-A) is also proved through the evidence of PW.2. Thus, prosecution succeeded in proving panchanamas vide Exhs. 24, 25 and 35 through the testimony of PW.2-Shekhar.

13] It is further argued that PW.4 Dr. Lipare is the Medical Officer, who conducted post mortem of dead body of deceased Rajaram and issued post mortem report (Exh.37). His evidence is also fully supportive to the case of prosecution. He issued advance death certificate of decease (Exh.38) by mentioning cause of death

was “Due to Head Injury.” Further, he opined (Exh.39) that the injuries mentioned in post mortem report (Exh.37) are possible due to the coconut peeling machine (Article-A). PW.5-Dr. Gawade issued MLCs (Exhs.44 & 45). The testimony of PW.5-Dr. Gawade is corroborated by the testimony of PW.4. Inquest panchanama (Exh.56) is proved through the evidence of PW.6-Aniket Pisal. PW.7 API A. B. Raut is the Investigating Officer who investigated and submitted Final Report against the accused in the present Crime. The evidence of all witnesses supports the prosecution case. The prosecution succeeded in proving the charge against accused under Section 302 of IPC. The defence failed to rebut the evidence. Hence, accused is found guilty and prayed that maximum punishment be imposed.

14] On the contrary, Learned Advocate Mr. M. D. Todkar for the accused argued that complaint lodged by wife of deceased PW1.- Surekha is false and fabricated which does not supports the case of prosecution. PW.1-Surekha admitted in cross-examination that her brother-in-law Sambhaji i.e. accused suffered from paralysis in the year 2020 and the incident took place on 10.04.2023. As the accused was paralytic at the time of incident, it is not possible to commit such offence by him. It clearly indicates that the complaint lodged by PW1 is false and fabricated. The complaint is filed out of anger because the accused was acquitted by the Court of Koregaon in a private complaint.

15] He further argued that the prosecution failed to examine material and independent witnesses in this case. PW.1 is the interested witness in this case. Further, PW.3-Amar, who took deceased to Hospital has not supported the case of the prosecution. The evidence of PW.7-Investigating Officer appears to be of procedural nature. There are various contradictions in the evidence of witnesses. As the accused was unknown, Dog Squad was called. There is no fault of accused. It is an accidental death and not homicidal death. Further, there was no intention of the accused to kill the deceased. The chain of evidence had broken. The prosecution failed to prove its case beyond reasonable doubt. Hence, prayed that the accused be acquitted.

16] In support of his submissions, Mr. M. D. Todkar relied upon the judgment in **State Vs. Ranjeet Singh and others, 2010 Legal Eagle 674**, wherein Hon'ble Uttarakhand High Court observed that,

“After winning the case, accused party was in possession of the land. Prior to the occurrence, there was no incident of quarrel between parties. No motive can be ascribed to accused.

Chance witness and conduct of witness - Unnatural and improbable conduct. Arrival of the witness at the place of occurrence in search of the deceased exactly at the time of incident. Such a conduct cannot said to be natural and probable. This witness can be termed as a Chance witness, on whose recording of conviction not safe.

Eye-witness- presence on the spot. Dog Squad summoned by Police, itself is indicates that occurrence was not seen by anyone. Presence of alleged eye-witnesses rendered doubtful.”

As to Point No. 1 :-

17] As the accused is facing charge for committing murder of Rajaram Bapurao Ghadage, the prosecution has to prove that death of Rajaram is homicidal. The death of human being may be natural, accidental, homicidal or suicidal. It is for the prosecution to eliminate the possibility of death of deceased-Rajaram either natural, homicidal, suicidal or accidental.

18] To prove death of deceased-Rajaram as homicidal, the prosecution has relied upon evidence such as inquest panchanama (Exh.56), post-mortem report (Exh.37) and evidence of Medical Officers Dr. Atul Lipare (PW.4), who conducted post-mortem, Dr. Pratik Gawade (PW.5), who issued MLC (Exhs.44 and 45) and complainant Surekha Ghadage (PW.1), who lodged the First Information Report (FIR).

19] It is alleged in statement (Exh.22), FIR (Exh.23) and it has also come in evidence of PW.1-Surekha, that in 2023, she and her husband, Rajaram Bapurao Ghadage, were residing at Kinhai. Her elder brother-in-law, Sambhaji Bapurao Ghadage i.e. accused was residing in her neighbouring house, and due to agricultural disputes, relations between them were strained and they were not in speaking terms.

20] She further deposed that on 10.04.2023, at about 9:30 a.m., she and her husband had gone to return a coconut plucking machine to Jaysing Dinkar Jadhav. As Jaysing's house was locked,

they left the machine near the door. While returning, accused Sambhaji allegedly approached from the Southern side carrying a coconut peeling machine and struck her husband Rajaram on the head with it, stating that since Rajaram had filed a Court case, he would not leave him alive. She further deposed that her husband sustained a head injury and started bleeding and he fell down, then accused hit him with a stone on his back. She tried to intervene and pushed accused away to save her husband, after that accused fled away.

21] PW.1 further deposed that several persons, including Aniket Suryawanshi, Aniket Pisal, Dattatray Jadhav and Amar Jadhav, were present at the spot. An ambulance was called and Rajaram was taken to Civil Hospital, Satara. According to her, Doctors informed her that Rajaram had died due to the head injury. Then PW.1 went to Koregaon Police Station and lodged a complaint (Exh.22) regarding the incident. She identified her complaint (Exh.22) and the FIR (Exh.23), confirmed her signatures on both documents and stated that their contents were correct. She identified the accused Sambhaji in Court. She also identified the coconut peeling machine (Article-A), the stone (Article-B) as the objects used in the assault.

22] As PW.1 deposed that her husband was taken to Civil Hospital, Satara after the assault, in this regard, prosecution relied on the evidence of PW.5-Dr. Pratik Gawade. He deposed that on 10.04.2023, while serving as a Casualty Medical Officer at Civil

Hospital, Satara, Rajaram Bapurao Ghadage was brought to the hospital by his wife, Surekha Rajaram Ghadage, at about 10.40 a.m. with a history of alleged assault and head injury sustained at Kinhai around 9.30 a.m. by a metal instrument. He further deposed that he issued a Medico-Legal Certificate (Exh.44). He further stated that the patient was unconscious when brought to the hospital. He examined the patient and provided primary treatment. Subsequently, the patient's vital signs deteriorated and he died at about 11.30 a.m. Thereafter, the witness PW.5 issued another MLC (Exh.45) requisition to ascertain the exact cause of death through a medico-legal post-mortem examination.

23] Further, it also appears from the evidence on record that inquest panchanama (Exh.56) of the deceased was prepared at Civil Hospital, Satara. PW.6-Aniket is panch witness of inquest panchanama, who deposed that on 10.04.2023, in the afternoon, he was present at Civil Hospital, Satara, alongwith another panch, Ajay Jadhav. They went to ICU Ward No. 27, where the dead body of Rajaram Bapurao Ghadage was lying. He stated that the deceased was identified by his brother, Suresh Bapurao Ghadage. Upon inspection of the body, acute injury measuring 4.1 inches was found behind the left ear, reddish swelling was noticed on the back, stitches were present over the left eye, blood was visible on the face and the upper and lower teeth on the left side were broken. He stated that inquest panchanama was prepared and he had signed it. Thus, the prosecution proved the inquest panchanama (Exh.56) in respect of deceased through the evidence of PW.6.

24] It has come in the evidence of PW.4 that post mortem of dead body of Rajaram was conducted. So also PW.5-Dr. Gawade deposed that to ascertain the exact cause of death, through post mortem, he issued MLC (Exh.45). On these aspects, the prosecution has further relied upon evidence of PW.4-Dr. Atul Lipare, who was attached to Civil Hospital, Satara at the relevant time. He was on duty as Medical Officer on 10.04.2023. He deposed that on 10.04.2023, at about 2.00 p.m., ASI V.S. Jadhav of Koregaon Police Station brought the dead body of Rajaram Bapurao Ghadage alongwith the inquest panchanama (Exh.56). The body was identified by Suresh Bapurao Ghadage i.e. the brother of deceased. He stated that he conducted the post-mortem examination from 2.15 p.m. to 3.15 p.m. and observed rigor mortis in the upper limbs and post-mortem lividity on the back. He noticed following external injuries -

- i] Sutured CLW over left eye-brow, 5 x 5 cm.*
- ii] Sutured CLW below left eye, 3 x 3 cm.*
- iii] Incised wound on left cheek over the mandible.*
- iv] Abrasion on back at lumbar region, 2 x 2 cm. with swelling.*
- v] Left eye totally crushed, eye-ball ruptured.*
- vi] Mandible fracture broken into two parts.*
- vii] Fracture of frontal bone.*

All aforesaid injuries were ante-mortem. On palpation, he found that there was fracture of mandible, frontal bone and left orbital region. All aforesaid injuries are mentioned in column No. 17 of the post-mortem report.

25] PW.4-Dr. Lipare further deposed that he found following internal injuries -

i] Hematoma under left parietal region.

ii] Acute subdural hematoma along the left cerebral convexity.

iii] Hemorrhage in left parietal region of the brain.

All aforesaid injuries are mentioned in column No. 19 of the post-mortem report. Injuries mentioned in column Nos. 17 and 19 are corresponding.

26] PW.4 further deposed that, in his opinion, the cause of death was "Head injury." He prepared the post-mortem report (Exh.37) and also issued an advance death certificate (Exh.38). He further deposed that on 20.04.2023 PSI A.B. Raut of Koregaon Police Station brought a coconut peeling machine (Article-A) and sought his opinion regarding the weapon. After examination, he opined in writing (Exh.39) that the injuries sustained by the deceased were possible by the said weapon. He further identified the coconut peeling machine (Article-A) in the Court and stated that the injuries mentioned in the post-mortem report (Exh.37) were possible by that weapon.

27] It is pertinent to note here that PW.1-Surekha stated that accused Sambhaji struck deceased Rajaram on the head with a coconut peeling machine (Article-A). Rajaram fell and started bleeding, then the accused hit him with a stone. Rajaram was immediately taken to hospital and died within about two hours. This

evidence provides a direct explanation for the injuries found on the body and links the death to an act of violence.

28] The evidence of PW.4-Dr. Atul Lipare, who conducted the post-mortem examination, shows multiple serious ante-mortem injuries. He specifically opined that the cause of death was "Head Injury". The internal injuries corresponded with the external injuries and were sufficient to cause death of deceased. The post-mortem report (Exh.37) shows that all injuries were ante-mortem. The nature of the injuries fractured skull, fractured mandible, crushed eye, brain hemorrhage and subdural hematoma indicate the application of considerable external force and are not suggestive of a natural death. As such, the evidence of PW.4 indicates that the said injuries mentioned in Exh.37 refers to the fact that those are caused due to assault by the weapon i.e. Article-A by a person/human to the deceased. Thus, the injuries mentioned in Exh.37 corresponds to causing death by a human act of violence.

29] Further, the inquest panchanama (Exh.56) corroborates the medical findings. It shows a cut injury behind the left ear, swelling on the back, blood on the face and broken upper and lower teeth. These observations are consistent with the injuries described in the post-mortem report (Exh.37) and support the conclusion that the deceased Rajaram sustained violent bodily injuries before death.

30] Further, it appears that PW.5 Dr. Pratik Gawade deposed that Rajaram was brought to Civil Hospital with a history of assault

and head injury. He was unconscious on arrival. His condition deteriorated and he died at about 11.30 a.m. This evidence is consistent with death resulting from traumatic head injuries.

31] The defence elicited admissions from PW.4 that the injuries could be possible in an accident or fall on a hard surface. He could not state with certainty that the injuries were caused by the coconut peeling machine (Article-A). The post-mortem report (Exh.37) did not mention any specific weapon. However, these admissions do not negate the homicidal nature of death. They merely show that the doctor could not conclusively identify the exact weapon. Medical experts ordinarily express opinions in terms of possibility. The crucial fact remains that the deceased suffered multiple severe ante-mortem head injuries resulting in fatal brain damage. The doctor's statement that such injuries are "possible" in an accident only creates a theoretical possibility. Unless there is positive evidence suggesting an accidental fall, the existence of such a possibility does not outweigh the direct eye-witness account of assault and the medical findings.

32] Therefore, on the basis of aforesaid evidence, the prosecution has succeeded in proving the fact that deceased Rajaram died due to ante-mortem head injuries caused by external violence. The death of deceased Rajaram cannot be termed as an accidental death. The question of suicidal death or natural death no where arise. Hence, the only possibility remains that the death of deceased Rajaram was homicidal in nature. Thus, logical inference is to be

drawn that death of deceased-Rajaram is homicidal. **Hence, I answer point No.1 in the affirmative.**

As to Point No. 2 :-

33] As discussed above and in view of finding to point No. 1, it is proved that death of deceased-Rajaram is homicidal. Now, it is to be seen who has caused death of deceased-Rajaram. It is the case of the prosecution that the accused assaulted Rajaram by coconut peeling machine (Article-A) and stone (Article-B) on account of previous dispute between them. To prove this, the prosecution has examined the complainant PW.1-Surekha, who is wife of deceased Rajaram, PW.2-Shekhar, panch witness of spot panchanama, PW.3-Amar, neighbour of deceased and accused, Medical Officer PW.4-Dr. Atul Lipare, who conducted post-mortem, PW.5-Dr. Pratik, who issued MLC, PW.6-Aniket, panch witness of inquest panchanama and the Investigating Officer PW.7-API A. B. Raut.

34] The prosecution come with the case that on 10.04.2023 at about 9.30 a.m., due to previous agricultural disputes, accused Sambhaji Bapurao Ghadage assaulted his brother Rajaram Bapurao Ghadage by means of a coconut peeling machine (Article-A) on his head and thereafter, assaulted him with a stone (Article-B), causing fatal injuries which resulted in his death. To establish the involvement of the accused, the prosecution has mainly relied upon the evidence of PW.1 Surekha, wife of the deceased, who claims to be an eye-witness to the incident. The evidence of complainant PW.1-

Surekha is already discussed in Point No. 1, herein-above from which homicidal death of the deceased-Rajaram is proved.

35] The sole eye-witness specifically deposed that on the day of alleged incident i.e. 10.04.2023 at about 9.30 a.m., she and her husband had gone to return coconut plucking machine to Jaysing Dinkar Jadhav. But, the house of Jaysing Jadhav was locked, so they left the machine near the door. It has further come in her evidence that while returning, accused Sambhaji came from Southern side carrying coconut peeling machine and struck with it on her husband Rajaram on his head on the count of filing case in Court against him, by saying he will not live him alive. Due to said assault, her husband fell down. Thereafter, the accused hit him by stone on his back. PW.1 intervened and pushed accused to save her husband. It also appears in her evidence that several persons were present on the spot. Her husband was taken to Civil Hospital, Satara by Ambulance. There he was given treatment, but around 11.30 a.m. her husband died. So, she went to the Koregaon Police Station and lodged complaint Exh. 22 and on the basis of it, FIR Exh. 23 came to be lodged. PW.1 identified the coconut peeling machine Article-A and stone Article-B by which her husband was assaulted. She also identified the clothes worn by her husband at the time of the incident i.e. a white shirt, grey pant, blue underwear and white baniyan, (Articles-C, D, E & F respectively) and its labels (Articles-C1, D1, E1 & F1 respectively).

36] As the version of PW.1-Surekha was supporting to the prosecution, the Ld. Advocate for the accused tried to rebut her testimony by asking various questions during cross-examination.

37] During cross-examination, PW.1 stated that she is educated up to the 3rd standard. She admitted that there had been longstanding agricultural disputes among the three brothers regarding partition of ancestral land and that several partitions and settlements had taken place over the years. She admitted that in the year 2009, she had filed a private complaint against her brothers-in-law alleging assault and threats, but later filed a pursis stating that the dispute had been settled and that the complaint had been lodged in anger, resulting in their acquittal. However, she denied that cordial relations resumed thereafter. She acknowledged that the accused had suffered paralysis in 2020 but, denied that he had completely lost speech or movement on his left side.

38] PW.1 described the layout of the locality and the houses surrounding the place of occurrence. She denied suggestions put to her by defence that she had been cooking at home at the time of the incident or that her husband had left the house alone. It is to note here that PW.1 said that blood from her husband had fallen on her clothes, though the police did not seize those clothes. She stated that many people had gathered at the scene, but she could not state names of all of them. She denied that her husband was conscious when taken in the Ambulance. She stated that she reached Civil Hospital, Satara, where her brother-in-law Suresh Ghadage was present. She denied that Suresh had given a statement to the police and mentioned that she herself had lodged the complaint. She reaffirmed that Sambhaji had come from the Southern side and assaulted her husband with a coconut peeling machine, causing the

fatal injury. She stated that she had mentioned this fact to the police and could not explain any omission from her statement. She also stated that a supplementary statement was recorded on 07.05 2023 and acknowledged a discrepancy regarding ownership of the coconut peeling machine.

39] Further, PW.1 denied all suggestions that she had falsely implicated the accused due to previous disputes. She maintained that Sambhaji threatened her husband, assaulted him with the coconut peeling machine and a stone, fled away from the spot and that Rajaram subsequently, died due to the injuries sustained in the assault. She stated that she lodged the complaint at Koregaon Police Station at about 5:00 to 5:30 p.m. on the same day. She further stated that she had informed the police that she pushed her brother-in-law while trying to save her husband, although that fact was not recorded in the complaint. She denied that this was an improvement made for the first time before the Court. When shown the coconut peeling machine and stone during cross-examination, she stated that no blood was visible on either Article. She also denied suggestions that she was not present at the spot, that the clothes shown were not her husband's, or that she had lodged a false case against the accused due to previous enmity.

40] No doubt, in the present case, PW.1 appears to be sole eye-witness to the incident. But, it is settled law that conviction can be based upon the testimony of a solitary eye-witness if the Court finds such evidence trustworthy and reliable. Merely, because the

witness is related to the deceased, her evidence cannot be discarded. However, being an interested witness, her testimony requires careful scrutiny and corroboration from surrounding circumstances.

41] On considering the entire evidence of PW.1, the eye-witness to the incident, it appears that she specifically narrated the alleged act of assault by accused with coconut peeling machine (Article-A) and stone (Article-B) and also identified the said weapons. At the same time, PW.1 admitted about longstanding disputes amongst the brothers of deceased Rajaram. It also appears that in 2009, private complaint was lodged by her against her brother-in-law, but the said matter was settled, subsequently, by filing pursis by her, resulting in their acquittal. These admissions establish the existence of previous enmity between the parties. Though previous enmity may furnish a motive for commission of offence, it is equally well settled that it can also furnish a motive for false implication. Therefore, evidence of PW.1 requires close scrutiny.

42] PW.1 also stated that Police has not seized her clothes on which the blood of her husband was fallen at the time of alleged incident. She was unable to give explanation about the omissions in her statement recorded by the Police. So also, PW.1 acknowledged discrepancies regarding coconut peeling machine (Article-A). Though, PW.1 denied all the suggestions put to her by the Defence, but when both the weapons Articles-A and B were shown to her, in cross-examination, she admitted that no blood was visible on either of the Articles. On careful assessment of entire evidence of PW.1, it

reveals that there are material admissions accompanied by some omissions which makes her testimony vulnerable. As such, the evidence of PW.1 appears doubtful and untrustworthy.

43] It is significant that PW.1 stated that many persons including Aniket Suryawanshi, Aniket Pisal, Dattatray Jadhav and Amar Jadhav were present at the spot. However, none of these alleged independent witnesses except Amar Jadhav were examined by the prosecution regarding the incident of assault by accused. As per prosecution case, the other important and direct witness to the incident than PW.1-Surekha is PW.3-Amar Jadhav.

44] PW.3 Amar Jadhav, who according to PW.1 was present near the spot, has not supported the prosecution case. He categorically stated that on 10.04.2023 in the morning he was at home, at about 9.30 a.m. to 10.00 a.m. he heard voice of Ambulance and of people, so, he went to house of Jaysing Jadhav near temple. Rajaram Ghadage was lying there and he had sustained injuries and blood was oozing from his head. When he went there, nobody was present there from the house of Rajaram Ghadage. Surprisingly, he deposed that when he reached there, that time wife of Rajaram Ghadage, Surekha Ghadage was not present there, Surekha did not tell him that her brother-in-law Sambhaji Ghadage had assaulted her husband by coconut peeling machine on his head and beat by stone on his back, due to which her husband sustained serious injuries. As this witness has not supported to the case of the prosecution, the Ld.

PP sought permission to ask him the questions in the nature of cross-examination.

45] During the course of his cross-examination, PW.3 deposed that on 12.04.2023, Police inquired with him and recorded his statement in respect of death of Rajaram. He admitted that he was sitting on platform and heard shouts from house of Jaysing Dinkar Jadhav, so he went there. He had seen that Rajaram Babu Ghadage fell down there and blood was oozing from his head. He denied that wife of Rajaram and other persons were gathered there, that Surekha was telling to people that her brother-in-law Sambhaji assaulted her husband by coconut peeling machine and beat by stone on his back, so he fell down. He stated that he cannot assign any reason as to why Police had wrote the said contents in his statement. Thus, even after being cross-examined by the prosecution, he denied material portions attributed to him in his police statement.

46] The evidence of PW.3 therefore, creates a serious doubt regarding the presence of PW.1 at the spot at the time of occurrence. Had PW.1 actually witnessed the assault and raised alarm, it is natural that she would have immediately disclosed the name of the assailant to persons gathering at the spot. However, PW.3 specifically denied any such disclosure.

47] It is the case of the prosecution that the incident occurred in front of house of Jaysing Jadhav. To prove the spot of incident, the prosecution relied upon evidence of panch witness Shekhar Namdas

(PW.2). He deposed that he was working as a peon in the Gram Panchayat of Madhvapurwadi. On 10.04.2023, he was called by Police Officer Shri Raut of Koregaon Police Station to act as a panch witness. Another panch witness, Suraj Jadhav, accompanied him. They went to Ganeshwadi, where complainant Surekha Ghadage showed them the spot of the incident, situated in front of the house of Jaysing Dinkar Jadhav. He deposed that, in his presence, the police seized soil mixed with blood, simple soil, blood stains from a cement tile using a cotton swab, a rough-edged stone, and a coconut peeling machine. A spot panchanama (Exh.24) was prepared between 6.30 p.m. and 7.25 p.m. and he and the other panch witness signed it. He identified the panchanama and confirmed its correctness. He identified the coconut peeling machine (Article A), stone (Article B), blood-mixed soil (Article G), simple soil (Article H), and cotton swab (Article I), alongwith their respective labels (Articles-A1, B1, G1 H1 & I1) bearing his signatures.

48] PW.2 further deposed that thereafter, they proceeded to the Satara Road Outpost, where Jyotiram Shinde produced a white shirt (Article-C) stained with blood, a grey pant (Article-D) stained with blood, a blue underwear (Article-F) and a white baniyan (Article-F) stained with blood. These clothes were seized under a panchanama prepared between 7.45 p.m. and 8.00 p.m. He identified the seizure panchanama (Exh.25) and confirmed its contents.

49] During cross-examination, PW.2 stated that he had been serving in the Gram Panchayat for ten years and knew both

complainant Surekha Ghadage and deceased Rajaram Ghadage. He stated that the police had issued a letter to his office seeking panch witnesses and that his superior had directed him to attend the panchanama. He denied that the panchanamas had been prepared before his arrival or that he had merely signed them to assist the police. He admitted that the panchanama did not mention the length and width of the coconut peeling machine (Article-A) and that there were no visible blood stains on it. He also admitted that the panchanama did not specify where the machine was lying. He stated that the stone (Article-B) did not bear blood stains. However, he identified the articles shown to him being the same articles seized during the panchanama. He further deposed that there were seven to eight houses around the spot and that it was a crowded area. He admitted that the seized soil, stone and cotton swab were not sealed with a lakh seal. He denied that many similar rough-edged stones were lying at the spot or that agricultural implements were present there.

50] PW.2 further stated that the boundaries of the spot were the Ganesh Temple on the East, the house of Jaysing Dinkar Jadhav on the West, the house of Shivaji Suryavanshi on the north and the house of Mahadev Sadashiv Ghadage on the South. He denied that the complainant was absent during the panchanama and denied deposing falsely because of acquaintance with the complainant.

51] Regarding the seizure of clothes, PW.2 stated that after the spot panchanama they reached Satara Road Police Station within

fifteen to twenty minutes. He volunteered that Jyotiram Shinde had brought the clothes from the hospital. He also clarified that the shirt originally appeared white but looked chocolatey coloured because of blood stains.

52] In re-examination, PW.2 stated that on 20.04.2023 he was again called by the police. He, alongwith the other panch witness and police personnel, took the sealed coconut peeling machine (Article-A) to the Civil Hospital. He stated that Dr. Atul opened the seal, examined the machine and thereafter, it was resealed. A panchanama (Exh.35) of that procedure was prepared, which he identified and confirmed as correct. He also identified the coconut peeling machine shown before the Court.

53] During further cross-examination, PW.2 denied that he had no written permission from his superior to attend the panchanama. He stated that entries regarding his presence on duty were available in the office records. He further stated that he travelled to the Civil Hospital on his motorcycle while the police arrived in a Government vehicle. Although, he had not personally checked the doctor's identity card, he denied that no Doctor was present or that the measurements of the weapon were not taken in his presence. He stated that the machine had been sealed with wax (lakh) after examination but admitted that there was no specific identifying mark to conclusively establish that the machine shown in Court was the same machine examined by the Doctor. He denied meeting the informant in Court on that day, denied having any

special relationship with the informant and denied giving false evidence.

54] From the entire evidence of PW.2, it clearly appears that he fully supported the prosecution case in terms of proving the spot panchanama (Exh.24), the seizure panchanama of clothes (Exh.25), panchanama (Exh.35) of examination of the coconut peeling machine Article-A by Dr. Atul Lipare-PW.4 etc. He also identified the weapons Articles-A and B as well as the seized clothes Articles-C, D, F, blood mixed soil Article-G, simple soil Article-H and cotton swab Article-I. The said witness denied all the suggestions put to him by the Defence. As such the testimony of PW.2 remains intact and undistructed.

55] API A. B. Raut (PW.7), the Investigating Officer was attached to Koregaon Police Station as PSI in the year 2023. The investigation of C.R. No. 150/2023 was entrusted to him by order (Exh.58) dated 10.04.2023 alongwith complainant's statement (Exh.22) and online FIR (Exh.23). During investigation, he visited the spot of the incident, inspected it and prepared a spot panchanama (Exh.24) in the presence of panch witnesses. He stated that the complainant, Surekha Rajaram Ghadage, showed him the spot. During the spot inspection, he seized blood-stained soil, simple soil, a blood-stained stone, a coconut peeling machine, and blood samples collected with cotton swabs. He identified the spot panchanama (Exh.24), photographs of the scene (Article-J) and all seized articles, namely the coconut peeling machine (Article-A),

stone (Article-B), blood-stained soil (Article-G), control soil (Article-H) and cotton swab (Article-I), alongwith their labels.

56] PW.7 further deposed that the seized articles were deposited with the muddemal clerk and the receipt thereof was marked as Exh.59. He deposed that clothes of the deceased produced by Police Naik No. 1880 were seized under a panchanama (Exh.25). The clothes consisted of a blood-stained shirt, pant, underwear, and baniyan. These articles were deposited in the muddemal room and the receipt was marked as Exh.60. He identified the clothes and their labels before the Court. PW.7 further deposed that on 10.04.2023 at about 8.49 p.m., he arrested accused Sambhaji Bapurao Ghadage and prepared the arrest panchanama (Exh.61). He identified the accused present in Court. He further stated that on 11.04.2023 he sent a letter to the Court for recording the statement of complainant Surekha Rajaram Ghadage under Section 164 Cr.PC., which was marked as Exh.62. Thereafter, he recorded statements of witnesses including Amar Dattatray Jadhav. The relevant portion of Amar Jadhav's statement was marked as Exh.63.

57] PW.7 further deposed that the seized articles were sent to the Forensic Science Laboratory, Pune, under a forwarding letter (Exh. 64) and that the chemical analysis reports received were marked as Exhs. 64A and 64B. He stated that he corresponded with Civil Hospital, Satara, for obtaining the post-mortem report through a letter (Exh.65) and also sought the preserved blood sample of the deceased through a letter (Exh.66). He further stated that he sought

the medical opinion regarding the coconut peeling machine (Article-A) by letter dated 20.04.2023 (Exh.39) and took the machine into custody under panchanama (Exh.35). He deposed that on 16.06.2023 he requested the death extract of the deceased through a letter (Exh. 67) and obtained the death extract (Exh. 68). Upon completion of the investigation, he filed the charge-sheet against the accused.

58] During cross-examination, PW.7 stated that he received information regarding the incident through an MLC from Civil Hospital, Satara and thereafter, received the investigation order at about 6.17 p.m. He stated that after reaching the spot he called the dog squad. He admitted that dog squads are generally called to trace accused persons, but denied that the accused was unknown in the present case when the dog squad was called. He acknowledged the dog squad report (Exh.69), which showed that the dog reached the spot at about 1.25 p.m. He admitted that at that time, both the complainant and the accused were present and that the accused had not yet been arrested because the offence had not been registered. He admitted that according to the dog squad report, after smelling blood and the coconut peeling machine, the dog did not proceed towards the accused. He admitted that Suresh Ghadage's statement dated 10.04.2023 was recorded at Civil Hospital, Satara, but stated that he had not recorded it himself. He admitted that there was a difference in the time of the incident mentioned in the complainant's statement and the FIR. He denied that the offence was registered on the basis of Suresh Ghadage's statement (Exh.70) or that the

complainant was pressured to lodge another complaint. He admitted that he had not obtained an explanation from Kadam. He admitted that there was no document showing that Government panch witnesses were deputed from their office. He further admitted that there were 7 to 8 houses near the spot but stated that he had not recorded statements of nearby residents because they had gone to attend a marriage ceremony.

59] PW.7 admitted that the spot panchanama did not mention blood stains on the coconut peeling machine (Article-A), the exact height of the machine, or that the machine was lying at the spot. He denied that blood stains on the stone were not mentioned. He admitted that the incident had occurred near the house of Jaysing Dinkar Jadhav but denied that he had failed to record his statement. He admitted that he had not applied a lakh seal to the coconut peeling machine, stone or soil samples and that the machine was not lakh sealed when shown to the Doctor. He denied that the machine and stone were not seized from the spot. He admitted that he had not recorded the statement of the ambulance driver who transported the injured to Civil Hospital, Satara. He stated that the muddemal remained in the custody of LPC Gaikwad and admitted that he had not produced documents regarding the person who carried the articles to the FSL. However, he denied that the seized articles were not sent for analysis.

60] PW.7 further denied that he had failed to take fingerprints of the accused. However, he admitted that no fingerprint

report was filed on record. He further admitted that he had not obtained call detail records relating to communication between the complainant and Suresh Ghadage. Finally, he denied that there was no evidence against the accused and that a false charge-sheet had been filed.

61] Though, the evidence of Investigating Officer-PW.7 is of procedural nature, but, on going through the entire evidence of PW.7, there appears several material admissions such as, the coconut peeling machine Article-A was lying at the spot, non-mentioning of description of Article-A, the calling of Dog Squad to know the unknown accused, the reference in Dog Squad report that after smelling blood and coconut peeling machine the Dog did not proceed towards the accused, there is difference in time of incident mentioned in complainant's statement and FIR, non-production of documents regarding the person who carried the Articles to FSL, Pune etc. All these admissions shows the manner in which investigation was carried out by PW.7 in a murder case. All these admissions accompanied with not recording statements of material witnesses loses significance of prosecution case and is fatal to the prosecution to prove the charge levelled against the accused.

62] Further, it is pertinent to note that, the prosecution has not examined Jaysing Dinkar Jadhav, in front of whose house the incident allegedly occurred. The evidence of PW.2 and PW.7 shows that the spot was situated in a residential locality having about seven to eight houses nearby. Despite availability of independent witnesses

from the locality, no such witness has been examined by the prosecution. PW.7 admitted that statements of nearby residents were not recorded. This omission assumes significance when the entire prosecution case rests substantially upon the sole testimony of PW.1.

63] The spot panchanama (Exh.24) and evidence of PW.2 Shekhar show that a coconut peeling machine (Article-A) and stone (Article-B) were allegedly seized from the spot. However, PW.2 admitted that no blood stains were visible on the coconut peeling machine (Article-A) and stone (Article-B). PW.7 also admitted that the spot panchanama does not mention blood stains on the coconut peeling machine (Article-A). Neither the exact dimensions nor the position of the machine at the spot were recorded.

64] The prosecution relied upon seizure of Article-A as the weapon of offence. However, the absence of visible blood stains on the weapon creates a significant circumstance. Though, the deceased allegedly sustained a severe head injury causing profuse bleeding, the prosecution has failed to bring any such evidence to explain why no visible blood stains were found on the alleged weapons Articles-A and B.

65] PW.2 admitted that the seized articles were not sealed at the spot. PW.7 also admitted that no lakh seal was applied to the coconut peeling machine, stone or soil samples. He further admitted that the weapon was not sealed when shown to the Medical Officer.

These lapses create doubt regarding preservation and identity of the seized articles.

66] The investigating officer PW.7 admitted that no fingerprints of the accused were obtained from the alleged weapon. No fingerprint report has been produced. Likewise, no scientific evidence connecting the accused with Articles-A and B has been brought on record.

67] The prosecution has also relied upon motive arising from previous agricultural disputes. Though, motive is proved through evidence of PW.1, but motive by itself cannot substitute proof of participation in the crime.

68] Another important circumstance emerges from the evidence of PW.7 that he admitted that the Dog Squad was called and as per Dog Squad Report (Exh.69), after smelling the blood and coconut peeling machine, the dog did not proceed towards the accused. Though dog tracking evidence is not substantive evidence, but it constitutes a circumstance which does not support the prosecution version.

69] PW.7 further admitted that the statement of Suresh Ghadage, brother of the deceased, was recorded at Civil Hospital on the very day of the incident. However, the prosecution has neither examined Suresh Ghadage nor satisfactorily explained the circumstances under which his statement was recorded. This assumes

importance because PW.1 herself stated that Suresh was present at the hospital.

70] There are also inconsistencies regarding the timing of the occurrence and registration of the offence. PW.7 admitted that there was a difference in the timing mentioned in the complaint and FIR. Though, such discrepancy by itself may not be fatal, it assumes importance when considered cumulatively with other infirmities.

71] The Court is conscious that minor omissions or discrepancies are not sufficient to discard otherwise reliable evidence. However, in the present case, the infirmities are not minor. The prosecution case suffers from absence of independent corroboration, hostility of a material witness, non-examination of natural witnesses, doubtful recovery of weapon, absence of forensic linkage and admitted lapses in investigation.

72] The evidence of PW.1, though consistent regarding the role attributed to the accused, remains uncorroborated on material particulars. Considering the admitted previous enmity between the parties and the deficiencies in the prosecution evidence, it would be unsafe to base conviction solely upon her testimony without satisfactory corroboration.

73] The Defence relied on authority **State Vs. Ranjeet Singh and Others (supra)**, however, the facts and circumstances in the cited

case is different from the case in hand. Hence, with due respect, the judgment relied by the Defence is not helpful to the accused.

74] Moreover, the case of the prosecution rests substantially on evidence of the interested witness i.e. complainant-Surekha (PW.1). PW.3-Amar does not support the prosecution and creates doubt about PW.1-Surekha's presence on the spot of incident. Though, the witness PW.2 fully supported the prosecution case, but on some aspects, his evidence is doubtful. The evidence of PW.4-Dr. Lipare is helpful to prove the homicidal death, but he gave admissions that the injuries could be possible in an accident or due to fall on hard surface. He failed to mention specific weapon in post mortem report (Exh.37). There is no endorsement in Exh.39 and clarification that his opinion only express the possibility of the injuries being caused by the weapon Article-A. He also admitted that there is no specific identical mark to establish that it was the same weapon. PW.5-Dr. Gawade gave crucial admissions about scoring and overwriting in time mentioned below the date in Exh.44. The size and nature of injuries were not mentioned in Exhs. 44 and 45. So also, PW.5 admitted that the cause of death was not mentioned in MLC papers. Eventhough, inquest panchanama Exh. 56 is proved through the evidence of PW.6, but his couple of admissions that only panchanama being written and no other activity was taken place and he is having good relations with Police, so he signed the panchanama Exh.56 makes his evidence dis-believable. Further, no independent witness from a crowded locality is examined by the prosecution. No blood on the alleged weapon was found. There is no forensic or

fingerprint linkage proved by the prosecution. The chain of evidence is not established by the prosecution.

75] Criminal jurisprudence requires the prosecution to establish guilt beyond reasonable doubt. If two views are possible, the view favourable to the accused must prevail. The cumulative effect of the aforesaid circumstances creates a reasonable doubt regarding the participation of accused Sambhaji in the assault.

76] Therefore, though the prosecution has successfully established that Rajaram died a homicidal death, it has failed to prove beyond reasonable doubt that the accused Sambhaji Bapurao Ghadage was the author of the injuries which caused such death.

77] Consequently, the prosecution has failed to prove beyond reasonable doubt that on 10.04.2023 at about 09.30 a.m., within the jurisdiction of village Ganeshwadi, Post Kinhai, Taluka Koregaon, District Satara, the accused intentionally and knowingly assaulted Rajaram Bapurao Ghadage by means of Coconut peeling machine and committed his murder and thereby committed an offence punishable under Section 302 of IPC. Therefore, the accused is entitled to benefit of doubt. **Hence, I answer Point No.2 in the negative.**

78] Therefore, in view of finding to point No.2, I have come to the conclusion that the prosecution has failed to prove the offence

against accused beyond reasonable doubt. Hence, accused is entitled for acquittal.

79] In the result, I proceed to pass the following order :-

ORDER

1] The accused **Sambhaji Bapurao Ghadage** is hereby acquitted of offence punishable under Section 302 of the Indian Penal Code vide Section 235(1) of the Code of Criminal Procedure, 1973 .

2] The seized Coconut peeling machine (Article-A) be sold in public auction, as per law and sale proceeds of the same be credited to Government, after period of Appeal.

3] The muddemal properties;

Sr.No.	Description	Material Object No.
1	Stone.	Article-B
2	White colour full shirt of deceased.	Article-C
3	Grey colour pant of deceased.	Article-D
4	Blue colour underwear of deceased.	Article-E
5	White colour Baniyan of deceased.	Article-F
6	Soil sample mixed with blood.	Article-G
7	Simple soil sample.	Article-H
8	Cotton swab by which blood was collected from the cement tiles.	Article-I

being worthless, be destroyed after period of appeal, as per law.

4] The accused **Sambhaji Bapurao Ghadage** is hereby directed to execute personal bond of Rs.15,000/- (Rupees Fifteen Thousand

Only) and shall furnish surety of the like amount to comply with the provision enumerated under Section 437-A of the Code of Criminal Procedure, (Amendment) Act, 2008.

(Dictated and pronounced in open Court)

Date: 29.06.2026.

(A. S. Waghmare)
Sessions Judge, Satara.