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Duration : **01 Y. 00 M. 04 D.**

<b>Part-'A'</b> <b>(Title Page of Judgment)</b> [Para 44 (ii) of Chapter VI of Criminal Manual]	
	<b><u>IN THE COURT OF SESSIONS JUDGE, WASHIM</u></b> <b>Present: Anil Subramaniam, Sessions Judge, Washim</b> <b>[Date of the Judgment: 28/04/2026]</b> <b>[Sessions Trial No. 33/2025]</b> <b>CNR No. MHWS010004192025</b>
<b><u>Exh. No. 57.</u></b>	(Details of FIR/Crime and Police Station)
Complainant	State of Maharashtra, Through Police station, Risod, Dist. Washim. <b><u>Crime No. 10/2025</u></b>
REPRESENTED BY	I/c DGP Mr. A. R. Vyawahare for the prosecution.
ACCUSED	<b>Ganesh Nivrutti Narwade (A-1),</b> Aged about 28 years, Occu. Porter, R/o. Loni (Bk), Tq. Risod, Dist. Washim.
REPRESENTED BY	Adv. Mr. P. A. Shelke, Chief LADC for accused.

**Part - 'B'**

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

Date of Offence	08/01/2025.
Date of FIR	08/01/2025.
Date of Charge-sheet	13/02/2025 (Committed to Sessions Court on 26/03/2025).
Date of Framing of Charges	26/08/2025.
Date of commencement of evidence	12/02/2026.
Date on which judgment is reserved	28/04/2026.
Date of the Judgment	28/04/2026.
Date of the Sentencing Order, if any	<b>Nil.</b>

**Accused Details**

Rank of 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, Cr.P.C.
A-1]	<b>Ganesh Nivrutti Narwade</b>	08/01/2025	<b>Under Trial Prisoner.</b>	Section 103(1) of BNS.	<b>Acquitted</b>	<b>Nil.</b>	<b>Not applicable.</b>

**Part- 'C'**

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

**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**

**A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Vishnu Nivrutti Narwade.	Complainant.
PW-2	Amol Nivrutti Narwade.	Other witness.
PW-3	Nandkishor Prakash Parwe.	Panch witness.
PW-4	Savita Vishnu Narwade.	Other witness.
PW-5.	Dr. Pooja Prabhakar Lad.	Medical Witness.
PW-6.	Rameshwar Bhagwan Nagare.	Investigating Officer.

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

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

**C. Court witnesses, if any :**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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CW-1	Nil.	Nil.
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### LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

#### A. Prosecution

Sr. No.	Exhibit Number	Description
1.	Exh. P-30/PW-1.	Report.
2.	Exh. P-31/PW-1.	Printed FIR.
3.	Exh. P-32/PW-1.	Statement of PW-1.
4.	Exh. P-34/PW-2.	Statement of PW-2.
5.	Exh. P-52/PW-3.	Stone seizure panchanama.
6.	Exh. P-53/PW-3.	Seizure panchanama of clothes of accused.
7.	Exh. P-54/PW-3.	Seizure panchanama of clothes of deceased.
8.	Exh. P-38/PW-4.	Statement of PW-4.
9.	Exh. P-42/PW-5.	PM report.
10.	Exh. P-43/PW-5.	Report by PW-5.
11.	Exh. P-45/PW-6.	Inquest panchanama.
12.	Exh. P-46/PW-6.	Arrest form of accused.
13.	Exh. P-47/PW-6.	Letter issued to Medical Officer.
14.	Exh. P-48/PW-6.	Letter issued to Ld. Magistrate.
15.	Exh. P-49/PW-6.	Letter issued to CA office.

#### B. Defence :

Sr. No.	Exhibit Number	Description
1.	Exh. D-50/PW-6.	Letter issued by Medical Officer, Akola.

#### C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1.	Exh. C-24 to C-26.	CA reports.

#### D. Material Objects :

Sr. No.	Exhibit Number	Description
1.	Article MO No. 1.	The Stone.
2.	Article MO No. 2.	Greenish Shirt.
3.	Article MO No. 3.	Jeans pant.
4.	Article MO No. 4.	Blood stained shirt.
5.	Article MO No. 5.	Underwear.
6.	Article MO No. 6.	Black pant.

### **J U D G M E N T**

(Dated 28/04/2026)

1. By the present trial, the accused is being tried for the alleged offences punishable under Section 103 (1) of BNS in crime No. 10/2025 registered by Risod Police Station.
2. It is the case of the prosecution that the complaint came to be lodged alleging that the complainant is residing with his wife and children and he has three brothers including himself. His other brother resides with his wife in the next room adjacent thereto. The accused and father resides with the other brother Amol. All of them do labour work. The brother accused does not do any work and hence, there are disputes between him and the father. On 08/01/2025, at around 2.00 pm, the complainant had gone to Deugaon and he received phone call from his younger brother Amol and he was informed that Ganesh killed father and he should come home and hence, he came back to the village at their residence and saw that the father was lying near a stone well and he had serious injuries to the head which was bleeding and he was not moving and he was assured that the father was expired. The accused was sitting on the stone well and when he

was questioned as to why he had killed the father and he stated that what do you know and hence, he went to Amol and Amol informed him that Ganesh was sitting on the stone well and the father was come to the house and father told accused that why he is sitting and go to do work and at that time, Ganesh picked up the stone and went behind and father was assaulted on his head and hence, father fell down. Ganesh again assaulted him on his head and thereafter, as he shouted, Ganesh i.e. accused went aside and sat down and that he saw father and the father had bleeding injury and was not taking any action.

3. Based on these allegations, complaint came to be lodged. The police carried out investigation, arrested the accused and on completion of investigation, charge-sheet came to be filed before the Ld. Trial Court. By order dated 26/03/2025, the Ld. Trial Court committed the case to the Court of Sessions and the same is before this Court for trial.
4. My Ld. Predecessor framed the charge against the accused. The accused pleaded not guilty and claimed to be tried. As he was unrepresented, legal aid was provided to him.
5. It is necessary to point out that during the course of the trial, the accused was undergone treatment on two occasion. Firstly on account of psychological reason and secondly on account of stomach aliment. The trial was commenced after the accused was shown to be fit for trial and was having understanding capacity. I also spoke with the accused and confirmed that the accused was having understanding capacity.
6. To bring home guilt of the accused, the prosecution examined six

witnesses. Heard Ld. PP and Ld. counsel of LADC. Considered the submissions advanced. Following points arise for my consideration and I answer the same as under for the reasons stated hereinafter :-

Sr. No.	POINTS	DECISION
1)	Whether the prosecution establishes that accused assaulted the deceased ?	.. In the negative.
2)	Whether the prosecution establishes that the accused have committed any offence ?	.. In the negative.
3)	What order ?	.. As per final order.

### REASONS

#### As to Point No. 1 -

7. At the outset, it would be necessary to consider evidence of the Medical Officer and ascertain nature of injuries and whether they constitute assault injury or otherwise.
8. The PW-5 Dr. Pooja conducted postmortem on the deceased. She found laceration of 3 to 4 cm on occipital region and 6 to 7 cm on back of head and contusion on forehead on right lateral side and cause of death was because of head injury and she has given PM report as per Exh. P-42.
9. The PM report indicates that the victim (deceased) has suffered laceration namely occipital region and back of head on left side and contusion on forehead on right lateral side. There is no fracture found to the scalp and the brain is only seen to be congested. Similar kind of injuries of laceration and contusion are said to available under scalp. The said Medical Officer has

clearly points out and admits in cross-examination that if a person falls from a height of 5 feet on a stone, he will suffer similar kind of injury and the injuries on the neck and back can be caused because of scratching of neck on well wall. This makes the sequence of events and cause of death doubtful because there is no co-relation to the brain and injuries and death.

10. The clothes of the accused are seen to have blood stains on it though they are innumerable blood stains on the other objects namely clothes of deceased and the stone. The location of the blood stained stone at the place of incident is another aspect that may require consideration.
11. Thus, the evidence of the Medical Officer who states that the victim could have survived with timely medical aid is also a point for consideration to note the intention to cause injuries. Thus, at present, medical evidence on record does not conclusively show that the cause of death was a culpable homicidal death. The cause because of fall from the well has been probalised for this by this witness.
12. The spot panchanama conducted is also of importance. The PW-3 is the panch to the spot and the spot panchanama is as per Exh. P-52. If Exh. P-52 is seen, the body is seen at stone floored lane. There is a stone said to be near the head which is said to be around two and half kg. At the place of incident, near 5 feet from the house of Arun Ingole, there is well with the stone wall. The said witness PW-3 is resident of the same village. He admits that there is well in front of house of Nivrutti and there is road

adjacent to the well and there are stones placed therein. He also points out that the well wall is around waist high. The panchanama is carried out between 04.10 to 04.55 p.m. and the body is said to be lying there itself. The alleged incident as per the complaint is around 01.30 pm. Thus, for 4 hours no treatment or anything was done to the deceased. Thus, the aspect of spot shows and corroborates possibility of fall from the well, resulting in head injury, resulting in death.

13. Besides this, the prosecution has also examined two brothers as well as the sister-in-law of the accused. PW-1 is the complainant and he has stated that he was not available when the incident took place and he received a call from the brother and hence, he came there. He had received the call between 01.30 to 02.00 p.m. and that the victim was not taken to the hospital even when he came back after about 30 plus minutes. He admitted that there is well in front of the house. It is constructed in stones and the neighbourers sit on the well boundary and the accused and the father also used to sit on the well boundary. This is another circumstance which supports the defence. Apparently, this witness has not seen the incident. This witness points out two circumstances, firstly that the accused did not run away and secondly and more importantly when he was inquired as to why he killed the father, he immediately stated that “तुला काही माहीत नाही.” This indicates that the accused himself immediately after the incident refuted the contention of he assaulting the father.
14. The PW-2 is the other brother Amol. The deceased and accused were residing with him. Amol at the first instance was totally inconsolable

and the matter had to be adjourned as a result thereof. During his second attempt, he stated that as the accused was not doing work, the deceased was asking him to do work. On the date of incident, he asked his father to have lunch or go out. Thereafter, he states that father went out near the well and father called him thrice and he saw the father fallen down and there was stone in the hand of Ganesh and then he called the complainant. The cross examination reveals that on the date of incident, the leg of the said witness was sprained and he was sleeping on the bed. He further admits that father and accused were sitting on the well wall and there were stones lying there. He did not deny the fact that his father had fallen from the well and had injuries to the head. He was tutored by complainant and his wife as to what is to be stated in the Court at statement under Section 183 of BNSS. He admits that his father did not call him thrice and that he did not see any stone. This aspect is denied by him. Thus, what comes out from this incident and the deposition of PW-2 is that the very foundation of the case of the prosecution is shaken that this witness saw the assault on the deceased by the accused.

15. As per the case of prosecution, it is Amol who saw the assault on the father directly. It is further necessary to point out that the statement under Section 183 of BNSS is tutored by other relatives. One has to consider statement under Section 183 of BNSS recorded by the Ld. Magistrate. It shows that the son asked father to go out and father went after drinking water and that the father called him thrice and thereafter, father went near stone well and he heard stone falling down and went out and saw the stone in the hand of Ganesh and

father lying down and at that time, sister-in-law came running there. This entire sequence of events as in the original prosecution case is not supported by this witness.

16. The other star witness would be PW-4 who is sister-in-law who is second in line to see the incident. It is deposed by her that she heard shouts of Amol and that saw father-in-law lying near well and he had bleeding injury, that Ganesh standing there with stone in his hand and he did not answer when queried as to how he assaulted and he put down stone and sat on the well. This witness admits that as the father (deceased) and his son (accused) were not working, there was dispute in the house. The well is behind their house and cannot be seen from the house of this witness. Amol i.e. other witness was also in the house because of injuries to the leg. At the time of incident, there was no one near the well except the accused and deceased. The well is waist high. She admits that no one saw the accused assaulting deceased with stone. It is further admitted by her that when they went near the well i.e. she and Amol, the accused was sitting on the well wall. This completely turns around the prosecution story and creates doubt about the prosecution story.
17. The second aspect that is very apparent in this case is that neither Amol nor wife of Amol or the sister in-law called any Medical Officer or any person to examine deceased or to lodge any complaint or to call police. What was done by them was merely wait and after elder brother came, police were called much belatedly. The information to the police station as is seen from the printed FIR at Exh. 31 is at 9.00 pm which is certainly incorrect. The spot panchanama is conducted on the same day at 4.10 to 4.55 pm. Thus, it is really

again doubtful as to whether the first information given to the police was correct facts or a result of pre-mediation to involve the accused. Apparently, the police were present earlier i.e. prior to 4.00 pm and considering this aspect, it is really doubtful as to why complaint was registered five hours late.

18. The PW-6 is the investigating officer. He submits that he received investigation and he conducted panchanama etc. He admits that there is well at the place of incident which has stone well. Thus, entire sequence of events as to how the belated FIR is lodged is again doubtful. The inquest is conducted between 5.00 to 6.00 pm on the same day. Thus, there is inordinate unexplained delay with regard to the actual lodging of the complaint and information received by the police. Thus, this another circumstance which also creates doubt.
19. Last but not the least, the aspect is that one has to consider whether the accused has been made a victim of the circumstance. The accused is said to be differently mentally abled and is under psychiatric medication. It is also noted by the Medical Officer vide Exh. 50 that there was non compliance of medication. After starting of medication, he started communicating etc. Thus, he was under mental duress at that time. The father was taking care of the said accused after death of mother. The family of the accused and the deceased come from poor family. The factum that father was asked to eat or leave house and the father leaving house with a glass of water speaks volumes about the nature of relationship of the accused, deceased and other family members. The accused was put for examination under Section 313 of Cr. P. C. (Section 351 of BNSS)

and he stated defence that as they were not getting along with, he is falsely implicated.

20. Thus, considering overall circumstances i.e.
- a) the case of the prosecution fails on the ground that Amol witnessed the assault,
  - b) the case of the prosecution that Amol and Savita saw the assault stands falsified, and the case of the prosecution of witnessing assault by two witnesses is not supported by other any witness.
21. The defence of fall from the well and resulting in death is probalised. There is no clear cut evidence or medical support to the exact cause of death. The conduct of the accused denying incident immediately to PW-1 and also not running away from the place of incident is in support of the defence. There is substantial delay in lodging of FIR which supports contention of the family members coming together and creating case. The inaction of the family members of giving medical aid or even ascertainment of death is clearly doubtful factor with regard to alleged incident taken place as stated by the prosecution. Considering these overall circumstances of the case, I hold that the prosecution has failed to establish beyond reasonable doubt that the accused assaulted deceased and in such circumstances, it is further held that the prosecution has failed to establish that the accused has caused death of deceased. Hence, I answer point No. 1 in the negative.

**As to Point No. 2 -**

22. Considering overall circumstances and negative answer to point No. 1, the prosecution has failed to establish that the accused had committed any offence. It is necessary to point out that the accused

himself seen to be victim of circumstance that too he is suffering from mental illness and requires due care and attention. During the trial and throughout the trial, the accused was seen to be well co-operative and submissive. In such circumstances, DLSA, Washim is requested to appoint PLV who shall observe if the family of the accused is taking him back and in the alternative support his rehabilitation through any agency as far as possible. Hence, I answer point No. 2 in the negative and pass the following order -

**ORDER**

1]	The accused <b>Ganesh Nivrutti Narwade</b> , aged about 28 years, R/o. Loni (Bk), Tq. Risod, Dist. Washim is hereby acquitted for commission of alleged offence punishable under Section 103(1) of BNS in crime No. 10/2025 registered by Risod Police Station, vide Section 258 (1) of BNSS.
2]	The accused is in custody, he be released in the present crime if not required in other crime on furnishing PR bond of Rs. 15,000/- (Rupees fifteen thousand only) in compliance of Section 481 of BNSS, 2023.
3]	During the trial and through out the trial, the accused was seen to be well co-operative and submissive. In such circumstances, DLSA, Washim is requested to appoint PLV who shall observe if the family of the accused is taking him back and in the alternative support his rehabilitation through any agency as far as possible.
4]	The property i.e. one stone, one greenish shirt, one jeans pant, one blood stained shirt, underwear and black pant and other clothes being worthless, be destroyed and the disposal of the property be carried out after the appeal period is over and only after seeking confirmation from the Registry of Hon'ble High Court of Bombay, Bench at Nagpur that no appeal or other proceeding challenging this judgment is pending before the

	Hon'ble High Court.
5]	Inform to Central Jail, Washim and Police Station, Risod, accordingly.
6]	The copy of the judgment be supplied to the District Magistrate, Washim.
7]	Sessions Trial No. 33/2025 stands disposed off.
	Judgment dictated, delivered and pronounced in open Court.

Place :- Washim  
Date :- 28/04/2026

**(Anil Subramaniam)**  
Sessions Judge, Washim.

**CERTIFICATE**

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

Name of Stenographer	:	A. W. Ajmire, Steno (G-II)
Court Name	:	Principal District & Sessions Judge, Washim.
Date of order/Judgment	:	28/04/2026
Judgment dictated on	:	28/04/2026
Transcribed and typed on	:	28/04/2026
Order/Judgment signed by Presiding Officer on	:	28/04/2026
Order/Judgment uploaded on	:	28/04/2026