

MHYA010004352021 	Received on : 22.03.2021 Registered on: 22.03.2021 Decided on : 15.04.2026 Duration : 04Y 12M 23D
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Sessions Case No.38/2021

Exh. 71

Form No.XXXII

Part 'A'

(Title page of Judgment)

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

	IN THE COURT OF SESSIONS JUDGE, YAVATMAL, DISTT. YAVATMAL <i>(Presided over by S. C. Munghate)</i> Date of Judgment : 15/04/2026 Sessions Case No. : 38/2021	
	FIR No. 85/2020 Under Section 307, 323, 504, 506 r/w 34 of the Indian Penal Code. Police Station, Yavatmal City, Yavatmal. District: Yavatmal.	
COMPLAINANT	:	State of Maharashtra, Police Station, Yavatmal City, Yavatmal. Tq. and District: Yavatmal.
PRESENTED BY	:	APP Shri. A. A. Mohod.
ACCUSED	:	1) Vasanta Sandip Barade, Aged 38 Years, Occu. Labour, 2) Ravi Sandip Barade, Aged 35 Years, Occu. Labour, 3) Sandip Narayan Barade, Gajbhiye, Aged 75 Years, All R/o. Netaji Nagar, Yavatmal, Tq. and Distt. Yavatmal.
PRESENTED BY	:	Adv. Shri. Harshal Rathod.

.. 2 ..

Part – 'B'

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

Date of offence	13.02.2020
Date of FIR	14.02.2020
Date of charge Sheet	05.11.2020
Date of framing Charge	24.07.2023
Date of commencement of evidence	08.01.2026
Date on which judgment is reserved	N.A.
Date of Judgment	15.04.2026
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 Cr.PC.
1.	Vasanta Sandip Barade	22.02.2020	20.08.2020	Section 307, 323, 504, 506 r/w 34 IPC	Acquitted	--	--
2.	Ravi Sandip Barade	14.02.2020	29.02.2020	Section 307, 323, 504, 506 r/w 34 IPC	Acquitted	--	--
3.	Sandip Narayan Barade	14.02.2020	26.02.2020	Section 307, 323, 504, 506 r/w 34 IPC	Acquitted	--	--

Part – 'C'

(Para 44(i) 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
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		WITNESS)
PW1- Exh.29	Shobha Pravin Barde	Informant/Wife of injured
PW2- Exh.43	Vinayak Devsing Chavhan	Panch on Spot and memorandum panchanama

B. Defence witnesses if any.

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, MEDICAL WITNESS, PANCH WITNESS OTHER WITNESS
—	—	Nil

C. Court witnesses if any.

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, MEDICAL WITNESS, PANCH WITNESS OTHER WITNESS
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LIST OF PROSECUTION /DEFENCE/COURT EXHIBITS

A. Prosecution

Sr.No.	Exh. No.	Description
1	44	Memorandum panchanama
2	45	Seizure panchanama of knife and clothes
3	30	General Diary details (Admitted)
4	31	General Diary details (Admitted)
5	32	Injury Report (Admitted)
6	32-A	Discharge Summary (Admitted)
7	33	Letter issued to Deputy Regional Transport Officer (Admitted)
8	34	Order of Deputy Regional Transport Officer, Yavatmal (Admitted)
9	35	Notice to the witnesses to act as a panch on spot panchanama (Admitted)
10	36	Spot panchanama (Admitted)
11	37	Letter to Deputy Superintendent, Land Record Office, Yavatmal (Admitted)
12	38	Sketch map of spot of incident (Admitted)
13	45-A, 46, 47, 48, 49	Seizure panchanamas (Admitted)

14	50	Letter to Deputy Regional Transport Officer for seeking panch witnesses (Admitted)
15	51, 51-A	Muddemal receipts (Admitted)
16	52, 53	Letter to Medical Officer (Admitted)
17	54	Letter to Medical Officer for query (Admitted)
18	55	Query report (Admitted)
19	56	Duty pass (Admitted)
20	56-A	MLC Form of accused Sandip Barade (Admitted)
21	56-B	Short Case Record (Admitted)
22	57	MLC Form of Sandip Barade (Admitted)
23	58	Short Case Record (Admitted)
24	59	MLC Form of Vasanta Barade (Admitted)
25	60	Short Case Record (Admitted)

B. Defence

Sr.No.	Exh.No.	Description
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C. Court Exhibits

Sr.No.	Exh.No.	Description
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D. Material Objects.

Sr.No.	Art. No.	Description
1	--	--

J U D G M E N T

(Delivered on this 15th day of April, 2026)

1. The accused are charged with the offences punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

The prosecution facts, in brief, are as under :

2. Sau. Shobha Pravin Barade, R/o. Netaji Nagar, Yavatmal,

lodged report that, she resides with her husband and children. Her father-in-law and elder brother-in-law reside separately. On 12/02/2020 during 03:30 pm one unknown person came to brother-in-law namely Ravi Sandip Barade and father-in-law Sandip Narayan Barade and elder brother-in-law namely Vasanta Sandip Barade for demanding return of borrowing handloan amount and was disputing with them. Therefore, her husband Pravin Barade went for mediation and said them that he pay the borrowing amount. That time her brother in law and father-in-law said him that, 'who are you, pay our borrowing amount and quarreling with him. Thereafter on next day on 13/03/2020 at about 09:30 to 10:00 pm when she and her husband were standing outside the house, that time her both brother-in-laws and father-in-law came in front of their house. That time Vasanta Sandip Barade assaulted by sharp weapon on the right hand and chest of her husband Pravin Barade. Therefore her husband fell down and brother in law Ravi Barade and father-in-law assaulted her husband by fist and kick blows and abused him and also gave threatened to kill him. Therefore, she went to Police Station Yavatmal City and lodged report of the incident.

3. On the basis of the report of the informant, the offences punishable under Sections 307, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, came to be registered vide Crime No.85/2020.
4. The investigating officer P.S.I. Mr. Ravindra Revatkar investigated into the matter. He visited the place of incident and prepared Spot Panchanama (Exh. 36) in presence of panch witnesses. He collected the blood stain samples from the spot

and seized it. He arrested the accused, recorded the memorandum of accused u/s.27 of Evidence Act in presence of panch witnesses and seized the knife from the accused. He obtained query report of the weapon used in the offence from the Medical Officer. He also seized the blood stains clothes of the injured and the accused. The seized muddemal sent to the Chemical Analysis, Regional Forensic Laboratory, Amravati. The statement u/s.164 of Cr.P.C. of informant and injured are recorded in the learned J.M.F.C. Court. After completion of the investigation, charge-sheet came to be filed against the accused for the offences punishable under Sections 307, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

5. The learned Chief Judicial Magistrate, Yavatmal by passing order below Exh. On 22/02/2021 by complying the formalities u/s.207 of Code of Criminal Procedure, committed the case to sessions Court, Yavatmal as exclusively triable by the sessions Court.
6. The charge is framed against accused at Exh. 15 by my learned predecessor. The contents of charge were read over and explained to them. They denied the charges and claimed to be tried. The prosecution examined in all two witnesses. The defence of the accused is of total denial and false implication.
7. The statement of accused under section 313 of Criminal Procedure Code is recorded at Exhs.68 to 70.
8. Heard the submissions advanced by learned APP for State and learned advocate for the accused. I have carefully gone through the entire oral and documentary evidence available on record.
9. On the basis of facts and circumstances emerging on record, the following points do arise for my determination and

my findings thereon are as follows for the following reasons :

<u>Points</u>	<u>Findings</u>
01) Whether prosecution proved that on or about 13/02/2020, between 09:45 pm to 10:00 pm, in front of the house of injured Pravin Sandip Barade, situated at Netaji Nagar, Yavatmal, all the accused in furtherance of their common intention, accused No.1 Vasanta assaulted on Pravin Sandip Barade by means of Knife on his right hand, chest and head and you accused Nos.2 and 3 assaulted with kicks and fist with such intention or knowledge and under such circumstances that if that that act all the accused had caused the death of Pravin Sandip Barade, all accused would have committed an offence punishable under section 307 r/w 34 of IPC ?	... No.
02) Whether prosecution proved that on or about 13/03/2020, between 09:45 pm in front of the house of injured Pravin Sandip Barade, situated at Netaji Nagar, Yavatmal all the accused in furtherance of their common intention, accused No.1 voluntarily caused hurt to Pravin Sandip Barade on right hand and chest by knife and accused Nos.2 and 3 beaten him by fists and kicks and thereby committed an offence punishable under section 323 r/w 34 of IPC ?	... No.
03) Whether prosecution proved that on 13/02/2020 between 09:45 to 10:00 pm in front of the house of injured Pravin Sandip Barade, situated at Netaji Nagar, Yavatmal, all the accused in furtherance of their common	

intention, accused Nos.1 to 3 intentionally insulted by giving abuses and beating to the said Pravin Sandip Barade and thereby gave provocation to Pravin Barade intending or knowing it to be likely that such provocation will cause the said Pravin to break the public peace and thereby committed an offence punishable under section 504 r/w 34 of IPC ?

...

No.

04) Whether prosecution proved that on 13/02/2020 between 09:45 to 10:00 pm in front of the house of injured Pravin, situated at Netaji Nagar, Yavatmal, all the accused, in furtherance of their common intention committed a criminal intimidation by threatening to Pravin Barade to kill him with intent to cause alarm to the said Pravin Barade and thereby committed an offence punishable under section 506 r/w 34 of the Indian Penal Code ?

...

No.

05) What Order ?

... As per final order.

REASONS

As to point nos.1 to 4 :

10. In order to prove the charges levelled against the accused persons, the prosecution has examined P.W. No.1 Shobha Pravin Barade (Exh.29) and P.W. No. 2 Vinayak Devsing Chavhan (Exh.43).
11. Considering the evidence laid by the prosecution to prove the guilt of the accused, in my view, the prosecution has utterly failed to prove the fact that accused No.1 Vasanta has assaulted Pravin Barade by knife and accused No.2 Ravi Barade

and No.3 Sandip Barade by fist and kick blows. Let us discussed the evidence by which I came to the conclusion that the prosecution failed to prove the charges.

12. PW. No. 1 Shobha Pravin Barade in her evidence stated that her husband is died prior to three years. She stated that on 12/02/2020 the quarrel had happened amongst her husband and all the accused, but at that time she was not present in the house therefore she has no knowledge the reason of quarrel. She also stated that she has no knowledge that what is happened on 13/03/2020. During cross-examination nothing is brought upon record by the learned APP to prove the guilt of the accused. Therefore the evidence of this witness is not helpful to the prosecution, to prove the charge against the accused persons.
13. PW. No. 2 Vinayak Devsing Chavhan, the panch witness on spot and memorandum panchanama. He stated that in the year 2020 he was working as Junior Clerk in R.T.O. Office. On 23/06/2020 he and another panch Prashant Raut went to Police Station Yavatmal City to act as a panch. He stated that PSI Ravindra Revatkar produced accused Vasanta Barade before him. Accused Vasanta Barade gave memorandum statement before him that he is ready to show the place where he kept the knife used in the crime and the clothes which wore at the time of incident. Thereafter police prepared panchanama at Exh.44. Thereafter we went alongwith accused to his house. There he took out the knife and clothes from the house. It was seized by the police and seizure panchanama Exh.45 was prepared. Though the seizure of knife and clothes from the accused is proved, but still mere recovery of weapon from the

accused solely cannot form the basis of conviction, when the other evidence is lacking. Therefore, the evidence of this witness is of no use to the prosecution to prove the guilt of accused.

14. The defence has admitted the documents which are placed on record, but after going through the documents itself, cannot say that the prosecution has proved the charge levelled against the accused beyond reasonable doubt.

15. During the trial the injured, the husband of the complainant had died, but not due to present injury, has come on record from the evidence of the complainant.

16. In view of all the above reasoning, I am of the view that the prosecution has failed to prove the fact that accused with common object and intention have assaulted the husband of informant, with intent to kill the injured. Further nothing is brought up on record to hold guilty accused, for the offences charged and levelled by the prosecution, and therefore, I answer to point No. 1 to 4 in the negative. In lieu to point No. 5, I pass the following order.

ORDER

01) The accused No.1 Vasanta Sandip Barade, No.2 Ravi Sandip Barade and No.3 Sandip Narayan Barade are hereby acquitted under Section 235(1) of the Code of Criminal Procedure for the offence punishable under Section 307, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

02) The bail bonds of the accused stands cancelled.

03) The muddemal property i.e. knife and other seized muddemal being worthless be destroyed after

appeal period is over.

- 04) The accused are hereby directed to furnish their bail bond with surety of Rs.15,000/- each as required under Section 437-A of Criminal Procedure Code, to appear before the Hon'ble higher Court as and when such court issues notice in respect of any appeal or petition filed against this judgment.

(Dictated and pronounced in open Court.)

Dated :15/04/2026.

(Shekhar C. Munghate)
Sessions Judge,
Yavatmal.

Certificate

I affirm that the contents of this P. D. F. Judgment/ Order are same word to word, as per the original judgment/ Order.

Name of Stenographer :- M. A. Bomble,
Stenographer Grade I.
Court name :- Principal District & Sessions Court,
Yavatmal.
Date :- 15/04/2026
Judgment signed by
Presiding officer on :- 15/04/2026
Judgment uploaded on :- 15/04/2026

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