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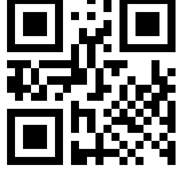

Received on	:	28/05/2020
Registered on	:	28/05/2020
Decided on	:	06/04/2026
Duration	:	**05Y 10M 08D**

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, YAVATMAL, AT YAVATMAL

(Presided over by S.U. Baghele)

Date of the judgment	**:**	**04.04.2026 and 06.04.2026.**
Sessions Case No.	**:**	**36/2020.**
Exhibit No.	**:**	**76**

Details of FIR/Crime	**:**	FIR No.29/2020,
and police station.	**:**	Ghatanji police-station.

Prosecution.	**:**	The State of Maharashtra,
Represented By.	:	Learned A.P.P. Mr. V. S. Telang,
Accused.	:	Sachin Vandan Patil, Age – 22 years, Occ – Labourer, R/o : Anji (Nru.), Tq. Ghatanji, District Yavatmal.
Represented By.	:	Learned Advocate Mr. Imran Deshmukh and learned Advocate Mr. Y.K. Dhande.

Date of offence.	:	13/01/2020
Date of FIR	:	14/01/2020
Date of charge-sheet.	:	04/04/2020
Date of Framing of charges.	:	09/05/2023

Date of commencement of evidence. : 16/10/2024

Date on which judgment is reserved. : 30/03/2026

Date of the judgment. : 04/04/2026 and 06/04/2026

Date of the Sentencing Order, if any. : 06/04/2026

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.P.C.
1.	Sachin Vandan Patil	14/01/2020	16/02/2021	302 IPC	Convicted	As per final order	From 14/01/2020 to 16/02/2021 and from 04/04/2026 till today

A. <u>Prosecution witnesses</u>.

Rank	**Name**	**Nature of evidence.**
Exh. No.P-27/PW1	Punerata Arvind Kohare	Informant.
Exh. No.P-32/PW2	Akash Vitthal Kursunge	Witness
Exh. No.P-34/PW3	Vivek Madhukarrao Thakare	Pancha
Exh. No.P-43/PW4	Dr. Rajendra Vithoba Bansod	Medical Officer
Exh. No.P-46/PW5	Rahul Dnyaneshwar Dambhare	Pancha

Exh. No.P-50/PW6	Kishor Pandurang Bhujade	Investigating Officer

B. Defence witnesses, if any. : NIL

C. Court witnesses, if any. : NIL

A. Prosection Exhibits :

Sr. No.	**Exhibit Number**	**Description.**
1	Exh. No. P-28/PW1	Oral report.
2	Exh. No. P-29/PW1	Printed FIR
3	Exh. No. P-35/PW3	Memorandum Statement of the accused
4	Exh. No. P-36, 37, 38, 39/PW3	Seizure Panchanamas
5	Exh. No. P-47/PW5	Spot Panchanama
6	Exh. No. P-44/PW4	Requisition Letter
7	Exh. No. P-45/PW4	Query Report.
8	Exh. No. P-47/PW5	Spot panchanama
9	Exh. No. P-51/PW6	Arrest Form
10	Exh. No. P-52/PW6	Notice issued to pancha witnesses
11	Exh. No. P-53/PW6	Portion mark-A from the statement of Akash Kursunge.
12	Exh. No. P-54/PW6 to 57/PW6	C. A. Reports

B. Defence Exhibits. : NIL.

C. Court Exhibits. : NIL.

D. Material Objects :

Sr.No.	Material Object Number	Description
1.	M.O. No.A	Wooden Log
2.	M.O. Nos. B and C	Clothes at OP No. 60/2024.

ORAL JUDGMENT
(Delivered on 04/04/2026 and 06/04/2026)

1. The accused herein has been facing the trial for the offence punishable under section 302 of the Indian Penal Code, 1860 (Hereinafter referred to as 'the IPC' for short).

2. The factual matrix, which has not been disputed to by either side, is that the accused and deceased Arvind Kohare (Hereinafter referred to as 'the deceased' for short) were the residents of village Anji, Tq. Ghatanji, District Yavatmal, in the year 2020. Informant Punerata Kohare (PW1) is the wife of the deceased. The deceased had sustained a head injury. The probable cause of his death was the head injury.

3. According to the prosecution, the house of the accused was situated at a short distance from the house of the deceased. The accused and the deceased were labourers, who performed labour work, at the construction site of a cement road on 12.01.2020 and 13.01.2020. The wages, payable to the deceased, in respect of the said labour work, to the tune of Rs.600/-, were received by the accused. Hence, on 13.01.2020, at 06.00 p.m., the

deceased approached the house of the accused, for demanding his wages, but the accused was not present at his residence. At 09.30 p.m. on the same night, the deceased and the informant had their dinner and had gone asleep. At that time, the accused approached the house of the deceased, called him and opened the door, by giving a jerk to it, and entered into the house of the deceased. The accused insisted the deceased on proceeding out of the house, to settle the score. The deceased managed to drive out the accused, out of his house, by trying to convince the accused that the matter shall be taken care of on the next day. However, the accused carried the deceased out of his house, by raising quarrel with the deceased. Consequently, the informant also followed them. The accused and the deceased reached an open space near the Grampanchayat office. The informant was following the duo. The accused inflicted the blow of a wooden log on the head and the face of the deceased. As the accused noticed the informant, he fled away therefrom. The informant raised an alarm, whereupon villagers gathered over there. The deceased succumbed to the injuries sustained, on the scene of occurrence itself.

4. The law was set into motion by the informant, by lodging a report with police station, Ghatanji, on 14.01.2020, at 03.20 a.m., means within five hours of the occurrence. A crime came to be registered against the accused, bearing Cr. No. 29/2020, for the offence punishable under section 302 of the IPC. API Kishor Bhujade (PW6) investigated into the crime. He prepared a spot panchanama and an inquest panchanama in the presence of

panchas. He sent the body for postmortem examination, whereupon PW4 Dr. Rajendra Bansod conducted postmortem examination. He seized the blood sample of the deceased. He arrested the accused. He collected his blood sample. He seized the clothes of the accused. He recovered the wooden log, at the instance of the accused. He recorded the statements of the witnesses. He put a query to the doctor in respect of the weapon. He sent the muddemal for chemical analysis. Upon the completion of the investigation, charge-sheet was filed before the Court of the Judicial Magistrate, First Class, Ghatanji, for the offence punishable under section 302 of the IPC. The learned Magistrate took the cognizance of the offence, and as the case was exclusively triable by the Court of Sessions, committed the case to this Court for trial.

5. The accused came to be charged with the commission of the offence punishable under section 302 of the IPC, The contents therein were read over and explained to the accused in vernacular, whereupon he pleaded to be not guilty, and preferred to face the trial.

6. The defence taken by the accused, in his statement recorded under section 313 of the Code of Criminal Procedure, 1973 (Hereinafter 'the Cr.P.C.' for short) and the suggestions put to the witnesses examined by the prosecution, is that of total denial.

7. Looking to the rival contentions taken by the prosecution as well as the defence, the following points cropped up

for my determination, and I record my findings thereon, with the reasons to follow thereunder:-

Sr. No.	**Points**	**Findings**
(1)	Whether the prosecution proved that the accused committed the murder of deceased Arvind Kawaduji Kohare by causing his death, by doing an act, with the intention of causing death or with the intention of causing such bodily injuries, as he knew to be likely to cause death or with the intention of causing such bodily injuries, which are sufficient in the ordinary course of nature to cause death ?	In the affirmative.
(2)	What order?	As per the final order

R E A S O N S

POINT NO.1. :-

8. In order to substantiate the case of the prosecution, the prosecution examined 6 witnesses, and relied upon certain documents, whereas the accused did not lead any evidence. Before adverting to the testimonies of the witnesses, it would be more convenient to deal with the arguments advanced on behalf of the parties, and to consider the evidence, in the light thereof.

9. It is submitted by Shri Telang, the learned APP, that PW1 stated about the inflicting of the blow of a wooden log by the

accused. The blow was inflicted on the vital part of the body, which shows an intention to kill, more particularly, when it resulted into the fracture of head. Admissions do not falsify the case. PW3 stated about the recovery of weapon at the instance of the accused. The doctor, conducting postmortem examination, opined that the probable cause of death was head injury. PW5 deposed about spot panchanama. Medical evidence corroborated the eye witness. The blood of the deceased was found on the shirt of the accused and on the wooden log, as per the C.A. report. The prosecution proved its case. He relied upon the following authorities :-

i] **Sudip Kr. Sen @ Biltu ..Vs.. State of West Bengal and others, 2016 SCR (Criminal) 271 Supreme Court**, wherein it was observed that the court may act on the testimony of a single witness, though uncorroborated, if the testimony is found to be reliable.

ii] **Kamta Yadav and others ..Vs.. State of Bihar, 2017 SAR (Criminal) 23 Supreme Court**, wherein it was observed that conviction can be based on the testimonies of the witnesses related to the deceased, if the testimonies are worthy of credence.

iii] **Palani ..Vs.. State of Tamil Nadu, 2019 SAR (Criminal) 183 Supreme Court**, wherein it was observed that the absence of motive is of no importance, if the evidence against the accused is clear and cogent.

iv] **State of Madhya Pradesh ..Vs.. Chhaakki Lal and another, 2018 SAR (Criminal) 1201 Supreme Court**, wherein it was observed that the testimony of a solitary witness can be considered, if it is cogent and trustworthy. It was further observed that the quality of the evidence matters, and not the quantity.

v] **Karulal and others ..Vs.. The State of Madhya Pradesh, 2021 SAR (Cri) 53 Supreme Court**, wherein it was observed that a related witness can be the basis of conviction, if his evidence is found to be truthful.

vi] **Vadivelu Thevar ..Vs.. The State of Madras, AIR 1957 Supreme Court 614**, wherein it was observed that if the testimony of a single witness is entirely reliable, conviction can be based on the same.

10. *Per contra,* it is submitted by Shri Imran Deshmukh, the learned counsel for the accused, that the testimony of PW1 does not inspire confidence. As per the report lodged with the police at Exh.28, there was no wooden log in the hand of the accused, at the house of the deceased. As per PW1, it was not possible to recognize the object, etc. due to darkness, due to which, she could not have recognized the weapon. As per her, the deceased was lying on a road in an injured condition. In the case of sole testimony, the witness must be of a sterling quality. PW1 is a tutored witness, as she went through her statement. She deposed under the pressure from the police, due to which, she is not reliable. The natural conduct of PW1 is doubtful, as she did not refer the deceased to hospital, nor did she rescue him. There was no voluntary statement of the accused at the time of memorandum, as police interrogated him, as per PW3. The place, where the weapon was lying, was an open place. The investigating officer did not state before the court, as to what was stated by the accused during the memorandum. PW4 doctor did not state that the injury was sustained due to assault. The injury is possible due to falling on a sharp edged stone,

as per the doctor. As per the P.M. report, there was alcoholic smell from the stomach of the deceased. As per PW1 also, the deceased was an alcoholic person. There was no intention to kill the deceased, as no weapon was brought by the accused, and only a single blow was allegedly inflicted. There is reason to doubt the story of the prosecution. Homicidal death is not proved. PW3 did not state, as to from whom and from where the clothes of the accused were seized. The clothes of the accused must have been seized at the time of his arrest. The carrier of the muddemal to the forensic science laboratory is not examined. There is the possibility of spraying of blood by the investigating officer on the clothes of the accused. He submitted that the prosecution failed to prove its case beyond reasonable doubt. He relied upon the following authorities :-

i] **Allarakha Habib Memon etc. ..Vs.. State of Gujrat, 2024 Legal Eagle (SC) 708**, wherein no witness in respect of safe custody of muddemal articles, from the time they were received in the police station and seized till the time they reached forensic science laboratory, were examined, due to which, the FSL report was held to be insignificant. It was further observed that the sole circumstance of recovery of blood stained weapon cannot form the basis of conviction.

ii] **Shri John Crasto ..Vs.. State of Goa, 2005 Legal Eagle (BOM) 2123**, wherein it was observed that when a case is based on circumstantial evidence, the circumstances must be conclusive in nature.

iii] **Suresh Purushottam Ashtankar ..Vs.. The State of Maharashtra and another, 2015 ALL MR (Cri) 4243**, wherein it was observed that the refreshing of memory of a witness ought to be done before the court, and not

outside the court. The objection to the reliability of the evidence of the witness, whose memory was refreshed outside the court, was found to be valid.

iv] **Pravin Dattuji Divte ..Vs.. The State of Maharashtra, 2012 ALL MR (Cri) 2051**, wherein it was observed that there should be no wrongful conviction of an innocent person.

v] **Amrut Soma Kunbi and another ..Vs.. State of Bombay, AIR 1960 Bombay 488**, wherein it was observed that the statement made after lengthy interrogation of the accused should not be admitted in evidence, being an involuntary statement under section 27 of the Indian Evidence Act.

vi] **Deepak Madhu Waghmare ..Vs.. The State of Maharashtra, 2026 ALL MR (Cri) 514**, wherein it was observed that the failure to examine carrier is a fatal flaw to form the missing link in the chain of circumstantial evidence. It was further observed that the integrity of exhibits and control sample must be safeguarded from the seizure thereof, till the completion of examination in the laboratory.

vii] **Babu Sahebagouda Rudragoudar and others ..Vs.. State of Karnataka, 2025 ALL MR (Cri) 3623 (S.C.)**, wherein it was observed that the disclosure statement cannot be read in evidence, as the I.O. did not give description of the conversation between himself and the accused, which was recorded in the disclosure statement.

viii] **Prakash Nishad @ Kewat Zinak Nishad ..Vs.. State of Maharashtra, 2023 ALL SCR (Online) 477**, wherein it was observed that the integrity of exhibits and control sample must be safeguarded from the seizure thereof, till the completion of examination in the laboratory.

11. In reply, it is submitted by the learned APP that the Marathi version of the testimony of PW3 may be considered, to

ascertain the voluntariness, in the statement of the accused. The weapon was lying in a tank, which was covered with a tin shed.

12. Now, coming to the evidence on the record. PW2 Akash Kursunge stated in his examination-in-chief that he does not remember anything about the incident, and thereby, he turned to be hostile. The efforts taken by the learned APP, by seeking to put leading questions to him, proved to be futile, as nothing fruitful could be elicited from him.

13. PW5 Rahul Dambhare testified that on 14.01.2020, the police drew the spot panchanama Exh.47 in his presence. The police also prepared the inquest panchanama Exh.41.

He stated in his cross-examination that the spot panchanama was prepared in the mid-night, with the help of a torch. He denied the suggestion that torch was used, as it was a dark place. He denied the suggestion that there were certain small and big stones lying at the scene of occurrence. He denied the other relevant adverse suggestions put to him in the cross-examination.

14. The testimony of PW5 Rahul Dambhare does not appear to have been shaken the cross-examination, in respect of the preparation of the spot panchanama and the inquest panchanama.

15. PW6 API Kishor Bhujade corroborated the testimony of PW5 Rahul Dambhare, by testifying that he prepared the spot panchanama Exh.47 in the presence of panchas and drew the

inquest panchanama. His testimony in that regard is also unshattered, as he denied all the relevant adverse suggestions put to him.

16. PW3 Vivek Thakare stated in his evidence that on 14.01.2020, at Ghatanji police-station, the accused was in the custody of police. The police enquired with (Marathi version of testimony) the accused, whereupon the accused gave a memorandum statement, that the weapon in the crime was hidden by him and he was ready to take out and hand over the same to the police. A memorandum was prepared accordingly at Exh.35, which has been signed by the accused, as well. Thereafter, the panchas, the accused and the police went to the agricultural land of one Sachin Mahalle by a government vehicle. There was one cattle shed. One water tank was there. From the empty water tank, one wooden log was taken out by the accused and was handed over to the police. A seizure panchanama Exh.36 was drawn by the police. The wooden log is at M.O. No.A. On the same day, the police seized the blood samples of the deceased, vide the seizure panchanama Exh.37. The blood samples of the accused were also seized, vide the panchanama Exh.38. The clothes of the accused were seized, vide the panchanama Exh.39. M.O. Nos.B and C are the said clothes.

He stated in his cross-examination that the agricultural land was an open place. The place, from where the weapon was recovered, was accessible to all. He denied the other relevant adverse suggestions put to him in the cross-examination.

17. Upon the perusal of the testimony of PW3 Vivek Thakare, it can be seen that he clearly stated about the disclosure statement, having been made by the accused, and the recovery of the wooden log, in pursuance thereof. It is sought to be submitted on behalf of the accused that there was no voluntary disclosure statement made by the accused. In that regard,it is seen that the English version of the said witness shows that the accused was interrogated, whereas the Marathi version shows that the accused was enquired with. It is needless to observe that Marathi version would prevail over the English version. Hence, there is absolutely no substance in the submission that there was no voluntary disclosure statement given by the accused. There is no substance in his next submission that the weapon was found on an open place, more particularly, for the reason that PW3 Vivek Thakare clearly stated that there was a cattle shed and a water tank, from which the weapon was taken out. In the light of the unshaken testimony of this witness, the *factum* of recovery of the weapon of offence at the instance of the accused is duly established. Regarding the seizure of the other articles, as deposed to by this witness, it is seen that he merely stated about the seizure of those articles, without giving any details, as to how, from whom and where the said seizures were made. Hence, no undue importance can be given to his testimony, in that regard, though the said testimony does not appear to have been shaken in the cross-examination.

18. PW6 API Kishor Bhujade also corroborated the testimony of PW3 Vivek Thakare to certain extent. He testified that

the blood samples of the deceased and the accused were collected. The clothes of the accused were seized. The accused gave the memorandum statement Exh.35. Thereafter, he and other proceeded to the place shown by the accused, by a government vehicle, whereafter the accused handed over one wooden log, hidden in the cattle shed of Dipak Mahalle. It was seized, vide the seizure panchanama Exh.36.

He stated in his cross-examination that the blood sample of the deceased was seized from head-constable Wanjari. He denied the suggestion that he sprayed the blood sample of the deceased on the seized clothes. He denied the various relevant adverse suggestions put to him in the cross-examination.

19. The testimony of PW6 API Kishor Bhujade, as regards the facts deposed to by him, as mentioned in the preceding paragraph, could not be shattered, as to the material particulars deposed to by him. However, shockingly, the testimony of this witness appears to have been recorded in a cryptic manner, for the reasons unknown. Be that as it may.

20. Though PW6 API Kishor Bhujade did not specify the disclosure statement made by the accused, PW3 Vivek Thakare appears to have described the same. In the light thereof, I do not find any substance in the submission made by the learned counsel for the accused that it must have come from the mouth of the investigating officer, as to what was stated by the accused during the recording of the memorandum. PW6 API Kishor Bhujade further

appears to have stated that the place, from where the weapon was recovered, was shown by the accused. It further appears from the testimony of this witness that the clothes of the accused were seized by him. The said fact is duly corroborated by the seizure panchanama Exh.39, which reflects that the clothes of the accused were seized at 07.20 p.m., on 14.01.2020 at police-station Ghatanji, from the possession of the accused.

21. PW6 API Kishor Bhujade further testified that he sent the body for postmortem examination. He recorded the statements of witnesses. He put certain queries regarding the weapon, at Exh.44. He sent the muddemal for chemical analysis, vide the covering letter Exh.65. He denied the relevant adverse suggestions put to him in the cross-examination. Thus, his testimony in that regard is unshattered.

22. PW4 Dr. Rajendra Bansod deposed that on 14.01.2020, at Rural hospital, Ghatanji, he conducted the postmortem examination of the deceased. Exh.42 is the P.M. report. As per the P.M. report, the probable cause of death is head injury. On 22.01.2020, in pursuance of a requisition letter for the examination of the weapon, he examined the wooden log, and opined that the injuries sustained by the deceased would be possible with that weapon. He issued the query report Exh.45, accordingly. He admitted in his cross-examination that the injuries would be possible, if someone falls on a sharp edged stone / rock, under the

influence of liquor or while running. He denied the adverse suggestions put to him in respect of the weapon query.

23. The postmortem report Exh.42 has been admitted by the accused. As per the P.M. report, there was a contused lacerated wound over the left side of parieto-occipital region of scalp, admeasuring 5x4x2 cm. deep. There was the fracture of left sided parieto-occipital bone of skull. Under scalp hematoma was present over left parieto-occipital region. Subdural and subarachnoid hemorrhages were present over cerebral hemispheres of left parieto-occipital region, forming a thin blood film. There was alcoholic smell from the semi digested food. The probable cause of death mentioned therein is head injury.

24. From the P.M. report Exh.42, which has been admitted by the accused, it is seen that there was the fracture of parieto-occipital bone of skull and there was hematoma as well as hemorrhages present in the region of brain. The said facts *ipso facto* reveal the gravity of the blow sustained by the deceased. According to PW4 Dr. Rajendra Bansod, the said injury is possible with the wooden log as well as by falling on a sharp edged stone / rock under the influence of liquor or while running. It can be seen from the testimony of PW5 Rahul Dambhare that there were no small or big stones at the scene of occurrence, so as to come to the conclusion that the deceased might have sustained the head injury, by falling on a sharp edged stone / rock. The factual matrix, as to whether the deceased sustained the head injury on account of

inflicting the blow of a wooden log or on account of falling on a sharp edged stone / rock, can very well be addressed to, upon the perusal and the scrutiny of the testimony of PW1 Punerata Kohare (the informant).

25. PW1 informant Punerata Kohare deposed in her examination-in-chief that on 13.01.2020, while she and the deceased were present at their residence, the accused knocked the door of her house at 09.30 p.m. He asked the deceased to come out, as he offered to settle the score with him. There were verbal altercations between the deceased and the accused, and thereafter, the duo went out of the house and went towards Grampanchayat office. She followed them. The accused inflicted the blow of a wooden log on the head of the deceased. The deceased fell down on the road and died. She raised hue and cry, whereupon the villagers gathered there. She stated about the lodging of the report Exh.28 and the FIR Exh.29 by her. She identified M.O. No.A to be the same wooden log.

She stated in her cross-examination that the deceased was an alcoholic person. She admitted that the deceased used to quarrel and fight with the villagers, under the influence of liquor. She admitted that no one was having cordial relations with the deceased, due to his alcoholic nature. She admitted that due to darkness in the night hours, nobody visits the place near the Grampanchayat. She admitted that due to darkness, no one would recognize the nature, type, size and colour of the clothes and object from the said place. She admitted that when she reached to the

spot, she observed that her husband was lying on the road in an injured condition. As nobody was there, she screamed. She can read and write, to the extent of signature. She had been to the court once. She came to know about the contents of her statement, for the very first time, when she visited the court. She mugged up those contents and then, reciting before the court. She denied all the relevant adverse suggestions put to her, in respect of the occurrence. She denied that she deposed falsely before the court.

26. Upon the perusal of the testimony of PW1 Purerata Kohare, the wife of the deceased, it is seen that she narrated the entire episode, commencing from the visit of the accused to her residence till the accused and the deceased reached the scene of occurrence, where the accused inflicted the blow of a wooden log on the head of the deceased. It is seen that the said narration has been made by this witness in a quite natural manner, without any exaggeration. She appears to be an illiterate woman, as she is capable of reading and writing, to the extent of her signature only. It appears from her testimony that she mugged up the contents of her statement, at the time, when she visited the court for the very first time. Thus, it is seen that she did not mug up the contents of her statement on the date of her deposition. I am in agreement with the submission made by the learned counsel for the accused that this witness should not have been allowed to go through her statement, except before the court. However, merely because this witness mugged up the contents of her statement on her very first visit to the court, it cannot be said that this witness did not unveil

the factual matrix before the court. For that purpose, the reason for false implication or otherwise, of the accused, will have to be paid attention to. It would amount to the mockery of justice, if the testimony of this witness is thrown out, at the threshold, only because she was sought to be tutored, on the date, before the actual date of recording of her testimony. It is seen from the suggestions put to this witness that the accused sought to put to this witness that she deposed falsely before the court. However, no reason for this witness to depose falsely against the accused has been suggested to this witness in the cross-examination, nor the same is forthcoming. Apart from the same, if the statement of the accused, recorded under section 313 of the Cr.P.C. is perused, while answering question No.15 therein, as to why the witnesses deposed against him, the accused merely stated that the witnesses deposed falsely, without unveiling any reason, as to why PW1 Punerata Kohare would depose falsely against him. It is, thus, seen that there was absolutely no reason for PW1 Punerata Kohare to implicate the accused falsely. In the light of this factual scenario, there is absolutely no reason, either to discard the testimony of this witness or to doubt her version, in any manner, notwithstanding the fact that her statement was read over to her on the previous date of her examination-in-chief, which was mugged up by her. This witness appears to be a fully reliable witness, thereby inspiring the confidence of this court. Her testimony is clear and convincing. Though the deceased was an alcoholic person, in the light of the testimony of this witness, coupled with the testimony of PW5 Rahul Dambhare that there were no stones on the scene of occurrence,

the accused could not probablize that the deceased sustained the head injury, by falling on a sharp edged stone / rock.

27. Though PW1 Punerata Kohare admitted that due to darkness in the night hours, nobody visits the spot of incident and no one would recognize the nature, type, size and colour of clothes and object, the said stray admission cannot *per se* be construed to mean that the term ‘object’ has been construed by this witness to be the weapon of the offence, i.e. the wooden log. An object may be a small object or a big object, which includes a wooden log. A wooden log is a big object, which may be recognized, even in darkness, unless it is extremely dark. No direct suggestion came to be put to this witness that wooden log was not visible over there, due to darkness. Hence, there is no substance in the submission made by Mr. Imran Deshmukh, the learned counsel for the accused, that this witness could not have recognized the weapon due to darkness. Though this witness admitted that when she reached to the spot, she observed that the deceased was lying on the road in an injured condition, no conclusion can be arrived at, that this witness was not an eye witness to the incident. As this witness was following the accused and the deceased, she was expected to be present at some distance from the duo, at the time of inflicting of the blow of the wooden log. It is, thereafter, that this witness would have reached the actual spot of incident, from the place she witnessed the occurrence. Therefore, though this witness admitted that the deceased was lying on the road, when she reached the spot, an inference cannot be arrived at, that she was not present

near the spot of incident, at the time of inflicting the blow of wooden log. I do not find any substance in the contrary submissions made by the learned counsel for the accused, in that regard.

28. Though the accused was not possessed of a wooden log, when he approached the house of the deceased, it cannot be said that he could not have possessed the wooden log at the scene of occurrence. I do not find any substance in the submission made by Mr. Imran Deshmukh, the learned counsel for the accused, that PW1 Punerata Kohare deposed under the pressure from the police. There is no substance in his submission that the conduct of this witness is doubtful, as she did not refer the deceased to hospital, nor did she rescue him. *Per contra*, it is seen from her testimony that she believed the deceased to have died on the scene of occurrence, as the consequence whereof, she was not expected to carry the deceased to hospital. Moreover, she was not expected to rescue the deceased at the time of the blow, as she was following the accused and the deceased, and she was not exactly with them, so as to prevent the blow. There is no substance in the next submission of the learned counsel for the accused that the doctor should have stated that the injury was sustained due to assault. There is substance in his next submission that PW3 Vivek Thakare did not state, as to from whom and from where the clothes of the accused were seized. There is substance in his next submission that the clothes of the accused must have been seized at the time of his arrest. However, the delay of few hours in the seizure of the clothes cannot be of any factual or legal consequence. There is substance in

his next submission that the possibility of spraying of blood on the clothes cannot be ruled out, as none of the witnesses deposed that the clothes were sealed. Equally, the wooden log also does not appear to have been sealed, as none of the witnesses deposed so, in their respective testimonies. There is no substance in his next submission that there is reason to doubt the story of the prosecution or that, a homicidal death is not proved. There is no substance in his next submission that the testimony of PW1 Punerata Kohare does not inspire confidence. On the contrary, I am in agreement with the submission made by the learned APP that the medical evidence corroborated the testimony of PW1 Punerata Kohare.

29. As per the CA reports at Exhs.55 and 56, the blood group of the accused as well as the deceased was B. As per the CA report Exh.54, read with the covering letter Exh.65, human blood of blood group B was found on the full sleeves shirt of the accused and also, on the wooden log. However, as discussed hereinbefore, the clothes and the wooden log were not sealed. Therefore, the possibility of planting of the blood of the deceased on the clothes of the accused and the wooden log cannot be ruled out. Consequently, the *factum* of recovery of the weapon of offence at the instance of the accused and the *factum* of seizure of clothes of the accused cannot be of any factual consequence, although blood stains of human blood of group-B could be found thereon. The said evidence cannot even be used for the purpose of corroboration to the testimony of PW1 Punerata Kohare. In the light thereof, I do not

find any substance in the submission made by the learned APP that it should be considered that the blood of the blood group of the deceased was found on the clothes of the accused.

30. There is clear, convincing and truthful testimony of PW1 Punerata Kohare on the record, thereby inspiring the confidence of this court, *in toto*. It is no more *res integra* that the testimony of a single witness can warrant conviction, if the same is of such a quality, as to inspire the confidence of the court, *de hors* the *factum* of existence or otherwise of any corroboration thereto.

31. As a fracture injury was sustained by the deceased to the skull, apart from a hematoma and hemorrhages, the intensity of the blow given by the accused can be manifestly seen therefrom. The blow was given on the vital part of the body. The said gravity of injury on the head *ipso facto* speaks in volumes, *qua* the intention of the accused, to be none, other than to cause the death of the deceased. Considering the gravity of the injury caused to the said vital part of the body, it is seen that the injury intended to be caused by the accused was sufficient in ordinary course of the nature to cause death. At any rate, the accused can be said to have possessed of the knowledge that the injury, intended to be caused, was likely to cause death. Therefore, the accused is seen to have committed the offence of murder of the deceased. There is no substance in the submission made by the learned counsel for the accused that, as no weapon was brought by the accused with him, while approaching the house of the deceased, and as only a single

blow was inflicted, there was no intention to cause death. *Per contra*, I am in agreement with the submission made by the learned APP that there was an intention to kill the deceased, in the light of the fracture injury caused to the skull. I would not be out of the context to pen down here, that the testimony of PW1 Punerata Kohare has been duly corroborated by the medical evidence on the record. There was absolutely no reason for the said witness to implicate the accused, falsely.

32. In the light of the foregoing observations, I do not have any hesitation to hold that the prosecution proved it beyond every reasonable doubt that the accused committed the murder of the deceased, as defined under section 300 of the IPC, and thereby, committed the offence punishable under section 302 of the IPC. Thus, I answered the point No.1 in the affirmative.

33. As the offence punishable under Section 302 of the IPC is punishable, either with death or imprisonment for life, put up the matter for hearing the accused on the question of sentence. The bail bonds of the accused are hereby cancelled, and he is taken into judicial custody.

Sd/-
(S.U. Baghele)
Additional Sessions Judge,
Yavatmal.

Date: 04/04/2026
Place: Yavatmal.

<u>POINT NO. 2</u> :-

34. I have heard the accused, his learned counsel and the learned APP, on the question of sentence. It is submitted by the accused that he has to maintain his wife and a son, aged about two and a half years, due to which, minimum sentence may be awarded to him. On the query put by this court, as regards his financial status, he submitted that he is a labourer, earning between Rs.250/- to Rs.400/- per day. He further submitted that, considering the frequency of the work, he gets, he earns between Rs.1,500/- to Rs.1,800/- per week.

35. It is submitted by Shri Y.K. Dhande, the learned counsel for the accused, that there are no criminal antecedents against the accused. His family is dependent upon him. Hence, leniency may be shown.

36. *Per contra*, it is submitted by Shri Telang, the learned APP for the prosecution, that life imprisonment may be awarded to the accused. Compensation may be awarded to the wife of the deceased, from out of the amount of fine.

37. While awarding sentence, the aggravating and the mitigating circumstances are required to be taken into consideration, *vis-a-vis* the crime and the criminal. Insofar as the offence, punishable under Section 302 of the IPC is concerned, the same is punishable, either with death or imprisonment for life. Imprisonment for life is the rule, whereas death sentence is an exception, thereto. The said legal position is no more *res-integra*. Death sentence can be awarded in the rarest of the rare cases.

38. In the case at hand, the accused committed the murder of the deceased, by assaulting him with a wooden log. The case cannot fall within the category of the rarest of the rare cases. This is not the case, wherein there is no alternative, than to impose death sentence. The accused deserves imprisonment for life, for the offence punishable under Section 302 of the IPC.

39. Insofar as the question of sentence of fine or the awarding of compensation is concerned, it is seen that the accused has got a meager source of income, as a labourer. *Sensui stricto*, the accused does not appear to have possessed of such a source of income, so as to compensate the informant. Considering the same, nominal fine amount and nominal compensation, therefrom, can be directed.

40. In the light of the foregoing observations, and in view of my findings on the point No.1, I proceed to pass the following order:-

O R D E R

1] Accused Sachin Vandan Patil, is hereby convicted of the offence punishable under section 302 of the Indian Penal Code, 1860, vide section 235 of the Code of Criminal Procedure, 1973, and is hereby sentenced to undergo imprisonment for life, and to pay fine of Rs.10,000/- (Rs. Ten Thousand only), and in the case of default in the payment thereof, to undergo further rigorous imprisonment for a term of two years.

2] The accused shall be entitled to set off under Section 428 of the Code of Criminal Procedure, 1973, in respect of the period of detention undergone by him.

3] On the deposit of the amount of fine, the same shall be paid to the wife of the deceased, namely Punerata Arvind Kohare, towards compensation, after the lapse of period of appeal.

4] The seized cotton swab, samples of blood stained soil and ordinary soil, clothes, wooden log, being worthless, be destroyed, after the lapse of period of appeal.

5] An authenticated copy of this Judgment be provided to the accused, free of cost, immediately.

6] An authenticated copy of this Judgment be sent to the District Magistrate, for information.

Date: 06/04/2026
Place: Yavatmal.

(S.U. Baghele)
Additional Sessions Judge,
Yavatmal.