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Form No.XXXII

Part 'A'

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

<i>IN THE COURT OF ADDL. SESSIONS JUDGE-2, KANDHAR</i> <i>Present : Avinash P Kulkarni, Addl. Sessions Judge-2</i> (Date of Judgment: 09/07/2026) Sessions Case No. 24/2025	
<i>Crime No. : 55/2025 (RCC No. 151/2025)</i> <i>Police Station: Osmannagar, Tq. Loha, Dist; Nanded</i>	
COMPLAINANT	State of Maharashtra, Through Police Station Osmannagar Police Station, Tq. Loha, Dist; Nanded.
REPRESENTED BY	<i>Addl.PP Shri. M.B.Kagne,</i>
ACCUSED	Dinesh Venkatrao Shinde, Age 23 yrs. Occu; Labour, R/o. Chincholi, Tq. Loha, Dist; Nanded.
REPRESENTED BY	<i>Advocate Shri. B.K.Panchal, for accused</i>

Date of Offence	01-04-2025
Date of F.I.R.	02-04-2025
Date of Charge-sheet	22-06-2025
Date of framing of Charge	23-04-2026
Date of commencement of evidence	16-06-2026
Date of which Judgment is reserved	--
Date of the Judgment	09-07-2026
Date of the Sentencing Order, if any	N.A.

Part 'B'**[Para 44 (ii) of Chapter VI of Criminal Manual]****Accused Details**

Rank of Accused	Name of accused	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.PC.
1]	Dinesh Venkatrao Shinde Age 23 yrs. Occu; Labour, R/o. Chincholi, Tq. Loha, Dist; Nanded.	02-04-25	In jail	103(1) of the BNS.	Acquitted	N.A.	N.A.

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]	Ananda Dajirao Hambarde	Informant
PW-2]	Shriram Nagorao Kadam	Witness
PW-3]	Chandrakant Madhavrao Bharkade	Witness
PW-4]	Maroti Vitthal Jadhav	Panch witness
PW-5]	Manik Suresh Jadhav	Witness
PW-6]	Nagesh Prabhu Jadhav	Witness
PW-7]	PSI Gajanan Vitthalrao Gadekar	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-----	

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW	-----NIL-----	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution:**

Sr. No.	Exhibit Number	Description
1]	Exh. P-12/ PW-1	Thumb impression on report
2]	Exh. P-26/PW-7	Seizure panchnama of the Sickie
3]	Exh. P-23/PW-7	Seizure panchnama of the clothes of the accused
4]	Exh. P-24 /PW-7	Postmortem report
5]	Exh. P-27/PW-7	Letter forwarding cloths of the accused for chemical examination
6]	Exh.P-28 to 31	Chemical analysis reports

B. Defence:

Sr. No.	Exhibit Number	Description
	NIL	

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
	NIL	

D. Material Objects :

Sr. No.	Material Object Number	Description
		Cloths of accused, Cloths of deceased, Sickie, Simple soil, blood mixed soil, cloths chappal, plastic bottle, two handkerchief stained with blood, bedsheet (Chadar)

JUDGMENT

(Delivered on 09th day of July, 2026)

Accused is facing trial for the offences punishable under Sections 103 (1) of the Bharatiya Nyaya Sanhita-2023 (for short, 'BNS').

2. **Briefly stated, facts of the prosecution case are as follows:**

One Ananda Dajiba Hambarde resident of Patoda, Tq. Naigaon, lodged report with police station Osmannagar that prior to 5-6 days, his son namely Dadarao Ananda Hambarde was with his brother-in-law namely Shriram Nagorao Jadhav at village Chincholi Tq. Loha in his field for giving water to cattles.

3. It is alleged by the informant that on 01-04-2025 at 04 p.m. when he was in his village one Shivdas Ramchandra Hambarde shown photo of his son Dadarao Ananda Hambarde from his mobile, in which Dadarao was killed by someone. Therefore, the informant alongwith villagers proceeded to village Chincholi Tq. Loha in the field bearing Survey No. 106 owned by Kishan Narayan Adkine. They reached there at 08:00 p.m. Police were present on the spot and his son Dadarao was fell in the pool of blood. The deceased was killed by assaulting on his throat by sharp weapon. The informant further revealed from his brother-in-law Shriram Nagorao Jadhav that accused Dinesh Venkatrao Shinde committed murder of Dadarao on the ground of money transactions and mobile. Ultimately the informant has lodged report with Osmannagar Police Station.

4. During investigation, police prepared inquest panchnama and referred dead body for postmortem. The Investigating Officer prepared spot panchnama and seized muddemal and samples from the spot. He seized the cloths of the accused and of

deceased under seizure panchnamas. He recorded memorandum panchnama under section 27 of the Evidence Act and seized one Sickie form the accused. He forwarded the muddemal to Forensic Laboratory for chemical examination. He recorded the statements of witnesses. The Investigating Officer also collected medical papers and after having sufficient material, charge sheeted the accused for offences under section 102(1) of the Bharatiya Nyaya Sanhita-2023.

5. Offence being exclusively triable by Sessions Court, the learned Judicial Magistrate First Class, Loha committed the case for trial to this court.

6. Charge at Exh.09 came to be framed against the accused, which was read over and explained to accused in vernacular, to which he pleaded not guilty and claimed to be tried.

7. During course of trial, prosecution examined in all 07 witnesses. Statement of the accused under section 313 of the Cr.P.C. came to be recorded. The accused did not lead any evidence in his defence. From the tenor of cross-examination as well as reply to the questions put to the accused under section 313 of the Cr.P.C, defence of the accused appears to be of false implication.

8. Perused the material placed on record and heard both sides. Following points arise for my determination to which I have recorded my findings for the reasons to follow.

<i>Sr.No.</i>	<i>POINTS</i>	<i>FINDINGS</i>
1.	Whether the death of deceased Dadarao Anandrao Hambarde is homicidal ?	Yes
2.	Whether the prosecution proves that on 01-04-2025 the accused committed murder of Dadarao Anandrao Hambarde by sharp weapon and thereby committed an offence	No

	under section 103(1) of the Bharatiya Nyaya Sanhita ?	
3.	What order?	Accused is acquitted.

REASONS

9. It is settled principle of law that in criminal trials, prosecution is always burdened to prove the guilt of accused beyond reasonable doubt. In matter in hand, the prosecution has examined 07 witnesses to discharge said burden. The list of the witnesses and their role is already enlisted in the Table No.-C herein above. I have minutely gone through the evidence adduced on record.

As to Point No. 1 :

10. It is the case of prosecution that death of deceased Dadarao is homicidal in nature. It alleged that accused has assaulted by means of sharp weapon and committed his murder.

11. The defence has admitted inquest panchnama (Exh. 20). On perusal of the same, it is specifically stated that someone has assaulted the deceased by means of sharp weapon on his throat, chest, neck and caused grievous injury and due to heavy blood loss, death was caused. The post-mortem (Exh. 24) is admitted by the defence. On perusal of the same, it is mentioned by the Medical Officers that they found in all 08 external injuries, as noted in column no. 17 of the postmortem report (Exh. 24). The external injuries are reproduced here for easy reference-

1. Chop injury of size 4.5 cm. X 1.8 cm bone deep present over right mandibular region, obliquely placed, medial angle blunt with lateral angle acute with tailing present with linear abrasion

extending from both angles for 4.5 cm at medial angle and 4 cm at lateral angle, margins clean cut and red in colour.

2. Incised wound of size 5 cm x 1 cm x muscle deep present over right side of neck, just below right angle of mandible, horizontally placed with tailing present posterior angle with linear abrasion extending from it towards sternum at length 800, anterior angle blunt, posterior angle acute, margins clean cut and red.

3. chop injury present over right side at neck, of size 8 cm x 1.5 cmx. Muscle deep, 1 cm below injury No. 2 Horizontally placed both angles acute with tailing present on posterior end of size 3 cm margins clean cut and red colour.

4. Incised wound present over right side of neck, of size 7 cm x 0.5 cm x muscle deep, situated 0.5 cm below and parallel to injury No. 3 both angles acute margins clean cut, red in colour.

5. Incised wound present over right side of neck of size 3.5 cm x 0.2 cm x muscle deep, situated 0.5 cm below and parallel to injury No. 4 both angles acute margins clean cut cut ends red in colour.

6. Chop injury present over right side of neck 0.5 cm below injury No. 5 of size 15 x 4.2 cm. Obliquely placed with cutting all the underlying muscles. Jugular vein, internal and external carotid artery, vagus nerve, trachea and thyroid cartilage thyroid gland exposing spine with fracture of transverse process of C-5, C-6 and C7 and fracture of body of T1, T2 haemorrhage present in surrounding tissues and paraspinal muscles, fracture margins clean cut underlying spinal cord contused, upper border

of chop injury is bevelling lateral angle acute and medial angle blunt margins of chop injury clean cut and dried in colour.

7. Incised wound present over left sterno clavicular joint of size 3 cm x 0.5 cm muscle deep, margins clean cut, both angles acute red in colour.

8. Incised wound present over sternum situated 1.5 cm below injury No. 7 of size 4 cm x 2 cm x bone deep with lateral end shows tailing of 3.5 cm in length lateral angle of wound acute medial angle blunt, margins clean cut, red in colour.

12. As per opinion of the doctors cause of death is “chop injuries to neck however viscera and other than viscera articles preserved for chemical analysis”

13. Considering the above, it is clear that death of the deceased is homicidal in nature. Hence, I answer point No. 1 in the affirmative.

As to Point Nos. 2-

14. To prove the guilt of the accused for the offence under section 103(1) of the Bharatiya Nyaya Sanhita, the prosecution has examined Ananda Dajirao Hambarde (PW-1). The informant is father of the deceased. He himself (PW-1) did not stick up to his allegations contained in the FIR. He was further cross examined by learned APP as per section 157 of the Bhartiya Saksha Adhinyam. However, nothing incriminating material could be elicited. Though the informant (PW-1) admitted that he has lodged report with police Station Osmannagar and he applied his thumb impression, he has denied that the accused killed the deceased on the count of money dispute. In his cross-examination by the defence, he stated that he

do not know about the contains of FIR and it was not readover to him.

15. The prosecution further examined Shriram (PW-2), Chandrakant (PW-3), Maroti (PW-4), Manik (PW-5) and Nagesh (PW-6). But, they too, did not support the prosecution.

16. The prosecution has examined PSI Gadekar (PW-4). He deposed that the investigation was handed over to him. He deposed that he has arrested the accused and sized sickle under seizure panchnama. He further deposed that he has seized clothes of accused and prepared seizure panchnama (Exh.23). He collected postmortem report (Exh. 24). He forwarded cloths of the accused to Forensic Laboratory for chemical examination and recorded statements of witnesses.

17. The defence has admitted certain documents. Whatever evidence is on record is in documentary form. The Chemical Analysis Report (Exh. 28 to Exh. 31) are admitted by the defence. On perusal of Chemical Analysis Report (Exh. 29), the blood group of deceased Dadarao is analysed as 'B' and Chemical Analysis Report (Exh. 30) shows blood group of accused is "O". Further on perusal of Chemical Analysis report (Exh. 28) blood stains of deceased i.e. blood group 'B' are found on the clothes of accused. Same blood group is found on weapon of offence.

18. It is pertinent to note that panch witnesses had not supported the case of the prosecution. They had not mentioned that weapon is recovered from accused or clothes are recovered from accused. Moreover, the C.A. report (Exh.28) shows certain muddemal articles referred for chemical analysis are inconclusive. Therefore, the C.A. reports can hardly be helpful to bring any

incriminating circumstance against the accused without oral evidence or supporting evidence.

19. There is no witness or any circumstantial evidence to show presence of the accused with deceased at the time of offence or soon before the incident. Therefore, the most important circumstance i.e. last seen together is missing in this case. At the trial, the informant (PW-1), Shriram (PW-2), Chandrakant (PW-3), Maroti (PW-4), Manik (PW-5) and Nagesh (PW-6) the material witnesses of the prosecution have not supported the case of prosecution. Nothing has revealed from their cross examination taken by the learned APP. The witnesses flatly denied about the prosecution theory. In such circumstances, it cannot be said that the accused has forcibly established physical relations with the informant and assaulted her by means of stick and caused grievous injury to her, therefore, the accused cannot be held guilty. Non support of the informant and witnesses do create reasonable doubt about the prosecution's case which emerges from the evidence on record itself. In view of the above it can safely be concluded that there is absolutely no evidence against the accused. Hence, by giving benefit of doubt to the accused, he is held not guilty and **hence, point No. 1 is answered in the negative**. In answer to point No. 02, I pass following order-

ORDER

A] Accused **Dinesh Venkatrao Shinde**, is hereby acquitted of the offences punishable under Sections 103(1), of the Bharatiya Nyaya Sanhita-2023 vide Section 258(1) of Bhartiya Nagarik Suraksha Sanhita, 2023.

B] Accused, being in jail, be immediately set at liberty,

if not required in other crime.

- C] The accused is directed to execute P.R. of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount and shall give undertaking u/Sec. 485 of the Bhartiya Nagarik Surakasha Sanhita, 2023, for his appearance before Hon'ble Bombay High Court, in case of any appeal preferred against this judgment and order within six months from today.
- D] Muddemal property i.e. cloths, sickle, etc articles, being worthless be destroyed after appeal period is over.
- E] Intimate the concerned jail authority forthwith
- (Dictated and pronounced in open court)

Date: 09-07-2026.

(Avinash P. Kulkarni)
Addl. Sessions Judge-1,
Nanded.

CERTIFICATE

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

Name of stenographer	Anand P Deshmukh
Name of Court	Addl. Sessions Court-2, Kandhar
Date of Dictation	09-07-2026.
Jud/ Order signed by the P.O on	09-07-2026.
Jud/Order uploaded on	09-07-2026.

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