

MHNG010033562025



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Decided on : 31.07.2026

Duration : Y. M. D.
01 04 14

Exh.52

FORM NO.XXXII Part 'A' (Title Page of Judgment) [Para 44(i) of Chapter VI of Criminal Manual]	
<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NAGPUR.</u> (Presided over by R. M. Mishra)	
Date of Judgment:	31.07.2026
SESSIONS CASE NO.	198/2025
FIR/Crime No.	0221/2022
Police Station:	Deolapar
<u>Complainant</u> <u>(Prosecution)</u>	: The State of Maharashtra, Through the Police Station Officer, Police Station Deolapar, Dist. Nagpur.
Represented by	: Smt. Saikhedkar Ld. APP for the State
<u>ACCUSED</u>	: Nandkishor Ramrao Khobragade Age : 52 Occupation : Not known At. Kadibikheda, Tah. Ramtek, Distt. Nagpur.
Represented by	: Shri. M. M. Kalar Ld. Adv. for accused

Part 'B'

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

Date of offence	15.10.2022
Date of FIR	16.10.2022

Date of Charge-sheet	27.03.2023
Date of Framing of Charges	17.11.2025
Date of commencement of evidence	14.01.2026
Date on which judgment is reserved	31.07.2026
Date of the judgment	31.07.2026
Date of the Sentencing Order, if any	--

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offence charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
1	Nandkishor Ramrao Khobragade	--	--	304 IPC R/w. 138 of Indian Electricity Act. 2003	Acquitted	--	--

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, MEDICAL WITNESS, PANCH WITNESS)

P.W.1	Raju Sadashiv Parteti	Panch on spot panchanama
P.W.2	Munshilal Samanlal Wadhive	Complainant / first informant
P.W.3	Dr. Laxmi Ajay Mahajan	Medical Officer
P.W.4	Rupesh Ramdhan Sarode	Witness
P.W.5	Aakash Manohar Patre	Witness
P.W.6	Vikrant Rajrendra Ghadge	Witness / Jr. Engineer MSEDCL
P.W.7	Pramod Mahajan Madavi	N.P.C. who registered FIR
P.W.8	Laxmi Shivaji Ghodke	Investigation officer

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, MEDICAL WITNESS, PANCH WITNESS)
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C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, MEDICAL WITNESS, PANCH WITNESS)
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LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**A. Prosecution :**

Sr. No.	Exhibit Number	Description
1	Exh.9/PW.1	Spot panchanama
2	Exh.10/PW.1	Letter
3	Exh.12/PW.2	Report
4	Exh.13/PW.2	Printed F.I.R.
5	Exh.16/PW.3	Copy of requisition
6	Exh.17/PW.3	Postmortem report
7	Exh.29/PW.6	Spot panchanama
8	Exh.30/PW.6	Seizure panchanama
9	Exh.31/PW.6	Letter
10	Exh.32/PW.6	Reply to letter Exh.31.
11.	Exh.33/PW.6	Reply dated 14.12.22 to letter No. 1391/2022 dated 27.11.22
12.	Exh.34/PW.6	Spot observation report
13.	Exh.41/PW.7	Letter dated 16.10.2022
14.	Exh.42/PW.7	Seizure panchanama
15.	Exh.43/PW.7	Seizure panchanama
16.	Exh.44/PW.7	Arrest panchanama
17.	Exh.45/PW.7	Letter
18.	Exh.46/PW.7	Map of spot
19.	Exh.47/PW.7	Letter
20.	Exh.48/PW.7	Invoice chalan
21.	Exh.49/PW.7	Portion mark 'A' of the statement of Rupesh Sarode

B. Defence :

Sr. No.	Exhibit Number	Description
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C. Court Exhibits :

Sr. No.	Exhibit Number	Description
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D. Material Objects :

Sr. No.	Material Object Number	Description
1.	Article A to H/PW.1	Photos of the spot.
2.	Article I and J/PW.1	Electric and iron wire

J U D G M E N T

(Delivered on this 31st day of July, 2026)

The accused stands charge-sheeted for committing the offence punishable under section 304 of the Indian Penal Code (for short 'IPC') and Section 138 of the Indian Electricity Act, 2003.

Facts of the prosecution case in brief are, as under:-

2. On 16.10.2022 at the instance of one Munshilal Samanlal Wadhive first information came to be lodged in Deolapar police station. As stated in the FIR, son of the first informant namely Manohar (deceased) was serving as a waiter in hotel Go-Flamingo at Vanpaoni since last two years. Deceased used to come to his house at Kadbikheda as per his convenience. On 15.10.2022 at 22.00 hrs., one Raju Bhalavi came to the house of the informant and informed him that he has received a photo of Manohar lying dead on

his WhatsApp and inquired whether the dead person is his son. On being found his son Manohar in the photograph, the informant rushed to the Government Hospital Deolapar. On inquiry he came to know that on 15.10.2022 at about 20.00 to 20.30 hrs., his son Manohar died in the field of the accused in Sitapur Shivar due to current which was laid in the field to protect from animals. On being found that the accused illegally laid current through the centering wire on the Bandh of his field with knowledge that it may cause death of anybody, report came to be lodged accordingly.

3. Pursuant to the report, FIR came to be registered in crime No.0221/2022 under section 304 of IPC. During investigation, Laxmi Ghodke police Sub-inspector visited to the spot which was shown by one Rupesh Sarode and seized black colour service wire, centering wire (tar), plain and blood mixed earth from the spot by drawing the spot and separate seizure panchanama. The accused came to be arrested. By making correspondence with the Tahsil office and *Mahavitaran*, map of the spot and opinion of the concerned Engineer of *Mahavitaran* came to be obtained. Seized Muddemal came to be sent to FSL Nagpur for C.A. purposes. Statements of witnesses came to be recorded. After collecting necessary evidence and on completion of

the investigation, charge-sheet came to be filed in the said crime.

4. The learned Judicial Magistrate First Class Court No.2 Ramtek by an order dated 07.03.2025 committed the case to the Sessions Court under section 209 of Cr.P.C. on being found that the offence under Section 304 of IPC is exclusively triable by the sessions Court after supplying the copies of police report and documents to the accused as provided under section 207 of Cr.P.C.

5. I have framed the charge (Exh.04) against the accused for the offence punishable under sec. 304 (part II) of IPC. r/w section 138 of the Indian Electricity Act, 2003. Charge read over and explained to the accused in vernacular to which he pleaded not guilty and claimed to be tried.

6. After the evidence of the prosecution witnesses is closed, statement (Exh.51) of the accused came to be recorded under section 351(1)(b) of the Bharitya Nagrik Suraksha Sanhita (BNSS), 2023 to enable him to explain the incriminating circumstances appearing in the evidence of prosecution witnesses. The accused denied all the incriminating circumstances. His defence is of denial and

false implication. However, the accused has not led any defence evidence.

7. Considering the submissions of both sides, following points arise for my determination. My findings are recorded against them with reasons stated therein are, as under :-

Sr. No.	Points	Findings
1.	Does the prosecution prove that on 15.10.2022 between 20.00 Hrs. to 20.30 Hrs. at Mouza Sitapur, within the jurisdiction of Deolapar Police Station, Dist. Nagpur the accused illegally and unauthorizedly laid current by erecting wire fencing around his paddy crop field in Mouza Sitapur Shivar with an intent and knowledge causing death or such bodily injury as is likely to cause death and thereby caused death of Manohar Munsilal Wadhive and thereby committed an offence punishable under section 304 (Part-II) of the IPC ?	... No.
2.	Does the prosecution prove that on the aforesaid date, time and place the accused illegally and unauthorizedly laid current by erecting wire fencing around his paddy crop field in Mouza Sitapur Shivar by putting wire from the electric pole of the MSEDCL situated near the house of Shriram Kumbhare and thereby committed an offence	

	punishable under section 138 of the Indian Electricity Act, 2003 ?	...No.
3.	What order?	...As per final order.

REASONS

8. During the course of arguments, Smt. Saikhedkar the learned APP submitted that amongst total eight witnesses examined by the prosecution, testimony of PW1 Raju, PW3 Dr. Laxmi, PW4 Rupesh and PW6 Vikrant is significant to find out the guilt. On the basis of respective testimony of these witnesses, it has been duly proved that illegal current was laid in the field of the accused and the deceased who came into contact with the electric tar laid in the said field died on the spot due to electric shock. PW1 Raju is the panch on the spot and seizure panchanama and PW4 Rupesh who gave the information to the police after he had seen the deceased lying on the spot as well as PW6 Vikrant, Jr. Engineer *Mahavitaran* have categorically deposed that deceased Manohar died in the field of the accused due to illegal current laid in the said field. PW3 Dr. Laxmi who issued the postmortem report Exh.17 has specifically deposed that after conducting the postmortem of the dead body of Manohar, she opined that the probable cause of death was due to electric shock with cardiac

failure. Moreover, PW8 Laxmi who is the investigating officer has also specifically deposed the spot and seizure panchanama were duly prepared by visiting to the spot and statement of witnesses were recorded as per their say. The learned APP, therefore, vehemently submitted that the prosecution has successfully proved the guilt of the accused under Section 304 (partII) of IPC and Section 138 of the Indian Electricity Act, 2003.

9. Per contra Shri. Kalar the learned Advocate for the accused submitted that there is nothing on record to show that illegal wire having current was laid in the field of the accused and same belonged to the accused. There is no base to the opinion of PW3 Doctor Laxmi that the death occurred due to electric shock. She has also admitted that several antemortem injuries were also found on the body of the deceased. There are no eye-witnesses of the incident. The learned defence Advocate, vehemently submitted that the prosecution utterly failed to prove the guilt of the accused beyond reasonable doubt.

As to Points No. 1 and 2 :

10. In the light of respective submissions, I have carefully gone through the entire oral and documentary evidence on record. While considering the evidence of

prosecution witnesses, it reveals that PW1 Raju is one of the panch on the spot panchanama Exh.9. He has specifically deposed that on 16.10.2020 he was accompanied with PSI Ghodke when they had been to Mauja Sitapur. According to this PW1, after they reached to the village Sitapur, one Rupesh Sarode took them in the field of the accused and in his presence spot was inspected and one black colour GI wire (tar), plain earth and blood mixed earth were seized from the spot by drawing the spot panchanama Exh.9.

11. PW2 Munshilal is the father of the deceased Manohar. He deposed that his son Manohar was serving as waiter in Go-Flamingo hotel at Vanpaoni and deceased used to come to home at some intervals. According to this PW2, on 15.10.2022 at about 20.30 hrs. one Raju Bhalavi had been to him and shown the photo of his son Manohar in his mobile on WhatsApp in dead condition, therefore, he had been to the government hospital Deolapar and found that his son died due to electric shock/current in the field of the accused. Therefore, he lodged the report Exh.12 in the police station.

12. PW3 Dr. Laxmi deposed that on 15.10.2022 when she was attached to the Rural Hospital Deolapar on 15.10.2022, she had conducted the postmortem the dead

body of Manohar Munshilal Wadhive upon receipt of the requisition Exh.16. She further deposed that during postmortem, she found external injuries on the body of the deceased, as under ;

Laceration over right foot of size 6 x 5 x 2 cm.

Laceration over left foot of size 8 x 5 x 2 cm.

Multiple abrasions were present all over the body.

According to this PW3, in her opinion, probable cause of death of the deceased was due to electric shock with cardiac failure. Accordingly, she had issued the postmortem report Exh.17.

13. PW4 Rupesh deposed that incident took place in October 2022. At that time, at about 20.00 hrs., when he was engaged in the meeting for arranging Sharda Devi Programme in the village, some persons came and informed that they heard some noise which is coming from the field besides Nalla. PW4 further deposed that when he rushed there, he found one person lying near Bandh of the field of the accused and he also felt some smell, therefore, he guessed that the said person might have got electric current. PW4 also deposed that the said field was belonging to the accused therefore, he made a call to the accused and gave any information of the incident and thereafter gave the said information on phone call to the police.

14. PW5 Aakash deposed that while he was serving at Go-flaming Resort in 2022, at that time, deceased Manohar was also serving there. According to PW5, on 14.10.2022 he had a talked with Manohar when he was on duty in the morning and thereafter, he came to know in the evening that Manohar has gone to his village. PW5 further deposed that on 15.10.2022 at about 22.00 hrs. he came to know from his friend that Manohar died due to electric current in the Sitapur Shivar which is situated in the back side of their Resort.

15. PW6 Vikrant who is the Junior Engineer in *Mahavitaran* deposed that on 15.10.2022 when he was posted at the Paoni center, at about 21.00 hrs., he received a call of the security guard of his office that one person is died in the field of the accused at Sitapur due to electric shock/current. PW6 further deposed that on the next day, when he reached to the field of accused at 10.15 hrs., he took inspection of the spot, at that time, he found that there was paddy crop in the said field and wire (tar) was laid on the side of the said field on buried stakes in which electric current was supplied. PW6 also deposed that at that time police were also present there and he had removed those wires from their by drawing the panchanama Exh.29 and also seized the said wire and centering tar under the seizure

panchanama Exh.30. This PW6 also claimed that on receipt of the letter Exh.31 from the police as to whether electric supply was continued there, he had replied to the said letter by giving the reply Exh.32 and Exh.33.

16. PW7 NPC Pramod who was on station diary duty on 15.10.2022 has deposed that on that day, he had recorded the report (Exh.12) of Munshilal Samanlal Wadhive as per his say and on that basis FIR (Exh.13) was registered by him in crime No. 0221/22. On the other hand, PW8 PSI Laxmi is the investigating officer who conducted further investigation in this crime by drawing the spot panchanama (Exh.9) after visiting to the spot, collected samples and wires from the spot under the seizure panchanama (Exh.42 & 43) and recorded the statements of witnesses.

17. Upon careful consideration of the respective testimony of the aforesaid witnesses, I am also in agreement with the submissions of the learned APP that amongst the respective testimony of aforesaid witnesses, version of PW1, PW3, PW4 and PW6 is vital apart from the evidence of PW8 (IO). After closed scrutiny of the of the respective testimony of these witnesses, it reveals that the prosecution has tried to prove that the spot where deceased found lying in injured conditions belongs the accused where he had laid

wire by supplying electric current illegally to protect his paddy crop and due to this, deceased Manohar came in contact with the said wire and died on the spot due to electric shock.

18. After closed scrutiny of the respective evidence of aforesaid witnesses, it reveals that PW4 Rupesh though deposed that the said field belonged to the accused, in his entire version, he has nowhere deposed about the existence of any cable or wire (tar) in the said field nor there is any whispered that any kind of injury was seen on the body of the person which was lying on the spot. Similarly, though PW1 Raju deposed that the spot panchanama (Exh.9) was prepared in his presence at Mauja Sitapur which was shown by Rupesh Sarode and police had seized GI wire (tar), plain earth and blood mixed earth from the spot, it is nowhere mentioned in the entire spot panchanama about Gut number or Survey number of the said field.

19. In order to prove the guilt beyond reasonable doubt, heavy duty is casted on the prosecution to prove beyond reasonable doubt that the spot where the incident took place was belonged to the accused and he was in the actual possession of the said field. Therefore, the prosecution is required not only to bring specific evidence regarding identity of the spot by proving the Gut or Survey

number of the spot but the prosecution is also bound to prove that the said Gut or Survey number was in the actual possession of the accused in which he had cultivated paddy crop. In this background, if the spot panchanama (Exh.9) coupled with the evidence of PW1 Raju is taken into consideration, there is no mention at any place in it about the Gut or Survey number of the said field where the cable and GI wire (tar) were found.

20. PW4 Rupesh who is also one of the vital witness deposed that at the relevant time, after he was informed by some persons that there is some noise/cry coming from the field besides Nalla, he rushed there and found the said person lying in the field of the accused. However, this PW4 has also not deposed about the Gut or Survey number of the field to determine exact identity of the spot that it belonged to the accused. Similarly, this fact also has not been cleared in the evidence of PW6 Vikrant who is the Junior Engineer of *Mahavitaran* nor this situation is made clear in the spot panchanama (Exh.29) and seizure panchanama (Exh.30) which were independently drawn by him after visiting to the spot on 16.10.2022.

21. Apart from aforesaid circumstances, it is also significant to note that in the spot panchanama (Exh.9) drawn by the investigating officer (PW8), description of the

spot is shown as under ;

East - Field of Nandkishor
West - Field of Dhanraj Wadhive
North - Sitapur Nalla & then Sitapur village
South - Field of Nandkishor Khobragade.

On the other hand, in the spot panchanama (Exh.29) drawn by PW6 Vikrant, boundaries of the spot are shown as under ;

East - Sudam Nagri
West - Field of Dhanraj Wadhive
North- Sitapur village
South - Field of Daulat Khobragade.

22. In these two panchanama (Exh.9 & Exh.29), four boundaries of the spot are entirely different. In the spot panchanama (Exh.9) two sides i.e. east and south sides are shown in the name of Nandkishor and Nandkishor Khobragade and Nalla is shown in the north side of the spot. However, panchanama (Exh.29) depicts entirely different boundaries while comparing with the boundaries of (Exh.9). The way in which the investigation has been conducted apparently found to be faulty. In fact, it was incumbent on the part of the investigating officer (PW8) to collect some authenticate document of possession of the said field from the Revenue Authority to show that the said

field in which the spot of incident is situated was in the exclusive possession of the accused. It was also incumbent on the part of the investigating officer (PW8) to record the statement of Talathi of the said Mauja and statement of Gramsevak or any other officials of the Grampanchayat in which the said field was situated. The position would have been different, if the evidence in this fashion was brought on record to determine the occupation and possession of the said field by the person concerned.

23. Having regard to the evidence of PW1 Raju, Pw2 Rupesh coupled with the evidence of PW6 Vikrant, even if it is held that the Cable (Article I) and GI wire/tar (Article J) were seized by the investigating officer (PW8) from the spot with the assistance of PW6, in the absence of concrete proof regarding identity of the said field such as, that it was occupied or possessed by the accused, the accused cannot be held guilty. Since the prosecution not only failed to prove the identity of the said field in which the spot of incident is situated by proving its Gut or Survey number to show that it was belonging to the accused, but the prosecution also failed to bring in any authentic and reliable documents issued by the Revenue Authority to show that the said field was in actual cultivating possession of the accused. As discussed earlier, in both panchanama

(Exh.9 and 29), neither specific identification are given by mentioning Gut or Survey number of the said field nor boundaries of the said field are tallied to identify the exact spot where the incident took place.

24. Moreover, non-recording the statements of Gramsevak or officials of the concerned Grampanchayat regarding the occupation and possession of the said field also fatals to the case of the prosecution. In addition to these circumstances, external injuries i.e. multiple abrasions found all over the body of the deceased also create suspicion as to the cause of death. Needless to state that the evidence of PW2 Munshilal and PW5 Aakash does not relates nor establishes any nexus of the accused with the said incident.

25. After cumulative consideration of the aforesaid evidence, I come to the conclusion that the prosecution failed to prove beyond reasonable doubt that the said field where deceased Manohar found lying and from where cable and GI wire (tar) were seized was in the occupation or cultivating possession of the accused. Therefore, in my view, this is the fit case in which the accused deserves to extend benefit of doubt while considering the guilt for the offence under section 304 (part II) of IPC and section 138 of the Indian Electricity Act. Therefore, in view of these reasons,

points No. 1 and 2 are, therefore, answered in the negative.

AS TO POINT NO.3 :-

26. In view of aforesaid findings on points No.1 and 2, the accused deserves to be acquitted. In the result, following order is passed:-

ORDER

1. The accused Nandkishor Ramrao Khobragade is hereby acquitted of the offence punishable under section 304 (Part II) of the Indian Penal Code and section 138 of the Indian Electricity Act, 2003 vide section 235(1) of the Code of Criminal Procedure.
2. Bail bonds executed by the accused stand cancelled. He be set at liberty.
3. The accused is directed to furnish P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) which shall remain in existence for the period of six months in terms of the provision of section 437-A of Cr.PC.
4. Seized muddemal i.e. cable and GI wire (tar) be sold out in public auction and proceeds of the sale be credited to the State and remaining being worthless be destroyed as per the rule, after the appeal period is over.
5. Dictated and pronounced in open Court.

Nagpur.
Date : 31.07.2026

(R. M. Mishra)
Additional Sessions Judge,
Nagpur.

ENDORSEMENT	
Case argued on	29.07.2026
Judgment dictated on	31.07.2026
Judgment typed on	31.07.2026
Judgment checked and signed on	31.07.2026

C E R T I F I C A T E

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

Name of Stenographer : Smt. A. J. Chichate