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FORM NO.XXXII

Part 'A'

(Title page of Judgment)

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

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
AHMEDNAGAR AT : AHMEDNAGAR.**

(Presided over by Smt. Manisha D. Charate-Hampe)

J.O. Code No. MH00217

SESSIONS CASE NO.23/2023

EXH.63

(Crime No. I- 612/2020 registered with Shevgaon Police Station, for the offence punishable under Sections 306, 323, 143, 147, 149, 504 and 506 of the Indian Penal Code, 1860)

PROSECUTION

State of Maharashtra

Through Shevgaon Police Station,
Tal. Shevgaon and Dist. Ahmednagar.

REPRESENTED BY

APP Shri. V. K.Bhorde.

ACCUSED

1. Raju Rama Gaikwad

Age : 35 years, Occu : Labour,

2.Chaya Sanjay Jadhav,

Age : 35 years, Occu : Labour,

3. Akshay Sanjay Jadhav @ Kagalya

Age : 19 years., Occu. Labour,

4. Lilabai Rama Gaikwad,

Age : 72 years, Occu. Labour,

5. Rani Raju Gaikwad

Age : 33 years, Occu. Labour,

Accused No.1 to 5 are R/o Balamtakali,
Tal. Shevgaon, Dist. Ahmednagar.

REPRESENTED BY

Advocate Shri. L. H. Lande Patil.

Part 'B'*(Para 44(ii) of Chapter VI of Criminal Manual)*

Date of Offence	-	12/07/2020
Date of FIR	-	15/08/2020
Date of Charge-sheet	-	16/06/2021
Date of committal order	-	16/12/2022
Date of framing of charges	-	06/07/2023
Date of commencement of evidence	-	02/02/2026
Date on which Judgment is reserved	-	11/08/2026
Date of the Judgment	-	11/08/2026
Date of the sentencing order, if any	-	-----

ACCUSED DETAILS

Rank of accused	Name of the 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.
A1.	Raju Rama Gaikwad	02/09/2020	11/09/2020	U/section 306, 323, 143, 147, 149, 504 and 506 of Indian Penal Code.	Acquitted.	---	N.A.
A2.	Chaya Sanjay Jadhav	24/09/2020	24/09/2020	U/section 306, 323, 143, 147, 149, 504 and 506 of Indian Penal Code.	Acquitted.	---	N.A.
A3.	Akshay Sanjay Jadhav @ Kagalya	22/09/2020	22/09/2020	U/section 306, 323, 143, 147, 149, 504 and 506 of Indian Penal Code.	Acquitted.	---	N.A.

A4.	Lilabai Rama Gaikwad	22/09/2020	22/09/2020	U/section 306, 323, 143, 147, 149, 504 and 506 of Indian Penal Code.	Acquitted.	---	N.A.
A5.	Rani Raju Gaikwad.	22/09/2020	22/09/2020	U/section 306, 323, 143, 147, 149, 504 and 506 of Indian Penal Code.	Acquitted.	---	N.A.

: J U D G M E N T :

(Delivered on 11th August, 2026)

The accused are facing trial for the offence punishable under Sections 306, 323, 143, 147, 149, 504 and 506 of Indian Penal Code, 1860 (hereinafter referred to as 'I. P. Code' for the sake of convenience).

2. The prosecution case, in brief, is that deceased Kadubai and informant alongwith her two daughters resided together at Balamtakali, Shevgaon, Dist. Ahmednagar. The informant's father performed second marriage with Kamal and he was residing with her. Informant's mother having only female child hence her father transferred 2 Acre 4 Gunta land in Murmi shivar in the name of her mother. Her father was residing with the family i.e. wife Kamal and her children at Chaklamba Shivar. Since last five years of 12/07/2020 accused were harassing the informant's mother on account of above said land.

3. On 12/07/2020 at about 8.30 to 9.00 a.m. accused No.1 to 5 came in front of the house of informant and abused them and assaulted her mother. Thereafter, at about 11.00 a.m. informant went to labour work. When she came at about 6.00 p.m. at that time she came to know that her mother was taken poisonous substance and she was admitted in the hospital of Dr. Punde. Her mother was unconscious. Thereafter, she shifted her mother at Nityaseva Hospital, Shevgaon at that time

whitish froth coming from the mouth of her mother. On that day at about 7:20 p.m. doctor told to the informant about the death of her mother. Thereafter, she lodged report against the accused.

4. On the basis of report lodged by the informant, the police registered Crime No.I-612/2020 against accused for the offence punishable under Sections 143, 147, 306, 323, 504 and 506 R/w. Section 149 of the I. P. Code. The investigation was handed over to A.S.I. Vishwas Baburao Pavara. During course of investigation, he prepared the inquest panchnama, spot panchnama, he collected all the necessary documents and after completion of investigation, charge-sheet was submitted against accused in the court of Judicial Magistrate, First Class, Shevgaon, Dist. Ahmednagar for above mentioned offences.

5. The learned Judicial Magistrate, First Class, Shevgaon, Tal. Shevgaon, Dist. Ahmednagar, committed the case to this Court. My learned Predecessor framed charge against the accused for the offence punishable under Sections 143, 147, 306, 323, 504 and 506 R/w. Section 149 of the I. P. Code vide Exh.11. It's contents were read over and explained to accused in vernacular. Accused pleaded not guilty and claimed to be tried. After completion of prosecution evidence, statement of accused under section 313 of the Code of Criminal Procedure is recorded. Their defence is of total denial and false implication.

6. In order to prove the guilt of the accused prosecution has examined informant / complainant Chanda Kisan Jadhav (PW1) at Exh.26, witness – Suman Subhash Jadhav (PW2) at Exh.31, panch witness – Laxman Eknath Dhotre (PW3) at Exh.40, Balu Pandurang Tupe (PW4) at Exh.42, Medical officer – Dr. Ajinkya Badrinath

Mahalkar (PW5) at Exh.49, Investigating Officer – A.S.I. Vishwas Baburao Pawara (PW6) at Exh.51. The prosecution has further relied on report / complaint at Exh.28, memorandum of postmortem at Exh.50, investigation order at Exh.52, letter issued by police station to Rural hospital, Shevgaon dated 13/07/2020 at Exh.53, inquest panchnama at Exh.54 etc.

7. The points for determination along with findings thereon are as under -

Sr. No.	POINTS	FINDINGS
1.	Whether the prosecution has proved that accused No. 1 to 5 since last five years till 09.00 a.m. of 12/07/2020, in front of informant's residential house situated at Balamtakali Zopadpatti, Tal. Shevgaon, Dist. Ahmednagar, were the members of an unlawful assembly and with the common object of which was to kill and cause hurt to informant's mother namely Kadubai Gaikwad ?	No.
2.	Whether the prosecution has proved that on the aforesaid date, time and place accused were the members of an unlawful assembly, and in prosecution of the common object of the said assembly, committed the offence of rioting ?	No.
3.	Whether the prosecution has proved that on the aforesaid date, time and place accused were the members of an unlawful assembly, and in prosecution of the common object of the said assembly, used to harass, ill-treat and threat deceased Kadubai Bhaurao Gaikwad, in order to get the agricultural land and thereby she committed suicide by consuming poisonous substance and accused have abated its commission which caused her death ?	No.

4.	Whether the prosecution has proved that on the aforesaid date, time and place accused were the members of an unlawful assembly, and in prosecution of the common object of the said assembly, voluntarily caused hurt to informant's mother Kadubai Gaikwad (Now deceased) ?	No.
5.	Whether the prosecution has proved that on the aforesaid date, time and place accused were the members of an unlawful assembly, and in prosecution of the common object of the said assembly, intentionally insulted informant's mother Kadubai Gaikwad (Now deceased) by abusing and gave provocation to her, intending that such provocation would cause her, to break the public peace ?	No.
6.	Whether the prosecution has proved that on the aforesaid date, time and place accused were the members of an unlawful assembly, and in prosecution of the common object of the said assembly, committed criminal intimidation by threatening informant's mother Kadubai Gaikwad (now deceased) with intent to cause alarm to prevent her ?	No.
7.	What order ?	...As per final order.

: REASONS :

As to Points No.1 to 6 -

8. The prosecution evidence on all these points is common, hence they are taken together for the discussion.

9. Heard the learned APP and the learned Advocate for the accused. It is submitted on behalf of prosecution that the evidence of prosecution witnesses is consistent, the guilt of accused is established. Hence, accused be punished. On the other hand the Ld. Advocate for the accused submitted that the evidence of prosecution witnesses is not trustworthy and liable to be discarded. It is submitted that prosecution

failed to establish that the accused had assaulted the informant's mother and voluntarily caused hurt to her, insulted her and threatened her and abated commission of suicide. The prosecution has not examined any independent witness or the witnesses from hospital. FIR lodged after one month and three days i.e. after thought. The deceased and accused Leelabai jointly had filed suit against some third parties for injunction, which shows their cordial relations. The accused have not abated her suicide. Hence, he has prayed to acquit the accused.

10. To prove the above-said fact, the prosecution has examined the informant and other witnesses. The informant Chanda (PW1) has narrated the incident as per her report / complaint (Exh.28) to some extent. She has further stated that she came to know that the accused had administered poison to her mother as there was nobody in the house. As per her say the accused had killed her mother by administering poison. She further stated that the complaint mentioned about suicide by her mother, but it is false. The police had not read over the contents of complaint to her but obtained her thumb impression mark on the complaint.

11. In her cross-examination taken by the prosecution she has stated that she had not made complaint against the police but she is going to file complaint against the police. She personally had not seen that accused administered poison to her mother, nobody had told her that he had seen the same thing. She further stated that accused were harassing them, threatening them therefore, she is feeling that they had administered poison to her mother. On the day of incident T.V. and gas also was on whereas her mother could not operate T.V. and Gas. She had stated these things to the police but they had not recorded the

same.

12. In her cross-examination taken by accused she has stated that, in the year 1982 her father and husband of accused Leelabai had purchased land Block No.32/2 jointly. Thereafter, husband of Leelabai was died and the said land was partitioned between accused No.5 Leelabai and her father. After some days, her father entered the name of her mother to the said land. She has admitted that Garad family was obstructing their possession over the said land. Therefore, her mother and accused No.5 Leelabai had filed suit against that family which was decided in favour of her mother and accused Leelabai. She further stated that she made complaint in the Bodhegaon Police station against the accused as they were threatening them but she has no documents regarding the same. They had also not filed civil suit against the accused. After demise of her mother their names are entered to the said land and they sold out the same to Gorakh Wanjari. She further stated that the complaint is having her thumb impression mark but she does not know the contents. She admitted that she is not having any documents about threats given by the accused. She further admitted that, she could not state as to how her mother was died.

13. The next witness of prosecution is informant's sister Suman (PW2). She has also stated about harassment by the accused as stated by her mother. Her evidence is of hearsay nature. She could not state as to whether her mother had consumed poison herself or anybody administered poison to her. She was at her home at Shevgaon when her mother was died. The police not called her and not recorded her statement. She could not state as to whether accused were harassing her mother or not and her sister has lodged report on suspicious or not.

14. The next witness is panch of spot panchnama, but he has not supported the prosecution. The alleged eye witness Shri. Tupe (PW4) has also not supported the prosecution case. He has stated that on 12/07/2020 at about 4:00 p.m. the deceased was standing in front of her house and she asked this witness to take her in the hospital as she was not feeling well. Accordingly, he taken her to Dr. Avinash Punde and till then her condition was well and she went in the hospital on her foot. In his cross-examination he denied that, froth was coming from the mouth of deceased and it was smelling poisonous and she was not talking but he admitted that he knows the accused.

15. The Medical Officer Mahalkar (PW5) had done postmortem of deceased Kadubai and found no signs of decomposition, regarmortis partial present all over body, eyes were closed, whitish froth coming out from mouth, both upper and lower limb were straight, there were no surface wounds and injuries present on body, on organ heart-right side of heart engorged with clots present, in stomach approximately 100 ml. of semi-digested liquid with no smell of poisonous substance or erosion and congestion present. Viscera is preserved for chemical analysis. Accordingly, postmortem prepared and handed over to police. There were clots on her heart, therefore, cause of death might be heart attack. Froth from mouth might be due to poison. Death might be occurred due to poisonous substance. It has come in his cross-examination that, he does not know exact cause of death, it might be out of snake bite.

16. The investigating officer PSI Pawara (PW6) has stated details of his investigation and further stated that he demanded documents of medical treatment of the deceased from Nityaseva

Hospital but it was told to him that stomach of deceased was washed and other documents will be provided later on. In his cross-examination he has stated that he made inquiry regarding delayed complaint and found that Police Head Constable Anna Pawar had made inquiry about AD, drawn panchnama, recorded statements of the witnesses and thereafter he came to know that it is not AD but it is matter of Section 306 of Indian Penal Code. He further stated that he had not drawn any panchnamas, statement of witnesses were recorded before investigation handed over to him. He stated that he made inquiry about Civil dispute between the accused and deceased but nothing was provided by the witnesses. He produced the documents regarding the dispute between them and i.e. N.C.

17. Considering the entire evidence it reveals that the informant has lodged report on suspicion. She personally had not seen that accused administered poison to her mother, nobody had told her that he had seen the same thing, the accused were harassing them, threatening them therefore, she is feeling that they had administered poison to her mother. She further stated that she made complaint in the Bodhegaon Police station against the accused as they were threatening them but she has no documents regarding the same. They had also not filed civil suit against the accused. She admitted that she is not having any documents about threats given by the accused. She further admitted that, she could not state as to how her mother was died. Hence, it is clear that the informant herself is not confirm about abatement by the accused due to which her mother committed suicide.

18. The evidence of informant is not consistent with her report / complaint. She is not having any documents showing that the accused

were harassing her mother and there were disputes between them on the ground of land. Her evidence is also not supported with any independent witness or there is no corroboration to her evidence. The investigating officer though stated that he has produced on N.C. on record which was filed by the informant, no such document is exhibited in the matter. The informant has also stated about threatening and abusing by the accused to her mother on the day of incident, but it is also not supported by any of the witnesses.

19. The cause of death has stated by Medical officer (PW5) as might be occurred due to poisonous substance, or it might be out of snake bite or due to heart attack. Again he stated that, he does not know exact cause of death. The prosecution has also not examined the persons from Pund Hospital or Nityaseva Hospital where treatment of the deceased was done. In this situation there is no evidence to show that the deceased was died due to poison and the said poison administered by the accused to her. The report shows that initially it was lodged under Section 306 of Indian Penal Code but the informant before the Court has stated different thing as mentioned above.

20. In this case it is essential for the prosecution to establish that the death of Kadubai was result of suicide and the accused **abetted** its commission, mere harassment or threatening by the accused at any point of time is not sufficient to hold that the accused abetted her suicide. There is no evidence showing that the accused had instigated or encouraged Kadubai to commit suicide. There is no presence of mens-rea. Moreover, there is no document showing that there were disputes between the accused and the deceased and her family. There is no direct evidence showing that the accused abetted her suicide.

There is no link between the instances of harassment or alleged acts by the accused which is resulted in the death of Kadubai. Therefore, in my view the prosecution has failed to prove guilt of the accused beyond reasonable doubts.

21. Thus, considering the prosecution evidence it is seen that the prosecution has failed to establish that accused being members of unlawful assembly with their common object abetted suicide of the deceased. It is also not established that accused intentionally insulted and thereby gave provocation to the deceased to break the public peace or committed criminal intimidation by threatening her with intent to cause alarm to her or abused her and caused hurt. Therefore, the accused are liable to be acquitted as prosecution has failed to establish their guilt beyond reasonable doubt. Hence, I answer points No.1 to 6 in the negative and in answer to point No.7, I pass the following order -

ORDER

1. The accused are acquitted of the offences punishable under section 143, 147, 306, 323, 504, 506 R/W Section 149 of the Indian Penal Code vide Section **235(1)** of the Code of Criminal Procedure.
2. Their bail bonds stands cancelled, they are set at liberty.
3. The accused shall furnish PR bond of Rs.15,000/- (Rs. Fifteen Thousand only) each with one solvent surety of like amount each as per section 437-A of the Code of Criminal Procedure.

Date : 11/08/2026.

(Manisha D. Charate-Hampe)
Ad-hoc District Judge-3 and
Additional Sessions Judge, Ahmednagar.
J.O. Code No. MH00217

Part 'C'

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

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES**A. PROSECUTION :**

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u>
PW1/Exh.26	Chanda Kisan Jadhav	Informant / Complainant
PW2/Exh.31	Suman Subhash Jadhav	Witness.
PW3/Exh.40	Laxman Eknath Dhotre	Panch Witness.
PW4/Exh.42	Balu Pandurang Tupe	Witness.
PW5/Exh.49	Dr. Ajinkya Badrinath Mahalkar	Medical Officer
PW6/Exh.51	Vishwas Baburao Pavara	Investigating Officer.

B. DEFENCE WITNESSES, IF ANY :

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u>
—	--	Nil

C. COURT WITNESSES, IF ANY :

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u>
—	--	Nil

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

<u>Sr. no.</u>	<u>Exhibit Number</u>	<u>Description</u>
1.	Exh.28	Complaint (PW1)
2.	Exh.50	Memorandum of a Postmortem (PW5)
3.	Exh.52	Investigation order (PW6)
4.	Exh.53	Letter issued by Police to Medical officer (PW6).

5.	Exh.54	Inquest Panchnama (PW6)
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B. DEFENCE :

<u>Sr. no.</u>	<u>Exhibit Number</u>	<u>Description</u>
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C. COURT EXHIBITS :

<u>Sr. no.</u>	<u>Exhibit Number</u>	<u>Description</u>
1.	Exh.11	Charge

D. MATERIAL OBJECTS :

<u>Sr. no.</u>	<u>Material Object Number</u>	<u>Description</u>
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: CERTIFICATE FOR UPLOADING TO CIS :

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

Name of Stenographer	:	Sou. R. G. Gosake, Steno.(Grade-I)
Name of the Court	:	Court of Hon'ble Ad-hoc District Judge-3 and Addl. Sessions Judge, Ahmednagar
Date of Judgment	:	11/08/2026
Signed by P. O. on	:	12/08/2026
Uploaded in CIS on	:	12/08/2026