

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 253 OF 2024

**MACHINDRA DAGADU AHIRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr. Mohammad Amir, advocate holding for Mr. Harshal
Randhir, Advocate for the appellant.
Mr. A.V. Lavte, A.P.P. for respondent-State.

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**CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 19 AUGUST 2025

Per Court :

1. By this appeal filed under Section 372 of the Code of Criminal Procedure, the appellant/original informant challenges judgment and order of acquittal of the accused passed by the learned Additional Sessions Judge, Jalgaon in Sessions Case No.14 of 2021.
2. Accused were charged for committing murder of their brother Dagdu Maharu Ahire on 23.08.2020.
3. The case is based on circumstantial evidence and the prosecution could only prove the circumstance of homicidal death of the deceased. Evidence led by the prosecution on last seen together is not reliable. Prosecution witnesses have given different versions to prove motive which is rightly disbelieved

by the trial Court, observing that there was minor dispute amongst the accused and deceased on account of boundary of the land, which occurred one year prior to the incident. Prosecution has relied on the circumstance of recovery of spade allegedly used in commission of offence, but the C.A. report shows that no blood was detected on the spade (Article-No.3). Few blood stains were noticed on the lower part of Pyjama of the accused, but that sole circumstance cannot be said to be sufficient to prove the guilt of the accused. It is, thus, clear that the prosecution has failed to prove the complete chain of circumstances showing involvement of the accused in the present crime.

4. Trial Court has properly appreciated the evidence and has rightly granted acquittal to the accused. No case is made out by the appellant to interfere in the impugned judgment and order of acquittal.

5. The appeal being devoid of merit, is dismissed.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE