



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

**CRIMINAL APPEAL NO.620 OF 2025
WITH
CRIMINAL APPLICATION NO.3924 OF 2025
IN ALS (ST.) No.10828 OF 2025**

Amol s/o Maruti Mache,
Age : 42 years, Occu.: Agril.,
R/o.: Ghodegaon, Tq. Shrigonda,
District : Ahmednagar.

.... APPELLANT
(Original Complainant)

VERSUS

1. The State of Maharashtra
2. Shivaji s/o Sakharam Mache,
Age : 50 years, Occu.: Agri.,
3. Vedant s/o Shivaji Mache,
Age : 21 years, Occu.: Agri.,
4. Laxmi w/o Devidas Mache,
Age : 47 years, Occu.: Agri.,
5. Akshay s/o Devidas Mache,
Age : 27 years, Occu.: Agri.,
6. Swapnil s/o Devidas Mache,
Age : 29 years, Occu.: Service,

All R/o.: Ghodegaon, Tq. Shrigonda,
District : Ahmednagar

.... RESPONDENTS
(Original Accused)

....
Mr. N. B. Narwade, APP for the Appellant-informant
Mr. S. P. Sonpawale, APP for respondent No.1-State
....

**CORAM : SANDIPKUMAR C. MORE AND
Y. G. KHOBRADE, JJ.**

DATED : 24/11/2025.

ORDER :

1. Heard learned counsel for the appellant and learned APP for the Respondent No.1-State at the admission stage.

2. The appellant-informant, Amol Maruti Mache, has challenged the acquittal of the present respondents, who were the original accused in Sessions Case No.153 of 2023, from the offences punishable under Sections 143, 147, 148, 302/149, 201/149, 504/149 and 506/149 of the Indian Penal Code (for short, "IPC"), recorded by the learned Additional Sessions Judge, Shrigonda, District Ahmednagar (hereinafter referred to as "the learned Trial Judge") by judgment and order dated 04.06.2025.

The State has also preferred an application for leave to appeal along with an application for condonation of delay.

3. According to the prosecution, the appellant-informant, Amol (PW-2), lodged a report dated 14/08/2023 stating that he, along with his family members and the deceased Maruti, resides at Hanuman Nagar, Shrigonda. They owned land bearing Gut No.159

of village Ghodegaon. On 13/08/2023 at about 8.30 a.m., he and his wife, along with the deceased, had gone to his father-in-law Balasaheb (PW-7) at village Yerandoli, Taluka Shrigonda, to attend a family function. They returned at about 6.30 p.m., after which the deceased proceeded to the aforesaid land.

At about 7.30 p.m., their neighbour, Sunil Darekar, came to the house and informed them that the deceased had been taken to Medicare Hospital, Shrigonda. When Amol (PW-2) rushed to the hospital, he saw the deceased lying on the rear seat of a four-wheeler in front of the hospital gate. The doctor examined the deceased and declared him dead. On the basis of the appellant's initial report, AD No.88 of 2023 was registered by Vitthal Mahadev Bade (PW-1).

Subsequently, the appellant-informant submitted an application to Shrigonda Police Station stating that the deceased had been beaten in the field. The post-mortem was conducted on 14/08/2023 at Sassoon Hospital, where multiple blunt injuries were found on the body. Thereafter, on 15/08/2023, the informant lodged a detailed report alleging that the respondents-accused had abused the deceased at about 7.00 p.m. on 13/08/2023 and assaulted him with stones, fists and kicks over a dispute regarding installation of an electric motor on the *bandhara*. He alleged that

due to the severe beating, the deceased became unconscious and died.

Investigation commenced accordingly and upon its completion, the respondents–accused were charge-sheeted. However, after conducting the trial, the learned Trial Judge acquitted the respondents–accused. Hence, this appeal.

4. The learned counsel for the appellant as well as the learned APP, submit that the learned Trial Court did not appreciate the evidence in its proper perspective. They argued that though the medical evidence established that the death was caused by multiple blunt injuries, the learned Trial Judge erroneously refused to hold that the death was homicidal. According to them, the prosecution case rested on both direct and circumstantial evidence, yet the learned Trial Judge disbelieved the testimonies of the eye witnesses, namely Tatya Kondiba Supekar (PW-5) and Ramkrishna Bhagwan Kadam (PW-6), branding them as unreliable and untrustworthy.

5. They further contended that the chain of information from the eye-witnesses to Balasaheb Nanasaheb Sonawane (PW-7) and thereafter to the informant was natural and ought to have been

accepted by the learned Trial Judge. They also submitted that the investigating officer had conducted the investigation properly and that non-examination of certain independent witnesses was not fatal to the prosecution case. According to them, there existed a clear motive for the respondents–accused, as there was a dispute between the deceased and the respondents regarding the use of water from the dam. Thus, they finally submitted that the learned Trial Judge ought to have convicted the respondents–accused.

6. Heard the learned counsel for the appellant–informant as well as the learned APP at the admission stage and with their assistance, we have also gone through the evidence on record and the impugned judgment.

7. On going through the material on record along with the impugned judgment, it appears that the prosecution case is based on the direct evidence of eye-witnesses as well as other supporting material. We would first like to discuss the evidence of the eye-witnesses, namely Tatya (PW-5) and Ramkrishna (PW-6). Admittedly, Tatya Kondiba Supekar (PW-5) has deposed in support of the prosecution case. He stated that on 13/08/2023, the deceased Maruti had come to his house and thereafter he, along

with the deceased Maruti, Ankush Supekar, and Ramkrushna Kadam, went to the river to check the pipeline and the electric motor. He further stated that respondent Nos.1 and 2 came there and questioned them as to why they had installed the electric motor in the river. Saying so, they started beating Maruti and pelting stones at him. The other respondents thereafter also arrived at the spot. Respondent No.1 again hit Maruti on his chest with a fist blow, due to which Maruti fell down. Maruti was then taken to the hospital and Tatya (PW-5) gave statement to the police.

8. Similarly, Ramkrishna (PW-6) has deposed that on 13/08/2023 at about 6.45 p.m., while he was proceeding towards his house on a bicycle, he saw the deceased Maruti, along with Ankush and Tatya, going towards the river on a motorcycle. At that time, Maruti asked him to accompany them to inspect the pipeline at the river. Accordingly, he went with them. He stated that after they returned, respondent Nos.1 and 2 arrived there, abusing them and pelting stones. They assaulted Maruti with fist and kick blows, due to which he fell down. Other respondents also reached the spot thereafter. Because of the beating, Maruti became unconscious and was then taken to the hospital. This witness has specifically stated that the respondents told him to say that Maruti suffered from

heart attack. He thereafter gave his statement to the police on 16/08/2023.

9. Though Tatya (PW-5) and Ramkrishna (PW-6) have deposed before the Court as eye-witnesses, their testimonies suffer from material contradictions. Tatya (PW-5) stated that he, along with Ramkrishna (PW-6) and Ankush, had gone to the police station on the night of the incident and narrated the occurrence to the police. However, it is significant to note that Ramkrishna (PW-6) has completely denied this fact. Further, both these witnesses admitted in their cross-examination that at the spot of the incident people were saying that the deceased had suffered a heart attack and they themselves disclosed this information. By way of this admission, it reveals that they must not have seen the actual incident or they were not present on the spot incident at the relevant time. It is also also important to note that although according to their later statements, they were aware that the respondents–accused were the assailants, they did not disclose their names immediately either to the police or to any other person. This conduct casts serious doubt on the reliability and credibility of these eye-witnesses. Thus, it appears that the testimony of one eye-witness contradicts that of the other, making it difficult to

separate truth from falsehood, and strongly suggesting that they had not actually witnessed the incident.

10. So far as the evidence of the appellant-informant Amol (PW-2) and Balasaheb (PW-7) is concerned, it is also full of improvements and omissions. The initial report Exhibit-P-40 by Amol (PW-2) does not reflect name of any respondent being the assailant despite he knew the names from the alleged eye witnesses. However, in his subsequent letter-report (Exh. P-50), he mentioned the names of the respondents. This circumstance, by itself, creates a possibility of concoction or fabrication of a false story. Moreover, his testimony is based on information received from the eye-witnesses, which is not admissible. It is also to be noted that in the initial report he merely stated that the deceased was beaten in the field, without naming any accused persons, though he knew their names since beginning. Therefore, the evidence of Amol (PW-2) certainly appears doubtful.

11. Further, it is also important to note that initially accidental death was registered but the final report was never submitted by the investigating officer PW-10. From this suppression, an adverse inference is quite possible that the same was adverse to the

prosecution story. It is also extremely relevant to consider the medical evidence of PW-8, Dr. Hemant Vaidya. His testimony reveals that though as many as 15 blunt injuries were found on the body of the deceased, all of them were simple in nature and definitely possible due to a fall from a motorcycle. He specifically stated that, based on the CA report, the histopathological report and the opinion shared by him and Dr. Jaidev, the cause of death was blunt injuries on the body in a case of underlying coronary artery disease. In his cross-examination, this witness categorically stated that the heart of the deceased was not normal. The coronary arteries showed significant blockages, ranging from 80% to 90%. He further admitted that in such cases, angioplasty or even open-heart surgery is usually advised. He also conceded that in the presence of such severe blockages, the patient could easily lose consciousness. From this medical evidence, it clearly transpires that the death of Maruti was not caused by the alleged beating but occurred due to cardiac arrest.

12. Thus, from the overall evidence on record, it appears that the testimonies of the alleged eye-witnesses, namely Tatya (PW-5) and Ramkrishna (PW-6), are neither trustworthy nor reliable. Moreover, the prosecution did not seize the stones allegedly used in the

assault. Further, the CA reports on record do not indicate the presence of blood on the clothes of the respondents–accused, except on the deceased’s clothes. Considering these aspects, it is evident that the learned Trial Judge, in appreciating the evidence on record, has taken a possible and reasonable view in acquitting the respondents, which does not call for interference. Accordingly, we do not find any merit in the appeal. The appeal, along with the Application for Leave to Appeal by State (St.) No.10828 of 2025 and Criminal Application No.3924 of 2025 for condonation of delay, stand dismissed.

(Y. G. KHOBRAGADE, J.)

(SANDIPKUMAR C. MORE , J.)