



Presented on :- 23/01/2013,
Registered on :- 23/01/2013,
Decided on :- 29/03/2023,
Duration:- **10-Y. 02-M. 06-D.**

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, GONDIA.

(Presided over by Adil M. Khan)

EXH. 244

SESSIONS TRIAL NO. 29/2013
(CNR NO. MHGO010000612013)

State of Maharashtra,
Through, Police Station Officer
Police Station, Duggipar
Tah. Sadak Arjuni, Dist. Gondia * * * **COMPLAINANT.**

- V E R S U S -

- 1] **Maroti @ Akshay @ Gulab s/o Ganpat Kurwatkar**
Aged about 29 years, R/o. Tembhurwahi,
Tah. Rajura, Dist. Chandrapur.
- 2] **Pramod s/o Vijay Gadgodhate**
Aged about 31 years, R/o. Lalpeth Ward,
Matanagar Chowk, Chandrapur.
- 3] **Sushila @ Roma @ Anjali @ Anjela d/o Harish Sontake**
Aged about 44 years, R/o. Dr. Zakir Husain Ward,
Ballarshah, Dist. Chandrapur.
- 4] **Sanjay @ Sudershan @ Bandu s/o Ramrao Bawne,**
Aged about 34 years, R/o. Bhutada, Post. Shegaon,
Tah. Warsa, Dist. Chandrapur.
- 5] **Arun Bhaudas Bhelake @ Sharman Jadhao**
@ Sanjay Kamble @ Rajan @ Sanghosh

@ Anand @ Aditya Suresh Patil

Aged about 38 years,
R/o. Ballarshah, Dist. Chandrapur.

- 6] Kanchan Ramkrushna Nanaware @ Sonali Aditya Patil
@ Kanchan Arun Bhelake @ Shital Akash Bhagat,
[Abetted] * * * **ACCUSED.**

OFFENCE PUNISHABLE UNDER SECTIONS 121, 121-A, 120-B, 465, 468, 471 R/W 34 OF THE INDIAN PENAL CODE, SEC. 17, 20 & 39 OF UNLAWFUL ACTIVITIES (PREVENTION) ACT AND SEC. 3, 12 OF PRESS AND REGISTRATION ACT.

Mr. K. D. Pardhi, APP for the State,
Mr. H. P. Lingayat, Adv. for all the Accused

JUDGMENT.

(Delivered on this 29th day of March-2023)

1] Accused Nos. 1 to 6 have been charge-sheeted for the offences punishable under Sec. 121, 121-A, 120-B, 465, 468, 471 R/W 34 of the Indian Penal Code, Sec. 17, 20 & 39 of Unlawful Activities (Prevention) Act and Sec. 3, 12 of Press and Registration Act.

2] Initial charge-sheet came to be filed against accused Maroti @ Akshay @ Gulab Ganpat Kurwatkar and Pramod Vijay Gadgodghate on 29/11/2012. The said case was registered as Sessions Trial No.29/2011. Subsequently, on

17/11/2015 Supplementary charge-sheet came to be filed against accused Arun Bhaudas Bhelake @ Sharman Jadhao @ Sanjay Kamble @ Rajan @ Santosh @ Anand @ Aditya Suresh Patil and Kanchan Ramkrushna Nanaware @ Sonali Aditya Patil @ Kanchan Arun Bhelake @ Shital Akash Bhagat. Thereafter, on 10/01/2014 supplementary charge-sheet came to be filed against accused Sushila @ Roma @ Anjali @ Anjela Harish Sontake and Sanjay @ Sudarshan @ Bandu Ramrao Bawne.

3] All the three charge-sheet arise out of Crime No.104/2010 of Duggipar Police Station, Dist. Gondia. As such supplementary charge-sheets were merged in the present trial as per the order of then Hon'ble Principal District & Sessions Judge, Gondia. It would be apposite to mention that earlier Session Trial No.14/2012 came to be registered arising out of the same Crime No.104/2010 wherein 09 other accused were tried and were acquitted by the judgment dated 15/05/2014.

4] As per the prosecution case, all the accused have played different role and the allegations against them vary from each other and hence it would be appropriate to deal with the facts alleged against each of the accused independently.

5] In the first charge-sheet registered as Session Trial No.29/2013 accused No.1 Maroti Kurwatkar and accused No.2 Pramod Gadgodghate were impleaded as accused. As per the prosecution case all the accused are the members of banned organization Communist Party of India (Maoist) and they propagated the ideas of their party in the rural and urban area of the State of India and instigate the people belonging to Dalit and Adiwasi community, workers, woman etc to wage war against the State, including armed war with explosive weapons. They also indulged in killing of police party, military and illiterate persons by used of weapon like guns and explosive.

6] It is further case of the prosecution that on 16/12/2010 at about 4.35 p.m. Duggipar Police inspected one Maruti Omni Van bearing No.CG-6/B-2871 which was moving in a suspicious manner and arrested 05 accused (previously tried in S.T.No.14/2012). All those persons were brought to Duggipar Police Station in the said van. It was found that all these five persons were indulging in activities of Communist Party of India (Maoist) for celebration of 10th PLGA between 02/12/2010 to 21/12/2010. It was also found that they were trying to wage war against Government of India and accordingly Crime No.104/2010 was registered. During the interrogation it revealed from accused Bhaskar @ Akshay @ Sachin Manohar Kore in the said case that since 2005 he was

member of Deshbhakti Yuva Manch, Chandrapur and was working with accused No.5 Arun Bhelke, accused No.1 Maruti Kurwatkar, Manoj Sonule and accused No.2 Pramod Godgodghade for C.P.I. (Maoist) which has been banned by Government of India.

7] So far as, the present accused tried in this is concerned that the accused No.1 Maroti Kurwatkar was arrested by Ramnagar Police Station, Chandrapur in Crime No. 3013/2008 for alleged offence punishable under Sec. 10, 13, 18, 39(1) of Unlawful Activities (Prevention) Act, 3 & 25 of Indian Arms Act, Sec. 420, 465, 124(A), 120-B R/W 34 of the Indian Penal Code and Sec. 3, 12 of Press and Registration Act. In the said crime, 02 pistols, live cartridges, electronic device, CD's and books and literature's of naxalism were seized.

8] The allegations against accused No.2 Pramod Godghate is that he acquired false identification card for Bhanu @ Bhimrao Bhowte from one company named Green Future Fondation of Pune. Said identity card was used by Bhanu Bhowte to shield himself and to impersonate.

9] In supplementary charge-sheet registered on 10/01/2014 it is the case of prosecution that accused Sanjay @ Sudershan @ Bandu s/o Ramrao Bawne was also arrested in Crime No.3013/2008 by Ramnagar Police Station,

Chandrapur for alleged offences punishable under Sec. Sec. 10, 13, 18, 39(1) of Unlawful Activities (Prevention) Act, 3 & 25 of Indian Arms Act, Sec. 420, 465, 124(A), 120-B R/W 34 of the Indian Penal Code and Sec. 3, 12 of Press and Registration Act and books and literatures of Naxal Organization were seized from him. Similarly, it is the case of prosecution that accused Sushila Sontakke is a member of CPI (Maoist) which is a banned organization and was propagating ideas of CPI (Maoist) through organization named Lokshahiwadi Mahila Manch of which she was a member. She used to arrange meeting, used to propagate, make speeches and used to collect funds for the said organization and used to instigate people against the State for waging war. She also concealed her identification by acquiring false and fictitious name. Both the accused also instigated the public to join the movement of CPI (Maoist) to wage war against the State.

10] In the second supplementary charge-sheet registered on 17/11/2015 accused Arun Bhelake and Kanchan Nanaware were charge-sheeted. As per the prosecution case that witness No.1 Suklal @ Rushi Parso who is a naxalite and surrender before the State and he stated in his statement that while he was in Naxal Dalam at Mayalghat area, the accused Kanchan Nanaware used to visit and resided in his village for three days. She instigated the ladies of village to joint Naxalism for obtaining their rights. She was known as Bhumi

amongst the naxalist and she was an active member of CPI (Maoist).

11] It is also the case of the prosecution that witness No.2 Dalsuram @ Jaler Kachlam is also a naxalite who surrender before the police and he has also stated that while he was in naxal dalam and in the year 2012 he was operating in Murkuti Mayalghat area of Gadchiroli District and had stayed in their camp. In the said camp Darekasa Dalam, Tanda Dalam, Malajkhand Dalam, Deori Dalam, Platoon A & B and Kopachi Company were present. In the said camp Dipak Teltumde, accused No.5 Rajan @ Arun Bhelke, accused No.6 Bhumi @ Kanchan Nanaware came there. At Khobramendha and Gangin jungle both accused Arun Bhelke and Bhumi Nanaware were present and there was an operation she could not move fast. She used to be in naxal uniform, carrying small pistol and used to look after the members of the Dalam. Accused Arun Bhelke and Kanchan Nanaware were of the dalam of said witness No.2 Dalsuram and used to patrol the area of Charvidand, Navezari, Ambekhuri, Lekurbodi and Bonde.

12] It is also the case of prosecution that witness No.3 Komal Kumeti had stated to the police that in the year 2009 while he was returning to his village from Kaimul, 10-15 persons wearing green uniform carrying guns,

captured him and blindfolded him by a cloth and tied his hand with a rope and took him to jungle. Four other villagers were also caught by them. As the said witness was not keeping well, accused Kanchan @ Bhumi Nanaware gave treatment to him. The said witness had seen Kanchan at Kaimul Camp. He also stated that Kanchan is also known as Bhumi amongst the naxalites. The naxalites also asked him why he is in contact with the police and threatened to kill him and his family if he contact the police.

13] The investigating officer SDPO Shri Rajmane investigated the Crime No.104/2010 and had filed charge-sheet against all 06 accused. During the course of investigation he recorded the statement of witnesses, collected the documents and articles seized by previous I.O. Shri Borate and arrested the accused. I.O. sought sanction to prosecute the accused Arun Bhelke and Kanchan Nanaware as well as for Maroti Kurwatkar, Sushila Sontakkte and Sanjay Bawne. As the investigation revealed the complicity of all the accused, he filed the charge-sheet as well as the supplementary chargesheets.

14] The learned Magistrate took cognizance of the offences. As the offences were exclusively triable by the Court of Sessions, the cases were committed to the court of Sessions.

15] Charge (Exh.68) came to be framed by my learned predecessor against accused Nos.1 to 6 for the offences punishable under Sec. 120-B, 121, 121-A, 468, 465, 471 of the Indian Penal Code, Sec. 20, 17 & 39 of Unlawful Activities (Prevention) Act. The charge was read over and explained to the accused in vernacular. All the accused pleaded not guilty and claimed for trial.

16] During the course of trial accused No.6 Kanchan Nanaware died while in custody at Yerwada Prison, Pune. By order dated 17/08/2021 the case against accused No.6 stood abated.

17] At the trial, to substantiate the guilt of the accused, the prosecution examined following witnesses namely;

Bhaskar Kashinath Sahare (PW-1) journalist;

ACP Sunil Sukhdeorao Bhonde (PW-2) informant;

Retired D.Y.S.P. Vinod Gulabrao Ingole (PW-3) who registered crime No.3013/2008 Ramnagar Police Station, Chandrapur;

Addl. S.P. Vaibhav Manohar Kulbarga (PW-4) who investigated Crime No.3013/2008 Police Station, Ramnagar, Chandrapur;

Kishor Shyamrao Varvale (PW-5) witness;

Komal Dasaram Kumeti (PW-6) witness;

Rushi @ Suklal Tulshiram Parso (PW-7) witness;

Jaler @ Dalsuram Parasram Kachlam (PW-8) witness;

Lalu @ Jaipal Lakkhu Kowase (PW-9) witness;
Rajesh Birju Pudo (PW-10) witness.

18] As the prosecution closed its evidence, the statement of accused under Sec.313 of Cr.P.C. of accused Nos.1 to 5 came to be recorded at Exh.232 to 236 respectively. The defence of the accused is of denial and false implication. According to them the witnesses are deposing falsely under the pressure of police. The accused did not examine any witness in their defence. They have relied upon documents.

19] At the conclusion of the trial I have heard learned APP Mr. Pardhi at length and learned advocate Mr. Lingayat for all the accused.

20] In the light of charge against the accused, evidence on record, statement under Sec.313 of Cr.P.C. and the rival submissions at bar, the following points arise for my determination. I have recorded my findings on those points for the reasons recorded as under:-

Points

Findings

1] Whether the prosecution proves that on or about or prior to 26/12/2010 accused No.1 to 6 along with co-accused of this crime and absconding accused agreed to do illegal acts by illegal means i.e. wage war against the Government of India/State Government by

- collecting and instigating men and women to overawe the Government by criminal force to shake and reduce the faith of common citizen in democratic Government by instigating violence and to organize the spread of secessionist and rebellious thoughts by convincing secret meetings, to collecting money in India by achieving and being the member of banned organization CPI (Maoist) and to continue activities of terrorist Gang ? *** No.
- 2] Whether the prosecution proves that accused No.1 to 6 along with co-accused and absconding accused printed, published and circulated information and gave promotional literature of the banned organization CPI (Maoist) and distributed the book, booklets, banners, pamphlets and audio-video materials to overawe the Government established by law ? *** No.
- 3] Whether the prosecution proves that accused No.1 to 6 along with co-accused and the absconding accused on or about or prior to 26/12/2010 took active part in the activities of said organization and promoted insurgency and spread terror to wage war against the Government of India ? *** No.
- 4] Whether the prosecution proves that on or about 20th December 2008 at Nagpur/Pune accused No.2 Pramod Vijay Gadgodghate along with accused Nandu Bihare @ Bhimrao Bhovate forged the document like identity card of green future foundation in the name of Sharad S. Nimaje bearing photograph of one of the accused Bhanu @ Bhimrao Bhovate with intend to be used for cheating ? *** No.

- 5] Whether the prosecution proves that on or about 20th December 2008 at Nagpur/Pune accused No.2 Pramod Vijay Gadgodghate along with accused Nandu Bihare @ Bhimrao Bhovate forged the document like identity card of green future foundation in the name of Sharad S. Nimaje bearing photograph of one of the accused Bhanu @ Bhimrao Bhovate, knowing to be a forged document with intend to be used for cheating ? *** No.
- 6] Whether the prosecution proves that on or about or prior to 26/12/2010 accused No.1 to 6 along with co-accused and absconding accused took active part in banned organization CPI (Maoist), Peoples War Group which is a terrorist Gang and took active part in the activities of these banned association ? *** No.
- 7] Whether the prosecution proves that on or about or sometime in 2004, accused No.1 to 6 along with co-accused and absconding accused conspired joined Communist Party of India (Marxist and Leninist) (people's war) and Marxist Communist Centre and Maoist Communist Centre of India to overthrow the present democratic Government by initiating a long time armed Guerilla war against the State and operated in the area of Duggipar and Saundad of Gondia District, Mul and Sindhewahi of Chandrapur District, Wadgaon Dist. Yavatmal, Nashik, Mumbai, Pune, Nagpure and other places in Maharashtra and managed and assisted by supporting banned terrorist organization and involvement in banned activities terrorism and propagated or

professed to be associated with such banned organization by holding meetings, organised functions, published and distributed books and raised funds etc. ? *** No.

8] Whether prosecution prove that the sanctioning authority accorded legal and valid sanction as against accused No.1 to 6 for prosecuting them under the UAP Act ? *** No.

9] What order ? *** As per final order.

REASONS.

21] **AS TO POINT NO. 1 to 7 :-**

As all the points are inter-related, they are being taken up together for common discussion.

The present case arise out of supplementary charge-sheets filed in Crime No.104/2010 of Duggipar Police Station. In earlier charge-sheet 09 accused were charge-sheeted. The first charge-sheet filed in Crime No.104/2010 of Duggipar Police Station was registered as Sessions Trial No.14/2012. Perusal of the said charge-sheet shows that the present accused were not shown as co-accused or absconding or accused in charge-sheeted. However, in Col.No.16 it was alleged that accused No.6 therein was the member of CPI (Maoist) banned organization and Shailesh Wakde was propagating the ideas of Maoist with the help of accused No.1 Maroti Kurwatkar and accused No.5 Arun Bhelake. It is the case of the prosecution that none of these 6

accused tried in the present trial were accompanying the accused No.1 to 5 arrested on 26/12/2010 tried in S.T. No. 41/2012. The role attributed to each accused tried in the present case are different and hence the evidence against them has to be evaluated separately.

22] Before adverting to the evidence produced by the prosecution, it would be apposite to reiterate that all the 09 accused tried in S.T.No.14/2012 arising out of this crime No.104/2010 of Duggipar Police Station have been acquitted by the judgment dated 15/05/2014.

The evidence against ccused No.1 Maroti @ Akshay @ Gulab Ganpat Kurwatkar:

23] The prosecution, to prove the guilt of Maroti Kurwatkar has examined witness Bhaskar Kashinath Shahare (PW-1) a Journalist from Chandrapur. He deposed that he knows Maroti Kurwatkar. On 31/01/2012 he was called as a panch witness at Ramnagar Police Station, Chandrapur. Accused Maroti Kurwatkar was in the custody of police and his presence memorandum under Sec. 27 of the Evidence Act came to be recorded by the police allegedly given by the said accused Maroti Kurwatkar. He further deposed that accused Maroti gave statement that he was receiving electronic goods from Maharashtra Labour Naxal Committee and same was supplied to the Naxal Dalam Movement and was wandering

and moving along with naxalites Bhanu Bhowte (tried in S.T.No.14/2012 and acquitted) in the area of Darekasa and Salekasa. He also showed his readiness to produce the said electronic goods and place where he has kept it. Thereafter, accused Maroti took him and police to the house of Mithun Koyam and took out 46 electronic goods which police seized. He further deposed that similarly Maroti took out 2 pistols, cartridges and other articles from the house of Prakash and police accordingly drew the panchnama and obtained his signature. He identified his signature on the photocopy of the said statement and seizure panchnama.

24] In his cross-examination by the accused he admitted that all the panchnamas filed in the present case arise from Crime No.3013/2008 of Ramnagar Police Station, Chandrapur. He also admitted that from the said crime Criminal Case No.57/2012 and 123/2012 were tried by Sessions Court, Chandrapur and all the accused tried therein were acquitted including accused Maroti Kurwatkar. He also admitted that he deposed before the Court that being a press reporter, he was in good terms with the police and was visiting the police station and SP, office daily. However, he denied other suggestions.

25] Prosecution has also examined ACP Sunil Sukhdeorao Bhonde (PW-2) who apprehended the five

accused in a Omni Van on 26/12/2010 of Crime No.104/2010 of Duggipar Police Station who were tried in S. T. No.14/2012 and were acquitted. He has not deposed any incriminating evidence about the accused Maroti Kurwatkar. On the contrary, in his examination-in-chief he had deposed that he drew search and seizure panchnama dated 26/12/2010 on the spot at Exh.183. However, in his cross-examination admitted that said panchnama was drawn at Duggipar Police Station subsequently. Perusal of the said panchnama Exh.183 shows that it was drawn at Police Station, Diggipar subsequently. He is the witness who is the author of the said panchnama still he could not deposed in the examination-in-chief as to where the said panchnama was drawn. The Sessions Court in Session Trial No. 14/2012 has discarded the proof of said panchnama while acquitting the accused.

26] Prosecution has also examined Vinod Gulab Ingole (PW-3) who is retired DY.S.P. and the informant of Crime No.3013/2008 of P.S.Ramnagar, Chandrapur. However, he has not alleged any incriminating evidence against accused Maroti Kurwatkar.

27] Prosecution has also examined Addl. S.P Vaibhav Manohar Kulbarga (PW-4). He deposed that he was SDPO, Chandrapur from March 2008 to September 2010 and was the investigating officer in Crime No.3013/2008 of

Ramnagar Police Station, Chandrapur. He investigated in respect of absconding accused Maroti Kurwatkar (i.e. present accused No.1) and recorded his discovery statement and recovered a fire arm and naxal literature from Maroti Kurwatkar. The prosecution has not placed the original discovery statement and recovery panchnama in this case and he was confronted with the photo copy which was of crime No.3013/2008. He admitted his signature and it was marked at Article-A & B (discovery and recovery panchnama). He further deposed that he had filed charge-sheet against Maroti Kurwatkar before Chandrapur Court. He also deposed that he has not investigate the present crime i.e. Crime No.104/2010 of Duggipar police station.

28] In his cross-examination he admitted that charge-sheet was filed in Crime No.3013/2008 of Ramnagar Police Station, Chandrapur which was registered as Sessions Trial No. 57/2012 and 123/2012. He also deposed that his evidence was recorded in the said cases at Chandrapur. However, he denied for want of knowledge whether accused Maroti and other accused were acquitted by Sessions Court, Chandrapur. He deposed that since he was transferred, he does not know whether accused were acquitted. He denied all the other suggestions that accused Maroti Kurwatkar did not gave any discovery and recovery statement.

29] Prosecution has also examined Kishor Varvale (PW-5) who is private contractor and the witness. Initially he did not support the prosecution and did not lead any incriminating evidence. The court granted permission to prosecution to cross-examine this witness. In his cross-examination by the prosecution he did not allege any incriminating evidence against Maroti Kurwatkar and deposed that in the case of Chandrapur Maroti Kurwatkar and Vivek Bhoyar were absconding.

30] In his cross-examination by the accused he admitted that he does not remember whether Maroti Kurwatkar and Vivek Bhoyar were absconding in the case at Chandrapur. He also admitted that he was falsely implicated in the case filed by Chandrapur Police. He also admitted that all the accused were acquitted in the Chandrapur case. He also admitted that he does not know anything about the present case and he gave affirmative answer to all the questions put to him by the A.P.P.

31] Prosecution has also examined Komal Dasaram Kumeti (PW-6) and Rushi @ Suklal Tulshiram Parso (PW-7). However, they have not deposed any incriminating evidence against the present accused Maroti Kurwatkar.

32] Prosecution has also examined Jaler @ Dalsuram Parasram Kachlam (PW-8) who according to the prosecution was a naxalite who surrender before the police. He deposed that he joined naxal movement in the year 2010. Naxalite used to visit his village and conducted meetings. His sister Ambira Kachlam had also joined naxal movement in the year 2009 and he was active as a naxal at Deori area. He deposed that he knows Maroti Kurwatkar, Sushila Sontakke, Arun Belge and Kanchan Belge. He also identified accused Maroti Kurwatkar as Saket and had seen him at Khobra-Mendha forest of Korchi Taluka and that he was called by Dipak Teltumde.

33] In his cross-examination by the accused he admitted that there are no documents on record or with him to show that he had surrendered as Naxalite. He also admitted that the committee of surrender consist of the Collector, Superintendent of Police and the Assistant Superintendent of Police of the Central Government and they record the statement of surrendered naxalite. He also admitted that Session Trial No. 57/2013, 58/2013, 48/2015 & 49/2015 were tried against him in this court but he denied that in the said cases denied the charges that he worked as a naxal with other naxalite. However, on confronting with his statement under Sec. 313 of Cr.P.C. in all the above referred cases Exh.210, 211, 212 & 213 he admitted that he denied all the

charges that he work as naxal against the nation. He further admitted that many statements were recorded by the police before 2014 and that whenever police arrested any person in naxal cases, they used to call him to record his statement. He also admitted that in whichever cases Shri Rajmane is the investigating officer recorded his statement and that he used to give statement as directed by Shri Rajmane. He also admitted that he has not stated that surname of Arun was Belke. He also admitted that he had not seen Maroti Kurwatkar, Sushila Sontakke and Arun Belke at Khobra-Mendha forest and that they were called by Dipak Teltumde. He has also admitted that in his statement he has not stated that Maroti Kurwatkar was known as Saket. He also admitted that his statement was read over by the police before his evidence and that police directed him to depose in the court as per the statement. He also admitted that he falsely deposed before the Court on the say of police that Maroti Kurwatkar, Sushila Sontakke, Arun Belke and Kanchan attended the DVC meeting called by Dipak Teltumde and that he deposed falsely in his examination-in-chief.

34] Prosecution also examined Lalu @ Jaipal Lakkhu Kowase (PW-9). However, he has not deposed any incriminating evidence against any accused including Maroti Kurwatkar.

35] Prosecution also examined Rajesh Birju Pudo (PW-10) working as a Police Head Constable, P.S. Manpur, Chattisgarh. According to the prosecution he was a naxalite who surrendered before Rajnandgaon police. He has also not deposed any incriminating evidence against said accused Maroti Kurwatkar.

36] From the perusal of entire evidence on record it can be seen that Bhaskar Shahare (PW-1) and Addl. SP Vaibhav Kulbarga (PW-4) are the panch witness and investigating officer respectively of crime No. 3013/2008 of Ramnagar Police Station, Chandrapur. Bhaskar (PW-1) admitted in his cross-examination that he has deposed in S.T. No.57/2012 & 123/2012 arising out of Crime No.3013/2008 tried by Sessions Court, Chandrapur. He also admitted that both these cases all the accused were acquitted by the Chandrapur Court in the said Sessions Trials.

37] The accused has also placed on record the certified copy of common judgment in Session Trial No. 57/2012 and 123/2012 Exh.240. Perusal of the said judgment shows that all the accused therein including Maroti Kurwatkar were acquitted. Under such circumstances, the accused Maroti Kurwatkar cannot be again tried for the said offence of having found with weapons, electronic device etc. in view of provision of Sec.300 of C.P.C.

38] So far as, the evidence of Jaler @ Dalsuram (PW-8) is concerned, he has deposed that he had seen Maroti Kurwatkar, Sushila Sontakke, Arun Belge and Kanchan Belge and has identified accused Maroti Kurwatkar as Saket. However, it can be seen that Maroti Kurwatkar is not named as Saket as per the prosecution case. Moreover, though the prosecution claimed that this witness was a naxalite who surrendered, prosecution has failed to produce any documents to show that he has surrendered as a naxalite. Moreover, he claims to be a surrender naxalite having worked with this accused. However, he admitted that Session Trial No.57/2013, 58/2013, 48/2015 & 49/2015 in which he was co-accused, he denied the charges that he worked as naxal. On the contrary he also gave admission that in whichever cases Shri Rajmane was the investigating officer, he recorded his statement and he used to give statement as directed by Shri Rajmane and accordingly he had named Arun Bhelke and his wife Kanchan Bhelke. He further admitted in his cross-examination that he does not know Maroti Kurwatkar, Sushila Sontakke and Arun Bhelke and he had seen them in a forest along with Dipak Teltumde. He specifically admitted that his statement was read over to him in the Court on the day of evidence and police directed him to depose accordingly and hence he falsely deposed before the Court. Thus, it can be seen that the evidence of Jaler @ Dalsuram (PW-8) is not reliable and that

he was compelled to give statement and evidence by the police specially the investigating officer Shri Rajmane.

39] **The evidence against accused No.2 Pramod Vijay Gadgodghate:**

As per the prosecution case, the accused Pramod Gadgodghate is that he acquired false identity card for accused No.5 Bhanu @ Bhimrao Bhowte (Accused No.5 in S.T.No.114/2012 arising out of Crime No.3013/2008) for Green Future Foundation Company, Pune. However, none of the witnesses produced by the prosecution led any evidence in respect of acquiring fake identity card for accused Bhanu @ Bhimrao Bhowte for Green Future Foundation Company, Pune by the present accused No.2 Pramod Gadgodghate. Moreover, the said identity card was also not produced by the prosecution before the court. As discussed above, even ACP Sunil Bhonde (PW-2) who was the Police Inspector of Duggipar Police Station who apprehended the Omni Van on 25/12/2010 and is alleged to have drawn the panchnama Exh.183 has failed to prove the said panchnama while dealing with the evidence against accused No.1 Maroti Kurwatkar. Thus, the prosecution has failed to bring on record any incriminating evidence against accused No.2 Pramod Vijay Gadgodghate.

40] The another allegation against accused No.2 Pramod Gadgodghate is that he was member of Communist Party of Inaid (Maoist) and is found with pistol, cartridges and electronic device and offence under the provision of UAP Act as well as other Sections of Indian Penal Code were registered against him in Crime No.3013/2008 of Ramnagar Police Station, Chandrapur. The said crime was tried by the Sessions Court in Sessions Trial No. 57/2012 and 123/2012 and by common judgment dated 10/09/2015 all the accused including accused No.2 Pramod Vijay Gadgodghate came to be acquitted. Certified copy of the said judgment is filed on record at Exh.240. They have been tried for the said offence, he cannot be tried again for the said crime as per the provision of Sec.300 of the Cr.P.C.

41] **The evidence against accused No.3 Sushila @ Roma @ Anjali @ Anjela Harish Sontakke;**

As per the prosecution case, the present accused No.3 Sushila @ Roma @ Anjali @ Anjela Harish Sontakke is a member of CPI (Maoist) which is a banned organization and was propagating ideas of said organization through organization like Lokshahiwadi Mahila Manch of which she was a member by arranging meetings, propagating speeches, collecting funds and instigating peoples against the State for waging war. She also concealing her identification by acquiring false and fictitious name.

42] Prosecution has examined Jaler @ Dalsuram Kachlam (PW-8) who according to the prosecution is a naxalite who surrendered deposed that his sister Ambira Parasram Kachlam joined naxal movement in the year 2009 and he joined the naxal movement in the year 2010. They both surrendered in the year 2011. He deposed that he initially joined in Naxalite at Deori and residing in a camp. Dipak Teltumde use to conduct the meeting. Kanchan Nannaware and Arun Belge also came from outside. He knows Maroti Kurwatkar, Sushila Sontakke, Arun Belge and Kanchan Belge. He has identified accused Maroti Kurwatkar as Saket, however, he did not identify other accused including accused No.3 Sushila Sontakke.

43] In his cross-examination he has admitted that he does not possessed any documents regarding his surrendered to the police as a naxalite. He also admitted that he was tried in Session Trial No.57/2013, 58/2013, 48/2015 & 49/2015 and in his statement under Sec.313 in these cases which are at Exh.210 to 213 he denied the charges that he was working as a naxal with other naxalite. He also admitted that his parents did not lodge missing report since 2010-2014. He also admitted that whenever police arrested any person in naxalite case, they called him for recording his statement. He also admitted that in whichever cases Shri Rajmane is the I.O.,

he recorded his statement and that he gave statement as directed by Shri Rajmane.

44] There are material omissions also in his statement. He has not stated in his statement that he knows Maroti Kurwatkar, Sushila Sontakke and Arun Belke and that he had seen these persons along with Dipak Teltumde at Khobra-Mendha forest. He also admitted that he has also not stated that Maroti Kurwatkar is known as Saket. He also admitted that his statement is read over to him before evidence in the Court. He also admitted that as police has directed him to depose as per the statement, he falsely deposed before the court that Maroti Kurwatkar, Sushila Sontakke, Arun Belke and Kanchan attended DVC meeting called by Dipak Teltumde. He also admitted that as per the directions of police he has falsely deposed. All this evidence elicited in the cross-examination of this witness shows that this witness is not reliable, he is tutored and is deposing under the pressure of police which he admitted in his cross-examination and cannot be relied upon.

45] Prosecution has also examined Lalu @ Jaipal Kowase (PW-9) to prove the case against the present accused Anjela Sontakke. However said witness denied knowing the accused Anjela Sontakke in his examination-in-chief. Though this witness was cross-examined by the prosecution, he denied

the fact that he knows accused Anjela Sontakke as he had seen her in the forest of Khobra-Mendha. He had denied all the other suggestions given by the prosecution.

46] Prosecution has also examined another witness Rajesh Pudo (PW-10) who is the police head-constable and as per the prosecution case he was a naxalite who surrendered. He deposed that in the year 2010 he surrendered before Rajnandgaon Police. In the year 2009-2010 he was residing at Rankatta, Tah. Korchi, Dist. Gadchiroli which is village situated in the forest. In the year 2011 he had seen Anjela Sontakke, Bhnu Bhowte and Dipak Teltumde in jungle at Nadekal and at that time he was in a naxal cell of that area. However, he further deposed that he does not know what was the agenda of that meeting and thereafter they left. He failed to identify the accused No.3 Anjela Sontakke.

47] In his cross-examination by the accused he admitted that he has not filed any documents to show that he surrendered as a naxalite. He also admitted that he has not been arrested in any naxalite cases. He also admitted that he is in police service. He also admitted that there is no court or authority which has passed an order of discharging or acquitting him in naxalite case. He also admitted that he knows SDPO Rajmane (I.O. in this crime) and has worked with him in joint Anti Naxal Campaign of Chattisgarh and

Maharashtra police and that he knows SDPO Rajmane since he was SDPO in the Anti Naxal Campaign. He also admitted that a person with criminal background does not get employment in the police department.

48] Perusal of evidence of this witness shows that though he named accused No.3 Anjela Sontakke as a person whom he has seen at Khobra-Mendha Forest along with Dipak Teltumde and Bhanu Bhowte (accused No.1 in S.T.No.14/2012), he has failed to identify accused Anjela Sontakke before the court. He has also not produced any document of surrender neither prosecution has brought on record any such documents to show that this witness has a naxalite who surrender. His admission that he has not been tried or discharged by any court or authority also shows that this witness being a naxalite who surrender, is doubtful. The prosecution has also even failed to prove the identity of accused No.3 Sushila Sontakke as this witness has failed to identify her as a person whom he had seen in Khobra-Mendha forest.

49] None of the witnesses deposed that Sushila Sontakke possessed any fake identity card, nor any evidence led by the prosecution to show that any identity card was seized from her which was found to be fake. The prosecution did not even took care to produce any identity card before the

court. On the contrary, despite being given sufficient opportunity, the investigating officer Shri Rajmane did not appear before the Court to lead any evidence.

50] **The evidence against accused No.4 Sanjay @ Sudarshan @ Bandu Ramrao Bawne.**

As per the prosecution case, present accused Sanjay Bawne was arrested in Crime No.3013/2008 of Ramnagar Police Station, Chandrapur for the alleged offence under UAPA, Indian Penal Code, Arms Act and Press and Registration Act and was found with arms and literature's of naxal organization and the member of CPI (Maoist). In the entire evidence of witnesses produced in the court, there is no iota of the evidence against the present accused. So far as, the offence of Crime No.3013/2008 of Ramnagar Police Station, Chandrapur, the said case was tried as Sessions Trial No.57/2012 and 153/2012 by the Session Court, Chandrapur and all the accused, including the present accused Sanjay @ Sudarshan Bawne was also acquitted by the judgment dated 10/09/2015. The certified copy of which is filed at Exh.240. The accused cannot be tried again for the same offence as per Sec.300 of Cr.PC.

51] **The evidence against accused No.5 Arun Bhaudas Bhelke @ Sharman Jadhao @ Sanjay Kamble @ Rajan @ Sanghosh @ Anand @ Aditya Suresh Patil.**

And

The evidence against accused No.6 Kanchan Ramkrushna Nanaware @ Sonali Aditya Patil @ Kanchan Arun Bhelke @ Shital Akash Bhagat. (Abetted)

According to the prosecution accused No.5 Arun Bhelke and accused No.6 Kanchan Bhelke are the husband and wife. According to the prosecution case, witness No.1 Suklal Parso who is surrendered naxalite and stated that while he was in Naxal Dalam at Mayalghat area, accused Kanchan Nanaware used to visit and reside in his village and instigated the women to join naxal movement for obtaining their rights and she was known as Bhumi amongst the naxalites and she was an active member of CPI (Maoist).

52] Witness No.2 Dalsuram @ Jaler Kachlam who is also surrendered naxalite had stated that while he was in naxal dalam and operating in Murkuti Mayalghat area and was residing in their camp, Dipak Teltumde, Rajan @ Arun Bhelke (accused No.5) and Bhumi @ Kanchan Nanaware (accused No.6) came there and he had seen accused No.5 & 6 at Khobramendha and Gangin Jungle. Accused No.6 Kanchan used to be in naxal uniform and carry small pistol and could not move fast due to injury. He had identified abetted accused No.6 Bhumi in T.I.Parade.

53] To prove the said offence prosecution has examined Kishor Varvale (PW-5). In his examination-in-chief he did not support the prosecution and denied that he knows any of the accused including accused No.5 & 6 Arun Bhelke and Kanchan Bhelke. However, in his cross-examination by the prosecution he admitted that he was a member of 'Deshbhakti Yuva Manch' and Arun Bhelke (accused No.5), Manoj Sonule, Ravi Kurwatkar, Kanchan Nanaware (PW-6), Shakti Gadlak, Raman Punekar and Bhaskar Kore were also members of said society.

54] In his cross-examination by the accused he admitted that he has deposed in connection with present case at Gondia Court. He deposed that he does not remember whether in the case of Chandrapur against him he denied that he was member of 'Deshbhakti Yuva Manch'. He also admitted that he does not know whether the persons named in the examination-in-chief were the members of 'Deshbhakti Yuva Manch'. He also admitted that he does not remember whether Maroti Kurwatkar and Vivek Bhojar were absconding in the case of Chandrapur. He also admitted that he was falsely implicated by the police in the case which was filed against him at Chandrapur. He also admitted that he does not know whether other co-accused of that case were falsely implicated. He admitted that all the accused in the said case were

acquitted. He admitted that he does not know anything about the present case and he gave answer 'Yes' to all the question put by the APP.

55] The perusal of evidence of this witness shows that only evidence he gave that these two accused Arun Bhelke and Kanchan Bhelke were the member of 'Deshbhakti Yuva Manch' It is not the case of prosecution that 'Deshbhakti Yuva Manch' is a banned organization. Moreover, in his cross-examination by the accused this witness admitted that he gave answer 'Yes' to question put by learned APP but he does not know anything. This shows that he is not a credible witness as he was earlier tried as an accused in S.T.No.76/2008 at Chandrapur Court.

56] Prosecution has also examination Komal Dasaram Kumeti (PW No.6) who prosecution claimed to be person who was kidnapped in Navezari forest by naxalite on 25/07/2009. He deposed that in the year 2009 he visited Ganutoa Police Camp for police training and on 25/07/2009 at about 7.00 to 8.00 p.m. fifteen naxalite caught him and took him to Navezari forest. They tied his hand and covered his face and made him walk. They asked him as to why he is intending to join police course. 15-20 Naxalite including wemen were there and name of one lady naxalite was Bhumi. After 3 days naxalite left him at village Dhamditola. He also

deposed that in the year 2009 his statement was recorded by the Magistrate Court, Deori and he has identified Bhumi.

57] In his cross-examination by the accused he admitted that his father was a police patil of village Mangatola in the year 2003 and he and his father have good relations with the police. He also admitted that the facts he deposed in the examination-in-chief was disclosed for the first time. He also admitted that he did not produce any documents of his kidnapping to the police. He also admitted that police did not inquire from him in respect of present case and that he did not lodge any report with Duggipar Police Station and Deori Police Station regarding incident of 2009 of his kidnapping. He also admitted that he never visited Ganutola Police Camp and hence he did not give any certificate to the I.O. He also admitted that today in the Court police read over his statement to him. He also admitted that in 2009-10 his statement was not recorded by any Court. Since Bhumi (accused No.6) died prior to the examination-in-chief of this witness he has not identified her.

58] Prosecution has also examined Rushi @ Suklal Parso (PW-7). He deposed that he knows Sugna who was commander of Naxalite of Korchi Division. In the year 2004 he was in his field at Mayalghat. At about 9.00 p.m. 6-7 naxalites came to his field and told him to show the way to

village Murkuti and asked him to accompany them. Sugna and Suresh Arami of village Charbhatti were amongst them. He knows Sugna as the naxalite informed him that she is commander. She used to take meeting in the village. The naxalites took him to Darekasa forest. At Darekasa dalam he was along with Subhash, Shilpa, Kalpana, Rajesh, Sunanda. Naxalite gave him 12 bore gun and he used to stay with them. While he was with naxalite, naxalite ambushed the police at Chattisgarh and there was firing between police and naxalites and Subhash fired on the police. 7-8 naxals planted the ambush bomb including Santosh and Subhash. Santosh pressed the button of the bomb and one policeman died in the said bomb explosion. He does not know in which year this incident took place. He further deposed that Bhumi (accused No.6) was one of the naxal lady. She used to accompany other naxal when she visited Mayalghat. Bhumi used to tell that she is a doctor. She used to take meeting at village. He does not know anything else. He does not know whether police caught Bhumi. Police took him to Tahsildar, Sadak Arjuni for identifying Bumi and that 8 ladies were made to stand in from on him and he identified Bhumi who was also known as Kanchan. Police inquired from him in the case of Kanchan.

59] In his cross-examination by the accused he admitted that there is no documents regarding his surrender before the police. He also admitted that he was not

prosecuted for the ambushed and the incident of firing on police or in respect of any other incident. He also admitted that he did not hand over any document to I.O. showing dropping of charges against him of these cases. He also admitted that while he was with naxalite for a period of 3 years, his family members did not lodge any missing report with the police. He also admitted that from year 2008 to 2014 he did not went to police station voluntarily. He admitted that police officer Rajmane (I.O.) called him through his uncle Brahmadev Taram and that he did not voluntarily inform the police about meeting being conducted in his village. He also admitted that uncle Kamansinha Parso is the police patil of village Mayalghat. He volunteers that some articles of naxalites were fond in his house and hence he gave such statement to SDPO, Rajmane. He also admitted that apart from Shri Rajmane he did not gave any statement to any other police officer. He further admitted that policemen were present in the Tahsil Office. He also admitted that while he was standing near the gate, police brought the accused and that both the accused were handcuff. He also admitted that all the persons lined up before him were of different looks and complexion. He also admitted that accused were shown to him before and hence he identified them. He also admitted that Bhumi is not known as Kanchan. He also admitted that he does not know Kanchan.

60] The evidence of this witness Rushi Parso (PW-7) is doubtful for the reason that there are no documents to his surrender as a naxalite before the police nor there is any missing report lodged by his parents or relatives though he was missing for more than 3 years. He has also given material admission like that accused were shown to him before T.I.parade and that he has identified Bhumi. Moreover, prosecution has not filed any T.I.Parade nor got it proved by examining any witness including I.O. He also admitted that Bhumi and Kanchan are the same person and he does not know Kanchan. He falsely deposed in his examination in chief that Bhumi is known as Kanchan. By the time this witness was examined accused No.6 was dead and there was no identification of this accused as Kanchan Even otherwise the evidence of Rushi Parso (PW-7) is not trustworthy. It has also been brought on record that some naxal articles were found in his house and under such circumstances he given said statement which also create doubt about his credibility.

61] Prosecution has also examined Jaler @ Dasuram Kachlam (PW-8) who deposed that he had joined naxal movement in the year 2010 and his sister surrendered in the year 2011. While he was in naxal movement Dipak Teltumde used to conduct meeting in a naxal camp in which Kanchan Nanaware (accused No.6) and Arun Bhelge (accused No.5) visited the camp. Kanchan was suffering from heart

decease. He also deposed that he knows both the accused along with other accused but he could not identified any of those accused No.5 & 6 before the court.

62] As discussed above, in his cross-examination Jaler @ Dalsuram Kachlam (PW-8) has admitted that he has not produced any documents of surrender as a naxalite. He also admitted that in S.T.No. 57/2013, 58/2013, 48/2015 & 49/2015 he was tried as accused and in that cases in his statement under Sec. 313 of Cr.PC. certified copies which are at Exh.210 to 213 he denied charges of being naxalite. He also admitted that his parents did not lodge any report since he was missing from 2010-2014. He also admitted that before 2014 police recorded many of his statement and whenever police arrested any person in naxalite case, they called him to record his statement. He also admitted that in whichever cases Shri Rajmane (I.O.) is the I.O. recorded his statement. He also admitted that he used to give his statement as directed by Shri Rajmane (I.O.). He also admitted that while giving his statement he did not state surname of accused Arun was Belke and that Kanchan was wife of Arun Bhelke. He had also not stated the names of Maroti Kurwatkar, Sushila Sontakke and Arun Bhelke. He has also not stated in his statement that he saw those persons at Khobra-Mendha forest along with Dipak Teltumde. He also admitted that since police had recorded his statement that Maroti Kurwatkar, Sushila Sontakke, Arun

Bhelke and Kanchan attended the DVC meeting called by Dipak Teltumde, he falsely deposed before the court regarding the said fact. He also volunteers that police asked him to depose accordingly and hence in his examination-in-chief he falsely deposed this fact.

63] Perusal of the evidence of this witness Jaler Kachlam (PW-8) shows that he is a got up witness being used by the police. He has given admission that whenever police arrested any person in naxal case his statement was recorded by the police and specifically by the I.O. of this case Shri Rajmane and he has to give statement as directed by him. He further admitted that today in his examination-in-chief he deposed as per direction of the police without knowing any facts. I.O. Shri Rajmane has not entered the witness box nor led any evidence for the reason best known to him despite having given sufficient opportunities.

64] Perusal of the entire evidence as against accused Nos. 1 to 5 and abetted accused No.6, it can be seen that the independent witnesses who are examined are got up witnesses who have given material admissions as to how the prosecution compelled them to give false statement and deposed falsely in the Court. Though the police relied upon the T.I.Parade, the prosecution did not prove any such documents nor examined material witnesses thereto. Witness

Rushi Parso (PW-7) specifically admitted in his cross-examination that both the accused whom he had identified in T.I.Parade were shown by the police and they were handcuff and lined up persons were not similar, this also creates doubt in the veracity of T.I.Parade. Even otherwise prosecution has failed to prove T.I. Parade by examining any material witness thereto. Thus, the prosecution has not proved any incriminating evidence against these accused No.5 Arun Bhelke and accused No.6 Kanchan Nanaware.

65] The perusal of entire evidence on record shows that the witnesses examined by the prosecution are not trustworthy and are deposing under the compelling situation and pressure of police. They are being used by the police as some incriminating articles were found in their house or for some other reason best know to the prosecution. All these witnesses have given specific admissions in the cross-examination as to how the prosecution compel them to give statement and to depose in the Court as per statement given by them. None of the witnesses have identified any of the accused before the Court to the role attributed to them not even as a person know to them.

66] So far as, accused No.1, 2 & 4 are concerned they are being roped in since they were accused in S.T.No.57/2012 and 123/2012 decided by Sessions Court,

Chandrapur in which they were acquitted and hence they cannot be tried again for the same offence as it would amount to double jeopardy within the meaning of Sec. 300 of Cr.P.C. The prosecution has also failed to prove any connection of these accused who are tried in this case with the other 9 accused tried in S.T.No.14/2012 arising out of Crime No.104/2010 of Duggipar Police Station. Prosecution has even failed to prove or produce any incriminating articles like false, fabricated identity card etc. Thus, the prosecution has failed to prove its case against all the accused No.1 to 6. Hence, I answer point Nos. 1 to 7 in the negative.

67] **AS TO POINT NO. 8 :-**

The prosecution has placed on record sanction order dated 04/09/2015 which was accorded by the Additional Chief Secretary of Govt. of Maharashtra, Home Department to prosecution accused No.5 Arun Bhelke and accused No.6 Kanchan Nanaware. The prosecution has also placed on record sanction order dated 18/10/2014 to prosecution accused No.1 Maroti Kurwatkar, accused No.3 Sushila @ Anjela Sontakke and accused No.4 Sanjay Bawne. However, prosecution has not examined any witness who have accorded the said sanction to prove that the sanction was accorded after due scrutiny and satisfaction by the sanctioning authority. The failure to examine these witnesses deprived the accused to cross-examine these witnesses on these points.

Prosecution has not placed on record sanction to prosecute in respect of accused No.2 Pramod Gadgotghate.

68] It is also pertinent to note that as per Rule-3 of the Unlawful Activities (Prevention) (Recommendation and Sanction of Prosecution) Rules 2008, the authority has to submit his report for recommendation for sanction within 7 working days of the receipt of evidence gathered by the investigating officer under the Code. The prosecution has failed to produce the representation on record. Thus it cannot be verified whether the representation was forwarded within 07 working days of the collection of evidence against these accused. The offence is of 2010. The sanction was accorded on 18/10/2014 and 04/09/2015. There is considerable delay of about 05 years which is not explained by the prosecution. Since no witness was examined in respect of sanction the accused had no opportunity to cross-examine the witness on this point.

69] As per the provision of Rule-4 of the Unlawful Activities (Prevention) (Recommendation and Sanction of Prosecution) Rules 2008 the sanctioning authority i.e. State or Central Government has to take decision regarding sanction for prosecution within 07 working days after receipt of the recommendation of the authority. As per Sec. 45 Sub Sec.-2 of Unlawful Activities (Prevention) Act,

the sanctioning authority has to make an independent view of the evidence gathered in the course of investigation. Non-examination of the sanctioning authority has also deprived the accused of cross-examination in respect of the fact that whether the sanctioning authority has taken independent view apart from the report submitted by the recommending authority.

70] Thus, I hold that the prosecution has failed to prove that there was a valid and legal sanction accorded to prosecute the accused Nos. 1 to 6. Hence, I answer point No.8 in the negative.

71] **AS TO POINT NO. 9:-**

In view of my findings on point nos. 1 to 8, I hold that the prosecution has failed to prove its case. As such the accused persons are liable to be acquitted. Hence, I pass the following order.

ORDER

- 1] Accused Nos.1 to 5 are hereby acquitted of the offence punishable under Sections 120-B, 121, 121-A, 468, 465, 471 of the Indian Penal Code and Sec. 20, 17 & 39 of the Unlawful Activities (Prevention) Act.

- 2] Accused Nos. 5 Arun Bhaudas Bhelake @ Sharman Jadhao @ Sanjay Kamble @ Rajan @ Sanghosh @ Anand @ Aditya Suresh Patil is in Yerwada Jail at Pune. He be released forthwith, if not required in any other crime or offence.
He shall furnish PR Bond of Rs.10,000/- and furnish one surety in the like amount in compliance of the provision of Sec.437-A of the Cr.P.C. for his appearance in appeal, if appeal is preferred.
- 3] Accused Nos. 1 to 4 are on bail. Their bail bonds stands cancelled
- 4] The acquitted accused persons are directed to execute PR Bond of Rs.10,000/- each and furnish one surety in the like amount in compliance of the provision of Sec.437-A of the Cr.P.C. for their appearance in appeal, if appeal is preferred.
- 5] Muddemal properties, is already destroyed by judgment and order dated 15/05/2014 in S.T.No.14/2012.
- 6] The copy of Judgment be supplied to accused No.5, free of cost through E-mail to be served by the Superintendent of Yerwada Jail upon accused No.5 personally.

7] Case is disposed of accordingly.

Gondia.

Dated.:- 29/03/2023.

Sd/-*

(Adil M. Khan)

Addl. Sessions Judge, Gondia.