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			11	09	25

Sessions Case No.717/2014

Exh. No.79

FORM No. XXXII

Part 'A'

(Title Page of Judgment)

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

	<u>IN THE SESSIONS COURT, PUNE.</u> Present : S.S. Kanthale, Addl. Sessions Judge. <u>(Sessions Case No.717/2014)</u>	
	FIR No.120/2010 under Section 395, 397, 427 of IPC and 37(1) r/w 135 of Bombay Police Act.	
Complainant		State of Maharashtra
REPRESENTED BY		Through The Police Inspector, Sahakarnagar. Shri. Wadekar, A.P.P.
ACCUSED	1.	Wasim Ismail Momin, Age – 35 years, Occ. Business,
	2.	Ajay Rajendra Pardeshi, Age – 30 years, Occ.
	3.	Aslam Ismail Momin, Age – 34 years, Occ.Business,

		Nos.1 to 3 Ambegaon Pathar, Dhankawadi, Pune.
	4.	Sagar Bapurao Dhankawade, Age – 37 years, Occ. Business,
	5.	Suraj Bapurao Dhankawade, Age – 33 years, Occ. Business, Nos.4 and 5 Dhankawadi, Gavthan, Pune.
REPRESENTED BY		<u>Shri Gaurav Deshpande</u> – Advocate for accused

Part 'B'

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

Date of Offence	:	25/04/2010
Date of FIR	:	26/04/2010
Date of Charge-sheet	:	13/07/2010 before JMFC
Date of Framing of Charges	:	15/04/2023
Date of Commencement of evidence	:	16/04/2026
Date on which Judgment is reserved	:	N. A.
Date of the Judgment	:	10/08/2026
Date of the Sentencing order, if any	:	Accused are acquitted

Accused Details

Name	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.	Wasim Ismail Momin.	27-4-10	1-11-18		Acquitted	–	–
2.	Ajay Rajendra Pardeshi	27-4-10	16-8-10	395, 397, 427 of IPC and 37(1) r/w 135 of Bombay Police Act.	Acquitted	–	–
3.	Aslam Ismail Momin	5-8-10	18-9-10	395, 397, 427 of IPC and 37(1) r/w 135 of Bombay Police Act.	Acquitted	–	–
4.	Sagar Bapurao Dhankawade	7-9-10	16-12-10	395, 397, 427 of IPC and 37(1) r/w 135 of Bomb	Acquitted	–	–

				ay Police Act.			
5.	Suraj Bapurao Dhankawade	5-8- 10	26-8- 10	395, 397, 427 of IPC and 37(1) r/w 135 of Bomb ay Police Act.	Acquit ted	–	–

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, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Suresh Gayabu Arenur	Witness
PW-2	Vishwanath Dattatrya Munde	Witness
PW-3	Satish Pradip Sanas	Witness
PW-4	Rohit Harikishor Varma	Witness
PW-5	Satyajit Vasant Mahadik	Informant
PW-6	Namdeo Narayan Kunjir	Panch
PW-7	Abhijit Suresh Pandit.	Panch

B. DEFENCE WITNESSES, IF ANY:-

Rank	Name	Nature of Evidence (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-	-	-

C. COURT WITNESSES, IF ANY :-

Witness No.	Name	Nature of Evidence
	NIL	

LIST OF EVIDENCE OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. PROSECUTION EVIDENCE :-

<u>Sr.No.</u>	<u>Exhibit Number</u>	<u>Description</u>
-	-	-

B. DEFENCE :-

<u>Sr.No.</u>	<u>Exhibit Number</u>	<u>Description</u>
-	-	-

C. COURT EXHIBITS :-

<u>Sr.No.</u>	<u>Exhibit Number</u>	<u>Description</u>
	-	-

D. Material Objects :

<u>Sr.No.</u>	<u>Exhibit Number</u>	<u>Description</u>
-	-	-

J U D G M E N T

(Delivered on 10/08/2026)

1. The accused stands prosecuted for committing offences punishable under Section 395, 397, 427 read with Sec.34 of the Indian Penal Code and Sec.37(1) read with 135 of the Bombay Police Act.

The case of prosecution, in short, is as under :

2. The complainant Suresh Gayabu Arenur is resident of Datta Nagar, Dhankawadi, Pune. On 25/04/2010, at about 8.30 to 8.45 pm, he was walking back home and passing by the bungalow of one Mohite, a mob of 7 to 8 boys came from behind on 3 motorcycles and a Maruti Zen car. The complainant knew one of the boys in mob. His name was Avinash Pawar, a juvenile. The said Avinash Pawar whipped out a Koyata and gave a blow on complainant's head, which resulted in bleeding injuries. The complainant's friend Vishwanath Munde, who was standing nearby, rushed to intervene. However, he too was beaten up by the assailants. Injured complainant was taken by his 2 friends on a motorcycle to Suyog hospital. In the meanwhile, complainant's another friend Satish Sanas and his brother Dhananjay Sanas came to admit their cousin brother Satyajit Mahadik in the same hospital. They told complainant that their cousin brother Satyajit Mahadik had returned to the town in his Tavera car the same night. As he was parking the car, the same boys came on 3 motorcycles and a Maruti Zen car. They whipped out Koyata and charged upon Satyajit Mahadik and mercilessly attacked him with the deadly weapons. Satyajit, had suffered severe grievous injuries on his head, chin and back. The boys also damaged windshield of the Tavera car. As Satish Sanas and his friend Rohit Varma has rushed to

intervene, the assailant boys also beat them up, and snatched 10 gram gold chain of Satish Sanas and fled away. Thus, Satish Sanas and Satyajit Mahadik were also brought to the same hospital injured state for treatment. Satyajit Mahadik told that the assailants had snatched cash of Rs.5000/- from his pocket and his mobile phone of Nokia make.

3. As the 3 injured victims were admitted in the hospital, the police upon information, rushed to the hospital and recorded statement of complainant Suresh Arenur, and registered above offences against the accused persons. In the investigation that followed, the accused persons were arrested, and the weapons and the robbed articles were also recovered from them. The statements of the witnesses were recorded. As sufficient evidence was found, police charge-sheeted the accused persons for the above offences.

4. Upon receipt of case on committal, my learned predecessor sought to frame charge against all the accused persons. However, the accused no.2 Rafik Shaikh and accused no.4 Niraj Bhandari went absconding. My learned predecessor, thus, by order dtd.15/04/2023, separated their trial, and proceeded with the trial of the remaining accused persons.

5. Charge for the above offences is framed and explained to the 5 accused persons present before the court. They pleaded not guilty and claimed to be tried. The prosecution thereupon examined 7 material witnesses to prove the charges, while the accused persons did not enter any defence evidence.

6. Thus, upon considering the case of prosecution and the evidence adduced in support of the charges, following points arise for my determination and I record my findings thereon as under, for the reasons to follow.

	POINTS	FINDINGS
1.	Does prosecution prove that the accused nos.1 to 5 along with accused Avinash Pawar & Chickya Jadhav, juvenile-in-conflict with law and absconding accused, on 15/04/2010 at about 8.30 to 8.45 pm in front of bungalow of one Mohite, Navnathnagar, Ambegaon Pathar, Pune, as well as in open ground, Ambegaon Pathar, Dhanakawadi, Pune, came on three motorcycles and gave a blow of sickle on the head of witness Suresh Arenur who is friend of complainant from behind and also gave blow of sickle on the head, chin, arm and back of complainant also and committed robbery of Rs.5000/- and one mobile of Nokia company of Rs.1,000/-, also snatched gold chain of 10 gram from the neck of Satish Sanas who is cousin of complainant and was trying to solve the scuffle and thereby committed an offence u/sec.395 read with Sec.397 of the Indian Penal Code ?	: In the Negative.
2.	Does the prosecution further prove that the accused, juvenile in conflict with law and absconding accused, on the above said date, time, and places, in furtherance of their common intention, committed mischief by causing wrongful loss/damage to the Tavera vehicle owned by informant by breaking front and rear glass and thereby committed an offence u/sec.427 r/w sec.34 of the Indian Penal Code ?	: In the negative.
3.	Does the prosecution further prove that the accused, juvenile in conflict with law and absconding accused, on the above said date, time, and places, were found in possession of deadly weapons like :	

	sickle by committing breach of order passed by the Commissioner of Police, duly promulgated and thereby committed an offence u/sec.37(1) punishable u/sec.135 of the Bombay Police Act ?		In the Negative.
4.	What order ?	:	As per final order.

REASONS

As to Point Nos.1 to 3 :-

7. The prosecution has examined 7 witnesses in all. PW-1 is complainant Suresh Arenur. PW-2 is his friend Vishwanath Konde, while PW-3 is another injured friend Satish Sanas. PW-4 is Rohit Varma. PW-5 is another witness Satyajit Mahadik. PW-6 Namdeo Narayan Kunjir and PW-7 Abhijit Suresh Pandit are panch witnesses.

8. PW-1 Suresh Arenur deposes in his evidence that on 25/04/2010, he was walking back home at about 8.30 to 9.00 pm after releasing water. His house is at Navnath Nagar near Mohite bungalow. He saw a crowd gathered near his house. As the crowd ran helter skelter, he suffered a push, due to which, his head struck the staircase and he suffered bleeding injuries. He denied even knowing any of the accused persons before the court, or they having assaulted him.

9. The prosecution, upon declaring him hostile, extensively cross-examined. However, nothing came on record to support the prosecution case.

10. PW-2 Vishwanath Munde is another eye witness of the incident. He deposed that on 15/04/2010 at about 8.00 to 8.30 pm, he was walking back home. At that time, he saw 4-5 persons beating PW-1 Suresh Arenur with fist and kick blows. He tried to intervene

and save Suresh. In the same, he suffered injuries of scratches on his left hand. So also, Suresh had suffered bleeding injuries on his head. In the meanwhile, his 2 friends Nilesh Jachak and Nilesh Parkhe came and took injured Suresh to hospital.

11. Thus, PW-2 Vishwanath Munde confirms the fact of PW-1 Suresh Aarenur assaulted by 4-5 assailants. However, when asked to identify those assailants, PW-2 Vishwanath Munde states that he is unable to state the identity of the assailants. He denies the accused persons to be the assailants. The prosecution declared him hostile and extensively cross-examined him. However, still, he refused to confirm the identity of the accused persons as being those assailants. The said evidence, thus, fails to incriminate the accused persons.

12. PW-3 Satish Pradip Sanas, the another injured of the assault. He too confirms in his evidence that on 25/04/2019, the incident took place. He states that some commotion was going on at about 8.30 to 9.00 pm at Hill Top society, Dhanakawadi. He saw that his cousin brother Satyajit Mahadik had suffered some injury on his hand. However, he did not divulge anything further as to the cause of injury. All that he stated was that his cousin Satyajit Mahadik had returned to the town in his 4 wheeler and had parked it in the open ground.

13. The prosecution declared PW-3 Satish Sanas hostile and extensively cross-examined him. However, the witness denied the accused persons being assailants. He even went on to state that he had never seen the accused persons before. He denied further suggestions of the prosecution, imputing the fact of accused persons assaulting Satyajit Mahadik. Thus, his evidence also fails to incriminate accused persons.

14. PW-4 Rohit Harikishor Varma is another eye witness of

the incident and the friend of the injured persons. All that he states in his evidence is that on the relevant night of 25/04/2010 at about 8.30 to 9.00 pm, he and his friend Satish Sanas were sitting in the open ground. They heard a loud quarrel going on, and thus he went to see what happened. At that time, they saw Satyajit Mahadik lying in an injured state. They then took Satyajit to hospital. However, PW-4 Rohit Varma failed to divulge as to what was the cause of injury suffered by Satyajit Mahadik.

15. PW-4 Rohit Varma was declared hostile and extensively cross-examined by the prosecution. It was imputed to him that the accused persons had assaulted S.. However, the witness denied said suggestion and even claimed that he never knew the accused persons before. The said evidence thus fails to incriminate the accused.

16. PW-5 is injured Satyajit Vasant Mahadik. He deposed that on 25/04/2010, he returned to the town in his Tavera car, and was parking it in the open ground at about 8.30 to 8.45 pm. As he was alighting from the car, 10 to 12 assailants came charging down upon him. Someone among them, hit him on his head with Koyata. He suffered injury on his head and chin. The assailant also smashed the windshield of the car. Due to the assault, he felt giddy and fell down. When asked to identify the assailants, PW-5 Satyajit Mahadik stated that they were unknown assailants. He had never seen them before. He refused to confirm the accused persons as the assailants.

17. Prosecution declared PW-5 Satyajit Mahadik hostile and extensively cross-examined him. However, nothing came up in the cross-examination to establish the fact that the accused persons were indeed assailants. Thus, the evidence of PW-5 Satyajit Mahadik also fails to incriminate the accused.

18. PW-6 Namdeo Narayan Kunjir and PW-7 Abhijit Suresh

Pandit are the panch witnesses to the alleged disclosures made by the accused persons and the consequent recovery made from them. However, both the witnesses have turned hostile and failed to support the prosecution in any respect. Thus, with the said evidence, the prosecution has failed to prove the alleged disclosure made by the accused persons and consequent recovery of the weapon.

19. Prosecution examined the material witnesses who were the injured persons, their friends and eye witnesses. The FIR was lodged against the named accused persons, reflecting that the assailants were of prior acquaintance of the complainant and the other injured persons. However, in evidence, none of the witnesses confirmed the identity of the accused persons as being the assailants. Resultantly, therefore, the accused persons deserve to get benefit of doubt. I, therefore, answer Point Nos.1 to 3 in the negatives and pass the following order.

<u>ORDER</u>	
1)	Accused no.1 Wasim Ismail Momin, accused no.2 Ajay Rajendra Pardeshi, accused no.3 Aslam Ismail Momin, accused no.4 Sagar Bapurao Dhankawade and accused no.5 Suraj Bapurao Dhankawade are acquitted under Section 235(1) of the Code of Criminal Procedure of committing offences under Section 395, 397, 427 read with Section 34 of the Indian Penal Code and Section 37(1)/135 of Bombay Police Act.
2)	The accused further to furnish under Section 437-A of the Code of Criminal Procedure, bond of Rs.15,000/- with one solvent surety or cash surety deposit of like amount.
3)	Cash of Rs.1640/- be credited to government, after appeal period is over.
4)	The seized muddemal viz. iron scythes, being worthless, be destroyed after the appeal period is over.
5)	The prosecution to file separate charge-sheet against the absconding accused no.2 Rafik Hussain Shaikh and accused

	no.4 Niraj Dilip Bhandari, for their separate trial.
6)	Present case is disposed off accordingly.

Ordered accordingly.

(S.S. Kanthale)

Date:10/08/2026

Additional Sessions Judge, Pune.

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C E R T I F I C A T E

“I affirms that the contents of this P.D.F. file are same word for word as per original”

Name of the Court	:	Shri. S.S. Kanthale Addl. Sessions Judge, Pune.
Name of Steno	:	P.S. More, Grade-3.
Date of Judgment	:	10/08/2026
Judgment signed by P. O. on	:	11/08/2026
Judgment uploaded on	:	11/08/2026