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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 JUDICIAL MAGISTRATE FIRST CLASS, AT CHAKUR, TQ. CHAKUR DISTRICT LATUR. Present : V.S. Waghmode, Judicial Magistrate F.C. Chakur.		
Regular Criminal Case No.87/2017. Exh. No.133 (FIR No.218/2017, U/s. 324,323,504,506 r.w. 34 of the Indian Penal Code, Police Station, Chakur.)		
Complainant		STATE OF MAHARASHTRA, Through Police Station, Chakur, Tq. Chakur, Dist.-Latur.
Represented by		Mrs. P.S. Bharadiya Learned A.P.P for the State.
Accused	1.	Maroti Kisan Murke, Age about 52 Yrs., Occu.-Agri.,
	2.	Bharat Kisan Murke, Age about 42 Yrs., Occu.-Agri.,
	3.	Kisan Bapu Murke,<u>Abated.</u>
	4.	Ashabai Maroti Murke, Age about 35 Yrs., Occu.-Agri. &H.H., All r/o. Zari bk. Tq. Chakur Dist. Latur
Represented by		Mr. S.P Mule, Ld. Advocate

Part – 'B'

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

Date of Offence	15/07/2017
Date of F.I.R.	16/07/2017
Date of Chargesheet	24/08/2017
Date of Framing of Charges	17/08/2019
Date of commencement of evidence	17/08/2019
Date on which judgment is reserved	--
Date of the Judgment	18/11/2025
Date of the Sentencing Order, if any	----

Accused Details

Rank of the accused.	Name of the accused.	Date of arrest.	Date of release on bail.	Offences charges with.	Whether acquitted or convicted	Sentenced Imprisoned.	Period of detention undergone during trial for the purpose of sec. 428, Cr.PC.
1.	Maroti Kisan Murke,	18/07/2017	18/07/2017	324,323, 504,506 r.w. 34 of I.P.C.	Convicted for the offence u./sec.324,323 r.w. 34 and acquitted for the offence u./sec.504,506 r.w. 34 of I.P.C.	Benefit given under section 4 of the Probation of offenders Act	--
2.	Bharat Kisan Murke,	18/07/2017	18/07/2017	324,323, 504,506 r.w. 34 of I.P.C.	Convicted for the offence u./sec.324,323 r.w. 34 and acquitted for the offence u./sec.504,506 r.w. 34 of I.P.C.	Benefit given under section 4 of the Probation of offenders Act	--
4.	Ashabai Maroti Murke,	18/07/2017	18/07/2017	324,323, 504,506 r.w. 34 of I.P.C.	Convicted for the offence u./sec.324,323 r.w. 34 and acquitted for the offence u./sec.504,506 r.w. 34 of I.P.C.	Benefit given under section 4 of the Probation of offenders Act	--

Part 'C'

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

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

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Prosecution :

Rank	Name	Nature of evidence (eye witness, police, expert, medical, panch and other witness)
P.W.1	Pradumnya Nivrutti Murke	Informant
P.W.2	Nivrutti Kisan Murke	Witness
P.W.3	Sunita Nivrutti Murke	Witness
P.W.4	Murke Chetan Nivrutti	Witness
P.W.5	Dattatraya Bharat Mudale0	Panch Witness
P.W.6	Sanjaykumar Kishanrao Patil	Panch Witness
P.W.7	Mohan Vithalrao Walse	Investigating officer
P.W.8	Dr. Purushottam Virbhadrarao Kodgire	Medical officer

B- Defence witness if any ;

Rank	Name	Nature of evidence (eye witness, police, expert, medical, panch and other witness)
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C- Court witness if any ;

Rank	Name	Nature of evidence (eye witness, police, expert, medical, panch and other witness)
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A- Prosecution

Sr.No.	Exhibits no.	Description.
1	P.W.1, Exh. 52	Informant
2	P.W.2, Exh.64	Witness
3	P.W.3, Exh.73	Witness
4	P.W.4, Exh.77	Witness
5.	P.W.5, Exh.86	Spot panch Witness
6.	P.W.6 Exh.110	Spot panch Witness
7.	P.W.7 Exh.113	Investigating officer
8.	P.W. 8 Exh. 119	Medical officer

B- Defence -

Sr.No.	Exhibits no.	Description.
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C- Court Exhibits

Sr.No.	Exhibits no.	Description.
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D- Material objects.

Sr.No.	Exhibits no.	Description.
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Accused are prosecuted for the offence under section 324, 323, 504,506 read with 34 of Indian Penal Code.

The facts of prosecution case in nutshell is as under :

02. On 15.07.2017 at about 10.00 a.m. the mother and father of informant namely Nivrutti Kisan Murke and Sunita Nivrutti Murke
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were went in their farm at Zari bk. Tq. Chakur Dist. Latur. There was scuffle among them and accused no.4. All acused abused and assaulted them. Therefore, Nivrutti Kisan Murke went to his house at village Zari bk., and informed the informant and Chetan Murke, who are his sons. Thereafter, informant and his brother Chetan Murke went in the farm at about 07.30 p.m. When informant and his brother asked the accused why they are assaulting their mother, then accused no.1. assaulted the informant by spanner on his head. Thereafter when Chetan Murke tried to rescue the informant accused no.2 and 3 assaulted him by wooden stick. Accused no.4 assaulted Sunita Murke by blow of fists and kicks. Thereafter accused abused them and threatened to kill them. Thereafter informant went to Chakur Police Station on the same day. Concerned officers of police station sent them to the Rural hospital.

03. Accordingly, Crime no.218/2017 came to be registered for the offences punishable under sections 324,323,504,506 r.w. 34 of I.P.C against accused. Investigating officer Shri. Mohan Vithalrao Walse, P.H.C. B.No.379, recorded the statements of witnesses and prepared Spot Panchanama, Seizure Panchnama and collected the injury certificate of injured. After completion of investigation, the officer-in-charge of police station filed the charge sheet against both the accused.

04. My learned predecessor framed charge against the accused for the offences punishable under sections 324,323,504,506 r.w. 34 of I.P.C. at Exh.41. Accused pleaded not guilty and claimed to be tried as per plea at Exh. 42 to 45. The defence of the accused, as can be gathered from cross-examination of prosecution witnesses and their statements recorded under section 313 (1)(b) of the Code of Criminal Procedure vide exh.127 to 129, is of total denial & they are falsely

implicated due to their land and house dispute.

05. Heard Ld. A.PP and Ld. Advocate Shri. S.P. Mule. Points for determination along with my findings are as under:

Sr. No.	POINTS	FINDINGS
1.	Whether the prosecution proves that on 15/07/2017 at about 18.00 hours at village Zari bk., Tq. Chakur Dist. Latur, accused in furtherance of their common intention voluntarily caused hurt to the informant and witnesses by means of iron bold and stick and thereby committed an offence punishable under Section 324 r.w. 34 of the I.P.C.?	... Proved.
2.	Whether the prosecution proves that on above said date, time and place, accused in furtherance of their common intention voluntarily caused hurt to the informant and witnesses by means of fists and kicks blows and thereby committed an offence punishable under Section 323 r.w. 34 of the I.P.C. ?	... Proved.
3.	Whether the prosecution proves that on above said date, time and place, accused in furtherance of their common intention intentionally insulted informant and witnesses by abusive words and thereby gave provocation to them intending that such provocation will cause them to break public peace and thereby committed an offence punishable under Section 504 r.w. 34 of the I.P.C. ?	... Not proved.
4.	Whether the prosecution proves that on above said date, time and place, accused in furtherance of their common intention criminally intimidated the informant and witnesses by threatening them to cause their death and thereby committed an offence punishable under Section 506 r.w. 34 of the I.P.C. ?	... Not proved.
5.	What order ?	As per final order.

REASONS :

As to point no.1 to 4 :

06. In order to avoid repetition of facts and discussion points

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no. 1 to 4 are taken together for discussion.

07. It has come in the evidence of P.W. No.1 that on 15.07.2017 at about 07.30 p.m. his father P.W.No.2 told him that her mother was assaulted by their uncle. Hence, they went at the farm and asked the accused about their behavior. Thereafter, accused no.1 assaulted him on his head by spanner. Thereafter, he has giddiness. Accused no.2 and one Baban Murke caught hold of him and assaulted him with wooden stick. Accused no.4 assaulted his mother P.W. No.3 by fists blows.

08. During cross-examination P.W. No.1 admitted that, he was not given information to the police about feeling giddiness and about going to Chakur hospital for primary treatment. Even though this fact is presumed to be true but it does not amount to contradiction or omission which is material in the present matter. Therefore if it is considered as improvement, it does not there any doubt about the version of P.W. No.1. Ld. Advocate for accused submitted that, there is 4 hours delay for lodging the F.I.R. During cross-examination of P.W. No.1 similar questions are asked to the witness about the delay but P.W. No. 8 deposed that, on 15.07.2017 at about 11.15 p.m. the witness P.W. No.1 was examined by him. Therefore, event though there is 4 hours delay it does not create in doubt about the version of Pw. No.1 because it has already explained in the version of P.W. No.1 that, after incidence they went to police station the thereafter went to Chakur hospital for primary treatment. So it is but obvious that, 4 hours will require to lodge the report. Therefore, there is no material in cross-examination to disbelieve to the P.W. No.1.

09. P.W. No. 2 deposed that, on the date of incidence accused no.1 assaulted P.W. No.1 by spanner on his head. Accused no. 2 assaulted P.W. No.4 by wooden stick. P.W. No.4 deposed that, his

brother P.W. No.1 was assaulted by accused. P.W. No.4 has not given the name of person who assaulted P.W. No.1. But, it is require to note that P.W. No.4 deposed that he became giddiness after assault on him. P.W. No. 3 deposed that accused no.2 Bharat assaulted P.W. No.1 by spanner, which is contrary deposition of P.W. No.1 and 2. But, it is require to note that the incidence took place in the year 2017 and deposition is given in the 2022, so it is minor discrepancies. Further it is require to note that P.W. No.3 deposed in her evidence that, when the incident of assault was occurred, she was standing 150 to 200 feet away from the place of incidence. Therefore, there will always minor discrepancy about the commission of the offence. It does not create any doubt about the happening the incidence of the assault at the spot of incidence.

10. During cross-examination of P.W. No.3 it is admitted by her that the first wife of accused no.1 had filed case for the offence u/sec. 498-A of I.P.C. against her, accused no.1 and her father in law. But, she denied that due to the said allegation she is deposing falsely. But, it is require to note that, the said case was filed against accused and P.W. No.3. There cannot be a reason to file false case when both accused P.W. No.3 prosecuted for the said offence. Merely such admission the version of other witnesses and corroborated evidence cannot be discarded. Therefore, there is no material brought by defence to disbelieve the evidence of victims.

11. P.W. No.8 deposed that on 15.07.2017 at about 11.15 p.m. he has examined P.W. No.1 and found laceration of head temporal side of head adm. 3 x 2 x 1 c.m. The said injury was caused by hard and blunt object. There is no material in cross-examination of the witness, which create any doubt on the deposition of P.W. No.8. The evidence of P.W. No. 8 corroborated with the evidence of P.W. No.1.

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Therefore, the fact of assault by accused no.1 is proved by the prosecution.

12. P.W. No.2 deposed that, accused no.2 assaulted P.W. No. 4 whereas P.W.No.1 deposed that accused no.3 assaulted the P.W. No.4. It is require to note that, the P.W. No.1 is assaulted by accused no.1 and he was feeling giddiness due to assault on his head. Therefore, there will be minor contradiction in the deposition of witnesses. It cannot be expected from the witness who is assaulted by one accused will remember the assault committed on the other victim by the other accused that too in situation of giddiness. So, even there is contradiction it is minor contradiction. P.W. No.4 deposed that, he was assaulted by accused no.2 Bharat Murke by wooden stick. During cross-examination of P.W. No.4 there is no material brought by defence to disbelieve the witness. The contradiction brought during the evidence of P.W. No.3 is not proved by the defence during cross-examination of Investigating officer i.e. P.W. No.7.

13. P.W. No.8 deposed that on 15.07.2017 at about 11.30 p.m. he examined P.W. No.4 and found contusion on middle part of the left leg and middle part of back side. The side of said injury was 3x2x1 c.m. respectively. The said injury was caused by hard and blunt object. The said injury was caused within 6 hours. During cross-examination of the witness P.W. No.8, defence brought the objection with regard to colour of injury. Ld., Advocate for accused submitted that the medical officer has not mentioned the colour of injury on the injury certificate below exh. 20 to 22. But, it is require to note that even though colour is not mentioned on the medical certificate but the dimension of the injury caused to be victim are mentioned. The colour of injury are material when there is time gap between the assault and the medical examination of the victim. In present case

the assault is committed at about 07.30 p.m. and victim are examined around 11.30 p.m. Hence, the colour of injury are not material. In view of above discussion, prosecution proved that, accused no. 2 assaulted PW. No.4 by wooden stick.

14. PW. No.1 deposed that, accused no.4 assaulted her mother PW. No.3. PW. No.3 deposed that all accused assaulted her. PW. No.2 deposed that, accused 3 and 4 assaulted PW. No.3. There is no material in cross-examination of PW. No.1, 2 and 3 to disbelieve the witnesses. It is require to note that, there is no material contradiction or omission in the evidence of victim. There are some minor discrepancies in the evidence of witnesses. These minor discrepancies are not material or create any doubt about the evidence of witnesses. The oral evidence of PW. No.1 to 4 is corroborated with the evidence of PW. No.8. Therefore, prosecution proves that accused no.4 assaulted PW. No.3. Therefore, prosecution proved the offence u/sc. 323 r.w. 34 of I.P.C.

15. PW. No.1 to 4 are the victims in the present matter. PW. No.1 deposed that, all accused threatened to kill him. But, other witnesses have nowhere stated about the abusing words of the accused. Hence, there is no material about about the sec. 504 of I.P.C. PW. No.2, 3, 4 have nowhere deposed that, accused threatened them. Therefore there is no corroborated evidence to prove the threatening to kill the PW. No.1 by all accused. So, there is no material of sec. 506 of I.P.C.

16. It has come in the evidence of PW. No.7 that, he conducted recovery Panchanama as per Exh. 115 and he recovered spanner and wooden stick which was used while commission of offence. Ld., advocate, for accused submitted that Panch witnesses does not supported to the case of prosecution. Therefore Exh.115

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cannot be relied. But prosecution examined investigation officer as P.W. No.7. During cross-examination of P.W. No.7, no material point is brought by the defence to disbelieve the recovery Panchanama as per Exh.115. Therefore, there is no doubt that the I.O., conducted recovery Panchnama.

17. It is further defence of accused that independent witness are not examined by the prosecution. It is well settled that, number of witnesses is not required, but the evidence of examined witnesses are required to be believable. In present case, Prosecution proved that accused no.1 assaulted P.W. No.1 by spanner and accused no.2 assaulted P.W. No.4 by wooden stick, accused no. 4 assaulted P.W. No.3 beyond reasonable doubt. Therefore, adverse inferences cannot be drawn due to non-examination of independent witnesses. In view of above discussion, prosecution proved that accused no.1, 2 and 4 committed offence u/sec. 324, 323 r.w. 34 of the I.P.C. Prosecution fails to prove the offence u/sec. 504, 506 r.w. 34 of I.P.C. against all accused. I found accused no.1,2 and 4 guilty for the offence u/sec. 324, 323 r.w. 34 of I.P.C. Therefore, I stopped here for hearing on the quantum of punishment.

Dtd. 18/11/2025

(V.S. Waghmode)
Judicial Magistrate First Class,
Chakur.

18. Heard Ld. Adv. S.P. Mule for all accused on the point of sentence. They have pleaded for leniency stating that accused no. 1 and 2 are karta of their family. Accused no.4 is woman. There is no previous criminal history against him. Heard A.P.P. Smt. P. S. Bharadiya on the point of sentence. She has submitted for punishment as per provision of law.

19. Perused record of case. Accused voluntarily caused hurt to informant by spanner and wooden stick. This is the first crime of the accused. The intention of the accused was developed at the spot of incident. So, accused no.1, 2 and 4 are entitled for benefit of Probation of Offenders Act. So, I proceed to pass following order for point No. 4.

ORDER

1.	Accused Maroti Kisan Murke, Bharat Kisan Murke and Ashabai Maroti Murke are acquitted for the Offence punishable under 504, 506 r/w 34 of Indian Penal Code vide Section 248(1) of the Code of Criminal Procedure.
2.	Accused Maroti Kisan Murke, Bharat Kisan Murke and Ashabai Maroti Murke are convicted for the offence punishable u/sec. 324, 323 r.w. 34 of Indian Penal Code, vide sec. 248(2) of Cr.P.C.
3.	Accused Maroti Kisan Murke, Bharat Kisan Murke and Ashabai Maroti Murke are to be released under section 4 of the Probation of offenders Act on his entering into a bond in the sum of 50,000/- with one surety in the like amount to appear and receive sentence whenever called upon by this Court within a period of one year and in mean time to keep the peace and be of good behavior.
4.	It is directed that during the above period of one year, the accused Maroti Kisan Murke, Bharat Kisan Murke and Ashabai Maroti Murke shall be under the supervision of Latur, District Probation Officer, on the following conditions: (a) that, he will live honestly and peaceably and will endeavor to earn honest livelihood; (b) that, he will not associate with bad characters or lead dissolute life; (c) that, he will not commit any offence punishable by any law in force in India. (d) That, he will carry out such directions as may from time to time be given by the Probation Officer for due observance of the conditions mentioned above.
5.	The accused Maroti Kisan Murke, Bharat Kisan Murke and Ashabai Maroti Murke are directed to execute a bond in the sum of ₹50,000/with one surety in the like amount

	undertaking to abide by the conditions mentioned as above.
6.	Copy of the supervision order be furnished to the accused, sureties and the District Probation Officer, Latur.
7.	The accused Maroti Kisan Murke, Bharat Kisan Murke and Ashabai Maroti Murke are further directed to appear before the District Probation Officer above named as and when called by him.
8.	After appeal period is over seized muddemal one spanner worth of Rs. 20/- be auctioned and amount be credited to the govt. and one wooden sticks being worthless, be destroyed after appeal period is over.
9.	Bail bonds of accused stands cancelled.
10.	Accused Maroti Kisan Murke, Bharat Kisan Murke and Ashabai Maroti Murke shall furnish bail Bond of Rs.5,000/- with one solvent surety like amount as per Section 437(A) of the Code of Criminal Procedure 1973.
11.	Copy of judgment be forwarded to Collector, Latur for giving information to the informant.
12.	Copy of judgment be given to the accused free of costs. <i>(Judgment is pronounced in open court.)</i>

Dtd. 18/11/2025

(V.S. Waghmode)
Judicial Magistrate First Class,
Chakur.

CERTIFICATE

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

Name of the stenographer	:	M. B. Pathan
Name of the Court	:	Civil Judge J.D. & J.M.F.C, Chakur.
Date of Judgment	:	18/11/2025
Judgment signed by Presiding Officer on	:	18/11/2025
Judgment uploaded on	:	18/11/2025