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Form No.XXXII

PART 'A'

[Para 44(1) of Chapter VI of Criminal Manual]

SESSIONS CASE NO.171/2022**EXH. No.77**

	IN THE SESSIONS COURT, LATUR, AT LATUR Presided over by : Vidyadhar S. More Additional Sessions Judge, Latur, [Date of Judgment:01.11.2025] FIR No.78/2022, Offence punishable under section (u/ss.) 353, 143, 147, 149, 323, 504 and 506 of the Indian Penal Code (for short 'I.P.C.') and u/s. 135 of Bombay Police Act, Vivekanand Police Station, District Latur.	
Complainant/ Prosecution		The State of Maharashtra Through Vivekanand Police Station, Tq.Dist. Latur.
REPRESENTED BY		Mr.V.V. Deshpande, learned A.P.P. for the State.
ACCUSED	1.	Shrikrishna s/o. Ganabuva Giri, Age.47 years, Occ. Service, R/o. Somwanshi Nagar, Ambajogai road, Latur.
	2.	Ashruba s/o. Shrawan Narsinghe, Age.24 years, Occ.Private Service, R/o. Siddheshwar Nagar, Malwati road, Latur.
	3.	Kundlik s/o. Sopan Narsinghe, Age.48 years, occ. Private Service, R/o. Siddheshwar Nagar, Malwati road, Latur.
	4.	Sambhaji s/o Sadashiv Munde, Age.50 years, Occ. Service, R/o. Laxmi Nagar, Malwati road, Latur.
	5.	Rajendra s/o Raosaheb Jadhav, Age.45 years, occ. Service, R/o. Nrusinha Nagar, Latur.

	6.	Shivaji s/o Pralhad Pisal, Age.58 years, Occ. Service, R/o. Walmiki Nagar, Latur.
	7.	Bharat s/o Keshav Pandhawale, Age.51 years, Occ. Service, R/o. Savitribai Phule Chowk, Malwati road, Latur.
REPRESENTED BY		Mr.A.G. Jadhav, learned Advocate for accused.

PART-B**[Para 44 (ii) of Chapter VI of Criminal Manual]**

Date of offence	31.01.2022
Date of F.I.R.	31.01.2022
Date of charge sheet	31.01.2022
Date of Framing of charges.	22.06.2023
Date of commencement of evidence	20.07.2024
Date on which judgment is reserved	28.10.2025
Date of the judgment	01.11.2025
Date of the sentencing Order, if any	----

Accused Details.

Rank of the Accused	Name of Accused	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 of Cr.P.C.
1.	Shrikrishna s/o. Ganabuva Giri,	31.01.2022	31.01.2022	(u/ss.) 353, 143, 147, 149, 323, 504 and 506 of	Acquitted.	--	Nil

				the 'I.P.C.' & u/s.135 of B.P. Act.			
2.	Ashruba s/o. Shrawan Narsinge,	31.01.2022	31.01.2022	"	Acquitted.	--	Nil
3.	Kundlik s/o. Sopan Narsinge,	31.01.2022	31.01.2022	"	Acquitted.	--	Nil
4.	Sambhaji s/o Sadashiv Munde,	31.01.2022	31.01.2022	"	Acquitted.	--	Nil
5.	Rajendra s/o Raosaheb Jadhav,	31.01.2022	31.01.2022	"	Acquitted.	--	Nil
6.	Shivaji s/o Pralhad Pisal,	31.01.2022	31.01.2022	"	Acquitted.	--	Nil
7.	Bharat s/o Keshav Pandhawale	31.01.2022	31.01.2022	"		--	Nil

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	Asif Hanif Shaikh	Panch witness/spot panchnama.
PW 2	Milind Maruti Kamble	Witness/spot panchnama
PW 3	Jilani Bashirsab Manulla	Informant
PW 4	Sambhaji Raghu Maske	Witness/founder secretary

PW 5	Tanaji Guneba Shinde	Witness.
PW 6	Laxman Sambhaji Maske	Witness.
PW 7	Bhausahab Babasaheb Khandare	API/Investigating Officer

B. Defence Witness, if any: NIL.

C. Court Witnesses, if any: NIL.

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION:

Sr.No.	Exhibit Number	Description
1.	1	Charge sheet.
2.	30	Spot panchnama.
3.	39	First Information Report.
4.	42	True copy of spot panchnama in crime No.70/2022
5.	51	Notice dated 08/04/2006
6.	52	Termination letter dated 17/06/2016
7.	53	Letter dated 02/01/2020
8.	62	Notice dated 16/12/2016
9.	63	Notice reply dated 04/01/2017
10.	65	Letter dated 02/02/2022

B. DEFENCE: NIL.

C. Court Exhibits: NIL.

D. Material Objects: NIL.

Judgment

(Delivered on 1st Day of November, 2025)

The accused are prosecuted for the offences punishable u/ss.353, 323, 504, 506, 147, 148 read with section 149 of the Indian Penal Code, 1860 (for short 'the I.P.C.)

2. The case of prosecution is stated, in brief, as follows:

PSI Jilani Manulla was investigating the crime No. 70/2022 under sections 420, 467, 471 read with 34 of the

Indian Penal Code. During investigation of that crime, he alongwith the complainant in crime No. 70/22 by name Sambhaji Maske, Laxman Maske, panch witnesses Uttam Kasbe, Tanaji Shinde and writer Police Naik Kamble had been to Sahityaratna Annabhau Sathe Vidyalya, Jai Nagar, Malvati road, Latur for the purpose of carrying out spot panchnama. At that time five to seven persons from that school came and started saying that this school is their school and why you police had came here and they should go from here. They further stated that all these persons are working under the pressure of Guardian Minister. Thereafter, those persons started abusing and by catching hold collar of PSI Manulla, jostled him. They also threatened that they would defame him in media. Thereafter, the said fact was informed by PSI Manulla to Police Inspector Bavkar. The other police constables Gundare, Dhage came there. Those all seven persons in the school were brought to the police station. Thereafter, PSI Manulla gave complaint against all those persons.

3. On the basis of complaint crime No. 78/2022 was registered against the accused persons. Investigating Officer Bhausahab Khandare carried out investigation, recorded statement of witnesses and after completion of investigation charge-sheet came to be filed against the accused.

4. As section 353 of IPC is exclusively triable by Sessions Court, learned Judicial Magistrate F.C. Court No.2 committed case to this court.

5. Charge was framed against the accused at Exh.9. Its particulars have been read over and explained to the

accused in vernacular. They pleaded not guilty and claimed to be tried. Accordingly their plea statement were recorded at Exh.10 to 16.

6. After completion of the evidence of prosecution, statements of accused under section 313 of the Code of Criminal Procedure have been recorded at Exh. 67 to 73. From the suggestions given to the prosecution witnesses during cross-examination as well as from the statements of accused under section 313 of the Code of Criminal Procedure, the defence of accused appears to be of total denial. It is their specific defence that due to rivalry between Sambhaji Maske and the accused persons out of the school management, the accused have been falsely implicated in this case in collusion with police officials.

7. Heard learned A.P.P. Mr. V.V. Deshpande for the prosecution and learned Advocate Mr. A.G. Jadhav for accused.

8. After having considered the evidence on record, the statement of accused under section 313 of Cr.P.C. and after having heard both the sides, the following points arise for my determination. I have given findings thereon for the reasons stated thereunder:

Sr.	POINTS	FINDINGS
1.	Whether prosecution prove that accused were the members of unlawful assembly and in prosecution of the common object of such assembly, assaulted or used criminal force to informant Jilani Manulla, PSI, a public servant, in the execution of his duty as such public servant or with intent to prevent or deter from discharging his duty as such public	

	servant ?	No.
2.	Does the prosecution prove that accused were the members of unlawful assembly and in prosecution of the common object of which used criminal force to public servant and threatened PSI Jilani Manulla ?	No.
3.	Does the prosecution prove that accused were the members of unlawful assembly and in prosecution of the common object of such assembly, committed an offence of rioting ?	No.
4.	Does the prosecution prove that accused were the members of unlawful assembly and in prosecution of the common object of such assembly, voluntarily caused hurt to the informant and his colleague ?	No.
5.	Does the prosecution prove that accused were the members of unlawful assembly and in prosecution of the common object of such assembly, intentionally insulted the informant and his colleague and thereby gave provocation to them intending or knowing it to be likely that such provocation would cause them to break the public peace ?	No.
6.	Does the prosecution prove that accused were the members of unlawful assembly and in prosecution of the common object of such assembly, committed criminal intimidation by threatening informant and his colleague with injury to his person with intent to cause alarm to them ?	No.
7.	What order ?	Accused are acquitted.

Reasons

9. Taking into consideration the nature of evidence on record, I will have to discuss all these points together as most of the common reasons have to be given thereon.

10. To bring home the guilt of the accused prosecution has examined in all seven witnesses. Out of these seven witnesses, the evidence of PW-1 Asif Shaikh (Exh.29) is not of much importance. He has acted as a panch witness on the spot panchnama dated 02/02/2022 (Exh.30). The evidence of investigating officer is also of formal nature who deposed about drawing of panchnama and filing of charge-sheet after investigation. These both witnesses are not directly concerned with the incident. At the most from evidence of both these witnesses, spot panchnama (Exh.30) can be said to have been proved.

11. The remaining five witnesses i.e. PW-2 Milind Kamble who is Police Naik and writer of PSI Manulla (Exh.32), PW-3 Jilani Manulla, PSI who is the complainant, PW-4 Sambhaji Maske (Exh.48) who is complainant in crime No. 70/2022, PW-5 Tanaji Shinde (Exh.55) who was called a panch witness for preparation of panchnama in crime No. 70/22 at Annabhau Sathe Vidyalaya and PW-6 Laxman Maske who is son of Sambhaji Maske are important as they are said to be present at the time of happening of the incident.

12. It is the defence of the accused that out of the dispute management of Annabhau Sathe Vidyalaya, there were two groups in the school. One group was of Sambhaji Maske and another group was of president Narsinghe. PW-4 Sambhaji Maske and PW-6 Laxman Maske have admitted unequivocally during cross-examination about existence of these two groups in the school. They have also admitted that the accused persons belong to opposite group of president Narsinghe. During cross-examination of both these witnesses it has been brought on record that many disputes are there between these two groups and the persons belonging to each group had filed

complaints against other. It is the defence of accused that due to this rivalry existing between these two groups, the accused have been falsely implicated in this case at the instance of Sambhaji Maske. I have to keep this fact of rivalry between Sambhaji Maske and accused in background while appreciating evidence on record.

13. PW-2 Milind Kamble, who was writer of Sub-Inspector Manulla, is a eye witness of the incident. The sequence of events narrated by this witness is very important. He deposed that when they approached the school for preparation of panchanama, the school peon Shrikrishna Giri who was there on the gate, asked as to why the police had come there. He further deposed that Giri did not open the gate of the school and he abused Laxman Maske. The quarrel took place between Giri and Laxman. It is his narration that he and Manulla tried to resolve the quarrel between Laxman and Giri. He further testified that thereafter other accused Sambhaji Munde, Shivaji Pisal, Rajendra Jadhav, Bharat Pandhavale, Ashruba Narsinghe, Kundlike Narsinghe came there and stated that they would not allow them to prepare panchanama. I am on the point of the sequence of the events in which the first sequence is that Giri was the first person who had an occasion to stop the police persons and other persons from entering in the school. It is interesting to note that the quarrel had taken place between Giri and Laxman at the initiation and PSI Manulla and PC Milind Kamble tried to resolve that quarrel. While seeing this circumstance the prevalent rivalry between the group of Sambhaji and accused persons has to be kept in background.

In the same way PW-4 Sambhaji Maske testified that when they approached the school the first person was Giri who objected PSI Manulla and made him aware that he would only listen to his head master and nobody else. He refused to handover the keys to PSI Manulla so as to make preparation of panchanama. He further deposed that his son Laxman Maske cautioned Giri that he should not speak in such language. So as per the testimony of Sambhaji Maske also, initially Shrikrishna Giri was the only person who came in picture first. This witness Sambhaji deposed that thereafter other accused arrived there.

PW-6 Laxman Maske testified that when they all had been to Annabhau Sathe school, the peon Shrikrishna Giri started raising his voice and said that he would only listen to his head master and nobody else. This witness further deposed that he cautioned Giri that he (Giri) should not interfere in the work of police and thereafter Giri started abusing.

PW-5 Tanaji Shinde, who is panch witness, also testified that when they went to the school, firstly Shrikrishna Giri was the person who confronted them. He testified that all other accused arrived on the spot thereafter.

From the testimony of these four witnesses it can be seen that Giri was the first person who allegedly confronted to police persons and others. It is important to note that there was rivalry between the group of Sambhaji and accused person. Giri was belonging to opposite group of Sambhaji Maske. If the initial conduct of Giri is seen from the testimony of these four witnesses, it can be seen that he only made aware the police persons that he would only listen to his head

master and nobody else. But the common thread from the testimonies of these four witnesses is that there was first altercation between Laxman Maske and Giri. This is very much important circumstance which suggests that Giri was having grievance against Laxman and Sambhaji and not against police persons.

14. The complainant PW-3 Jilani Manulla has narrated the sequence of events altogether different from the above mentioned four witnesses. PSI Manulla brought all the accused in the picture from the starting point of incident itself. He deposed that when he alongwith Kamble, Sambhaji and two panchas went to Annabhau Sathe school, the employees of the school asked him as to why they had came there and threatened that they would cause him dismissed from the service. Here this witness is not stating about the first confrontation with peon Shrikrishna Giri and brought all the accused in picture at the first instance itself.

As such, it can be seen that except the complainant PSI Manulla all the other witnesses are stating about first introduction to Shrikrishna Giri and his resistance. But PSI Manulla brings all the accused in the picture since from the initiation of the incident. This aspect makes the value of testimony of PSI Manulla somewhat weaker.

15. Now I turn towards the main part of evidence attracting ingredientS of section 353 of IPC. For invoking section 353 of IPC the first condition is that there should be 'criminal force or assault' on the public servant while discharging his duties. In this regard PW-2 Police Naik Milind Kamble testified that Giri caught hold the quarrel of Manulla.

Giri is not stating anything against other accused as far as criminal force or assault is concerned. PW-3 PSI Manulla testified that they (means all accused) caught hold his uniform and pulled it up. It is interesting to see that this witness is attributing the role of using criminal force to all the accused together. PW-4 Sambhaji testified that initially there was conversation between Shrikrishna Giri and Manulla. Shrikrishna Giri told Manulla that he would listen only to head master and no one else. As per this witness Sambhaji, thereafter other accused came there and they scuffled with PSI Manulla. This witness is stating altogether different act by the accused persons with PSI Manulla. This witness does not whisper about catching hold of quarrel or pulling uniform, but simply say that all the accused scuffled with PSI Manulla. As far as PW-5 Tanaji, who was panch witness, is concerned; he has not stated anything about such criminal force or assault used by the accused on PSI Manulla. He has only testified that initially Shrikrishna Giri asked them not to enter in the school and when all the accused arrived there, they obstructed them in preparation of panchanama. So as far as main ingredient of "assault or use of criminal force" is concerned, this witness is totally silent. PW-6 Laxman Maske testified that initially Giri was asking as to how they had come there and thereafter other accused arrived. They took side of Giri and obstructed the work of police. This witness also does not whisper a single word about so-called assault or criminal force on PSI Manulla.

16. So, as far as use of criminal force or assault on PSI Manulla is concerned, the testimony of PW-2 Milind Kamble, PW-3 PSI Jilani Manulla and PW-4 Sambhaji Maske are only relevant. As discussed earlier Milind Kamble is attributing the role of catching hold the collar of PSI Manulla only to the accused Giri. PW-3 complainant PSI Manulla who is the public

servant is attributing the role of catching hold his uniform and pulling it up to all the accused at the same time. Whereas, PW-4 Sambhaji Maske has narrated the incident in somewhat different manner and testified that all accused scuffled with PSI Manulla. He has not mentioned particularly about catching hold or pulling up the uniform of PSI Manulla. So there does not appear consistency in the testimony of these three witnesses on the vital point of use of criminal force or assault on the public servant while he was discharging his duties.

17. It is to be noted that though there is evidence that initially Giri raised his voice, asked Manulla as to who they had came there, told that he would only listen to his head master and no one else, the role of other accused coming on the spot and taking side of Giri and saying that they would not allow to carry out panchanama would not in itself sufficient to attract section 353 of IPC. To attract section 353 of IPC, use of criminal force or assault is must. Only raising voice or saying that they would not allow to make panchanama etc. is not sufficient for attracting section 353 of IPC.

18. I have already discussed that because of narration of sequence of events altogether different from other witnesses, the value of testimony of PW-3 Jilani Manulla has become weaker. I have also discussed the inconsistency between three witnesses i.e. Police Naik Milind, PSI Manulla and Sambhaji as far as the evidence in regard "use of criminal force or assault on public servant" is concerned. Now I am going to point out the very important circumstance which goes to root of the matter and throws doubt on the very happening of incident as alleged by the witnesses and also strengthens

the conclusion of the court about not believing inconsistent evidence of three witnesses regarding actual use of criminal force or assault. This circumstance is of the preparation of the panchanama in crime No. 70/2022.

PW-2 Milind Kamble testified that all the accused abused and drove them away. PW-4 Sambhaji Maske testified that due to the obstruction of the accused, panchanama could not be prepared. In the same way PW-5 Tanaji, who was called to act as a panch on the spot panchanama testified that as all the accused obstructed in the work of panchanama, they could not prepare panchanama. During cross-examination of complainant PSI Manulla, he was referred spot panchanama dated 31/01/2022 in crime No. 70/2022. He admitted panchanama (Exh.42). This panchanama was not filed alongwith charge-sheet, but was produced by the accused persons. If this panchanama is gone through, it is evident that it was prepared in Annabhau Sathe Vidyalaya on 31/01/2022 between 2:00 p.m. to 3:00 p.m. As such it can be seen that the panchanama was, in fact, prepared there during the same time, when the prosecution is alleging that accused obstructed the work of panchanama. As panchanama appears to have been prepared between 2:00 to 3:00 p.m. on 31/01/2022 on the spot of Annabhau Sathe Vidyalaya, the version of the witnesses that panchanama could not be prepared due to obstruction of the accused becomes doubtful. Not only this, the whole episode as narrated by the witnesses comes under the shadow of the doubts.

19. PW-4 Sambhaji Maske and PW-5 Tanaji Shinde admitted that at the time of happening of incident 10 to 12 persons had gathered there. But the Investigation Officer has not recorded statements of independent witnesses. Though

PW-2 Milind Kamble is Police Naik, it has been brought on record that he was the student of Sambhaji Maske and he was having long acquaintance with Sambhaji Maske. As far as panch witness Tanaji Shinde is concerned, he is also resident of same locality in which Sambhaji resides and having long acquaintance with Sambhaji Maske. Not only this, he is relative of Sambhaji Maske. Laxman Maske PW-6 is the son of Sambhaji Maske. So most of the witnesses in this case are related to Sambhaji Maske either in this or that way. In such background, the examination of independent witnesses who had gathered on the spot at the time of happening of the incident was more needed.

20. As far as section 504 of IPC is concerned, there is no evidence that there was intentional insult with intent to provoke breach of peace. I have already discussed and concluded that the whole episode of the incident is under shadow of doubts. If the overall evidence is gone through, the witnesses stated about the abuses by Shrikrishna or other accused, but they did not state the exact words of abuses. As far as telling by peon Giri to Manulla that he would only listen to his head master and no one else or saying by other accused that they would not allow to make panchanama is concerned, this behaviour can not be construed as an intentional insult so as to give provocation to any person intending it, likely that such provocation will cause to break the public peace.

21. As far as section 506 of IPC is concerned, the complainant PSI Manulla deposed that accused threatened him. He has not specifically stated as to what was threat. Police Naik Milind Kamble has not stated anything about any threat launched by any of the accused. PW- 4 Sambhaji

testified that Giri stated Manulla that he would cause him to be dismissed from service. Though for the sake of argument this is treated as a threat, it would not attract section 506 (part 1 and 2). It is to be noted that this so-called threat was lunched to the person who is PSI. To attract section 506 of IPC, the hearer of the threat himself should feel that the threat is going to be executed and it should cause alarm to that person. It can not be believed that such threat would cause any alarm in the mind of the person who is PSI. So as far as section 506 of IPC is concerned, there is also no evidence. As far as section 323 is concerned, there is absolute no evidence that anyone sustained any injury. As none of the offence i.e. 353, 504, 323 are proved, the accused can not be said to have gathered with common object of committing crime. So I hold that prosecution has held to prove any of the offences against the accused. Accordingly, I have recorded negative findings on point No.1 to 6.

Point 7.

22. In view of the findings on point No.1 to 6 I hold that prosecution has failed to prove the guilt of the accused beyond reasonable doubt. The evidence led by the prosecution falls short to prove the above charges beyond reasonable doubt. Hence, accused have to be acquitted. Accordingly, following order.

Order

1. The accused (1) Shrikrishna Ganabuva Giri (2) Ashruba Shrawan Narsinge,(3)Kundlik Sopan Narsinge, (4)Sambhaji Sadashiv Munde,(5) Rajendra Raosaheb Jadahev, (6) Shivaji Pralhad Pisal and (7) Bharat Keshav Pandhawale, are hereby acquitted u/s. 235(1) of the Code of Criminal Procedure of the offence punishable under sections 353, 143, 147, 323, 504, 506 read with section 149 of the Indian Penal Code,1860.

2. Their bail bonds stand cancelled.
3. The accused shall comply the provisions of Section 437-A of the Code of Criminal Procedure and shall furnish P.R. bond and surety bond of Rs.15,000/- each which shall remain in force till six months from today.

Date:01-11-2025.

(Vidyadhar S. More)
Additional Sessions Judge,
Latur.

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE
ORIGINAL SIGNED JUDGMENT/ORDER".

L. S. Panhale
Stenographer(Grade-I)
NAME OF STENOGRAPHER

Name of the Judge

Vidyadhar S. More
Additional Sessions Judge, Latur.

Date for pronouncement of
Judgment/Order : 01.11.2025

Judgment/Order signed by P.O. on : 12.11.2025