



C/S filed on : 21/02/2008
Registered on : 21/02/2008
Decided on : 13/08/2026
Duration : 18 Y 05 M 23 D

Exh. 7.

IN THE COURT OF THE JUDICIAL MAGISTRATE (F.C.)
10TH COURT, ANDHERI, MUMBAI.
(PRESIDED OVER BY S.G.AGRAWAL)

C. C. No. 657/PW/2008

(C.R.No. 389/2007)

(C.N.R.No. MHMM19-005566-2008)

The State of Maharashtra,
Through Police Station Officer,
D.N.Nagar Police Station, Mumbai.

..... Informant.

V/s.

1. Mohd. Ali Ahmed Ali Khan @
Pappu,
(convicted)

2. Sanju Gopal Dinda,
Age : 48 Yrs.
R/o. Dhobi Talav, Mumbai.

3. Rahul Bharat Maddi,
(convicted)

4. Manoj Mansaram Maraskolhe,
(convicted)

..... Accused.

The Ld. APP for State

: Shri. Shaikh

The Ld. Advocate for accused

: Shri. Mishra

PART-B

Date of Offence	From 30/10/2007 to 31/10/2007
Date of FIR	31/10/2007
Date of Charge-sheet	21/02/2008
Date of Framing Charge	11/03/2008
Date of commencement of evidence	30/04/2008
Date of which Judgment is reserved	13/08/2026
Date of Judgment	13/08/2026
Date of the Sentencing Order, if any.	---

Accused Details

Sr. No.	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 Cr.PC.
1	Sanju Gopal Dinda	24/11/2007	12/02/2008	S. 342, 452, 392, 394 of IPC	Acquitted	-----	-----

J U D G M E N T**(Delivered on 13/08/2026)**

Accused is prosecuted for the offences punishable under Sections 342, 452, 392, 394, 411 of Indian Penal Code.

Facts of the prosecution case in short are as under :

2. FIR No. 389/2007 was registered with police station

D.N.Nagar on the report of informant alleging that two unknown persons have committed house-trespassed into the shop of the informant and wrongfully confined him as well as committed robbery of gold belonging to the informant. Therefore, the FIR was lodged against them. PI Bhausahab had recorded the FIR and investigated the matter. During investigation he prepared spot panchanama, recorded statement of witnesses as well as prepared memorandum-cum-discovery panchanama of present accused Sanju. After concluding investigation, he presented charge-sheeted before the Court.

3. On 11/03/2008 accused have pleaded innocence upon the charge read over and explained to them and trial commenced. Thereafter, accused Nos. 1, 3 and 4 have pleaded guilty and they were convicted on 04/12/2009. Prosecution adduced evidence of only informant Umraochand Umachand Jain. As there was no incriminating evidence against accused, his statement u/Sec. 313 of Cr.P.C. was dispensed with.

4. Heard the Ld. APP for the State and the Ld. Advocate for accused. Perused the oral and documentary evidence brought on record.

5. On the basis of evidence of witness examined by the prosecution and argument submitted by the Ld. APP for State and Ld. Advocate for accused, following points for determination arose for my consideration. I have recorded my findings to them along with my findings thereon as under :-

Sr.No.	POINTS	FINDINGS
1]	Does the prosecution prove that from 30/10/2007 to 31/10/2007 at Ajit Kumar Umrao Jewellers, S.V.Road, J.P.Road Junction, Andheri (W), Mumbai accused along-with convicted accused Nos. 1, 3 and 4 in furtherance of their common intention wrongfully confined the informant ?	No
2]	Does the prosecution prove that on abovesaid period and place, accused along-with convicted accused Nos. 1, 3 and 4 in furtherance of their common intention, committed house-trespass into the shop of the informant ?	No
3]	Does the prosecution prove that on abovesaid period and place, accused along-with convicted accused Nos. 1, 3 and 4 in furtherance of their common intention, committed robbery of gold belongings to the informant ?	No
4]	Does the prosecution prove that on abovesaid period and place, accused along-with convicted accused Nos. 1, 3 and 4 in furtherance of their common intention, voluntarily caused hurt to the informant in	No

committing robbery ?

5] What order ?

Accused is
acquitted

REASONS

AS TO POINT NOS. 1 TO 4 :-

6. The prosecution is required to prove that on from 30/10/2007 to 31/10/2007 at Ajit Kumar Umrao Jewellers, S.V.Road, J.P.Road Junction, Andheri (W), Mumbai present accused along-with convicted accused Nos. 1, 3 and 4 shared common intention for committing house-trespass into the shop of the informant and also they were wrongfully confined him. The prosecution is also required to prove that present accused along-with convicted accused Nos. 1, 3 and 4 shared common intention for committing robbery of gold belonging to the informant. To prove the same the prosecution has relied upon the testimony of the informant wherein he has made statement against accused Rahul and Manoj. The testimony of the informant nowhere disclosed the name of present accused.

7. The prosecution story is solely based on the memorandum-cum-discovery panchanama dated 22/11/2007 of present accused Sanju while he was in custody of police station Dongri in C.R.No. 173 of 2007 wherein he disclosed a place of offence which is not the spot of the incident in the present case. No other evidence is put by the IO in the charge-sheet which would incriminate present accused. Therefore,

in absence of any admissible incriminating evidence against present accused, conviction of accused will not warranted on the basis of available evidence. In such circumstances, I hold that the prosecution has failed to establish the ingredients of alleged offences. As such the accused No.2 is entitled to be acquitted. Therefore, I answer point Nos. 1 to 4 in the negative.

AS TO POINT NO. 5 :

8. The prosecution failed to prove guilt of the accused. Therefore, the accused No.2 is entitled to be acquitted. In the result, in answer to point No.5, I pass the following order.

ORDER

- 1 Accused No.2 **Sanju Gopal Dinda** is acquitted of the offence punishable under Sections 342, 452, 392, 394 of the Indian Penal Code vide Section 248 (1) of the Code of Criminal Procedure.
- 2 Bail bond of the accused No.2 stands cancelled and he be set at liberty.
- 3 Accused No.2 shall furnish bond of Rs.10,000/- under Section 437(A) of the Code of Criminal Procedure.

Sd/-

(S.G.Agrawal)

**Judicial Magistrate First Class,
10th Court, Andheri, Mumbai.**

Mumbai.

Date :- 13/08/2026.

Dictated on : 13/08/2026.

Transcribed on : 13/08/2026.

Signed on : 13/08/2026.

PART-C**LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES****A. Prosecution :**

RANK	NAME	NATURE OF EVIDENCE
PW1	Umraochand Umanchand Jain(Exh.P-3)	Informant

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE
--	NIL	--

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE
--	NIL	--

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution :**

S.N	Exh. No.	Description
1	Exh.P-4	FIR

B. Defence :

Sr.No.	Exh. No.	Description
1	Nil	Nil

C. Court Exhibits :

Sr.No.	Exh. No.	Description
1	Nil	Nil

D. Material Objects :

Sr.No.	Exh. No.	Description
1	Nil	Nil

Sd/-

Mumbai.
Date :- 13/08/2026.

(S.G.Agrawal)
Judicial Magistrate First Class,
10th Court, Andheri, Mumbai.