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12 04 21SESSIONS CASE NO. 27/2014EXHIBIT NO.86FORM NO. XXXIIPART 'A'(Para 44(i) of Chapter VI of Criminal Manual)

<u>IN THE COURT OF SESSIONS JUDGE, MALEGAON, AT MALEGAON, DIST – NASHIK.</u>		
<u>(PRESIDED OVER BY K. G. PALDEWAR)</u>		
<u>(Date : - 11/08/2026)</u> <u>(Sessions Case No. 27 of 2014)</u>		
Details of FIR / Crime and Police Station	: Crime No. 196/2013 of Taluka Police Station, Malegaon, District-Nashik for the offence punishable under Section 307, 326, 354-A(1)(iii)(3), 427, 323, 504, 506 read with Section 34 of Indian Penal Code.	
Prosecution	: The State of Maharashtra, Through – Taluka Police Station, Taluka-Malegaton, District-Nashik	
Represented by	: Shri. U. D. Gavande, Shri. Pagare and Shri.S. K. Sonawane, A.PP	
Accused	1	Ravindra Shankar Kale, Age - 41 years. (A1)
	2	Yogesh Babaurao Shelke, (A2)

		Age-40 yrs	
	3	Vikas Dhanaji Borse, Age-39 yrs,	(A3)
	4	Bhagchand Laxman Pawar- Abated	(A4)
Represented by	:	Shri. B. S. Shewale, Advocate for accused.	

Part 'B'
(Para 44(ii) of Chapter VI of Criminal Manual)

Date of Offence	:	24.06.2013
Date of FIR	:	24.06.2013
Date of Charge-sheet	:	21.03.2014
Date of Framing of Charges	:	11.12.2017
Date of commencement of evidence	:	26.02.2018
Date on which Judgment is reserved	:	29.07.2026 and 11.08.2026
Date of the Judgment	:	11.08.2026
Date of the sentencing order, if any	:	No

ACCUSED DETAILS

Rank of the accused	Name of accused	Date of arrest	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for purpose of section 428 of Cr. P. C.
A1	Ravindra Shankar	Accused No.1 and	Accused No.2	307, 325, 354-A,	Accused	Nil	Nil

A2	Kale, Yogesh Babaurao Shelke,	were arrested on 10.09.2013 and accused No.2 arrested on 27.06.13	released on bail 09.07.2013. Accused No.1 and 3 are released on Anticipatory Bail.	427, 323, 504, 506 read with Section 34 of Indian Penal Code.	are acquitted.		
A3	Vikas Dhanaji Borse,						

PART 'C'**(Para 44(iii) of Chapter VI of Criminal Manual)****LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A] PROSECUTION :-**

<u>Rank</u>	<u>Name</u>	<u>Nature of evidence</u> (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
PW-1	Raghunath Tulshiram Borse	Informant/Injured.
PW-2	Victim	Wife of informant/Injured
PW-3	Bhalchandra Babulal Jadhav	Eye Witness
PW-4	Dr.Vyankatesh Subhash Zanvar	Medical Officer
PW-5	Dr.Prashant Jagannth Salunkhe	Medical Officer.
PW-6	Danish Akhtar Shabbir Ahemad	Seizure Panch
PW-7	Ashok Nivrutti Najan	Investigating Officer.

B] DEFENCE WITNESSES, IF ANY :-

<u>Rank</u>	<u>Name</u>	<u>Nature of evidence</u> (eye witness, police witness, expert witness, medical witness, panch witness, other witness)
1.	Nil	Nil

C] COURT WITNESSES, IF ANY :-

<u>Rank</u>	<u>Name</u>	<u>Nature of evidence</u> (eye witness, police witness, expert witness, medical witness, panch witness, other witness)
1.	Nil	Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A] PROSECUTION :-**

<u>Sr. No.</u>	<u>Exhibit number</u>	<u>Description</u>
1.	Exhibit – 35	Report by Informant to police.
2.	Exhibit – 44	Medico Legal Certificate of informant.
3.	Exhibit – 45	Letter of Medical Officer dated 03.10.2013 to the Medical Superintendent, Civil Hospital, Malegaon.
4.	Exhibit – 50	Medico Legal Certificate of wife of informant.
5.	Exhibit – 51	Copy of M.L.C.Register

6.	Exhibit – 52	Seizure Panchanama.
7.	Exhibit – 64	Spot Panchananama
8.	Exhibit – 67 to 70	Arrest Panchanamas
9.	Exhibit – 83	Death Certificate of accused No.4 Bhagchand Laxman Pawar

B] DEFENCE :- (Admitted by defence)

<u>Sr.No.</u>	<u>Exhibit number</u>	<u>Description</u>
NIL	NIL	NIL

C] COURT EXHIBITS :-

<u>Sr. No.</u>	<u>Exhibit number</u>	<u>Description</u>
1.	27	Charge against accused
2.	72 to 75	Statement of accused vide section 313(1)(b) of Cr.P.C.

D] MATERIAL OBJECTS :-

<u>Sr. No.</u>	<u>Material Object Number</u>	<u>Description</u>
1.	Nil	Nil

JUDGMENT**(Delivered on 11th Day of August, 2026)**

Accused are facing this prosecution for the offence punishable under Section 307, 325, 354-A, 427, 323, 504, 506 read with Section 34 of Indian Penal Code (In short, IPC).

CASE OF PROSECUTION IN BRIEF:

02. The informant stays with his wife (PW-2). The informant was Chairman of the Education Institute by name '*Vidyasagar Shikshan Prasarak Sanstha*' from last 20 to 22 years. The school of this education institute was temporarily running in a private building. On 24.06.2013, at about 9.30 a.m. he himself and his wife have seated in front of the school after lock to the classrooms. At that time, the villagers - accused No. 1 to 4 have been over there and raised quarrel on account of closing 11th and 12th classes of the said institute. Informant replied to them that education institute had no financial position to run those classes and accordingly notices were issued to the Head Master for education year 2013-14 were to be closed for admission. Even the notices were published in the local news papers and the copies of notices were pasted at prime location of the village.

03. The accused have not paid heed to the reply of informant and started hitting by slaps and by hands on his face and on head. The accused have started hurling abuses and issued life threats. During the said hitting by the accused, the glasses of spectacle of the informant was broken. The accused have issued life threats and issued threats to cut off him by sword.

INVESTIGATION OF CRIME :

04. On the count, informant lodged report at police Station Malegaon Taluka on 24.06.2013. Police initially registered it as Non-cognizable case No.350/2013 for the offence under Section 323,504,506,427,34 of IPC. On 26.06.2013, injury certificate of medical officer was received to police station. Then crime No.196/2013 for the offence under Section 307, 326, 323, 504, 506, 427, 34 of IPC is registered against all accused.

05. The investigation of the crime was assigned to A.P. I. Shri. Ashok Najan (PW-7). He drew spot panchanama as per Exh.64 in presence of panchas. He drew seizure panchanama as per Exh.52 in presence of panchas and seized broken piece of glass of the spectacle from the spot. He recorded statements of the witnesses. After completion of investigation, charge-

sheeted to the accused.

CHARGE :

06. The charge is framed against the accused vide Exh. 27 for the offence punishable under Section 307, 325, 354-A, 323, 427, 504, 506 of IPC, to which the accused pleaded not guilty and claimed to be tried.

POINTS FOR THE DETERMINATION:

07. Points for the determination and my findings thereon for the reasons stated below;

SR. NO.	POINTS	FINDINGS
I.	Whether prosecution proved that the accused in furtherance of their common intention have attempted to murder of the informant and thereby committed an offence punishable under Section 307 read with Section 34 of the IPC?	No.
II.	Whether prosecution proved that accused in furtherance of their common intention caused grievous hurt to the informant and thereby committed an offence punishable under Section 325 read with Section 34 of the IPC?	No.

III	Whether prosecution proved that accused in furtherance of their common intention assaulted to the wife of informant intending to outrage her modesty and thereby committed an offence punishable under Section 354-A read with Section 34 of the IPC?	No.
IV	Whether prosecution proved that accused in furtherance of their common intention voluntarily caused hurt to the informant and his wife and thereby committed an offence punishable under Section 323 read with Section 34 of the IPC?	No.
V	Whether prosecution proved that accused committed mischief and broken the spectacle of the informant and thereby committed an offence punishable under Section 427 of the IPC?	No.
VI	Whether prosecution proved that accused in furtherance of their common intention intentionally insulted to informant and his wife and thereby gave provocation to them intending or knowing that it to be likely that such provocation will cause them to break the public peace or to commit any other offence and thereby committed an offence punishable under Section 504 read with Section 34 of the IPC?	No.
VII	Whether prosecution proved that accused in furtherance of their common intention	No.

	committed the offence of criminal intimidation by issuing threats to informant and his wife to cause death or grievous hurt and thereby committed an offence punishable under Section 506 read with Section 34 of the IPC?	
VIII	What order ?	The accused are acquitted.

REASONS

AS TO POINTS NO. I TO VII :

ADMITTED FACTS:

08. In the light of evidence of prosecution coupled with the submissions of learned advocate of the accused and learned A.P.P, the following facts are forthcoming ;

- a- The informant was the founder Chairman of the education institute namely '*Vidyasagar Shikshan Prasarak Sanstha*'.
- b- The injured witness/victim (PW-2) is the wife of this informant.
- c- The informant and victim (PW-2) have son namely Sachin.
- d- The accused are the villagers from the same village Shirsondi, Taluka Malegaon.

09. **DISPUTED FACTS :**

- i- Accused have committed the offence of attempt to murder of the informant.
- ii- Accused have caused grievous hurt to the informant and hurt to the informant and his wife.
- iii- Accused have hurled abuses and issued life threats to informant and his wife.
- iv. Accused have caused damage to the spectacle of informant.

ARGUMENTS BY PROSECUTION :

10. Learned APP vehemently argued that the testimony of informant, his wife (PW-2) and the eye witness Bhalchandra (PW-3) is consistent as to the incident of hitting by all accused. The report is lodged promptly. It was hitting to the private part of the informant and the injury to the said private part was subsequently disclosed as grievous injury after treatment provided to the informant. Thus it was an attempt to murder him. Hence, the crime is booked subsequently against the accused for the aforesaid offences.

11. He further argued that the accused have outraged the modesty of the wife of informant. Accused have not only

hit to them but also hurled slang abuses and issued life threats to them. There is no question as to the identification of accused since both of them reside in the same village. The medical evidence is in support of prosecution. The investigating officer has seized the broken piece of glass of spectacle under seizure panchanama. There is no ground for false implication of accused. Thus the testimonies of prosecution witnesses is sufficient to bring home the charge against accused.

ARGUMENTS BY ADVOCATE FOR ACCUSED :

12. Learned advocate of accused vehemently argued that initially it was non-cognizable case and then all of a sudden offence of attempt to murder was registered against the accused. This itself speaks a lot about the prosecution case. The police have been to the spot and informant also his wife have been in the police vehicle at village Malegaon. The report is lodged promptly and accordingly it is registered as Non-cognizable case. The injured has taken treatment in a private hospital and subsequently came with exaggeration of grievous injury in order to rope these accused in a larger offence of attempt to murder.

13. There is no use of weapon in the offence but the witnesses have exaggerated it and deposed about use of iron bar. There is no mention as to the hitting to the wife of

informant and outraging her modesty. Even there is no mentioned as to the presence of eye witness Bhalchandra (PW-3). The presence of this eye witness is doubtful. The entire prosecution story is with exaggeration and liable to be thrown away in toto. In short, according to him, prosecution utterly failed to bring home the charge against the accused.

TESTIMONY OF INFORMANT(PW-1):

14. The testimony of informant reveals that on 23.06.2013, at about 9.30 a.m. he himself and his wife came to the school on the motorcycle of the witness Bhalchandra (PW-3). As per the decision of education institute and the order of Hon'ble High Court, they have closed the classes for 11th and 12th Grade. Thus they have locked to the laboratory.

15. His testimony further reveals that he himself, his wife and Bhalchandra (PW-3) have been seated in the open space of the school. The accused No. 1 to 4 alongwith other 15 to 20 persons have came to the place where they seated. They asked to him as to why the classes for 11th and 12th Grade were closed and why the case was filed against Deputy Director of Education. They have asked the permission to start the classes for 11th and 12th Grade to which informant has shown his inability to start the classes. They have not paid heed to the

informant.

16. His testimony further reveals that they started hurling abuses to him. The accused No.3 Vikas Dhanaji caught hold his hands. The accused No.2 Yogesh Baburao tried to snatch his phone. Informant restrained them that time accused No.1 has kicked to informant on his face. The spectacle of informant was broken. The blood was oozing from the mouth of informant. The informant fell on ground. At that time, all four accused have kicked him on his chest, on stomach and on private part.

17. His testimony further reveals that it was unbearable pains to him. His wife (PW-2) came to rescue him. These accused have hurled slang abuses to his wife as ‘रांड व छिनाल’ . Accused have twisted both wrists of his wife and broken her bangles. All accused have kicked to his wife and pushed her on ground. His wife phoned to son and informed about the incident of hitting. The witness Bhalchandra (PW-3) has gone near to them that time accused have issued threats to him.

18. His testimony further reveals that iron bar was lying over there. The accused No.1 lifted the iron bar and rushed on the person of informant and issued life threats. The accused No.1 issued threat to cut off informant by sword. The

son of informant phoned to PW-2 and informed that police were heading towards the village Shirsondi. Then the accused fled away. After half an hour, police vehicle came. The police have brought the informant and his wife to police station. At the time of lodging report, it was paining to him as such the police referred him to the hospital for treatment.

19. His testimony further reveals that the medical officer has examined them and provided treatment. The informant was hospitalized at private hospital Health Care. The informant has undergone surgery. The informant initially lodged the report as per Exh.35 and then recorded his further report. The informant has identified to the seized broken glass of spectacle of informant vide Article 'A'.

TESTIMONY OF WIFE OF INFORMANT(PW-2):

20. The testimony of wife of informant (PW-2) reveals that incident took place on 24.06.2013 at about 9.30 a.m. She herself and her husband have come to the school by the motorcycle of witness Bhalchandra (PW-3) in order to lock the rooms of 11th and 12th Grade. The witness Bhalchandra (PW-3) was over there with them. Her husband has locked the laboratory. Then she herself, her husband and Bhalchandra (PW-3) have been seated in the open space of the school.

21. Her testimony further reveals that accused No.1 to 4 came alongwith 10 to 15 persons. They asked as to the case lodged against education officer and ask them to withdrawn the case. Even they asked to grant permission to run the classes of 11th and 12th Grade to which informant replied his inability to continue the classes. The accused No.1 started hitting to informant and accused No.1 kicked on the face of informant and also slapped on his face . The spectacle of informant was broken. The blood was oozing from the mouth of informant.

22. Her testimony further reveals that all accused have started hitting to her husband. All accused have hit to informant by kicks and fists on his genitals as such informant was shouting. She intervened the quarrel. Accused have twisted her hands also hit her on chest and on head. Her bangles were broken. She shouted. She phoned to his son. All accused have again started hitting to her husband. The witness Bhalchandra (PW-3) has intervened the quarrel. Accused have hit to him also.

23. Her testimony further reveals that accused No.1 brought one iron bar. Accused have issued threats to them. Accused have hurled slang abuses to her as ‘ रांड व छिनल ’ . Her son phoned to her and informed that police were coming over there. After some time police came. After hearing the noise of

police vehicle, accused fled away from the spot. The police have brought to her and her husband in the said vehicle. Her husband has lodged the report. Police have referred them to Civil Hospital, Malegaon. The doctors present over there have examined them and provided treatment.

TESTIMONY OF EYE WITNESS (PW-3) :

24. The testimony of witness Bhalchandra (PW-3) reveals that on 24.06.2013 at about 9.30 a.m. he has dropped to the informant and his wife by his motorcycle at their education institute at village Shirsondi. The informant has locked to the rooms of laboratory. Informant, his wife and he himself have been over there seated in the premises of school. The accused and other 15 to 20 persons have been over there and asked to the informant as to the closing of classes of 11th and 12th Grade also the prosecution against education officer.

25. His testimony further reveals that the accused have raised quarrel with the informant and it was altercation in between them. The accused No.1 to 4 have started hitting to the informant. He intervened the quarrel. The accused have removed him aside and scuffled with him. Accused have asked him that he has no concerned with the village and ask him to leave the place or else they would kill him.

26. His testimony further reveals that wife of informant intervened the quarrel. Accused have hurled her slang abuses as ‘ रांड व छिनाल ’ . Accused have twisted the hand of wife of informant. The accused have driven him outside the premises of school as such he came outside the premises. He phoned to the son of informant and asked for police help immediately. Then he left the said place.

**TESTIMONY OF MEDICAL OFFICER EXAMINED
TO INFORMANT (PW-4) :**

27. Dr. Vyankatesh Zanvar (PW-4) deposed that on 24.06.2013, he was on duty as Medical Officer at Civil Hospital, Malegaon. On that day, at about 1..45 p.m., he has examined to the injured informant and found following injuries on his person;

- i) Blunt trauma situated over right side of face and head.
- ii) Blunt trauma over abdomen. USG of abdomen/pelvis suggested for liver contusion with hemoperitoneum.
- iii) Blunt trauma to testis. USG scrotal suggestive of right scrotal hemotoma. The surgery was done. I and D of right testicular hemotoma.

28. His testimony further reveals that the nature of injury No.(i) was simple, injury No.(ii) was grievous and injury No.(iii) was dangerous to life. The age of injuries was within

24 hours. Thus he issued injury certificate dated 25.06.2026 as per Exh.44. The said injured came with history of assault by unknown person by hands, fists and legs. He has issued one opinion about the injuries of the injured informant as per opinion date 3.10.2013 vide Exh.45.

**TESTIMONY OF MEDICAL OFFICER EXAMINED
TO WIFE OF INFORMANT (PW-5) :**

29. Dr. Prakash Salunke was medical officer on 24.06.2013 at Civil Hospital, Malegaon. He examined to the patient namely wife of informant/victim (PW-2) and found following injuries ;

- i) Blunt trauma over head.
- ii) Blunt trauma over back.
- iii) Blunt trauma over abdomen.

30. His testimony further reveals that all above injuries were simple in nature. He issued injury certificate of the patient as per Exh.50.

TESTIMONY OF SEIZURE PANCH (PW-6) :

31. On 27.06.2013, police have been to Health Care hospital Malegaon. Police recorded statement of informant and seized broken glass of spectacle. This witness was

alongwith other panch- Shaikh Salim. The police drew seizure panchanama as per Exh.52. This witness has identified to the seized article i.e. broken glass of spectacle shown to him before the court vide Article 'A'.

TESTIMONY OF INVESTIGATING OFFICER

(PW-7) :

32. The testimony of investigating officer reveals that initially non-cognizable case was registered. The injury certificate of the injured received to police station. Then crime was registered against the accused. The investigation was assigned to him. He has been at the spot of incident i.e. the premises of school at Shirsondi. He drew spot panchanama in presence of panchas as per Exh.64. He has been to the Health Care hospital and recorded statement of injured. He seized the broken glass of spectacle vide seizure panchanama in presence of panchas as per Exh.52. He has recorded the statements of witnesses. He collected injury certificate of the injured. After completion of investigation charge-sheeted to the accused. It is transpired to him that accused attempted to murder the informant.

RECITALS OF SPOT PANCHANAMA :-

33. The prosecution has proved the recitals of spot panchanama vide Exh.64. On perusal of the recitals, it appears

that the spot of incident was the premises of Saraswati School at village Shirsondi. The description of the said school and the premises are given in the panchanama. The investigating officer has not found any incriminating article to seize it.

RECITALS OF SEIZURE PANCHANAMA :-

34. The prosecution has examined seizure panch Danish Akhtar (PW-6). The police has seized one broken piece of glass of the spectacle at Health Care hospital, Malegaon. The recitals of seizure panchanama Exh.52 reveals the same.

THE OPINION OF MEDICAL OFFICER :-

35. Medical Officer Dr. Zanwar (PW-4) issued opinion as per Exh.45. In the light of said opinion, this witness has examined to the injured informant. He advised investigation. After investigation, patient was directly brought by his relatives to his private hospital. According to his investigations and clinical examination, he urgently operated the patient for testicular hemotoma. Thus he issued a certificate and the nature of injury was dangerous to life as it might have caused the *vasovagal shock*, due to blunt testicular trauma due to blunt and hard object.

**WHETHER PROSECUTION HAS BRING HOME
THE CHARGE AGAINST ACCUSED ?:**

36. In the light of recitals of FIR, the incident took place on 24.06.2013 at about 9.30 a.m. in the premises of school at village Shirsondi. The testimony of informant reveals that incident took place on 23.06.2013 at about 9.30 a.m.. The testimony of wife of informant and Bhalchandra (PW-3) reveals that the incident took place on 24.06.2013. The informant before the Court has not stated the correct date of incident.

37. Initially, the report was lodged by the informant immediately pursuant to the incident that time non-cognizable case was registered on 24.06.2013 at about 10.45 a.m. Thereafter the crime was registered for the offence under Section 307 of IPC on 26.06.2013 at about 19.10 hours i.e. after two days of the incident.

38. Pursuant to the incident, police have been to the spot of incident immediately after son of informant has phoned to the police. The police came over there with vehicle and brought to the informant and his wife to the police station. The informant and his wife were not unconscious. The informant and his wife could have been disclosed the incident in detail to the police when reached to the police station as to the incident of hitting, manner of hitting, use of weapon i.e iron bar,

hurling abuses to him and his wife, outraging modesty of his wife, damage to her bangles etc.

39. The informant is not a rustic person. The informant has been in job for about 33 years. The informant was a founder Chairman of Educational Institute. He is a law graduate though not practicing advocate. Earlier this informant has occasion to lodge report against Head Master of the school for misappropriation of the amount. In that crime, the informant has subsequently stated to the police that due to misunderstanding said report was lodged. As such police filed B-summary report in that crime. Thus, the informant has been acquainted with the legal process and the police station.

40. If according to the informant, he was not keeping well when reached to police station on the day of incident at that time then his wife could have disclosed the incident to the police. The wife is also one of the injured and victim of outraging her modesty then certainly she could have disclosed the entire facts to the police. The wife has not chosen to lodge the report also has not informed to the police on the same day as to the said incident. There is no explanation on behalf of prosecution in that regard.

41. Admittedly, the informant and his wife have been to police station by police vehicle that time they were not unconscious. The police noted down their report as per Exh.35 and according to the narration by the informant immediately after the incident within one hour, the non-cognizable case is registered.

42. The recitals of report Exh.35 reveals that the accused No.1 has hit him by slaps and hands on his face and the rest accused were hurling abuses and issued life threats. There is no whisper by the informant as to the hitting by each of the accused to him and to his wife. There is no whisper as to the presence of witness Bhalchandra (PW-3). There is no whisper as to the incident of outraging modesty of his wife, her bangles were broken, she was subjected to hitting etc. The said report is absolutely silent as to the hitting and kicking by the accused to the informant on his private part.

43. Pursuant to the incident, immediately police rushed to the spot and brought to the informant and his wife to police station. There was no fear of the accused to them that they were restrained from disclosing the above narration. The report was lodged by the informant as per Exh.35 as per his narration then subsequently the case has been totally changed into a case of attempt to murder.

44. On perusal of the testimony of Dr. Zanvar and Dr. Salunkhe and as per the injury certificate of the informant (Ex.44) and injury certificate of his wife vide Exh.50, those were blunt trauma. The nature of injury was like a muffle injury and clotting of blood. Even they have no bleeding injury as per the certificate. If the testimony of informant and his wife is taken into consideration as to the manner of assault to them, then there could have been multiple bleeding injuries like as abrasion, contusion and contused lacerated wound etc. However, there is no such injury to them. The informant at the time of incident was aged 66 years and if there were hitting to him as stated by him before the court, then certainly he could have sustained multiple aggravated injuries than that of blunt trauma.

45. On perusal of the injury certificate of the informant Exh.44, there is no reference by the said Dr.Zanwar (PW-4) that the patient was required for immediate surgery and he was advised for shifting of patient from Civil Hospital, Malegaon to private hospital. It was the relatives of the informant who have brought him to private hospital. It is significant to mention that the doctor who examined to the injured informant at Civil Hospital Malegaon was the same doctor who operated him at his private hospital. There is no

information to the police as to the shifting of patient from Civil Hospital, Private hospital and immediate requirement of surgery.

46. The report of this Dr. Zanawar (PW-4) vide Exh.45 as to his opinion that the said injury was dangerous to the life is without any documentary proof. If this doctor has conducted investigation and clinical examination then certainly it must appended with that opinion Exh.45. On perusal of the charge-sheet, there is no reports of the investigations and the surgery conducted to the informant. In the absence of medical papers, it is doubtful as to the basis of opinion given by Dr.Zanwar vide Exh.45.

47. The report Exh.35 filed by the informant immediately after the incident is silent as to the hitting by accused on his genitals. There is no whisper as to the injury to the informant to his testis. Then subsequent examination by the medical officer wherein he has noted blunt trauma to the testis appears under cloud of doubt. There is no treatment papers of the informant as well as the reports of his surgery which warranted him immediate attention. Therefore, the said opinion issued by the said doctor (PW-4) on a plain paper dated 3.10.2013 that the said injury was dangerous to the life is nothing but afterthought opinion and it can said to be a

concocted report.

48. The recitals of spot panchanama Exh.64 and the testimony of investigating officer is silent as to the presence of pieces of broken bangles at the spot. The testimonies of informant and his wife reveals that accused have twisted her hand as such her bangles were broken. Then certainly there could have been any injury to her hands. The injury certificate of witness (PW.2) is silent as to the injury to her hand. Further, there were no incriminating articles found to the investigating officer while drawing spot panchanama.

49. On perusal of the report (Exh-35) it appears the informant and his wife were present at the spot. There is no whisper as to the presence of witness Bhalchandra (PW-3). However, the testimonies of informant and his wife have introduced the presence of witness Bhalchandra (PW-3). There is no whisper in the report Exh.35 that on the day of incident informant and his wife have been came to the school on the motorcycle of Bhalchandra (PW-3). The testimony of informant and his wife reveals that they have came to the school on the motorcycle of Bhalchandra (PW-3).

50. As per the testimony of informant, initially accused have hit him and then his wife came to rescue that time accused hit her. Thereafter, Bhalchandra (PW-3) came to rescue that time accused have issued threats to them. The testimony of wife of informant (PW-2) reveals that initially accused hit to her husband and then she has intervened the quarrel to which accused hit her. Thereafter Bhalchandra (PW-3) intervened the quarrel to which accused have hit him. The testimony of Bhalchandra (PW-3) reveals that initially accused have hit to the informant then he intervened the quarrel. Thereafter wife of informant intervened the quarrel. Thus the intervention of this witness Bhalchandra (PW-3) was either after hitting to the informant by the accused or after hitting to the informant and his wife by the accused. In that regard, the evidence is not consistent.

51. Further the testimony of informant is silent as to the hitting by accused to the witness Bhalchandra (PW-3) however the testimony of wife of informant and the testimony of Bhalchandra (PW-3) reveals hitting by the accused to him. As per testimony of informant, at the time of incident, his wife has phoned to the son about the incident. The testimony of wife of informant reveals the same. Whereas the testimony of Bhalchandra (PW-3) reveals that he has phoned to the son of informant and his son has sent the police to the spot. These

are material variations in the testimonies of informant, his wife and Bhalchandra (PW-3).

52. Going ahead, if witness Bhalchandra (PW-3) has been to the spot and he has witnessed the incident also he has intervened the quarrel. This witness has phoned to the son of informant and at that time he came outside the school premises. Then certainly he could have been over there since police were on the way to village Shirsondi towards the spot. The police have reached at the spot within a short of time. Then there was no reason for this witness to leave the place of spot by leaving the injured informant and his wife at the spot. Therefore, the presence of this witness is doubtful. Looking to the report lodged initially and the subsequent exaggeration of the incident, it appears this witness Bhalchandra (PW-3) is a planted witness and pretended himself to be eye witness to the incident.

53. In the light of foregoing, the testimony of informant and his wife is of full exaggerations as to the hitting by accused, hurling abuses, outraging modesty of wife, issuing life threats. There is no use of weapon in the crime. The testimony as to the presence of iron bar appears after thought. The exaggerated version of the informant and his wife as to the

incident has shattered their version. As such, their testimony does not inspire confidence as to their truthful versions. The said testimonies of prosecution witnesses is liable to be discarded.

54. As observed above, the medical opinion of the medical officer is under cloud of doubt. When the ocular testimony is not of worthy of credence then the medical evidence i.e. injury certificate of informant and his wife would not advance cause of prosecution. The seizure of broken glass of the spectacle of the informant was not from the spot. It was seized at Healthcare Hospital, Malegaon. There is no explanation as to how-come the said broken piece of glass of spectacle has reached to the hospital. The said seizure of broke piece of glass of spectacle is of no use to the prosecution. The prosecution story of non-cognizable case has drastically turned into the crime of attempt to murder only after hospitalization of the informant and then to the private hospital of the same doctor.

55. In the light of reasons foregoing, the evidence of prosecution is unworthy of credence hence, prosecution failed to bring home the charge against accused for the aforesaid offences. Hence, ,I answer Points No. I to VII in the negative.

DISPOSAL OF MUDDMAL PROPERTIES :

56. The investigating officer has seized one broken piece of glass of spectacle. The seized article bears no value. Hence, the seized article be destroyed after appeal period is over.

57. In the light of foregoing, accused No.1 to 3 are exonerated from the aforesaid charges. With this, I pass the following order;

ORDER

1. The Accused No.1– Ravindra Shankar Kale, 2)Yogesh Babaurao Shelke, and 3)Vikas Dhanaji Borse, are acquitted of the offences punishable under Section 307, 325, 354-A, 427, 323, 504, 506 read with Section 34 of the Indian Penal Code vide Section 235(1) of Code of Criminal Procedure..
2. The case is abated accused No. 4- Bhagchand Laxman Pawar.
3. The bail bonds of the accused are cancelled.
4. Accused No.1 to 3 are released on bail on furnishing P. R. of Rs.50,000/- each vide section 437-A of the Code of Criminal Procedure.
5. The seized muddmal i.e. one broken piece of glass of

spectacle be destroyed after appeal period is over.

6. A copy of this Judgment be sent to District Magistrate, Nashik as per the directions laid down by the Hon'ble Bombay High Court in the case of **Ranjana Suryawanshi Vs. Jaiprakash and others in Criminal Appeal(St.) No.390/2019, Dated 16th July, 2020.**

(Dictated and pronounced in open Court).

Date : 11.08.2026. (K. G. Paldewar)
Place : Malegaon, Nashik. Additional Sessions Judge,
Malegaon, Dist. Nashik.

Arguments heard on	14 th and 29 th Day of July and 11 th August, 2026 .
Judgment delivered on	11 th Day of August, 2026.
Dictated on	11 th Day of August, 2026.
Transcribed on	11 th Day of August, 2026.
Checked and signed on	11 th Day of August, 2026.

CERTIFICATE

I affirm that the contents of this PDF file Judgment is same and as per the original Judgment.

Name of the Stenographer : S. R. Tambe.
Name of the Court : Additional Sessions Court,
Malegaon.
Date of Judgment : 11.08.2026.
Judgment signed on : 11.08.2026.
Presiding Officer : K.G. Paldewar
Judgment uploaded on : 11.08.2026.