

MHNG030213212015



Presented on : 29.07.2015

Registered on : 29.07.2015

Decided on : 27.09.2024

Duration : Y M D
09 01 28

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
NAGPUR.**

(Presided over by Pankaj K. Deshpande)

Regular Criminal Case No. 2607/2015

Exh.18

FIR/Crime No.411/2015, Police Station Nandanvan

Prosecution	The State of Maharashtra through Police Station Officer, Police Station Nandanvan, Nagpur
Represented by	Smt. Shilpa M. Maraskolhe, A.P.P
	- Versus -
Accused	1. Abhinav Suresh Pande, Aged : 23 years, R/o.Plot No.82, Ramkrushna Nagar, Dighori, Nagpur 2. Suresh Namdeorao Pande (abated since died)
Represented by	Shri. C. H. Gayakwad, Advocate

-: J U D G M E N T :-

(Delivered on 27th day of **September, 2024**)

Accused No.1 is facing trial for the offence punishable under sections 324 read with 34 of the Indian Penal Code, upon allegations made by the informant namely Sachin, who in his First Information Report dated 16.10.2014, reported to Nandanvan Police, alleged that on said date at 1.00 p.m., when he had requested accused No.2 to arrange for Tadpatri

to avoid falling of building construction material in his premises, both the accused started quarreling with him and accused No.1 assaulted him by wooden rod on his nose. Investigating officer conducted the investigation, and charge sheet came to be filed against the accused.

2] Upon perusal of record, it is seen that my Ld. Predecessor framed the charge against accused vide Exh.02 and explained the contents thereof to him in vernacular to which the accused pleaded not guilty and claimed trial. During trial, as the accused No.2 is reported to be died, the proceeding is abated against him.

3] The prosecution could examine only one witness i.e. informant Sachin Ramrao Malode (PW-1) at Exh.06. I have heard both the sides.

4] The points for determination along with my findings thereon are as under :-

<u>Sr. No.</u>	<u>Points</u>	<u>Findings.</u>
1.	Is it proved by the prosecution that the accused had committed alleged offences, as per charge?	No.
2.	What Order ?	As per final order.

REASONS

AS TO POINT NO.1 :-

5] The prosecution succeeded in examining injured only at Exh. 6. Other witnesses were not traceable as evident from record. The evidence of Sachin (PW-1) needed corroboration in view of the fact that there was previous enmity between the parties. Said enmity is evident from the nature of the dispute itself. Moreover, Sachin (PW-1) who

deposed in his examination-in-chief about the alleged incident, failed to recognize the wooden stick which was seized in the crime. Moreover, the injuries are not proved with the help of medical evidence. His evidence is full of omissions. There is no independent evidence in support of Sachin (PW-1). The benefit of all these circumstances is required to be given to the accused. Hence, point No.1 is answered in the negative.

AS TO POINT NO.2 :-

6] As I answer point No. 1 in negative, accused is required to be acquitted. The seized property, i.e. one Bamboo Stick is required to be destroyed. In the result, in answer to point No.2, the following order:-

:- ORDER :-

1. Accused namely **Abhinav Suresh Pande** is acquitted from the offence punishable under section 324 read with 34 of the Indian Penal Code vide section 248(1) of the Code of Criminal Procedure.
2. Bail bonds of the accused persons stand cancelled.
3. The seized property, i.e. Bamboo Stick be destroyed.
4. Accused shall execute P.R. bond of Rs.5,000/- under Section 437-A of the Code of Criminal Procedure.

Nagpur
Dt. 27.09.2024

(**Pankaj K. Deshpande**)
Addl. Chief Judicial Magistrate,
Nagpur.

Endorsement

Case argued on	:	27.09.2024
Judgment dictated on	:	27.09.2024
Transcription ready on	:	27.09.2024
Judgment checked and signed on	:	27.09.2024

Certificate

I affirm that the contents of this PDF Judgment are same word to word, as per original Judgment.

Name of Stenographer :- Sau. V.S. Boharapi, Stenographer (Grade-II)