

MHNS080027592022	
	Presented on : 08 04 2022 Registered on : 08 04 2022 Decided on : 23 07 2026 Duration : YY MM DD 04 03 15

FORM NO. XXXII**PART 'A'****JUDGMENT****[Para 44 (i) of Chapter VI of Criminal Manual]**

<u>IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AT MALEGAON, DIST.NASHIK</u> <u>(Presided over by Smt. J.R.Raut)</u> (Delivered on 23/07/2026) <u>(R.C.C. No 285/2022)</u> <u>Exh.46</u>	
(Details of FIR/Crime and Police Station) Crime No.380/2021, Chhavani Police Sation	
Complainant	State of Maharashtra, Through: PSO Chhavani Police Station, Tal. Malegaon, Dist. Nashik. (Complainant: Rima Bhima Hire)
Represented by	Learned APP Shri. P.J.Varule
Accused:	1. Bhima Shriram Hire, Age- 32 years, Occu.Nil R/o: Phule Nagar Moglai Sakri road Dhule, Tal., Dist. Dhule 2. Hirabai Shriram Hire, Age- 60 years, Occu.Nil R/o: Phule Nagar Moglai Sakri road Dhule, Tal., Dist. Dhule 3. Shivaji Shriram Hire, Age- 35 years, Occu.Nil R/o: Phule Nagar Moglai Sakri road Dhule, Tal., Dist. Dhule

	4	Shobha Manoj Jadhav, Age- 40 years, Occu.Nil R/o: Datta Mandir Devpur, Dhule, Tal., Dist. Dhule
	5	Manoj Hiranman Jadhav, Age- 45 years, Occu.Nil R/o: Datta Mandir Devpur, Dhule, Tal., Dist. Dhule
Represented by		Advocate :Shri. D.B.Khairnar
Date of offence		March 2019 to 14.8.2021 from time to time
Date of FIR		15.12.2021
Date of Charge-sheet/Complaint		7.4.2022
Date of framing of Charges /Plea		6.1.2025
Date of Commencement of Evidence		6.1.2025
Date on which judgment is reserved		
Date of the Judgment		23.7.2026
Date of the Sentencing Order		All accused are acquitted

ACCUSED DETAILS

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 the purpose of Sec. 428, Cr. P.C
1.	Bhima Shriram Hire	----		Section 498(a), 323, 504,506 r/w. 34	Acquitted	Acquitted	--
2.	Hirabai Shriram	--					

	Hire	--					
3.	Shivaji Shriram Hire	--					
4.	Shobha Manoj Jadhav	--					
5.	Manoj Hiraman Jadhav	--					

of Indian
Penal
Code,
1860.

PART 'C'

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

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution :

Rank	Name	Nature of Evidence
PW1/Exh.29	Rima Bhima Hire	Informant
PW2/Exh.32	Gaurav Subhash Khairnar	Witness
PW3/Exh.35	Apeksha Atmaram Pagar	Witness
PW4/Exh.38	Bharat Jagannath Aher	Investigation Officer

B. Defence Witnesses, if any :

Rank	Name	Nature Of Evidence
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C. Court Witnesses, if any :

Rank	Name	Nature Of Evidence
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LIST OF PROSECUTION /DEFENCE/COURT EXHIBITS-**A. PROSECUTION**

Sr. No.	EXHIBIT NUMBER	DESCRIPTION
1.	Exh. 30	Report

B. DEFENCE:-

Sr No	Exhibit Number	Description
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C. COURT EXHIBITS:-

Sr No	Exhibit Number	Description
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D. Material Objects :

Sr.no	Material Object	Description
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JUDGMENT**(Delivered on 23rd July 2026)**

Accused Nos. 1 to 5 are facing trial for the offence punishable under Section 498A, 323, 504 and 506 read with section 34 of Indian Penal Code. (In short "I.P.C").

The case of the prosecution is as under:

2. On 7.7.2018, the marriage of Rima took place with Bhima Hire at Phulenagar, Moglai, Sakri road, Dhule. After her marriage, in-laws treated her well for some days. Thereafter they started to demand amount of Rs. 3,00,000/- for starting new furniture business. They used to taunt her, abused her and beat her. She was bearing all the illtreatment with the hope that good days will come. She used to narrate about said ill-treatment to her parents whenever she come for festival. On 14.8.2021 her in-

laws demanded the amount, abused her, threatened her, beaten her and driven her out of the house. On these allegations Rima Bhima Hire lodged the report with Chhavani Police Station.

3. In the result, crime No. 380/2021 is registered against the accused for the offences punishable under Section 498A, 323, 504 and 506 read with section 34 of I. P. C. It is investigated by Police Constable Shri.B.J.Aher. He recorded statement of witnesses and on completion of investigation officer-in-charge of police-station filed the charge-sheet against the accused.

4. My Ld. Predecessor framed the charge against accused at Exh. 19 for the offence punishable under Section 498A, 323, 504 and 506 read with section 34 I.P.C. They pleaded not guilty and claimed to be tried. After prosecution evidence statement of accused under section 313 of Criminal Procedure Code (In short "Cr.P.C") is recorded at Exhs. 39 to 43. They pleaded total denial and false implication. However, evidence in defence has not been alluded.

5. On perusal of the charge at Exh. 19, following points arise for my determination and I have recorded my findings with reasons thereon as under.

Sr.no	Point	Findings
1.	Does prosecution prove that during the period from March 2019 to 14.8.2021 at Phule Nagar Moglai Sakri road, Tal., Dist. Dhule accused No. 1 being the husband of the informant and other accused No. 2 to 5 being the relatives of	

	the accused No. 1 subjected informant Rima Bhima Hire to cruelty with a view to coercing her to meet their unlawful demand of Rupees Three Lakh for the business of Furniture ?	...No.
2.	Does prosecution proves that on the date, time and place as mentioned above, accused Nos. 1 to 5 in furtherance of their common intention, voluntarily caused hurt to the informant?	...No.
3.	Does prosecution proves that on the date, time and place as mentioned above, accused Nos. 1 to 5 in furtherance of their common intention, intentionally insulted the informant thereby to gave provocation to her intending that such provocation would cause her to break public peace ?	...No.
4.	Does prosecution proves that on the date, time and place as mentioned above, accused Nos. 1 to 5 in furtherance of their common intention, committed criminal intimidation by threatening informant to cause injury to her person with intent to cause alarm to her?	...No.
5.	What Order?	As per final order.

REASONS

6. To prove the guilt of accused, the prosecution has examined P.W.1 Rima Bhima Hire (Exh. 29), P.W. 2 Gaurav Subhash Khairnar (Exh. 32), P.W. 3 Apeksha Atmaram Pagar (Exh. 35) and P.W. 4 Bharat Jagannath Aher (Exh.38), Except

ocular evidence prosecution is also relied upon the report dated 15.12.2021 lodged by P. W.1 Rima (Exh.30).

AS TO POINT NOS. 1 TO 4 :-

7. In a criminal case it is duty of the prosecution to prove the guilt of accused beyond reasonable doubt and for that purpose they have to lead convincing and reliable evidence. In the case before hand, the cruelty is as alleged by the prosecution is as described under explanation (b) to section 498-A of Indian Penal Code. Explanation (b) to Section 498-A provides that cruelty means harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand. Thus, Explanation (b) does not make each and every harassment as cruelty. Harassment has to be with definite object, namely to coerce a woman or any person related to her to meet any unlawful demand. Hence, mere harassment by itself is not cruelty. Mere demand of money by itself is also not cruelty. It is only when harassment is shown to have been committed for the purpose of coercing a woman to meet unlawful demand, that is cruelty and this is made punishable under Section 498-A of Indian Penal Code. On the background of this legal provisions, the evidence in the case in hand is required to be considered.

8. On perusal of the evidence available on record, it is seen that prosecution has examined P.W. 1 Rima, she deposed that she was treated well for two and half year and thereafter

accused started to demand amount of Rs.1,50,000/- for starting furniture business. She further deposed that after refusal of fulfilment of said demand by her father, her mother-in-law, brother-in-law and sister-in-law started to taunt her. She further deposed that they were shifted to Nashik and taken house on rent, said rent was paid by her father, her husband advanced Rs.15,000/- from her father, her father arranged gas connection, her husband used to do fieldwork. She further deposed that she went to her parents house in Diwali festival, at that time, her husband sold out utensils, her husband had taken her jewellery to mortgage for one month and demanded amount and driven her and her daughter out of the house on 24.8.2021. She further deposed that she came to her parents house, her father had given understanding to her husband but, they had demand of money, hence, she filed an application in Women Redressal Forum. She further deposed that her husband appeared but, not ready to cohabit with her without fulfilment of demand of money.

9. On perusal of oral evidence of P.W.1 Rima, she deposed that she had narrated about the demand to her parents and her father had given understanding to her husband hence, prosecution examined P.W.2 Mr. Khairnar who is her brother, he deposed that in-laws of her sister pressurizing her and failed to depose anything and shown ignorance.

10. On perusal of oral evidence available on record, prosecution also examined P.W.3 Mr. Pagar, the person from Women Redressal Forum and P.W.4 Mr. Aher who is

investigation officer. It is seen that accused denied their evidence by way of suggestions.

11. It is seen that cross-examination of P.W.2 Mr. Khairnar shows that he admitted that after marriage of her sister, her husband started to suspect her character, used to abuse her on the said reason. It is seen that he denied the allegations of demand. It is seen that he admitted that her father had given help to accused in the need and her sister lodged the report against the accused. So far as oral evidence of P.W.1 Rima who is agrieved person and star witness of the prosecution is concerned, it is seen that P.W.2 Mr. Khairnar has not supported the version of P.W.1 Rima.

12. On perusal of the complaint at Exh. 30, it is seen that it is mentioned that accused demanded amount of Rs. 3,00,000/- to the informant but, P.W.1 Rima deposed that amount of Rs.1,50,000/- was demanded by the accused. It is seen that there are some omissions pertaining to help of her father to her husband which is also deposed by P.W.2 Mr. Khairnar. It is pertinent to note here that the provisions of Section 498-A of IPC speaks about illegal demand and the help in need by father of informant is not coersive one and it is voluntarily one which does not come under said provisions. It is also seen that P.W.1 Rima deposed that she wanted divorce from her husband hence she filed complaint against him and she lodged complaint against her in-laws in the state of anger. Under such circumstances, I come to conclusion that the evidence of star witness i.e. P.W.1 Rima is not convincing and with full of omissions and contradictions

which inclined me to hold that prosecution failed to establish the guilt of accused beyond reasonable doubt. With this I answered point Nos. 1 to 4 in the negative and pass following order -

ORDER

1. Accused No.1 to 5 are hereby acquitted of the offences punishable under section 498(a), 323, 504, 506 r/w. 34 of Indian Penal Code, 1860 vide section Section 271 of the BNSS 2023 (old Section 248-1 of the Cr.P.C).
2. Bail bonds of the accused stand cancelled.
3. Accused Nos. 1 to 5 are directed to furnish bail in view of Section 481 of the BNSS, 2023 (old section 437-A of Cr.P.C)
4. The Judgment is dictated and pronounced in open court.

Date : 23.07.2026
Place : Malegaon

(J.R.Raut)
Addl C.J.M., Malegaon.