

MHST030037372015



Presented on : 06.10.2015

Registered on : 06.10.2015

Decided on : 11.08.2026

Duration : Yr. Ms. Ds.  
10 10 05

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE SATARA**  
(Presided over by Ketaki M. Chavan)

**R.C.C. 470/2015****Exhibit - 81**

(Crime Registered No. 131/2015 at Shahupuri Police Station)

|                              |                                                                                                           |
|------------------------------|-----------------------------------------------------------------------------------------------------------|
| Complainant                  | The State of Maharashtra<br>Shahupuri Police Station, Satara.                                             |
| Represented by               | Smt. V. Y. Badave, learned APP                                                                            |
| Accused                      | <b>1. Shekhar Dattatray Nigadkar</b><br>Age: 36 yrs., Occ.: Labour Work<br>R/o. 204, Somwar Peth, Satara. |
|                              | <b>2. Shantaram Kondiba Kharat</b><br><b>(Abated)</b>                                                     |
| Represented by accused No. 1 | Adv. Shri. N. B. Jadhav                                                                                   |
| Represented by accused No. 2 | Adv. Smt. S. S. Patil                                                                                     |

|                                      |            |
|--------------------------------------|------------|
| Date of offence                      | 18.06.2015 |
| Date of FIR                          | 19.06.2015 |
| Date of Charge-sheet                 | 06.10.2015 |
| Date of Framing of Charges           | 30.01.2018 |
| Date of commencement of evidence     | 20.03.2024 |
| Date on which judgment is reserved   | ---        |
| Date of the Judgment                 | 11.08.2026 |
| Date of the sentencing order, if any | --         |

**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 Cr.PC. |
|---------------------|----------------------------|----------------|-------------------------|------------------------------------------------------------------|--------------------------------|------------------|------------------------------------------------------------------------------|
| 1.                  | Shekhar Dattatray Nigadkar | 20.06.2015     | 25.06.2015              | Section 394, 384, 325 read with Section 34 of Indian Penal Code. | Acquitted                      | --               | --                                                                           |
| 2.                  | Shantaram Kondiba Kharat   |                |                         |                                                                  |                                |                  |                                                                              |

**LIST OF PROSECUTION WITNESSES****A. Prosecution :**

| Rank | Name                        | NATURE OF EVIDENCE    |
|------|-----------------------------|-----------------------|
| PW 1 | Irshad Rajmahammad Bagwan   | Informant             |
| PW 2 | Sachin Sampat Sapkal        | Panch Witness         |
| PW 3 | Dr. Arundhati Subhash Kadam | Medical Officer       |
| PW 4 | Avinash Krushnat Pawar      | Investigating Officer |

**B. Defence Witnesses, if any :**

| Rank | Name | NATURE OF EVIDENCE<br>(eye witness, police witness, expert witness, medical witness, panch witness, other witness) |
|------|------|--------------------------------------------------------------------------------------------------------------------|
| —    | —    | —                                                                                                                  |

**C. Court Witnesses, if any :**

| Rank | Name | NATURE OF EVIDENCE<br>(eye witness, police witness, expert witness, medical witness, panch witness, other witness) |
|------|------|--------------------------------------------------------------------------------------------------------------------|
| --   | --   | —                                                                                                                  |

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

| Sr. No. | Exhibit Number     | Description                    |
|---------|--------------------|--------------------------------|
| 1       | 43                 | FIR                            |
| 2       | 49 to 53, 74 to 77 | Panchanama                     |
| 3       | 69 and 70          | Medical Certificate of injured |
| 4       | 73                 | Written order of investigation |

**B. Defence :**

| Sr. No. | Exhibit Number | Description |
|---------|----------------|-------------|
| --      | --             | --          |

**C. Court Exhibits :**

| Sr. No. | Exhibit Number | Description |
|---------|----------------|-------------|
| --      | --             | --          |

**D. Material Objects :**

| Sr. No. | Material Object Number | Description                                                                                                                                                                                                                          |
|---------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.      | One wooden rod         | A cylindrical bamboo pole round enough to fit in one's fist featuring four nodes.                                                                                                                                                    |
| 2.      | Cash                   | Cash comprising one note of ₹1,000, four notes of ₹500, and thirty notes of ₹100.                                                                                                                                                    |
| 3.      | One Shirt              | A grey shirt featuring vertical black and white stripes, with bloodstains scattered across it; the right sleeve is torn at the upper arm, the left sleeve is torn at the armpit, and the left shoulder and back areas are also torn. |
| 4.      | One Pant               | A pair of chocolate-brown trousers with bloodstains scattered across them, and both legs of the trousers torn.                                                                                                                       |

**J U D G M E N T**  
**(Delivered on : 11.08.2026)**

Accused No. 1 and 2 have been prosecuted for the offences punishable under Sec. 394, 384, 325 read with 34 of Indian Penal Code (For the sake of brevity hereinafter referred as “IPC” in short). Recently on 30/04/2026, accused No. 2 Shantaram Kondiba Kharat unfortunately passed away. So, case is abated against him.

**Brief facts of the prosecution case are as under :-**

2] Irshad Bagwan (hereinafter “informant” in short) lodged report alleging that he runs a fruit-selling business in the Rajwada area of Satara. Shekhar Nigadkar, Shanta i.e. accused and two others frequently extort varying sums of money from him through intimidation, and the he pays up out of fear.

3] On 18/06/2015, around 9:00 p.m., informant closed and locked his shop at Rajwada. He counted the day's earnings of Rs. 6,000/- and distributed the cash in his shirt's right pocket and both pockets of his trouser. While he was on his way home, Shekhar Nigadkar, Shanta, and two unknown men called him to the Nagar Vachanalaya Satara and demanded exaction. The informant refused to do so. Consequently, the accused assaulted him. So also, subjected him to verbal abuse and intimidation. Then accused Shekhar Nigadkar struck the informant on the shin of his left leg with a wooden club, fracturing the bone. Afterwards, accused Shantaram and the two unknown individuals assaulted

the informant by fist and kick blows, striking him on the chest, both arms, and the left eye, causing injuries. Hence this report.

**Registration of Crime and Investigation:-**

4] On this report, Crime No. 131/2015 came to be registered and investigation started. It is done by A. K. Pawar, then Police Sub Inspector, Shahupuri Police Station. In the investigation, he recorded statement of the witnesses acquainted with the facts of the case, did panchnamas, seized weapon used in the commission of the offence and obtained medical papers of informant. And at the end of the investigation, he transpired that accused have committed the alleged offences. So, he booked them on the charges of offences punishable under Sec. 394, 384, 325 read with 34 of IPC and filed charge sheet in the court.

**Framing of Charge:-**

5] After filing of the charge sheet, on the appearance of the accused, charge is framed on 30.01.2018 at Ex.11. Accused pleaded not guilty and claimed to be tried.

**Evidence of Prosecution:-**

6] To bring home the guilt of the accused, the prosecution has examined total four witnesses. Informant (PW No.1) is examined at Ex. 42, Sachin Sampat Sapkal, a panch witness (PW No.2) is examined at Ex.48, Dr. Arundhati Subhash Kadam, a medical officer (PW No.3) is examined at Ex.68 and lastly Avinash Krushnat Pawar, an investigating officer (PW No.4) is examined at

Ex.72. Apart from this oral evidence, prosecution has produced on record Spot Panchanama (Ex.74) and medical certificate (Ex.69).

**Statement under Sec. 313 of Code of Criminal Procedure:-**

7] After the evidence of prosecution, accused are examined under Sec. 313 of the Code of the Criminal Procedure vide Ex No.78 and 79 respectively and incriminating circumstances are explained to them. Their defence is of total denial and false implication in the case. After recording of statement under Sec. 313 of Cr.PC accused No.2 died.

8] Neither accused No.1 nor advocate for accused No.1 was present to advance the argument. Hence, no argument order is passed against him.

**Points for Consideration and findings:-**

9] After hearing the arguments canvassed by prosecution and after going through the evidence on the record, following points arise for my consideration and I record my findings thereon for the reasons mentioned there under :

| Sr. No. | <b><u>POINTS FOR CONSIDERATION</u></b>                                                                                                                   | <b><u>FINDINGS</u></b> |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 1.      | Does prosecution prove that accused, in furtherance of their common intention, have committed an offence punishable under Section 394 r/w 34 of the IPC? | No.                    |
| 2.      | Does prosecution prove that accused, in furtherance of their common intention have committed an offence punishable under Section 384 r/w 34 of the IPC?  | No.                    |

|    |                                                                                                                                                         |                     |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 3. | Does prosecution prove that accused, in furtherance of their common intention have committed an offence punishable under Section 325 r/w 34 of the IPC? | No.                 |
| 4. | What order ?                                                                                                                                            | As per final order. |

### **REASONS**

10] I have already mentioned what evidence is led by the prosecution. As indicated above, total four witnesses are examined by the prosecution to prove the guilt of the accused. Out of which first witness is informant, who set the law in motion. Second is panch witness in whose presence spot panchnama was carried out. Third is medical officer whereas last one is investigating officer. Role of panch witness, medical officer and investigating officer admittedly started long time after the alleged incident. So, they cannot be said to be eye witnesses of the alleged incident. Thus, considering the evidence before the court, it would be appropriate to discuss all the points together to avoid recurrence.

#### **As to Point No. 1 to 4 :-**

11] If the examination-in-chief of the informant (PW No.1) is seen minutely then it reveals that he is adhered to the initial narrative, reiterating the sequence of events and the specific allegations detailed in the FIR (Ex.43) without any deviation. He has been extensively cross examined by the accused. Despite a grueling and exhaustive cross examination, the defence failed to extract single concession or contradiction beneficial to their case. The informant (PW No.1) remained remarkably unflappable under

the relentless bombardment of probing questions, answering each query with steadfast consistency and clarity. Every attempt by the defence to impeach the his credibility, expose inconsistencies or cast doubt on the timeline of the events proved entirely futile. Ultimately, the intense interrogation yielded absolutely nothing of value for the defence, leaving the informant's (PW No.1) testimony completely unharmed and, if anything, more firmly established in the record.

**12]** It is needed to emphasize that prosecution has not examined any eye witness of the alleged incident. Admittedly Dr. Arundhati (PW No.3) is not the eye witness of the alleged incident. Her role started when informant (PW No.1) was referred for medical examination. She is stick up witness. It is a settled principle of criminal jurisprudence that medical evidence is corroborative in nature. While the medical evidence establishes the factum of the physical injury/assault, it cannot, in the absence of credible ocular evidence, connect the accused to the commission of the crime. The firm deposition of the Medical Officer cannot substitute the missing link of identity and culpability.

**13]** As indicated above Sachin (PW No.2) is a panch witness. It is the case of the prosecution that in the presence of this witness recovery of cash and wooden club has been made by Avinash (PW No.4). If his evidence is seen minutely then it can be observed that he has supported the case of prosecution. But mere recovery of an article is not by itself sufficient to prove the guilt. The prosecution must establish the incrimination connection

between the accused, the recovered article and the offence.

14] Alike Arundhati (PW No.3) role of Avinash (PW No.4) also started after the occurrence of the alleged incident. He is has not witnessed anything except recovery. But as stated above mere recovery is not by itself sufficient to prove the guilt. It is the case of the prosecution that accused frequently extort varying sums of money from informant (PW No.1) through intimidation, and the he pays up out of fear. Alleged incident took place as informant (PW No.1) refused to pay this amount exaction. It is significant to note that till the date of FIR, informant (PW No.1) has not lodged single report with the police regarding exaction. Under these circumstances, in order to make this fact probable it was incumbent on the prosecution to examine at least single independent witness in whose presence accused demanded amount of exaction and informant (PW No.1) paid it up under fear. But as indicated above prosecution has failed to examine any such witness, so also an eye witness. It has profound impact in the outcome of the case. In criminal jurisprudence, the prosecution bears the burden of proving the guilt of the accused beyond reasonable doubt. Eye witnesses are often the most critical component of the proof. So in the given set of facts it would be unsafe to convict the accused solely on the uncorroborated testimony of the informant (PW No.1).

15] All above discussion lead me to conclude that prosecution has failed to prove the case beyond reasonable doubt. It would not safe to convict the accused on the sole testimony of

informant (PW No.1). Hence by recording negative findings on point No. 1 to 3, I pass following order in answer to point No. 4.

**ORDER**

1. The Accused is hereby acquitted of the offence punishable under Sec. 394, 384, 325 r/w 34 of Indian Penal Code Vide Sec. 248(1) of Code of Criminal Procedure.
2. His bail bonds stand cancelled.
3. Muddemal article that is one wooden rod, one shirt and one pant be destroyed after appeal period is over. Muddemal article that is cash be returned to the original owner after appeal period is over.
4. The accused shall execute P.R Rs. 5,000/- to appear before the higher court as and when such court issues notice in respect of any appeal or petition filed against this judgment, in terms of Sec. 437-A of Code of Criminal Procedure.

Satara  
Dated: 11.08.2026

(Ketaki M. Chavan)  
Chief Judicial Magistrate, Satara.