

MHOS010027132022



Received On :- 11.10.2022

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Duration :- 02Y.11M.13D

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
OSMANABAD

AT : OSMANABAD

(Presided over by Smt.T.G. Mitkari, Additional Sessions Judge)

Sessions Case No.131/2022

Exh.

(FIR/Crime No.09/2021
at Bembali Police Station,
Tq. & Dist. Osmanabad)

Complainant

The State of Maharashtra
Through Police Station Officer
Bembali Police Station,
Tq. and Dist. Osmanabad

Represented by

Smt N.Y. Sable, learned A.P.P. for the
State

Accused

1. Rameshwar Mohan Mane
Age 20 Years, Occ. Agriculturists
2. Ankush Ramchandra Pawar
Age 39 Years, Occ. Agriculturists
3. Parmeshwar Mohan Mane
Age 23 Years, Occ. Agriculturists
4. Parmeshwar Baliram Mane
Age 32 Years, Occ. Agriculturists
5. Bhairavnath Bajirao Mane
Age 33 Years, Occ. Agriculturists
6. Ishwar Mohan Mane
Age 26 Years, Occ. Agriculturists
7. Pandurang Vishwanath Mane
Age 34 Years, Occ. Agriculturists

Represented by Shri D.S. Dhabekar learned advocate
for the accused

Date of offence 18.01.2021
Date of F.I.R. 18.01.2021
Date of Charge-sheet 17.09.2021
Date of framing of Charges 01.07.2023
Date of commencement of evidence 05.12.2023
Date on which Judgment is reserved --
Date of Judgment 24.09.2025
Date of Sentencing order, if any --

ACCUSED DETAILS

Rank of the accused	Name of the 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 Sec. 428 Cr.P.C.
1.	Rameshwar Mohan Mane	19.01.21	02.02.21	Under sections 143, 147, 353, 332, 323 and 504 read with 149 IPC	Acquitted	--	--
2.	Ankush Ramchandra Pawar	19.01.21	02.02.21	--	Acquitted	--	--
3.	Parmeshwar Mohan Mane	19.01.21	02.02.21	--	Acquitted	--	--
4.	Parmeshwar Baliram Mane	Anticipatory allowed		--	Acquitted	--	--

5.	Bhairavnath bajirao Mane	Anticipatory allowed	--	Acquitted	--	--
6.	Ishwar Mohan Mane	Anticipatory allowed	--	Acquitted	--	--
7.	Pandurang Vishwanath Mane	Anticipatory allowed	--	Acquitted	--	--

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution :-

RANK	NAME	NATURE OF EVIDENCE	Exhibit
PW1	Kailas Motiram Adsule	Informant/ Poice Patil	50
PW2	Mauli Dagadu Salunke	Panch	57
PW3	Shrihari Dadarao Mane	Witness	59
PW4	Dr.Govind Kokate	Vishwanath Medical Officer	66
PW5	Bhagwat Keshav Gade	Investigating Officer	73

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 / DEFENSE / COURT EXHIBITS

A. Prosecution :-

Sr.No.	Exhibit Number	Description
1.	Exhibit P-51/PW1	Report
2.	Exhibit P-52/PW1	FIR

3.	Exhibit P-58/PW2	Spot panchanama
4.	Exhibit P-67/PW4	Medical Certificate
5.	Exhibit P-74 to 77/PW5	Arrest Panchanamas

Documents admitted under section 294 of the Code of Criminal Procedure, 1973 :-

Sr.No.	Exhibit Number	Description
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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 Number	Description
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J U D G M E N T

(Delivered on this 24.09.2025)

1. The accused No.(1)Rameshwar Mohan Mane, (2) Ankush Ramchandra Pawar, (3) Parmeshwar Mohan Mane, (4) Parmeshwar Baliram Mane, (5) Bhairavnath Bajirao Mane, (6) Ishwar Mohan Mane and (7) Pandurang Vishwanath Mane are prosecuted for the offence punishable U/Secs.143, 147, 353, 332, 323, 504 read with 149 of the Indian Penal Code (for short IPC).

2. Case of prosecution that on 18.01.2021 there were election of Grampanchayat held at village Ansurda. The announcement of elected candidate was done in noon time. The Police Patil of the village namely Kailas Motiram Adsule in the

evening time was on his way to the field with his father. At that time, one Bhairavnath and his associates Ankush Pawar and Pandurang Mane were on motorcycle, they were hurling abuses against Police Patil Kailas Adsule and villagers. Informant Kailas suspected possibility of disturbance in maintenance of law order in their village due to act of those persons. Therefore, he called Poice Hawaldar Ghodke.

3. The second fold of the facts that thereafter, Police Patil-informant noticed that Ankush Pawar was quarreling with Shrihari Dadarao Mane. Informant Kailas went there and tried to pacify them. However, Bhairavnath Mane came there and hold his necktie and assaulted the informant. That time, other persons Pandurang Mane, Ankush Pawar, Rameshwar Mane, Parmeshwar Mohan Mane, Ishwar @ Pappu Mane and Parmeshwar Baliram Mane came there. It is alleged that, these persons also assaulted informant.

4. The facts further revealed that the informant alleged that Bhairavnath Mane and Rameshwar Mane assaulted him with stone on his back. That, Parmeshwar and Ishwar assaulted him on his thigh and back with pieces of bricks lying there. It is alleged that all other persons have assaulted him with fist and kick blows. That, he rescued himself with the help of Manik Mane, who came there on his motorcycle and they went to Bembali Police Station.

5. Informant further narrated that when they were on their way to Bembai Police Station, Police Constable Ghodke met him and they again came back to village. Lateron, he lodged report with Bembali Police Station and it gave rise to registration of Crime No.09/2021.

6. The Investigating Officer during investigation conducted spot panchanama, seized two bricks and two stones from the spot, recorded statement of witnesses, arrested accused, collected medical certificate of injured and on completion of investigation filed chargesheet before the Court against accused.

7. My learned Predecessor framed charge against accused vide Exh.41. Accused no.1 to 7 pleaded not guilty and they claimed to be tried.

8. The prosecution relied on evidence of informant PW1 Kailas Motiram Adsule, PW2 Mauli Dagadu Salunke, PW3 Shrihari Dadarao Mane, PW4 Dr. Govind Vishwanath Kokate and PW5 Bhagwat Keshav Gade Investigating Officer.

9. The statement under section 313 of the Code of Criminal Procedure of accused were recorded at Exh.82 to 88. The arguments of defence advocate was on the line of defence raised during cross-examination of the witnesses and specifically on the point that accused have been falsely implicated in false case due to political rivalry and to counterblast the criminal complaint filed by one Shakuntala Mane. On the other hand, learned APP argued in support of charge framed on the basis of oral and documentary evidence on record.

10. In this backdrop, following points arisen for my determination and I recorded my reasons and findings thereon.

POINTS

FINDINGS

- | | |
|---|------------------|
| 1. Whether prosecution proved the commission of offence punishable under section 143, 147, 353, 332, 323, 504 read with 149 of the IPC? | In the negative. |
|---|------------------|

2. What order?

As per final order.

REASONS

As to point No.1 and 2 :-

11. Prosecution relied on the evidence of Kailas Motiram Adsule PW1, the informant narrated the incident on oath vide Exh.50. He proved the contents of report Exh.52 and printed FIR Exh.53. The evidence of informant/injured is of the nature that accused persons obstructed him in performing his official duty as Police Patil. Moreover, it is the nature of evidence that acts of the accused persons caused disturbance in the maintenance of law and order in the village. Thorough cross-examination of the informant/PW1 was conducted on behalf of accused persons through their Advocate. The political rivalry of the accused was the line of cross-examination and it was extracted in the cross-examination that accused persons are activists of Shivsena Party and Shrihari Mane is activists of Bharatiya Janta Party and he was Grampanchayat Member at the time of incident.

12. In further cross-examination of the PW1 informant that the place of incident square in front of Hanuman Mandir of the village is main place of village. So also, the presence of the activists of contesting party of the Grampanchayat election is admitted to the witness. The blood relations of the informant with accused persons as well as villagers are also admitted facts.

13. However, the informant PW1 has admitted his inimical terms with Kiran Adsule, Dhanraj for the partnership of the optical shop. Though, the witness has disputed inimical terms with Dhanraj and Kiran, but it is admitted on 29.03.2017

Dhanraj has lodged report against him and others with Bembali Police Station.

14. The witness disputed Bhairavnath took Dhanraj at hospital and Police Station as he had witnessed the incident.

15. The other circumstances of registration of crime after election on allegations of outraging modesty of woman namely Shakuntala on 18.01.2021 is not disputed by the witness. However, what is disputed that the accused persons of this crime are eye-witness of the incident of outraging modesty of the crime.

16. The political rivalry is highlighted with the admission that mother of witness PW1 was member of Grampanchayat and his brother Mayur was working with Dr. Govind Kokate's in Sai Hospital. In reference to the incident, it is material admission of the witness that his father going to field on the motorcycle was the work of personal nature and not official work.

17. On the point of incident, it is extracted that Constable Godke and Homeguard went for meal at 05.00 p.m., and it was so stated by him at the time of lodging report that those persons were present with him. However, it is not so mentioned in the report. In this regard, the witness could not assign any reason. The material omission extracted as regard to the statement treated as report of the informant/injured Kailas. Those omissions are that Bhairavnath has assaulted him from the front side on legs and stomach with stone, that, he sustained injury on his eye, blood was oozing from his nostril and there was assault on all over his body.

18. On perusal of the oral report, the witness admitted that those aspects which he has narrated in examination in chief has not mentioned at the time of lodging report. In examination in chief witness narrated that Dnyaneshwar Mane has took him on his two wheeler. However, in the report Exh.51, the name of different person i.e. Manik Mane is mentioned.

19. In this nature of evidence of the informant, it is to be looked into what is extracted in the evidence of panch witness Manik Dagadu salunke PW2, who disputed the contents of spot and seizure panchanama Exh.58. Though, he has admitted his signature over the panchanama. Ld. APP put leading questions, however, nothing has extracted on record. On the other hand, the panch witness supported to the defence, and it is brought on record that spot of incident shown to him by Police Constable Gade, the stones and bricks parts were lying on the spot, constable Gade told him to bring two stones and two brick pieces from the spot and obtained his signature on blank papers.

20. It is material to note that the eye witness Shrihari Dadarao Mane PW3 who rescued informant from the clutches of assailants flatly disputed the occurrence of incident dated 18.01.2021 and his statement recorded on 19.01.2021, in cross-examination conducted on behalf of prosecution not of material nature. Thus, the evidence of PW2 and PW3 is not at all helpful to the prosecution to prove the charge framed against accused.

21. In this backdrop, appreciation of evidence of Dr.Govind Kokate PW4, a expert witness is necessary this witness proved Medical Certificate Exh.67 wherein, it is

mentioned that he examined patient Kailas Adsule on 18.01.2021 and he had injury to his left eye, admitted for a day in his hospital. This certificate was issued on 02.06.2021. The certificate of PHC was also part of record, wherein, abrasion is mentioned on center of chest, above lip and over left eye. The patient was further referred to Civil Hospital, Osmanabad. The certificate of private hospital Exh.67 proved on record by PW4 as he has brought original record of register of entries of the patient.

22. In cross-examination this Medical Expert PW4 has admitted that on 18.01.2021 patient was came to his hospital at about 11.00 a.m., that he had not submitted copy of exh.67 to the police.

23. Bhagwat Keshav Gade PW5 Investigating Officer proved spot panchanama Exh.58, arrest panchanamas Exh.74, 75 and 76 and portion mark A of statement of Parmeshwar Mane Exh.77.

24. The cross-examination of this witness is material to consider that as it is brought on record that he has not recorded statement of residents near spot of incident.

25. The admission of the informant about registration of crime against him with Bembali Police Station first was on 29.03.2017 and on 18.01.2021 shows that there was inimical terms of the informant with other persons and villagers. The material omissions and contradictions brought on record in cross-examination of the informant are of such a nature which cause serious doubt on truthfulness and veracity of the evidence of the informant.

26. The circumstances of the crime that, if constable Ghodke and Home-guard had been to have their food on the day of incident dated 18.01.2021, at about 05.00 p.m., as admitted by the informant in the cross-examination, then how, it was possible that at 03.00 p.m., Hawaldar Ghodke was not present in the village at noon time. It is also not logical that if informant had sustained injuries all over his person, he has not immediately sought for medical help. But, he preferred to Bembali Police Station on motorcycle of Manik Mane, although the name of Dynaneshwar is mentioned in examination in chief were on the way of Bembali Police Station and Constable Ghodke met them, the came back to the village.

27. These aspects if appreciated in consideration of, if really there would have been assault and pain to the whole body of the informant due to alleged incident place, it was accepted on his part being a prudent man and Police Patil immediately, he should have been went to Police Station and to sought the medical aid rather coming back to the village.

28. This evaluation of evidence of informant caste serious doubt on trustworthiness of evidence of prosecution witness, the star witness informant/injured. The case of the prosecution rest on the fact that Shrihari Dadarao Mane and Ankush Pawar were quarreling with each other and thereafter, the informant intervened. But, witness PW3 Shrihari Mane has flatly disputed his knowledge about the incident dated 18.01.2021. Under such circumstances, merely because Investigating Officer has proved the documents of investigation like panchanama and arrest panchanamas, those can not be treated as incriminating evidence sufficient to hold the guilt of

accused for the commission of offence as the material witness and his evidence is doubtful.

29. The independent witnesses are not examined, political background of the alleged assault as well as previous enmity between the informant and others are the admitted facts on record. In this view of the evaluation of the evidence, I found substance in the probabilities of the defence raised of false implication and the counter blast by the informant against the accused upon registration of crime against him and others on the basis of allegations admitted in the cross-examination to the informant.

30. Therefore, the evidence of the informant is not trustworthy and reliable. The most important aspect of the merits of this sessions trial that nothing is placed on record to ascertain what was the public duties informant being Police Patil was performing at the alleged time of incident and what was the acts on part of accused leads to disturbances or obstructions to such performance of public duties on part of informant.

31. In its consequences, I hold that prosecution failed to prove the ingredients of the under sections 143, 147, 353, 332, 323, 504 read with 149 of the Indian Penal Code 1860 of the charge against accused. It lead to answer point no.1 in the negative and in answer to point no.2, I proceed to pass the following order.

ORDER

1. Accused No.(1)Rameshwar Mohan Mane, (2) Ankush Ramchandra Pawar, (3) Parmeshwar Mohan Mane, (4) Parmeshwar Baliram Mane, (5) Bhairavnath Bajirao Mane, (6) Ishwar Mohan Mane and (7) Pandurang Vishwanath Mane stand acquitted of the offence punishable under sections U/Secs.143, 147, 353, 332, 323, 504 read with 149 of the Indian Penal Code 1860, vide section 235(1) of the Code of Criminal Procedure, 1973.
2. Bail bond of accused stands surrendered.
3. The Muddemal Property of the crime being worthless, be destroyed after appeal period is over.
4. The accused no.1 to 7 are directed to furnish personal bond of Rs.25,000/- each in compliance of Sec. 437(A) of the Code of Criminal Procedure, 1973 for a period of six months to appear before the appellate Court, in case of filing of appeal.

The judgment dictated and pronounced in open Court.

(Smt. T. G. Mitkari)
Additional Sessions Judge,
Osmanabad

Date : 24.09.2025

CERTIFICATE

I affirm that, the contents of this P.D.F., file judgment/order are same, word to word, as per the original judgment.

Name of Stenographer : P.V.Golhe,

Stenographer (Grade-1)

Court : District Court-1 & Additional
Sessions Court, Osmanabad

Date : 24.09.2025

Order signed by the : 24.09.2025
Presiding Officer on

Order uploaded on : 25.09.2025