


MHAH010061502019 	Presented on	:	20.09.2019
	Registered on	:	20.09.2019
	Decided on	:	26.05.2026
	Duration	:	<u>Y.</u> <u>M.</u> <u>D.</u> 06 08 06

Form No.XXXII

Part "A"

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

<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE,</u> <u>AHMEDNAGAR, AT : AHMEDNAGAR.</u> Present : Shri. Rajesh M. Tayade , Additional Sessions Judge Date of the Judgment :- 26/05/2026 <u>SESSIONS CASE No. 327/2019</u> <div style="text-align: right;">Exh. 340</div>		
F.I.R./Crime No.	:	I-139/2018
Police Station	:	Kotwali Police Station, Ahmednagar.
Complainant	::	State of Maharashtra
Represented By	:	Ld. APP : Shri. A.D. Dhage
Accused	1.	Dilip Nanabhau Satpute age : 45 yrs, R/o. Bhushan nagar, Kedgaon, Tal. Dist. Ahmednagar.
	2.	Yogiraj Shashikant Gade age : 25 yrs, R/o. Yashanjali Bungalow, Govindpura, Tal. Dist. Ahmednagar.

	<p>3. Vitthal Nanabhau Satpute age : 42 yrs, R/o. Bhushan nagar, near Rangoli hotel, Kedgaon, Tal. Dist. Ahmednagar.</p>
	<p>4. Vijay Mohanrao Pathare age : 32 yrs, R/o. Bhushan nagar, Kedgaon, Tal. Dist. Ahmednagar.</p>
	<p>5. Harshwardhan Mahadev Kotkar age : 25 yrs, R/o.Eknath Nagar, Kedgaon, Tal. Dist. Ahmednagar.</p>
	<p>6. Abhimanyu Raju Jadhav age : 29 yrs, R/o. Jangubhai Talim, Behind of Maruti temple, Tophkhana, Ahmednagar.</p>
	<p>7. Vikram Anil Rathod age : 28 yrs, R/o.Neta Subhash chowk, Chitale road, Ahmednagar.</p>
	<p>8. Sachin Tukaram Jadhav age : 39 yrs, R/o. King's gate, Hari Om bungalow, Tal. Dist. Ahmednagar.</p>
	<p>9. Sambhaji Ashok Kadam age : 40 yrs, R/o. Pargalli, Maliwada, Ahmednagar.</p>

	10. Bhaiyya @ Rajesh Vaijinath Satpute age : 26 yrs, R/o. Nagar-Pune road, Jagannath nagar, Teacher's colony, Ahmednagar.
	11. Chandrakant Anand Ujagare age : 33 yrs, R/o. Mission compound, Station road, Kothi, Tal. Dist. Ahmednagar.
	12. Rajendra Mohanrao Pathare age : 37 yrs, R/o. Shivaji Nagar, Datta Chowk, Kedgaon, Tal. Dist. Ahmednagar.
	13. Pintu @ Devidas Bhanudas Modhave age : 38 yrs, R/o. Nepti road, Kedgaon, Tal. Dist. Ahmednagar.
	14. Ramesh Raghunath Partani (Abated)
	15. Ravaji Balaji Nangare age : 52 yrs, R/o. Saiban colony, Pipeline, Savedi, Tal. Dist. Ahmednagar.
	16. Vicky @ Vikram Girish Pathak age : 46 yrs, R/o. Chitale road, Ahmednagar.
	17. Sangram Babanrao Shelke age : 29 yrs, R/o. J.L.P. Residency Link road, Bhushan nagar, Kedgaon, Tal. Dist. Ahmednagar.

	18. Vishal Vasant Gaikwad age : 32 yrs, R/o. Kaularu camp, Sarjepura, Tal. Dist. Ahmednagar.
	19. Deepak Sahebrao Khaire age : 42 yrs, R/o. Kainetic chowk, Railway station, Tal. Dist. Ahmednagar.
	20. Dnyaneshwar Machhindra Daundkar @ Nannu age : 32 yrs, R/o. Tophkhana 506, Near Maruti temple, Ahmednagar.
	21. Shubham Sanjay Bendre age : 21 yrs, R/o. Kainetic chowk, Ahmednagar.
	22. Vishal Sanjay Walkar age : 38 yrs, R/o. Khrist Galli, Ahmednagar.
	23. Prashant Balu Gaikwad age : 34 yrs, R/o. Bhimwadi, Railway station, Ahmednagar.
	24. Mukesh Nandkumar Joshi age : 32 yrs, R/o. Bhushan nagar, Kedgaon, Tal. Dist. Ahmednagar.
	25. Balasaheb Baraskar (Abscond)

	26. Ranjit Thube (Abscond)
	27. Sachin Sudam Thube (Abscond)
	28. Prafulla Devidas Salunkhe age : 32 yrs, R/o. Datta chowk, Bhushan nagar, Tal. Dist.Ahmednagar.
	29. Govind Varma (Abscond)
	30. Chetan Mohanlal Varma age : 29 yrs, R/o. Shivajinagar, Kedgaon, Tal. Dist. Ahmednagar.
	31. Viki @ Vikrant Ashok Bhalerao (Abated)
	32. Nayan Chandrakant Gaikwad age : 32 yrs, R/o. Datta chowk, Shivajinagar, Kedgaon, Tal. Dist. Ahmednagar.
	33. Sagar Ankush Dalavi (Abscond)
	34. Sagar Pandit Gaikwad age : 29 yrs, R/o. Suchetanagar, Bhushan nagar, Kedgaon, Tal. Dist.Ahmednagar.
	35. Sagar Vishnu Thorat age : 26 yrs, R/o. Kanade galli, Mailwada, Ahmednagar.

	36. Abhishek Kailas Bhosle age : 24 yrs, R/o. Burudgaon road, Bhosale Akhada, Ahmednagar.
	37. Raosaheb Narayan Bhakre @ Ramesh (Maharaj) age : 49 yrs, R/o. Mohini Nagar, Kedgaon, Tal. Dist. Ahmednagar.
	38. Deepak Sarjerao Kavale age : 29 yrs, R/o. Matoshri bungalow, Waghmala, Balikaashram road, Ahmednagar.
	39. Sachin Ganesh Raut age : 32 yrs, R/o. House no.1429, Mangal gate, Haveli, Ahmednagar.
	40. Dipak Dhend (Abscond)
	41. Sunil Raut (Abscond)
	42. Ravi @ Ravindra Vilas Wakle age : 29 yrs, R/o. Sangarsh chowk, Savedi village, Savedi, Tal. Dist. Ahmednagar.
	43. Madan Sampatrao Adhav age : 33 yrs, R/o. Shri Raghvendra Swami nagar, Bolhegaon, Tal. Dist. Ahmednagar.

	44. Adinath Raju @ Laxman Jadhav age : 22 yrs, R/o. near Jangubhai Talim, Tophkhana, Tal. Dist. Ahmednagar.
	45. Manoj Satyanarayan Chavan age : 51 yrs, R/o.3761 Ratan Bhavan building, New peth, Ahmednagar.
	46. Bunty @ Anil Ashok Satpute age : 32 yrs, R/o. Bhushan Nagar, Kedgaon, Tal. Dist. Ahmednagar.
	47. Angad Devidas Mahanavar age : 29 yrs, R/o. Shastri nagar, near Datta temple, Kedgaon, Tal. Dist. Ahmednagar.
	48. Ashok Shamrao Dahiphale age : 57 yrs, R/o.5/2 Nirmal chambers, Laltaki road, Ahmednagar.
	49. Rushabh Ambad (Abscond)
	50. Pratik Arjun Garje (Abscond)
	51. Sushant Giridhar Mhaske age : 32 yrs, R/o. House no.771, Sarjepura Camp Kaularu, Ahmednagar.
	52. Anil Ramkishan Rathod @ Bhaiyya (Abated)

	53. Tejas Satish Gundecha age : 25 yrs, R/o. Halvai galli, Parshakhunt, Ahmednagar.
	54. Buntty @ Kunal Vishnupant Khaire age : 28 yrs, R/o. Khairechal, Railway station, Ahmednagar.
	55. Narendra Balu Bhalerao @ Naresh @ Guddu age : 26 yrs, R/o. Indra colony, Opp: Radhaswami hall, Tarakpur, Tal. Dist. Ahmednagar.
	56. Lankesh Nagappa Harba age : 41 yrs, R/o. Parsha khunt, Ahmednagar.
	57. Umesh Sadashiv Kale age : 34 yrs, R/o.1036, Malhar building, Telikhunt, Ahmednagar.
	58. Akshay Machhindra Bhand (Abscond)
	59. Dattatray Tukaram Nagapure age : 45 yrs, R/o. near Bhaji Market, Sarjepura, Tal. Dist. Ahmednagar.
	60. Girish Rajendra Sharma age : 20 yrs, R/o. Ajinkya colony, Bhushan nagar, Kedgaon, Tal. Dist. Ahmednagar.

	61. Nitin Anil Chobhe age : 23 yrs, R/o. Plot no.16, Bhushan nagar, Kedgaon, Tal. Dist. Ahmednagar.
	62. Shubham Chandrakant Pardeshi age : 20 yrs, R/o. near Z.P. Marathi school, Kedgaon, Tal. Dist. Ahmednagar.
	63. Sunil Arjun Lalbondre age : 43 yrs, R/o. Bhingar, Tal. Dist. Ahmednagar.
	64. Datta Babasaheb Jadhav age : 29 yrs, R/o. New Tilak road, near Paradise hotel, Tal. Dist. Ahmednagar.
	65. Mukesh Sudhakar Gawade age : 43 yrs, R/o. New Gavthan, near Datta temple, Tal. Dist. Ahmednagar.
	66. Samir Satpute (Abscond)
	67. Amol @ Dnyaneshwar Shivaji Yeole age : 29 yrs, R/o. Sutargalli, Kranti chowk, Kedgaon, Tal. Dist. Ahmednagar.
	68. Shrikant @ Santosh Dhondibhau Phasle age : 32 yrs, R/o. Deepnagar, Kedgaon, Tal. Dist. Ahmednagar.

	69. Vaibhav Kotkar (Abscond)
	70. Vishal Pathare (Abscond)
	71. Sunil Gopal Varma age : 25 yrs, R/o. Satpute galli, Kedgaon, Tal. Dist. Ahmednagar.
	72. Gorakh Dalavi (Abscond)
	73. Abhijeet Shashikant Raut @ Ajay Eknath Wagh age : 24 yrs, R/o. Sutargalli, Kranti chowk, Kedgaon, Tal. Dist. Ahmednagar.
	74. Sunil Ashok Satpute age : 27 yrs, R/o. Bhushan nagar, Kedgaon, Tal. Dist. Ahmednagar.
	75. Ajit Thube (Abscond)
	76. Shiva Sabale (Abscond)
	77. Jambya (Abscond)
	78. Brother of Gorakh Dalavi (Abscond)
	79. Sachin Chandrashekhhar Shinde age : 38 yrs, R/o. Shivaji nagar, Kalyan road, Ahmednagar.

	80.	Amol Dattatray Jathar age : 33 yrs, R/o. Burudgaon road, Kale Galli, Bhosle Aakhada, Ahmednagar.
	81.	Digambar Narayan Dhawan (Abated)
	82.	Sou. Asha Sanjay Nimbalkar age : 39 yrs, R/o. Darewadi, Tal. Dist. Ahmednagar.
Represented By	:	Ld. Advocate Shri. S.Y. Patel for accused nos.1 to 3, 6, 8, 10, 38, 51, 74 & 80 Ld. Advocate Shri. M.B. Tavale for accused nos.9, 19, 35, 54 & 64. Ld. Advocate Shri.P.S. Dapse for accused nos.42 & 43. Ld. Advocate Shri. S.B. Rakte for remaining accused.

Part “B”

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

Date of Offence	:	07.04.2018
Date of FIR	:	09.04.2018
Date of Charge-sheet	:	29.03.2019
Date of Framing of Charges	:	24.09.2025
Date of commencement of evidence	:	01.11.2025
Date on which judgment is reserved	:	--
Date of the Judgment	:	26.05.2026
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 Sec.428, Cr.P.C.
1.	Dilip Nanabhau Satpute	18.05.2018	18.05.2018	U/s.353, 332, 336, 337, 143, 147, 148, 324, 323, 427, 504, 506, 341 read with 149 of IPC, U/s. 3, 4 of PDPP & U/s. 7 of Crim. Law (Amendt) Act	Acquitted	--	--
2.	Yogiraj Shashikant Gade	07.05.2018	07.05.2018	--"--	Acquitted	--	--
3.	Vitthal Nanabhau Satpute	09.05.2018	10.05.2018	--"--	Acquitted	--	1 day
4.	Vijay Mohanrao Pathare	18.05.2018	18.05.2018	--"--	Acquitted	--	--
5.	Harshwardhan Mahadev Kotkar	18.05.2018	18.05.2018	--"--	Acquitted	--	--
6.	Abhimanyu Raju Jadhav	24.05.2018	25.05.2018	--"--	Acquitted	--	1 day
7.	Vikram Anil Rathod	18.05.2018	18.05.2018	--"--	Acquitted	--	--
8.	Sachin Tukaram Jadhav	09.05.2018	10.05.2018	--"--	Acquitted	--	--

9.	Sambhaji Ashok Kadam	29.05.2018	29.05.2018	--"--	Acquitted	--	--
10.	Bhaiyya @ Rajesh Vajinath Satpute	07.05.2018	07.05.2018	--"--	Acquitted	--	--
11.	Chandrakant Anand Ujagare	20.05.2018	21.05.2018	--"--	Acquitted	--	1 day
12.	Rajendra Mohanrao Pathare	09.05.2018	10.05.2018	--"--	Acquitted	--	1 day
13.	Pintu @ Devidas Bhanudas Modhave	18.05.2018	18.05.2018	--"--	Acquitted	--	--
14.	Ramesh Raghunath Partani	18.05.2018	18.05.2018	--"--	Abated	--	--
15.	Ravaji Balaji Nangare	07.05.2018	07.05.2018	--"--	Acquitted	--	--
16.	Vicky @ Vikram Girish Pathak	--	--	--"--	Acquitted	--	--
17.	Sangram Babanrao Shelke	01.06.2018	01.06.2018	--"--	Acquitted	--	--
18.	Vishal Vasant Gaikwad	18.05.2018	18.05.2018	--"--	Acquitted	--	--
19.	Deepak Sahebrao Khaire	18.05.2018	18.05.2018	--"--	Acquitted	--	--
20.	Dnyaneshwar Machhindra Daundkar @ Nannu	26.05.2018	26.05.2018	--"--	Acquitted	--	--
21.	Shubham Sanjay Bendre	18.05.2018	18.05.2018	--"--	Acquitted	--	--
22.	Vishal Sanjay Walkar	29.05.2018	29.05.2018	--"--	Acquitted	--	--
23.	Prashant Balu Gaikwad	29.05.2018	29.05.2018	--"--	Acquitted	--	--
24.	Mukesh Nandkumar Joshi	18.05.2018	18.05.2018	--"--	Acquitted	--	--

25.	Balasaheb Baraskar	--	--	--"--	Abscond	--	--
26.	Ranjit Thube	--	--	--"--	Abscond	--	--
27.	Sachin Sudam Thube	--	--	--"--	Abscond	--	--
28.	Prafulla Devidas Salunkhe	07.05.2018	07.05.2018	--"--	Acquitted	--	--
29.	Govind Varma	--	--	--"--	Abscond	--	--
30.	Chetan Mohanlal Varma	18.05.2018	18.05.2018	--"--	Acquitted	--	--
31.	Viki Vikrant Ashok Bhalerao @	26.05.2018	26.05.2018	--"--	Abated	--	--
32.	Nayan Chandrakant Gaikwad	01.06.2018	01.06.2018	--"--	Acquitted	--	--
33.	Sagar Ankush Dalavi	--	--	--"--	Abscond	--	--
34.	Sagar Pandit Gaikwad	01.06.2018	01.06.2018	--"--	Acquitted	--	--
35.	Sagar Vishnu Thorat	29.05.2018	29.05.2018	--"--	Acquitted	--	--
36.	Abhishek Kailas Bhosle	29.05.2018	29.05.2018	--"--	Acquitted	--	--
37.	Raosaheb Narayan Bhakre Ramesh (Maharaj) @	09.05.2018	10.05.2018	--"--	Acquitted	--	1 Day
38.	Deepak Sarjerao Kavale	09.05.2018	10.05.2018	--"--	Acquitted	--	1 Day
39.	Sachin Ganesh Raut	09.05.2018	10.05.2018	--"--	Acquitted	--	1 Day
40.	Dipak Dhend	--	--	--"--	Abscond	--	--
41.	Sunil Raut	--	--	--"--	Abscond	--	--
42.	Ravi Ravindra Vilas Wakle @	14.05.2018	14.05.2018	--"--	Acquitted	--	--

43.	Madan Sampatrao Adhav	14.05.2018	14.05.2018	--"--	Acquitted	--	--
44.	Adinath Raju @ Laxman Jadhav	29.05.2018	29.05.2018	--"--	Acquitted	--	--
45.	Manoj Satyanarayan Chavan	01.06.2018	01.06.2018	--"--	Acquitted	--	--
46.	Bunty @ Anil Ashok Satpute	01.06.2018	01.06.2018	--"--	Acquitted	--	--
47.	Angad Devidas Mahanavar	01.06.2018	01.06.2018	--"--	Acquitted	--	--
48.	Ashok Shamrao Dahiphale	09.05.2018	10.05.2018	--"--	Acquitted	--	1 Day
49.	Rushabh Ambad	--	--	--"--	Abscond	--	--
50.	Pratik Arjun Garje	--	--	--"--	Abscond	--	--
51.	Sushant Giridhar Mhaske	09.05.2018	10.05.2018	--"--	Acquitted	--	1 Day
52.	Anil Ramkishan Rathod @ Bhaiyya	23.08.2018	23.08.2018	--"--	Abated	--	
53.	Tejas Satish Gundecha	29.05.2018	29.05.2018	--"--		--	--
54.	Bunty @ Kunal Vishnupant Khaire	29.05.2018	29.05.2018	--"--	Acquitted	--	--
55.	Narendra Balu Bhalerao @ Naresh @ Guddu	01.06.2018	01.06.2018	--"--	Acquitted	--	--
56.	Lankesh Nagappa Harba	18.05.2018	18.05.2018	--"--	Acquitted	--	--
57.	Umesh Sadashiv Kale	29.05.2018	29.05.2018	--"--	Acquitted	--	--

58.	Akshay Machhindra Bhand	--	--	--"--	Abscond	--	--
59.	Dattatray Tukaram Nagapure	07.05.2018	07.05.2018	--"--	Acquitted	--	--
60.	Girish Rajendra Sharma	07.05.2018	07.05.2018	--"--	Acquitted	--	--
61.	Nitin Anil Chobhe	01.06.2018	01.06.2018	--"--	Acquitted	--	--
62.	Shubham Chandrakant Pardeshi	01.06.2018	01.06.2018	--"--	Acquitted	--	--
63.	Sunil Arjun Lalbondre	18.05.2018	18.05.2018	--"--	Acquitted	--	--
64.	Datta Babasaheb Jadhav	23.08.2018	23.08.2018	--"--	Acquitted	--	--
65.	Mukesh Sudhakar Gawade	01.06.2018	01.06.2018	--"--	Acquitted	--	--
66.	Samir Satpute	--	--	--"--	Abscond	--	--
67.	Amol @ Dnyaneshwar Shivaji Yeole	07.05.2018	07.05.2018	--"--	Acquitted	--	--
68.	Shrikant @ Santosh Dhondibhau Phasle	18.05.2018	18.05.2018	--"--	Acquitted	--	--
69.	Vaibhav Kotkar	--	--	--"--	Abscond	--	--
70.	Vishal Pathare	--	--	--"--	Abscond	--	--
71.	Sunil Gopal Varma	07.05.2018	07.05.2018	--"--	Acquitted	--	--
72.	Gorakh Dalavi	--	--	--"--	Abscond	--	--
73.	Abhijeet Shashikant Raut @ Ajay Eknath Wagh	07.05.2018	07.05.2018	--"--	Acquitted	--	--
74.	Sunil Ashok Satpute	18.05.2018	18.05.2018	--"--	Acquitted	--	--
75.	Ajit Thube	--	--	--"--	Abscond	--	--

76.	Shiva Sabale	--	--	--"--	Abscond	--	--
77.	Jambya	--	--	--"--	Abscond	--	--
78.	Brother of Gorakh Dalavi	--	--	--"--	Abscond	--	--
79.	Sachin Chandrashek har Shinde	29.05.2018	29.05.2018	--"--	Acquitted	--	--
80.	Amol Dattatray Jathar	22.03.2019	22.03.2019	--"--	Acquitted	--	--
81.	Digambar Narayan Dhawan	28.09.2018	28.09.2018	--"--	Abated	--	--
82.	Sou. Asha Sanjay Nimbalkar	29.05.2018	29.05.2018	--"--	Acquitted	--	--

Part 'C'
[Appended to the Judgment]

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CHARGE : Under section 353, 332, 336, 337, 143, 147, 148, 324, 323, 427, 504, 506, 341 read with 149 of the Indian Penal Code, under section 3, 4 of the Prevention of Damage to Public Property and under section 7 of the Criminal Law (Amendment) Act, 1932.

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: J U D G M E N T :
(Delivered on 26th May, 2026)

The accused are charged and prosecuted for the offences punishable under section 353, 332, 336, 337, 143, 147, 148, 324, 323, 427, 504, 506, 341 read with 149 of the Indian Penal Code, under section 3, 4 of the Prevention of Damage to

Public Property and under section 7 of the Criminal Law (Amendment) Act, 1932.

F.I.R., INVESTIGATION & PROSECUTION CASE :

2. **The facts of the prosecution case are as under :**

Informant Laxman Bhimaji Khandal is ASI, attached to Kotwali police station. Kedgaon chowky was under his control. P.M. Dhole and Garje were Assistant to him. On 07.04.2018, election result of Municipal Corporation was declared. Member of the Congress party Vishal Kotkar was won the election in Ward no.32. On that day, they all were on election bandobast/patrolling duty. At about 06:00 p.m., he received phone call of the woman. She informed that in the Mule colony, at Sahu nagar, she heard firing and one person was sustained injury. Thereafter, informant PN Dhole and Garje went at the spot and found one person was lying with blood and died on the spot. On inquiry, they found died person was social worker of Shivsena party Sanjay Kotkar. At some distance, they found another person was lying with blood and died on the spot. On inquiry, they found that the another died person was social worker of Shivsena party Vasant Thube. He called ambulance but it could not available in time. He informed incident to his Senior. At that time, 500-600 people gathered at the spot. Therefore, he called more police staff to maintain the peace and security on the spot. Superintendent of Police, Dy.S.P. and other staff came there. Social workers of Shivsena party gathered there.

The number of people pelted stones towards police vehicles, private vehicles and also broken the glasses of the windows of houses, residing at the spot. After some time, ambulance came there. People restrained the ambulance to reach the dead body of persons. Police used their powers. Then after two days of the incident, he lodged complaint against the accused. The informant was done his duty at locality, therefore, he mentioned the names of the accused persons. Accordingly, Crime no. I-139/2018 came to be registered at Kotwali Police station, Ahmednagar.

3. After registration of crime, the investigation was handed over to PSI Ramesh Kashinath Ratnaparakhi. He received complaint, F.I.R., prepare spot panchanama. He prepared damage panchanama of Government & Private vehicles and took the photographs. He recorded the statements of witnesses. He received the medical certificate of injured. After completion of investigation, it revealed that sufficient evidence was found against the accused, hence, he filed charge-sheet before the Judicial Magistrate First Class, Court No.1, Ahmednagar. It was registered as R.C.C. No. 293/2019.

COGNIZANCE & COMMITTED :

4. The Judicial Magistrate First Class, Court no.1, Ahmednagar, after filing of charge-sheet take the cognizance of the case and after due compliance with section 207 of Cr.P.C. finds

that one of the section 353 of the Indian Penal Code is triable by Court of Sessions. Therefore, Judicial Magistrate First Class, Court no.1, Ahmednagar committed the case to the Court of Sessions, Ahmednagar for trial according to law.

CHARGE & DEFENCE :

5. This Court framed the charge against the accused below Exh.212 on 24.09.2025 for the offences punishable under section 353, 332, 336, 337, 143, 147, 148, 324, 323, 427, 504, 506, 341 read with 149 of the Indian Penal Code, under section 3, 4 of the Prevention of Damage to Public Property and under section 7 of the Criminal Law (Amendment) Act, 1932. Contents of charge were read over and explained to the accused in vernacular. After having understood the contents of charge, accused pleaded not guilty and claimed to be tried. The defence of the accused is of total denial.

6. To prove the guilt of the accused, the prosecution has examined in all six witnesses. After examination of witnesses, the prosecution has closed its evidence by filing pursis Exh.318.

Note :

7. **Oral as well as documentary evidence produced by the prosecution is shown in Part-C appended to the Judgment, as directed in a para-44(iii) of the Criminal Manual.**

STATEMENT OF THE ACCUSED :

8. Statement of accused under Section 313 (1) (b) of Code of the Criminal Procedure, came to be recorded at the conclusion of trial. The accused did not step into the witness box, neither examined any witness on their behalf nor filed any documentary evidence in their defence.

9. Heard learned APP Shri. A.D. Dhage for the State and learned advocates Shri. S.B. Rakte, Shri. S.Y. Patel, Shri. M.B. Tavale and Shri. P.S. Dapse for the accused at considerable length.

ARGUMENT BY THE LD. APP FOR THE STATE :

10. The Ld. APP Shri. A.D. Dhage for State submitted that the accused committed the offence at a public place and the conduct of the accused shows that they have no fear of law and order. The prosecution examined six witnesses- PW1 Laxman Bhimaji Khandal is the informant, PW2 Bapu Sarjerao Khamkar is an independent witness, PW3 Sanjay Baburao Umap is the spot panch, PW4 Ramnath Bhanudas Dole is the police witness, PW5 Nayan Chhablal Patil is the police witness and PW6 Ramesh Kashinath Ratnaparakhi is the Investigating Officer are corroborated to each other. The complaint, spot panchanama and seizure panchanama are proved on record. The informant is a public servant and while discharging their official duty, the accused persons were used criminal force with intent to prevent them from discharging their official duty. The accused persons restrained the

ambulance to reach at dead body of the persons. The accused persons pelted the stones towards the police, police vans, private vans and also pelted the stones towards the glasses of windows of houses. Therefore, they damaged the public property. Thus, the prosecution proved charges levelled against the accused persons. Hence, prosecution prayed to convict the accused according to law.

ARGUMENT BY DEFENCE ADVOCATES :

11. The Ld. Advocates for the accused persons submitted that the specific active role of each accused persons is not mentioned in the complaint. At the spot, there are 500-600 people gathered there including the social workers of Shivsena and Congress party. The relatives of the death persons also gathered there. Therefore, which accused persons pelted the stones towards the police is not specifically mentioned and deposed by any witness before the Court. There was two political parties i.e. Congress and Shivsena party. At that time, the result of Municipal Corporation election was declared and Vishal Kotkar, member of Congress party was won the election in Ward no.32. There are political disputes between two parties. In that political dispute, the accused persons have no any concern. The innocent accused persons are falsely implicated in this case. There are an ambiguity in the prosecution witnesses. The benefit has to be given to the accused persons. The accused persons have not committed any offence. There is no independent eye-witness examined by the prosecution. There is no credible material on record. Hence, they prayed to acquit the

accused in this case.

12. In view of the charge framed against the accused persons, the evidence on record and submissions of both the parties, following points arise for my determination and I have answered my findings thereon along with reasons as under :

<u>S.N.</u>	<u>Points</u>	<u>Findings</u>
1.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, used criminal force to public servant informant and prosecution witnesses, while execution of their duty as such public servants, with intent to prevent them from discharging of their duty as such public servants ?	..In the negative.
2.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, voluntarily caused hurt to the informant and prosecution witnesses, a public servants, while they were discharging their duties as such public servants ?	..In the negative.
3.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, did an act i.e. assaulted the informant and prosecution witnesses by pelting stones towards them and on their	..In the negative.

	vehicles, so rashly as to endangers human life ?	
4.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object fo such assembly, caused hurt to the prosecution witnesses by doing an act i.e. assaulted the informant and prosecution witnesses by pelting stones towards them and on their vehicles, so rashly as to endangers human life ?	..In the negative.
5.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, assaulted to the informant and prosecution witnesses by pelting stones towards them ?	..In the negative.
6.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, caused hurt to the informant and prosecution witnesses and thereby committed an offence of rioting ?	..In the negative.
7.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, committed the offence of rioting with a deadly weapon which used as a weapon of offence was likely to cause death or injury ?	..In the negative.

8.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, voluntarily caused hurt to the informant and prosecution witnesses i.e. assaulted to the informant and prosecution witnesses by means of stones the weapons likely to cause death ?	..In the negative.
9.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, voluntarily caused hurt to the informant and prosecution witnesses ?	..In the negative.
10.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, committed mischief by causing wrongful loss of the informant and prosecution witnesses' vehicles and caused damage to their property estimated at Rs.50/- or upwards ?	..In the negative.
11.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, intentionally insulted to the informant and prosecution witnesses by abusing them and gave provocation to them, knowing it to be likely that such provocation will cause them to break public peace ?	..In the negative.
12.	Does prosecution prove that the accused	..In the

	persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, committed criminal intimidation, by threatening to kill the informant and prosecution witnesses, with intent to cause alarm ?	negative.
13.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, wrongfully restrained the informant and prosecution witnesses, who were appointed for performing their duty ?	..In the negative.
14.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, committed the mischief by doing damage to the public property i.e. house, vehicles ?	..In the negative.
15.	Does prosecution prove that the accused persons along with absconding accused, were members of an unlawful assembly, in prosecution of common object of such assembly, indiscriminately pelted stones and created terror and terrorized the citizens and traders, then after they closed their house and shops ?	..In the negative.
16.	What order ?	..As per final order.

: REASONS :

LEGAL ISSUE INVOLVED :

13. The accused are charged and prosecuted for the offences punishable under section 353, 332, 336, 337, 143, 147, 148, 324, 323, 427, 504, 506, 341 read with 149 of the Indian Penal Code, under section 3, 4 of the Prevention of Damage to Public Property and under section 7 of the Criminal Law (Amendment) Act, 1932.

14. In order to prove the offence punishable under section 353 & 332 of the Indian Penal Code, the prosecution need to prove :

(1)	The person assaulted was a public servant,
(2)	When so assaulted, he was acting in execution of his duty as such public servant;
(3)	The assault was intend to prevent or deter the person from discharging his duty as such public servant.
(4)	Voluntarily caused hurt to the public servant from his duty.

15. In order to prove the offence punishable under section 336, 337, 324, 323, 427, 504, 506, 341 of the Indian Penal Code, the prosecution need to prove :

(1)	Do any act with intention of causing hurt to any person or with knowledge that likely to voluntarily cause hurt.
(2)	Voluntarily caused hurt by dangerous weapon or

	means.
(3)	An act endangering life or personal safety of others any act so rashly and negligently as to endanger human life or personal safety of others.
(4)	Causing hurt by any act endangering life or personal safety of others.
(5)	Voluntarily obstruct to any person, so as to prevent the person from proceeding in any direction, in which the person has right to proceed.
(6)	Commit mischief and causes loss or damage to the amount of Rs.50/- or upwards.
(7)	The accused intentionally insulted to the informant and prosecution witnesses, abusing them and gave provocation caused to break public peace.
(8)	Commit criminal intimidation.

16. In order to prove the offence punishable under section 143, 147, 148, 149 of the Indian Penal Code and under section 3, 4 of the Prevention of Damage to Public Property and under section 7 of the Criminal Law (Amendment) Act, 1932. the prosecution need to prove :

(1)	Assembly of five or more with common object used criminal force to any Central or State Government or any other public authority resist the execution of any legal process, commit mischief, show the criminal force, deprive any person of enjoyment, obtained possession, compelling a person to do, but he has not legally bound to do.
(2)	Use force or violence by unlawful assembly in a prosecution of common object such assembly is guilty

	of rioting.
(3)	Every member of unlawful assembly guilty of an offence committed in prosecution of common object.
(4)	Destroy the public and private property by using fire, pelting stones or dangerous substance.

ON APPRECIATION OF ORAL EVIDENCE :

17. In a matter of *Laloo Manji Vs. State of Zarkhand, AIR 2003 SC 854*; the Hon'ble Supreme Court has classified the kinds of witnesses based upon credibility of witnesses in three categories; (i) Wholly reliable, (ii) partly reliable and partly unreliable; (iii) Wholly unreliable. So far as the classification of (i) & (iii) are concern, from the testimony of the witness, they can be categorized accordingly. But if, from the tenor of the evidence of witnesses if there are found some embroidery, suppression/twisting of the facts, material inconsistencies/variance with the established facts on record, then the witness can be categorized in category (no.ii) i.e. partly reliable and partly unreliable, which required in a depth scrutiny and corroboration on material aspects to believe their versions.

With above preposition of law, let us now deal with the evidence on record.

CONSIDERATION :

AS TO POINT NOS. 1 TO 15 :

18. The above points are interlinked to each other and also connected, therefore, to avoid repetition of appreciation of evidence and for the sake of brevity, I discussed the above points together.

For the sake of proper marshaling, evidence are categorized as a oral evidence and documentary evidence.

ORAL & DOCUMENTARY EVIDENCE :

19. In order to prove the guilt of the accused, the prosecution has relied on testimony of in all six witnesses, which are as under;

PW1 Laxman Bhimaji Handal is the informant, attached to Kotwali police station as ASI. He reiterated the contentions as per his complaint. In the cross-examination, he admitted that prior to the incident, contested the election of Municipal Corporation was completed, in that election, two political parties contesting the election i.e. Shivsena and Congress Party. The incident took place after result of election was declared. After murder of two members of Shivsena Party, 1000 people including the relatives of deceased persons gathered there. Due to huge crowd, the people were coming and going. He don't know the relatives of the deceased persons filed complaint to S.P. Due to huge crowd, S.P. orally directed to police to use police powers to spread the crowd. In lathi-charge, people were running from the spot. After two days of incident, he went to the police station.

20. Considering the admissions of the informant in the cross-examination, it shows that the incident took place in the public place in presence of 1000 people. After result, the two murder was took place. Thereafter, this incident was happened. But, to control the crowed, S.P. orally directed to use police powers, therefore, police used lathi-charge. Due to lathi-charge, people were running here to there. It cannot be gathered that which one of the accused person pelted the stones towards the police, police vans and private vehicles and damaged glasses of windows. The specific role of the accused persons in this crime is not specifically mentioned in the complaint and deposition of this witness. Therefore, it create doubt about the incident.

21. The informant further admitted that the offence is registered after two days of the incident, but reason of delay to lodging the report is not specifically mentioned by the informant and Investigating Officer in this case. The informant further admitted that since last five years, he was working at Kedgaon chowky as ASI. Therefore, he know the names of the accused persons. The persons who won the election were present to celebrate the victory. At that time, 500-600 people, belongs to political parties were gathered there. The incident took place in presence of 500-600 people but no any independent witness came on record nor their statements were recorded by Investigating Officer. The informant is well-known to the accused persons but he could not state their specific active role of the accused persons at

the time of incident. hence, it creates doubt about the incident.

22. The informant further admitted in his cross-examination that his duty was allotted at Kedgaon chowky as per duty chart. Duty chart is maintain in the police station. The incident took place in Mulay colony, Shahu Nagar. Considering the record, it shows that at the time of incident, informant was performed his duty at Kedgaon chowky as per the duty chart. It shows that at the time of incident, the informant was not present on the spot. Therefore, prosecution failed to prove that the informant was present on the spot to perform his official duty and such alleged incident was happened in his presence.

23. The informant further admitted that he received the phone call from the woman, who told the incident of firing at Mulay colony, Shahu Nagar. He has not inquired about the woman nor recorded her statement as she is an eye-witness to the incident. The Investigating Officer also not recorded the statement of this eye-witness, who saw the incident in this case for first time. It creates doubt about the incident. He further admitted that prior to lodge complaint, he discussed with his Senior Officer and thereafter, he lodged complaint after 02 days delay.

24. The informant further admitted that his Senior has not given any order to him to lodge report against the accused. From 07.04.2018 to 09.04.2018, he personally not sent written report to

his Senior Officer about the incident. from lodging of complaint till filing of charge-sheet, the Investigating Officer has not called him for identification parade of the accused persons. He cannot tell the exact time of the incident. from the spot of incident, the Investigating Officer has not seized any muddemal. Considering the above admissions in the cross-examination, it creates doubt about the incident. hence, the testimony of this witness cannot be reliable.

25. PW2 Bapu Sarjerao Khamkar is the independent witness. he deposed that since last 2015, he was running business of selling pitcher at Panch Godown, Kedgaon. On 07.04.2018, he went at panch Godown, Kedgaon for selling pitcher at 04:00 to 08:00 p.m. with his wife. At 06:30 p.m. he came to know that there was firing at Kedgaon area. After that, the people run elsewhere. After 09:00 p.m., he went to his house. Thereafter, he came to know the glasses of windows of his neighbour Shivaji Zaware were broken. He came to know that the glasses of private vehicles were broken. He don't know the name of the accused persons, who broke the glasses of windows and vehicles.

26. In his cross-examination, he admitted that he cannot state the names of the persons, who broken the glasses of windows and vehicles of the people. Considering the cross-examination of this witness, this witness is not eye-witness to the incident. He is hearsay witness. He heard from someone that there was firing at

Kedgaon area. Therefore, there is no evidentiary value of hearsay evidence in the eye of law. In the cross-examination, he admitted that he cannot state the names of the accused persons, who broken the glasses of windows and vehicles of the people. Hence, the testimony of this witness cannot be helpful to prove the guilt of the accused persons.

27. PW3 Sanjay Babanrao Umap is the spot panch. He deposed that on 10.04.2018, police called him and another panch witness to prepare spot panchanama and damage panchanama of private & Government vehicles and in his presence, the police prepared spot panchanama at Exh.288 and police prepared damage panchanama of Government and private vehicles at Exh.289 to 293.

28. In his cross-examination, he admitted that he cannot remember the name of PSI, who met at police station and called him at the spot of incident for preparing spot panchanama. He cannot tell exactly who was the owner of the damaged vehicles. He cannot tell the registered number of the damaged vehicles. He cannot state what was the contents in the spot panchanama. Only one time, he went at Shahu Nagar by police van. He cannot tell the exact registration number of the vehicle, by which he went at the spot. He admitted that all the panchanamas (Exh.289 to 293) were prepared in the police station with the help of computer. After preparing panchanama, police told him to sign the panchanama

and as per the instructions of police, he signed the panchanama. He cannot tell exactly who written the panchanamas (Exh.289 to 293) in the police station.

29. Considering the cross-examination of this witness, it shows that the spot panchanama and the damage panchanama of the vehicles were prepared in the police station. This witness cannot remember the name of the police officer, who prepared spot panchanama and he cannot state the contents in the panchanama. As per the direction of the police, he given the signature on panchanama at police station. He shows that the spot panchanama and damage panchanama are not prepared at the spot by police. Hence, the testimony of this witness cannot be reliable and not helpful to prove the damage panchanama of the vehicles.

30. PW4 Ramnath Bhanudas Dole is the police witness, attached to Kotwali police station as a Police Naik. He deposed that on 07.04.2018, he was performing his duty at Kedgaon chowky. He reiterated the contentions as per his statement. In his cross-examination, he admitted that since last 3 years, he was performed his duty at Kedgaon out-post. Therefore, he know the accused persons. He admitted that in Municipal Corporation, the election was contested between two political parties i.e. Congress and Shivsena Party and the Congress party won the election. At the time of incident, the relatives of the deceased were present. at the time of incident, 2000-3000 people gathered there to celebrate the

victory. There were huge crowd. His senior officer ordered to make lathi-charge upon the crowd. Due to lathi-charge, people spread elsewhere. He further admitted that he don't know specifically among the people, who pelted stones did the certain acts. Considering the admissions in the cross-examination, it shows that the incident took place in public place in presence of 2000-3000 people. He cannot tell the specific active role among the accused persons and people. The incident shown by the huge crowd of people, but no any independent witness came on record. Therefore, it creates doubt about the incident.

31. PW4 further admitted in his cross-examination that he cannot state exactly which specific one of the accused committed specific act. Considering the cross-examination of this witness, the allegations made in the complaint against the accused persons are general in nature. There is no any specific active role of the accused persons mentioned in deposition of any witness. Therefore, this witness is not supported and corroborated to the version of informant. Hence, the testimony of this witness cannot be reliable.

32. PW5 Nayan Chhabulal Patil is a police witness. He reiterated the contentions as per his statement. He reached at the spot in Mulay colony, Kedgaon. He observed 500-700 people pelted stones towards the police and damaged the Government vehicles and obstructed the police from transporting the dead bodies for postmortem and accordingly, informant lodged complaint.

33. In his cross-examination, from 07.04.2018 to 09.04.2018, he was present in Ahmednagar but he has not filed lodged F.I.R. against the accused. He was not called by Investigating Officer for identification parade of the accused. Considering the cross-examination of this witness, he was present at the spot of incident but, he had not lodged report against the accused persons. The report was lodged after two days of the incident. There is no reason mentioned about the delay in lodging the report. Therefore, this witness is the interested witness of the police. Hence, the testimony of this witness cannot be reliable.

34. PW6 Ramesh Kashinath Ratnaparakhi is the Investigating Officer. He deposed that he received complaint, F.I.R. and prepared spot panchanama and damage panchanama of Government & private vehicles. He recorded the statements of witnesses. He obtained the medical certificate of the injured. During investigation, he found sufficient evidence against the accused, hence, he filed charge-sheet.

35. In the cross-examination, the Investigating Officer admitted that the informant Handal was on patrolling duty at Kedgaon but, he had not collected the duty chart and attendance register during investigation. In the damage panchanama, the signatures of the owners are not presence. On the point of seizure panchanama of the damaged vehicles, the panch witness PW3 is

not supported the prosecution case. Therefore, spot panchanama and seizure panchanama are not proved on record. The Investigating Officer has not recorded the statements of independent people at about 2000-3000 in whose presence, the incident was happened. On record, there is not any independent witness nor any statement was recorded by Investigating Officer.

36. The Investigating Officer further admitted that the people was not lodged any complaint against accused persons in respect of the damaged vehicles and the alleged incident. he was not filed written letters for availability of the panchas.

37. Considering the cross-examination of the above witnesses, it shows that the incident took place in presence of 2000-3000 people. Some witnesses told the incident took place in presence of 500-700 people but, no any independent witness came on record. Neither their statements were recorded by the Investigating Officer. The allegations in the F.I.R. are general in nature. No any witness deposed the specific active role of the accused in respect of alleged incident. The incident took place on 07.04.2018 and after two day of incident, the F.I.R. was lodged. The Investigating Officer and the informant have not mentioned any specific reason to delay the FIR.

38. It is pertinent to note that the informant admitted that after two days of incident, the complaint lodged against the

accused but, no plausible explanation is given either by informant or the Investigating Officer or by alleged witnesses.

39. This Court is guided by the guidelines given by the Hon'ble Supreme Court of India in the matter of ***Himachal Pradesh Vs. Gyanchand, reported in AIR 2001 SC 2075***; wherein it is observed that :

“If the prosecution fails to satisfactory explain the delay and there is plausibility of embellishment in the prosecution version on account of such delay, the delay should be fatal to the prosecution, however, if the delay is explained to the satisfaction of the Court, the delay cannot by itself be ground for disbelieving and discharging the entire prosecution case.”

40. In the matter of ***Dilawar Singh Vs. State of Delhi, AIR 2007 SC 3234***; it was observed that :

“In the a criminal trial, one of the cardinal principles for the Court to look for plausible explanation of delay in lodging report. The delay sometime offered opportunity the complain to make deliberation upon the complaint and to make embellishment or even make fabrication. Delay depict the chance of unsoiled and untarnished version of the case to be presented before the Court at the earliest instant. That is why if there is a delay in either coming before the police or before the Court, the Court

always view the allegation with a suspicion and look for satisfactory explanation if no such satisfaction is formed, delay is treated as a fatal to the prosecution case.”

41. When after going through the record and the above referred guidelines of the Hon'ble Supreme Court of Indian, the testimony of the informant, police witnesses and the Investigating Officer are not furnishing any explanation due alone the plausible explanation. It is quite surprising to note that PW1 and the police witnesses during their cross-examination that on 07.04.2018 to 09.04.2018, they had an occasions to lodge complaint or to meet Investigating Officer and also they can lodge the report after incident immediately. After incident, the informant, police witnesses neither the Investigating Officer lodged report immediately but after two days of incident, the informant has not explained the delay and also not explained the satisfactory reason to lodge report after two days of the incident.

42. Therefore, considering the injury caused to the police and other people due to pelted the stones in mob. No any injury certificate is proved on record at the hands of doctor. The prosecution has not examined any doctor to prove the injury of the injured person in this case.

43. To prove the offence under section 353 of the Indian Penal Code, the prosecution must prove that the informant was present on his duty at the time of alleged incident but, the

informant in his cross-examination, he admitted that he was on patrolling duty at Kedgaon and the incident took place at Mulay colony, Shahu Nagar, at that time, one woman by phone call informed him about the incident. he admitted that he has not produced the duty chart on record to show that at the time of incident, he was present at the spot. The prosecution must be proved that the accused persons used criminal force to the informant and other witnesses, to restrain them from discharging their official duty but, the case in hand, nothing on record to show that the accused persons used criminal force to prevent the public servants from discharging their official duty. There is no specific active role of the accused mentioned in the F.I.R. and the deposition of the witnesses. The allegations are general in nature. The people pelted the stones towards the police, Government and private vehicles and also damaged the public property but, the prosecution fails to prove the charges levelled against the accused persons.

44. It is pertinent to note that this Court is guided by the guidelines given by the Hon'ble Supreme Court in the case of ***B.N. John Vs. State of U.P. (2025) AIR SC 759***; wherein the Hon'ble Supreme Court held that a close examination of Section 353 of Indian Penal Code, would indicate that not only obstruction but actual use of criminal force or assault to the public servant is necessary. The collective reading of evidence does not reveal the use of force or assault by accused against any public servant

whereby said public servant was unable to discharge his duty.

45. Analyzing the law in respect of Section 353 along with other sections of the Indian Penal Code and also other offences alleged, on a touchstone of above case law, what is required is there has to be criminal intend on the part of accused whereby there is a deterrence to the public servant from discharging his duty. It is necessary ingredients in section 353 of the Indian Penal Code that the present accused should have assaulted the public servant or used criminal force with intend to prevent or deter public servant from discharging his duty. Considering the evidence on record, the prosecution fails to prove the case beyond reasonable doubt.

46. In view of the above guidelines given by Hon'ble Supreme Court, I am of the considered view that the prosecution has miserably failed to prove that the accused restrained the public servants while discharging their public duty, pelted the stones towards the police as well as Government & private vehicles and also damaged the public property. The incident took place in presence of the 2000-3000 people but, no independent witness came on record. The spot panchanama and damage panchanama of seized vehicles are not proved on record.

47. The Investigating Officer has not conducted the identification parade of the accused persons. The Investigating

Officer has not recorded statements of independent witnesses in whose presence, the incident took place. The F.I.R. is lodged after two days of the incident. the delay is not explained. Therefore, I am of the considered view that the prosecution has miserably failed to prove the charges levelled against the accused persons beyond reasonable doubt. The facts and circumstances of the case does not warrant any grant of compensation and hence, no order thereof is passed. For the above reasons, I answered point nos. 1 to 15 in the negative.

AS TO POINT NO. 16 :

48. The prosecution has failed to adduce sufficient, cogent and convincing evidence to prove the guilt of the accused persons beyond reasonable doubt. Therefore, the accused persons are liable to be acquitted. Hence, in answer to point no.16, I proceed to pass following order -

<u>: O R D E R :</u>	
(1)	Accused nos.1 Dilip Nanabhau Satpute, no.2 Yogiraj Shashikant Gade, no.3 Vitthal Nanabhau Satpute, no.4 Vijay Mohanrao Pathare, no.5 Harshwardhan Mahadev Kotkar, no.6 Abhimanyu Raju Jadhav, no.7 Vikram Anil Rathod, no.8 Sachin Tukaram Jadhav, no.9 Sambhaji Ashok Kadam, no.10 Bhaiyya @ Rajesh Vaijinath Satpute, no.11 Chandrakant Anand Ujagare, no.12 Rajendra Mohanrao Pathare, no.13 Pintu @ Devidas Bhanudas Modhave, no.15 Ravaji Balaji Nangare, no.16 Vicky @ Vikram Girish Pathak, no.17 Sangram Babanrao Shelke, no.18 Vishal Vasant

Gaikwad, no.19 Deepak Sahebrao Khaire, no.20 Dnyaneshwar Machhindra Daundkar @ Nannu, no.21 Shubham Sanjay Bendre, no.22 Vishal Sanjay Walkar, no.23 Prashant Balu Gaikwad, no.24 Mukesh Nandkumar Joshi, no.28 Prafulla Devidas Salunkhe, no.30 Chetan Mohanlal Varma, no.32 Nayan Chandrakant Gaikwad, no.34 Sagar Pandit Gaikwad, no.35 Sagar Vishnu Thorat, no.36 Abhishek Kailas Bhosle, no.37 Raosaheb Narayan Bhakre @ Ramesh (Maharaj), no.38 Deepak Sarjerao Kavale, no.39 Sachin Ganesh Raut, no.42 Ravi @ Ravindra Vilas Wakle, no.43 Madan Sampatrao Adhav, no.44 Adinath Raju @ Laxman Jadhav, no.45 Manoj Satyanarayan Chavan, no.46 Bunty @ Anil Ashok Satpute, no.47 Angad Devidas Mahanavar, no.48 Ashok Shamrao Dahiphale, no.51 Sushant Giridhar Mhaske, no.53 Tejas Satish Gundecha, no.54 Bunty @ Kunal Vishnupant Khaire, no.55 Narendra Balu Bhalerao @ Naresh @ Guddu, no.56 Lankesh Nagappa Harba, no.57 Umesh Sadashiv Kale, no.59 Dattatray Tukaram Nagapure, no.60 Girish Rajendra Sharma, no.61 Nitin Anil Chobhe, no.62 Shubham Chandrakant Pardeshi, no.63 Sunil Arjun Lalbondre, no.64 Datta Babasaheb Jadhav, no.65 Mukesh Sudhakar Gawade, no.67 Amol @ Dnyaneshwar Shivaji Yeole, no.68 Shrikant @ Santosh Dhondibhau Phasle, no.71 Sunil Gopal Varma, no.73 Abhijeet Shashikant Raut @ Ajay Eknath Wagh, no.74 Sunil Ashok Satpute, no.79 Sachin Chandrashekhar Shinde, no.80 Amol Dattatray Jathar and no.82 Sou. Asha Sanjay Nimbalkar are hereby acquitted vide section 235 (1) of the Code of Criminal Procedure, for the offences punishable under 353, 332, 336, 337, 143, 147, 148, 324, 323, 427, 504, 506, 341 read with 149 of the Indian Penal Code, under section 3, 4 of the Prevention of Damage to Public Property and under section 7 of the Criminal

	Law (Amendment) Act, 1932.
(2)	Bail bonds of accused stands cancelled. Surety be discharged.
(3)	Accused shall furnish PB & SB of Rs. 15,000/- each for the purpose of section 437-A of the Code of Criminal Procedure, which shall be valid for six months.
(4)	The Investigating Officer is directed to file a fresh charge-sheet against absconding accused no.25 Balasaheb Baraskar, no.26 Ranjit Thube, no.27 Sachin Sudam Thube, no.29 Govind Varma, no.33 Sagar Ankush Dalavi, no.40 Dipak Dhend, no.41 Sunil Raut, no.49 Rushabh Ambad, no.50 Pratik Arjun Garje, no.58 Akshay Machhindra Bhand, no.66 Samir Satpute, no.69 Vaibhav Kotkar, no.70 Vishal Pathare, no.72 Gorakh Dalavi, no.75 Ajit Thube, no.76 Shiva Sabale, no.77 Jambya and no.78 Brother of Gorakh Dalavi.
(5)	The seized muddemal articles and documents, if any, be preserved until the trial of absconding accused.
	The Judgment is dictated, pronounced and delivered in Open Court.

Date : 26.05.2026.
Ahmednagar.

(Rajesh M. Tayade)
Additional Sessions Judge,
Ahmednagar.

Part 'C'

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

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. PROSECUTION :-

Rank	Name	Nature of Evidence (Eye witness, Police witness, Expert witness, medical witness, panch witness, other witness)
PW1	Laxman Bhimaji Handal (Exh.282)	Informant
PW2	Bapu Sarjerao Khamkar (Exh.284)	Witness
PW3	Sanjay Babanrao Umap (Exh.287)	Panch witness
PW4	PH Ramnath Bhanudas Dole (Exh.296)	Police witness
PW5	PSI Nayan Chhaburao Patil (Exh.306)	Police witness
PW6	PI Ramesh Kashinath Ratnaparakhi (Exh.317)	Investigating Officer

B. Defence witnesses, if any :-

Rank	Name	Nature of Evidence (Eye witness, Police witness, Expert witness, medical witness, panch witness, other witness)
DW1	--	--
DW2	--	--

C. Court witnesses, if any :-

Rank	Name	Nature of Evidence (Eye witness, Police witness, Expert witness, medical witness, panch witness, other witness)
CW1	--	--
CW2	--	--

LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit	Description
1	PW1 :- Exh.P-283/PW1	Complaint
2	PW2 :- Exh.P-/PW2	--
3	PW3 :- Exh.P-288, 289, 290, 291, 292, 293/PW3	Spot panchanama, panchanamas of damage vehicles
4	PW4 :- Exh.P-/PW4	--
5	PW5 :- Exh.P-/PW5	--
6	PW6 :- Exh.P-/PW	--

B. Defence :

Sr. No.	Exhibit	Description
1	DW1 – Exh.D-	--
2	DW2 – Exh.D-	--

C. Court Exhibits :

Sr. No.	Exhibit	Description
1	CW1 – Exh.C-	--
2	CW2 – Exh.C-	--

D. Material Objects :

Sr. No.	Material Object Number	Description
-	Article-A to E	Photographs of damage vehicles.

Date : 26.05.2026.
Ahmednagar.

(Rajesh M. Tayade)
Additional Sessions Judge,
Ahmednagar.