

MHAH16-001346-2021



1

Judgment in R.C.C.No.283/2021  
State of Maharashtra Vs.  
Balu Gode and Ors.

Received on : 24.11.2021  
Registered on : 24.11.2021  
Decided on : 30.03.2026  
Duration : 04Y 04M 06D

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,  
AT AKOLE, TAL.AKOLE , DIST.AHMEDNAGAR**

(Presided over by D.M.Hinglajkar)  
(Date of the Judgment : 30.03.2026)

**Regular Criminal Case No.283/2021**

**Exh.No.50**

F.I.R./Crime Register No.378/2021, under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 of Akole Police Station.

**Prosecution**

**The State of Maharashtra,  
Through – Police Inspector,  
Akole Police Station, Akole,  
Tal.Akole, Dist.Ahmednagar.**

**Represented by**

**Ld.A.PP. Smt.K.R.Utale.**

**Accused**

- 1. Balu Hariba Gode,  
Age:45 years,**
- 2. Kundabai Balu Gode,  
Age:44 years,  
Both r/o.Godewadi, Keli Kotul,  
Tal.Akole, Dist.Ahmednagar.**

**Represented by**

**Ld.Adv.Shri.R.K.Jorwar.**

**Part-B**

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

**Date of Offence :- 26.09.2021**

**Date of FIR :- 26.09.2021**

Date of Charge-sheet :- 24.11.2021

Date of Framing of Charges :- 23.11.2022 and  
27.03.2026

Date of commencement of evidence :- 25.06.2025

Date on which judgment is reserved :- 30.03.2026

Date of the Judgment :- 30.03.2026

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.                  | Balu Hariba Gode   | Accused Nos.1 and 2 are not arrested.                                                                               | 26.09.2022              | Offences punishable under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860. | Acquitted                      | Nil              | Nil                                                                          |
| 2.                  | Kundabai Balu Gode | They are released after giving them notice under Section 41-A of the Code of Criminal Procedure, 1973 on 30.09.2021 |                         |                                                                                                            |                                |                  |                                                                              |

**J U D G M E N T**

(Delivered on 30.03.2026)

Accused Nos.1 and 2 are prosecuted for the offences punishable under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 under Chapter 19 of the Code of Criminal Procedure, 1973 vide Crime Register No.378/2021 of Akole Police Station.

**The case of the prosecution in nutshell is as under:-**

2. On 26.09.2021 at about 07.00 p.m., at Keli Kotul, Tal.Akole, Dist.Ahmednagar, informant Namdev Dulaji Gode went to bring the bulls tied in the fields. However, at that time, his father Dulaji came from his front side with the bulls. Accused No.1 came there and he assaulted him on his head by stone and he started abusing him by saying “why he caused damage by grazing the bulls in his field ?” At that time, accused No.2 came there and she is started to beat him by the stick. When his son Datta and father Dulaji came to rescue him, accused No.2 beat his son Datta by the stick and accused No.1 beat his father Dulaji by fist and kick blows. They abused and threatened them to kill. Therefore, the informant reported the incident to Akole Police Station.

3. In view of the report lodged by the informant, Crime Register No.378/2021 came to be registered against the accused. Police Naik Shri. B. V. Gorane made investigation of this crime. He visited the spot of the incident and he seized the stone and stick used in the crime. Accordingly, he prepared spot and seizure panchanama in the presence of two panch witnesses. He recorded

statements of relevant witnesses. He collected medico-legal certificates of the informant and witnesses. After completion of the investigation, he found that accused Nos.1 and 2, in furtherance of their common intention, voluntarily caused hurt to the informant and witnesses by means of the stone and stick, and also, by fist and kick blows, and they abused and threatened them to kill. Therefore, he filed the charge-sheet against the accused for the offences punishable under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

4. My Ld.Predecessor-in-office framed the charge against the accused for the offences punishable under Section 324, 323, 504 read with Section 34 of the Indian Penal Code, 1860 at Exh.12. By virtue of order below Exh.1 dated 27.03.2026, I have altered the charge against the accused for the offences punishable under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860. The same was read over and explained to the accused in vernacular. However, the accused pleaded not guilty and claimed to be tried.

5. The prosecution examined in all five (05) witnesses as mentioned in Part C of the Schedule.

6. After the completion of evidence of the prosecution, statements of the accused under Section 313(1)(b) of the Code of Criminal Procedure, 1973 were recorded. It transpires from the cross-examination of the witnesses of the prosecution and the statements of the accused recorded under Section 313(1)(b) of the Code of Criminal Procedure, 1973 that the defence of the accused

is of total denial and false implication on account of previous dispute as to cultivation of the land. However, the accused neither stepped into the witness-box nor they examined any witness on his behalf.

7. Heard the arguments of Ld.A.PP. Smt.K.R.Utale and Ld.Adv.Shri.R.K.Jorwar for the accused.

8. Ld.A.PP. Smt.K.R.Utale argued that the prosecution has duly proved report of the incident at Exh.P-23 through the testimony of PW1 informant Namdev Dulaji Gode. He deposed case of the prosecution on the same line as mentioned in the said report. PW3 Dattatray Namdev Gode, who is eye-witness, supported the contentions of the informant. The prosecution has duly proved the incident through depositions of PW1 and PW3. Spot and seizure panchanama at Exh.P-28 is proved through the testimonies of PW2 Dattatray Pandurang Wayal and investigating officer PW5 Balasaheb Vitthal Gorane. The prosecution proved the injuries of the informant through testimony of PW4 Dr.Sunil Maruti Salunke. The prosecution proved the charges levelled against the accused beyond reasonable doubt. Therefore, Ld.A.PP. Smt.K.R.Utale prayed that the accused shall be convicted and punished according to law.

9. Per-contra, Ld.Adv.Shri.R.K.Jorwar for accused vehemently contended that there is dispute between the informant and the accused on account of paddy land belonging to Parvatabai Vitthal Bhojane. The informant lodged false complaint against the accused only for this reason. PW1 informant Namdev Dulaji Gode

deposed during his cross-examination that he wanted a share in the land belonging to Parvatabai. It shows the reason why he filed this complaint against the accused. PW3 Dattatray Namdev Gode is son of the informant. He came at the spot of the incident only after hearing the shout of his father. He has not seen the alleged incident. He admitted in his cross-examination that his father i.e. the informant sustained injuries as he fell down. It shows that the accused have not assaulted the informant. Further, PW4 Dr.Sunil Maruti Salunke didn't find injuries to Dulaji Gode and Dattatray Gode. It falsifies case of the informant that the accused assaulted them. PW2 Dattatray Panduranga Wayal and another panch witness Vilas Pandurang Wayal are nephews of the informant. There is lack of independent corroboration to the spot and seizure panchnama. The investigating officer i.e. PW5 Balasaheb Vitthal Gorane have not examined independent witnesses in this case. He examined only the interested witnesses of the informant. The prosecution miserably failed to prove its case beyond reasonable doubt. Therefore, Ld.Adv. Shri.R.K.Jorwar sought acquittal of the accused.

**10.** After having heard the arguments of the prosecution and the defence, and after perusing the documents on record, the following points arise for the determination of this Court. These points are mentioned along with my findings and reasons as under

| Sr.No. | POINTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | FINDINGS  |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1.     | Whether the prosecution proved that on 26.09.2021 at about 07.00 p.m. at Keli Kotul, Tal.Akole, Dist. Ahmednagar, accused Nos.1 and 2, in furtherance of their common intention, voluntarily caused hurt to informant Namdev Dulaji Gode and witnesses by means of the stone and stick, which if used as weapons of offence are likely to cause death, and also, by fist and kick blows, and that they thereby committed an offence punishable under Section 324 read with Section 34 of the Indian Penal Code, 1860 ? | ..... No. |
| 2.     | Whether the prosecution proved that on the aforesaid date, time and place, accused Nos.1 and 2, in furtherance of their common intention, voluntarily caused hurt to the informant and witnesses by means of the stone and stick, and also, by fist and kick blows, and that they thereby committed an offence punishable under Section 323                                                                                                                                                                            |           |

read with Section 34 of the Indian Penal Code, 1860 ?

..... No.

3. Whether the prosecution proved that on the aforesaid date, time and place, accused Nos.1 and 2, in furtherance of their common intention, intentionally insulted the informant and the witnesses and thereby gave provocation to them, intending or knowing it to be likely that such provocation would cause them to break the public peace or to commit any of the offence, and that they thereby committed an offence punishable under Section 504 read with Section 34 of the Indian Penal Code, 1860 ?

..... No.

4. Whether the prosecution proved that on the aforesaid date, time and place, accused Nos.1 and 2, in furtherance of their common intention, committed criminal intimidation by threatening the informant and witnesses with injury to their person with intent to cause alarm to them and that they

thereby committed an offence punishable under Section 506 read with Section 34 of the Indian Penal Code, 1860 ?

..... No.

5. What order ?

..... Accused Nos.1 and 2 are acquitted as per the final order.

### **REASONS**

#### **AS TO POINT NOS.1 to 4 :-**

*(All these points are interlinked with each other. Therefore, in order to avoid repetition of facts and evidence, they are discussed together.)*

11. According to the case of the prosecution, accused Nos.1 and 2 are charged with the offences punishable under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860. In order to prove guilt of the accused for the offences charged, the prosecution shall have to prove the following ingredients of the offences:

- (i) *that accused Nos.1 and 2, in furtherance of their common intention, voluntarily caused hurt to the informant and witnesses by means of the stone and stick, which if used as weapons of offense, are likely to cause death;*

- (ii) that accused Nos.1 and 2, in furtherance of their common intention, voluntarily caused hurt to the informant and witnesses by means of the stone and stick, and also, by fist and kick blows;*
- (iii) that accused Nos.1 and 2, in furtherance of their common intention, intentionally insulted the informant and witnesses in order to provoke them to break public peace or to commit any other offence;*
- (iv) that accused Nos.1 and 2, in furtherance of their common intention, in furtherance of your common intention, committed criminal intimidation by threatening the informant and witnesses, with injury to their person with intent to cause alarm to them;*

**12.** In order to ascertain, whether the prosecution proved guilt of the accused for the offences charged, oral and documentary evidence on record needs to be scrutinized scrupulously. On perusing the list of witnesses, it reveals that the prosecution examined informant Namdev Dulaji Gode as PW1 and his son Dattatray Namdev Gode as PW3. As per case of the prosecution, these witnesses are the eye-witnesses of the incident. Therefore, while considering the oral evidence on record, first of all, it is necessary to analyze depositions of these witnesses.

**13.** PW1 informant Namdev Dulaji Gode deposed on oath during his examination-in-chief at Exh.P-22 that on 26.09.2021 at about 07.00 p.m., he went to his field to bring the bulls. At that time, accused No.1 came there. There was a stone in his hand. He assaulted him on his head by that stone. He abused and threatened him. His father Dulaji Gode and son Dattatray Gode came to rescue him. At that time, accused No.2 came with stick in her

hand. She beat his son by that stick. Accused No.1 beat his father by fist and kick blows. Accused No.1 threatened him to kill. Thereafter, he along with his son Dattatray Gode and his wife Chandrabhaga Namdev Gode came to Akole Police Station. He reported the incident to the police vide report of the incident at Exh.P-23.

**14.** The prosecution proved report of the incident at Exh.P-23 through the testimony of PW1. On reading the report of the incident at Exh.P-23, it is version of the informant that on 26.09.2021, at about 07.00 p.m., when he went to bring the bulls tied in the field, his father Dulaji came from the front with the bulls. At that time, accused No.1 came there and the incident took place. However, during the deposition, he did not tell that his father came from his front with the bulls. He did not state about the presence of his father at the time of inception of the incident. Further, in the report of the incident, he narrated that accused No.1 asked him “why he caused damage to his field by grazing the bulls in the field” and thereafter, the incident took place. However, he did not depose about this cause of the incident in his testimony. He deposed that accused No.1 came there and he started to assault him by the stone. On reading together testimony of the informant at Exh.P-22 and report of the incident at Exh.P-23, it clearly reveals that the informant did not depose about the cause of the incident in his testimony.

**15.** PW1 Namdev Dulaji Gode deposed during his cross-examination that accused No.1 is his cousin. He has two brothers.

The accused have agricultural land at Keli Godewadi. There was partition between accused No.1 and his brothers. Accused No.1 has a paddy land. His land is divided into short pieces. The house of the accused is situated at some height towards northern side of the spot of the incident. There is a winding path from the said land to the house of the accused. There are stones on this path. Name of mother of accused No.1 is Yamunabai. Name of paternal aunt of accused No.1 is Parvatabai Vitthal Bhojane. PW1 further stated that she is not paternal aunt of accused No.1 and she is paternal aunt of his father. Land of Parvatabai and Yamunabai is situated near the house of the accused. The said land is a paddy land. Accused No.1 used to cultivate this land since his grandfather. PW1 stated that he wants share in the land of Parvatabai. Accused No.1 and his brothers cultivated paddy crop in the land of Parvatabai. At the time of alleged incident, there was paddy crop in the land of accused No.1 and his brothers. Accused No.1 asked him why he damaged his paddy crop. After the alleged incident, he along with his father, his son and daughter-in-law came at Akole Police Station. His father and son told about the incident to the police.

**16.** Ld.Advocate Shri.R.K.Jorwar for the accused conducted cross-examination of PW1 on the line of their defence that there is dispute between him and the accused on account of cultivation of paddy land belonging to Parvatabai Vitthal Bhojane. PW1 denied the fact that there is such dispute between him and the accused. However, it transpires from the cross-examination of PW1 that the accused No.1 used to cultivate paddy land belonging to Parvatabai

and he wants a share in the said land. It reflects from these contentions that both the parties i.e. the informant and the accused are desirous of cultivation of paddy land belonging to Parvatabai.

17. PW1 deposed in his examination-in-chief that he reported the incident to the police. Accordingly, report of the incident at Exh.P-23 was registered. However, during the cross-examination, PW1 deposed that his father and son told about the incident to the police. Therefore, doubt arises whether the report of the incident was reported by PW1 or not.

18. PW3 Dattatray Namdev Gode deposed during his examination-in-chief at Exh.P-31 that on 26.09.2021 at about 07.00 p.m., when he was going towards his house with the cattle, he heard shout of his father. Therefore, he immediately went near his father. At that time, accused No.1 assaulted his father on his head by the stone. He abused his father by asking him why he had grazed his bulls in his field. At that time, accused No.2 came there and beat his father. He and his grandfather Dulaji Gode went there to rescue the quarrel. Accused No.1 beat his grandfather by fist and kick blows. He abused and threatened to kill. Thereafter accused Nos.1 and 2 went out. His father lodged complaint against the accused in Akole Police Station.

19. During the cross-examination, PW3 deposed that the accused belong to their brotherhood. Accused No.1 has three brothers. Lands of them and the accused are adjacent to each other. The house of the accused is situated towards northern side

of these lands and their house is situated towards western side of these lands. The houses are situated at a high level from these lands. There is a winding path to reach these lands from their houses. He didn't know whether there is a land in the name of mother of accused No.1 and his paternal aunt Parvatabai Vitthal Bhojane. There is a dispute prevailing between them and the accused on account of this land. He didn't know whether the said land was in possession of the accused. He was nearly 50 to 60 meters away from the said land while he was going with his cattle. At that time, his father was not with him. When he was going with his cattle, his father was nearly 50 to 60 meters away from the said place. He returned to the spot after the incident was happened. As he was came forward with his cattle, he didn't see exactly what happened behind his back in the said land. He came returned only because he heard shout of his father. Age of his father was 50 to 55 years. There is a darkness at the time of the incident. His father sustained injuries as he fumbled and fell down on his head due to darkness.

**20.** On reading testimony of PW3, it reveals that he came at the spot of the incident only after hearing she shout of his father. It transpires from his cross-examination that he was 50 to 60 meters away from the spot of the incident. He admitted during cross-examination that he didn't see what exactly happened behind his back. Therefore, doubt arises whether this witness has really seen the incident or not. Further, it is version of the informant in his report of the incident that accused No.2 came with a stick and

she beat him and his son Datta by that stick. However, PW3 didn't depose anything about this incident. Even he didn't say that accused No.2 beat him by the stick. Therefore, doubt arises about the contentions made by this witness regarding the incident in his examination-in-chief.

**21.** PW3 categorically stated in his cross-examination that there is a darkness in the sky at the time of the incident and his father sustained injuries on his head as he fumbled and fell down due to the darkness. As per the case of the prosecution, the alleged incident was happened on 26.09.2021 at about 07.00 p.m. No doubt, there is a darkness in the sky at that time. PW3 deposed that his father fell down due to darkness and he sustained injuries. The said fact seems to be probable. Therefore, doubt arises whether the informant sustained the injuries due to assault made by the accused.

**22.** The prosecution examined the investigating officer Shri.Balasaheb Vitthal Gorane as PW5 at Exh.P-41. He deposed on oath that on 27.09.2021, he went to the spot of the incident. The said incident was shown to him by the informant. He seized stone and two sticks from the spot of the incident in the presence of the panch witnesses. Accordingly, he prepared spot and seizure panchnama at Exh.P-28.

**23.** The prosecution examined one of the panch witnesses namely, Dattatray Pandurang Wayal as PW2 at Exh.P-27. He deposed during his examination-in-chief that on 27.09.2021, at about 11.00 a.m. to 11.30 a.m., police Shri.Gorane called him for a

panchnama at Godewadi, Keli Otur. At that time, his brother Vilas Pandurang Wayal was present with him for the panchnama. The spot of the incident was shown by informant Namdev Dula Gode. The spot of the incident was on the path where cattle passed through the land embankment. There was paddy and Hulga crops at that place. There were also big trees there. To the east of the spot of the incident is paddy land and Walwad, to the west is the informant's paddy land, to the south is odha and to the north is Haribhau Bhaga Gode's house. The police seized a stone and a stick from that place. Accordingly, the police prepared spot and seizure panchnama at Exh.P-28.

**24.** On reading together testimonies of PW2 and PW5, it reveals that PW5 i.e. the investigating officer prepared spot and seizure panchnama at Exh.P-28 in the presence of PW2 i.e. one of the panch witnesses. The prosecution proved this panchnama through oral evidence of these witnesses. However, on reading cross-examination of PW2, it transpires that PW2 and another panch witness Vilas Pandurang Wayal are real brothers and informant Namdev Dulaji Gode is their maternal uncle. Further, it reveals that the police didn't call these witnesses for the panchnama. It is when these witnesses went to see their maternal uncle i.e. the informant, on his say, they remained present for the panchnama. Therefore, considering the close relationship between the panch witnesses and the informant, it cannot firmly said that they are independent panch witnesses. There is a lack of independent corroboration to the spot and seizure panchnama.

25. The investigating officer (PW5) deposed that he seized a stone and two sticks from the spot of the incident. However, a panch witness (PW2) deposed that a stone and a stick were seized. Though the investigating officer told about seizure of two sticks, another stick is not on record. Further, it is not version of the informant that two sticks were involved in the crime. Therefore, doubt arises about testimony of PW5 regarding seizure of two sticks. Further, admittedly, the said panchnama was prepared on 27.09.2021 i.e. next day of the incident. The investigating officer seized the stone and stick, which were shown by the informant. It is nowhere reflected from the testimony of PW5 that he had verified whether the said articles were really used in the crime or not. Therefore, doubt arises whether the seized stone and stick are the weapons used in the present crime.

26. The prosecution examined PW4 Dr.Sunil Maruti Salunke at Exh.P-35. He deposed that he was working as a Medical Officer at Rural Hospital, Akole since 2017 to 2023. On 26.09.2021 at about 10.10 p.m., patients by name Dulaji Chahu Gode, Dattatray Namdev Gode and Namdev Dulaji Gode came in their hospital along with police yadi with history of alleged assault. He examined them. He found no external injuries on the bodies of Dulaji Chahu Gode and Dattatray Namdev Gode. He found two parallel CLW on left temporal region just behind left ear, abrasion on left ear and abrasion on right parietal region of patient Namdev Dulaji Gode. Accordingly, he issued injury certificates of Dulaji

Chahu Gode, Dattatray Namdev Gode and Namdev Dulaji Gode at Exh.P-36, Exh.P-37 and Exh.P-38 respectively. The said injuries can be possible if they were beaten by the stick and stone.

**27.** The prosecution proved injury certificates at Exh.P-36 to Exh.P-38 from the deposition of this witness. It is the version of the informant in his report of the incident at Exh.P-23 that accused No.1 beat his father Dulaji by fist and kick blows. Accused No.2 beat his son Datta by the stick. If it so, it is but natural that these witnesses would sustain super facial injuries on their bodies. However, it is reflected from the deposition of PW4 that these witnesses were not sustained any injury on their bodies. Therefore, doubt arises whether these witnesses were really present at the spot of the incident at the relevant time and they were assaulted by the accused. Further, PW3 didn't also depose about so called assault on him. Therefore, doubt arises about the case of the informant. PW4 deposed that informant Namdev Dulaji Gode sustained some injuries. He opined that such injuries can be possible if someone has been beaten by the stick and stone. However, during the cross-examination, he also opined that such injuries can be possible if someone fell down on the surface from the motorcycle. PW3 i.e. son of the informant deposed during the cross-examination that his father i.e. the informant sustained injuries on his head as he fumbled and fell down due to the darkness. Therefore, it cannot be proved beyond reasonable doubt that the informant sustained injuries as he was assaulted by the accused by the stone and stick.

28. Upshot of the above discussion is that there is dispute between the informant and the accused on account of cultivation of paddy land belonging to Parvatabai Vitthal Bhojane. PW1 i.e. the informant didn't depose about the cause of the incident in his deposition. He contended that he sustained injuries as he was assaulted by the accused by means of stone and stick. However, his son i.e. PW3 deposed that his father sustained injuries on his head as he fumbled and fell down due to the darkness. Therefore, doubt arises whether the informant sustained injuries due to assault made by the accused. Further, PW3 didn't depose about so called assault to him. PW4 found that witnesses Dulaji Chahu Gode and Dattatray Namdev Gode i.e. father and son of the informant respectively didn't sustain any injury. Therefore, doubt arises whether these witnesses were really present at the spot of the incident at the relevant time and they were assaulted by the accused. As said above, there is lack of independent corroboration to the spot and seizure panchnama. Further, there is doubt whether the stone and stick seized in this matter were really used in the present crime. Ingredients of the offences punishable under Sections 324 and 323 of the Indian Penal Code, 1860 are not duly proved. Further, PW1 and PW3 vaguely deposed that the accused abused and threatened them. However, exactly what words were used by the accused are not stated by the witnesses. Therefore, doubt arises whether the alleged act of abusing and threatening by the accused is of such nature to attract the ingredients of Sections 504 and 506 of the Indian Penal Code, 1860. The prosecution

failed to prove the charges against the accused beyond reasonable doubt. Therefore, accused Nos.1 and 2 cannot be held guilty for the offences punishable under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860. Hence, I answer point Nos.1 to 4 in the negative.

**AS TO POINT NO.5**

**29.** Considering the above discussion, it is duly established that the prosecution failed to prove beyond reasonable doubt the offences charged against the accused for the offences punishable under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860. Therefore, the accused are deserved to be acquitted for the said offences. Seized muddemal stick and stone are of no value. Therefore, these articles are required to be destroyed as per the rules after the appeal period is over. Hence, I pass the following order :-

**ORDER**

1. Accused Nos.1 and 2 are acquitted of the offences punishable under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 vide Section 248(1) of the Code of Criminal Procedure, 1973.
2. Accused Nos.1 and 2 shall be set at liberty.
3. Previous personal bonds of the accused stand cancelled.
4. Accused Nos.1 and 2 shall furnish fresh personal bond of Rs.15,000/- and a surety of Rs.7,500/- each vide Section 437-A of the Code of the Criminal procedure, 1973.

5. Seized muddemal stick and stone, being worthless, shall be destroyed as per the rules after the appeal period is over.

(Dictated and pronounced in open Court).

-  
Date : 30.03.2026

Place : Akole

(D.M.Hinglajkar)  
Judicial Magistrate First Class, Akole,  
Tal.Akole, Dist.Ahmednagar.

**Part-C****[Para 44(iii) of Chapter VI of Criminal Manual]****LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution :**

| <b><u>RANK</u></b> | <b><u>NAME</u></b>       | <b><u>NATURE OF EVIDENCE</u></b> |
|--------------------|--------------------------|----------------------------------|
| PW1                | Namdev Dulaji Gode       | Informant                        |
| PW2                | Dattatray Panduran Wayal | Spot and seizure panch           |
| PW3                | Dattatray Namdev Gode    | Eye-witness                      |
| PW4                | Dr.Sunil Maruti Salunke  | Medical Officer                  |
| PW5                | Balasaheb Vitthal Gorane | Investigating officer            |

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

| <b><u>RANK</u></b> | <b><u>NAME</u></b> | <b><u>NATURE OF EVIDENCE</u></b> |
|--------------------|--------------------|----------------------------------|
| Nil.               |                    |                                  |

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

| <b><u>RANK</u></b> | <b><u>NAME</u></b> | <b><u>NATURE OF EVIDENCE</u></b> |
|--------------------|--------------------|----------------------------------|
| Nil.               |                    |                                  |

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

| <b>Sr. No.</b> | <b>Exhibit Number</b> | <b>Description</b>                      |
|----------------|-----------------------|-----------------------------------------|
| 1.             | Exh.P-23/PW1          | Report of the incident                  |
| 2.             | Exh.P-28/PW2          | Spot and seizure panchnama              |
| 3.             | Exh.P-36/PW4          | Injury certificate of Dulaji Chahu Gode |

|    |              |                                             |
|----|--------------|---------------------------------------------|
| 4. | Exh.P-37/PW4 | Injury certificate of Dattatray Namdev Gode |
| 5. | Exh.P-38/PW4 | Injury certificate of Namdev Dulaji Gode    |
| 6. | Exh.P-42/PW5 | Order of the investigation                  |
| 7. | Exh.P-43/PW5 | Muddemal receipt                            |

**B. Defence :**

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

**C. Court Exhibits :**

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

**D. Material Objects :**

| Sr. No. | Material Object Number | Description                 |
|---------|------------------------|-----------------------------|
| 1.      | M.R.No.103/2021        | A wooden stick and a stone. |

Date : 30.03.2026

Place : Akole

(D.M.Hinglajkar)  
Judicial Magistrate First Class, Akole,  
Tal.Akole, Dist.Ahmednagar.

**Certificate**

I affirm that the contents of this PDF file are word to word as per original judgment/order.

Sd/-  
(Amol U. Salpe)  
Stenographer (Grade-3)  
Jt.Civil Court Junior Division  
Akole.

Dictated on : 30.03.2026  
Transcribed on : 30.03.2026  
Checked and signed on : 04.04.2026