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Sessions Case No. 17/2022
 CNR No.MHBI010004032022
 Judgment (Exh. 102/A)

MHBI010004032022 	Presented on	:-	27/01/2022
	Registered on	:-	28/01/2022
	Decided on	:-	12/03/2026
	Duration	:-	Yrs. Ms. Ds. 04- 01-16

Sessions Case No. 17/2022**Exhibit No. 102/A**

PART 'A'
(Title Page of Judgment)

		<u>IN THE COURT OF SESSIONS JUDGE, BEED,</u> <u>DIST. BEED.</u> Present:- Anand L. Yawalkar, Sessions Judge, Date: 12/03/2026 <u>Sessions Case No. 17/2022</u>	
		(Crime No. 650/2017, under Sections 143, 147, 148, 149, 323, 506, 307 of IPC, Sec. 135 of Mah Police Act and sec. 327 of Indian Arms Act. Police Station, Shivajinagar Beed, Dist. Beed).	
Complainant (Prosecution)	:-		STATE OF MAHARASHTRA, Police Station, Shivajinagar, Beed, Dist. Beed.
REPRESENTED BY	:-		Shri. A.S. Tandale, Ld. APP for the State
ACCUSED	:-	1]	Mukesh Balu Adagale, Age:- 22 years, R/o. Kranti nagar, Patoda, Dist. Beed.
		2]	Aniket Suresh Rakh, Age:- 25 years, R/o. Kranti nagar, Patoda, Dist. Beed.

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		3]	Avinash Machhindra Nagre, Age:- 19 years, Age 19 years, R/o. Therla, Tq. Patoda, Dist. Beed.
		4]	Vishwajit Bhagwat Nagre, Age:- 20 years, R/o. Therla, Tq. Patoda, Dist. Beed.
		5]	Rutuparn Bharat Nagre, Age:- 19 years, R/o. Therla, Tq. Patoda, Dist. Beed.
		6]	Rupsing Sardarsing Tak, Age:- 26 years, R/o. Mahasangvi, Tq. Patoda, Dist. Beed.
REPRESENTED BY	:-		Shri. V. S. Sanap, Ld. Advocate for accused.

Part 'B'

Date of offence	:-	18/09/2017
Date of FIR	:-	19/09/2017
Date of charge-sheet	:-	26/04/2018
Date of Framing of charges	:-	15/12/2025
Date of commencement of evidence	:-	23/01/2026
Date on which judgment is reserved	:-	-
Date of the Judgment	:-	12/03/2026
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 the purpose of Section 428

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Sessions Case No. 17/2022
CNR No.MHBI010004032022
Judgment (Exh. 102/A)

1]	Mukesh Balu Adagale.	19/09/2017	05/10/2017	143, 147, 148, 307, 323, 506 r.w. sec. 149 of Indian Penal Code. Sec. 135 of Bombay Police Act., Sec. 3, 27 of Arms Act.	Acquitted	----	16 days.
2]	Aniket Suresh Rakh.	19/09/2017	05/10/2017	143, 147, 148, 307, 323, 506 r.w. sec. 149 of Indian Penal Code. Sec. 135 of Bombay Police Act Sec. 3, 27 of Arms Act.	Acquitted	----	16 days.
3]	Avinash Machhindra Nagre.	19/09/2017	05/10/2017	143, 147, 148, 307, 323, 506 r.w. sec. 149 of Indian Penal Code. Sec. 135 of Bombay Police Act Sec. 3, 27 of Arms Act.	Acquitted	----	16 days.
4]	Vishwajit Bhagwat Nagre.	19/09/2017	05/10/2017	143, 147, 148, 307, 323, 506 r.w. sec. 149 of Indian Penal Code. Sec. 135 of Bombay Police Act Sec. 3, 27 of Arms Act.	Acquitted	----	16 days.

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5]	Rutuparn Bharat Nagre.	19/09/2017	05/10/2017	143, 147, 148, 307, 323, 506 r.w. sec. 149 of Indian Penal Code. Sec. 135 of Bombay Police Act, Sec. 3, 27 of Arms Act.	Acquitted	----	16 days.
6]	Rupsing Sardarsing Tak.	19/09/2017	05/10/2017	143, 147, 148, 307, 323, 506 r.w. sec. 149 of Indian Penal Code. Sec. 135 of Bombay Police Act, Sec. 3, 27 of Arms Act.	Acquitted	----	16 days.

Judgment

(Delivered on 12th day of March, 2026)

Accused are being prosecuted by Police Station, Shivajinagar, Beed, Dist. Beed, in Crime No. 650/2017, for offence under Section 143, 147, 148, 307, 323, 506, of the Indian Penal Code, Section 135 of Maharashtra Police Act and Section 3/27 of Indian Arms Act.

Prosecution case in short is as under;

2] As per the case of prosecution, on 18/09/2017 at about 1.30 p.m. informant was taking tea in a hotel on western side of Kapil Muni mandir at Ankush nagar, that time Rutupur Nagre, Aniket Rakh, Vishwajit Nagre, Mukesh Adagale, Avinash Nagre and Rupsing Tak came there through vehicle No MH 1 BA 4355 and Rutuparn Nagre assaulted informant on account of previous quarrel which took place due to Jayanti of Munde. He started running. At that time they assaulted one boy namely Tukaram. He took his friends Sandip Dahiphale,, Ashish Nagargje and other 3 to 4 from

Kalinka Nagar arch to old Charharta road that time their vehicle was seen there. He and other boys who were with him went there. At that time they came down from vehicle and Rupsing Tak showed him gun and while he was running, he fired from him gun. Thereafter his friends made phone call to police and Police came there and caught four persons.

3] On the basis of complaint, Crime No. 650/2017 for the offence punishable u/sec. 143, 147, 148, 149, 504, 323, 307 of IPC, sec. 3, 27 of Arms Act and Sec. 135 of Maharashtra Police Act registered registered against accused.

4] During investigation I.O visited the spot and conducted spot panchnama, arrested accused persons, recovered Pistol used in crime from accused Rupsing Tak by conducting seizure panchnama, recorded statement of material and as there found sufficient evidence against the accused, charge-sheet came to be filed before Ld. JMFC Court at Beed.

5] As offence u/sec. 307 of IPC is exclusively triable by Court of Sessions, Ld. JMFC Beed by its order dated 07/01/2022 committed matter to the Court of Sessions.

6] Accused appeared. I have framed, readover and explained the charge vide Exh. 72 to accused for offence punishable u/sec. 143, 147, 148, 307, 323, 504, 506, r.w. sec. 149 of Indian Penal Code, Section 135 of Maharashtra Police Act and Sec. 3/27 of Indian Arms Act. In their plea recorded at Exh. 73 to 78, accused pleaded not guilty and claimed to be tried. Therefore, the evidence of prosecution witnesses then came to be recorded. The statement of accused u/sec. 313 of Cr.P.C. came to be recorded vide Exh.96 to 101.

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7] Heard argument of Ld. APP Shri. A. S. Tandale for State and Ld. Advocate Shri. V. S. Sanap for accused.

8] In the light of charge against accused, argument and defence, following points arise for my determination and I have noted my findings against them for reasons stated therein below;

POINTS

FINDINGS

- | | | |
|--|-----|--------------|
| 1) Whether prosecution proves that, on 18/09/2017 at 1.30 p.m. at Ankush Nagar, Tq. Dist. Beed, accused were members of an unlawful assembly ? | ... | In negative. |
| 2) Whether the prosecution further proves that on aforesaid date, time and place, accused were the members of an unlawful assembly and in prosecution of the common object of the said assembly committed an offence of rioting ? | ... | In negative. |
| 3) Whether the prosecution further proves that, on aforesaid date, time and place, accused were the members of an unlawful assembly and in prosecution of the common object of said assembly, committed the offence of rioting and at that time were armed with deadly weapon ? | ... | In negative. |
| 4) Whether the prosecution further proves that, on aforesaid date, time and place, accused were the members of an unlawful assembly and in prosecution of the common object of the said assembly, did act and made fire to informant by pistol with such intention or knowledge and under such circumstances that, if by that act, they had caused the death of informant, they would have been guilty of murder ? | ... | In negative. |

- 5) Whether the prosecution further proves that, on aforesaid date, time and place you accused were the members of an unlawful assembly and in prosecution of common object of said assembly, voluntarily caused hurt to informant ? ... In negative.
- 6) Whether the prosecution further proves that, on aforesaid date, time and place you accused were the members of an unlawful assembly and in prosecution of common object of said assembly committed criminal intimidation by threatening the informant with injury to his person with intent to cause an alarm to him ? ... In negative.
- 7) Whether the prosecution further proves that, on aforesaid date, time and place accused disobeyed the order of District Magistrate, Beed of mob gathering ? ... In negative.
- 8) Whether prosecution further proves that, on aforesaid date, time and place, accused No. 6 was found with Air Gun and like weapon in contravention of provision of Arms Act ? ... In negative.
- 9) What order ? ... As per final order.

REASONS

AS TO POINT NO. 1 TO 8 :-

9] Since the evidence is interlinked, all the points are discussed together.

10] In order to prove the charges levelled against, prosecution examined informant Rushikesh Khnadare as PW 1 at Exh.84. He deposed that, he do not remember when the incident took place. He deposed about giving of complaint, but stated that, he do not know its contents. He denied the incident and also denied the role of accused in commission of offence. He was cross-examined

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by Ld. APP but nothing fruitful came on record from this witness which will support the case of prosecution.

11] Thereafter, prosecution examined PW 2 Shivanand Shashikar Devkar as PW 2 . He is Investigating Officer. He deposed as per investigation done by him. His evidence is of formal in nature. Thereafter prosecution closed their evidence.

12] Upon considering the evidence of prosecution, it appears that informant did not support the case of prosecution. He denied the incident and incriminating act done by the accused. Hence all the charges levelled by the prosecution against the accused are not proved. Considering this, I answer point No.1 to 8 in negative.

As to point No.9 :-

13] Considering the discussion made herein above, prosecution has failed to prove charges against accused and hence considering this, I accordingly pass following order;

ORDER

- 1] Accused are hereby acquitted of the offence punishable under Section 143, 147, 148, 307, 323, 506 r.w. Sec. 149 of Indian Penal Code and Sec. 135 of Maharashtra Police Act and Sec. 3, 27 of Indian Arms Act, vide Section 235(1) of the Code of Criminal Procedure.
- 2] Bail bonds of accused stand cancelled, sureties are discharged.
- 3] Accused are directed to furnish PB of Rs. 15,000/- each and surety of like amount in compliance of Section 437-A of Criminal Procedure Code.
- 4] Muddemal Pistol be sent to District Magistrate, Beed for disposal according to law after appeal period is over.

- 5] Seized vehicle No. MH 14 BA 4355, if not released, be given in custody of its lawful owner after appeal period is over.

Beed,
Date : 12/03/2026

(Anand L. Yawalkar)
SESSIONS JUDGE, BEED.

Part 'C'**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	Rushikesh Bapusaheb Khandare (Exh.84)	Informant.
PW2	Shivanand Shashikar Devkar (Exh.91)	Investigating Officer

B. Defence Witnesses, if any:

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
—	—	--

C. Court Witnesses, if any:-

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
—	—	--

List of prosecution/defence/Court Exhibits**A. Prosecution:-**

Sr. No.	Exhibit Number	Description
1]	Exhibit P-72	Charge
2]	Exhibit P-73 to 78	Plea of accused No.1 to 6.
3]	Exhibit P-85 (PW1)	Signature of PW 1 on complaint;

4]	Exhibit P-92 (PW 2)	Letter issued to Executive Engineer, Beed for receiving panchas
5]	Exhibit P-93 (PW 2)	Memorandum panchnama;
6]	Exhibit P-94 (PW2)	Letter to FSL for examination of muddemal;
7]	Exhibit P-96 to 101	Statement of accused u/sec. 313 of Cr.P.C.;

B. Defence:-

Sr. No.	Exhibit Number	Description
-	-	--

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
-	-	-

D. Material Objects:-

Sr. No.	Material Object Number	Description
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Beed,
Date : 12/03/2026

(Anand L. Yawalkar)
SESSIONS JUDGE, BEED.

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Dictated on : 12/03/2026
Transcribed on : 12/03/2026
Checked & signed on : 16/03/2026

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

Name of Steno : S.D. Kulkarni
Name of Court : Sessions Court, Beed,

Sd/-
(S. D. Kulkarni)
Stenographer Grade-I