


MHBI010028152023 	Original RCC Presented on	:-	04.08.2023
	Original RCC Registered on	:-	05.08.2023
	Committed on	:-	26.07.2023
	Decided on	:-	27.03.2026
	Duration	:-	Ys. Ms Ds 02. 07. 23.

Part 'A'
(Title Page of Judgment)

<u>IN THE COURT OF ADDITIONAL SESSIONS</u> <u>JUDGE, BEED.</u> Present : Renuka M. Satav, Addl. Sessions Judge, Beed. <u>Session Case No.134/2023</u>		Exh.45/A
	Crime No.346/2020 Police Station Pimpalner, Tq. Dist. Beed. Offences Punishable under Sections 379, 353, 332, 201 r.w. 34 of The Indian Penal Code.	
Prosecution	State of Maharashtra, Through : Police Station Officer, Police Station Pimpalner Tq.Dist. Beed.	
Represented by	Shri. A.S.Tandale, Learned A.P.P for the State.	
Accused	1.	Shaikh Ansar Shaikh Babamiya Age : 31 years, R/o : Near Chandtara Masjid Islampura, Peth Beed Tq.Dist.Beed
	2.	Shaikh Faruk Shaikh Sharif Bagwan Age : 33 years R/o : Near Bardari Masjid Islampura, Beed Tq.Dist.Beed.

	3.	Shaikh Samshir Shaikh Feroj Age : 35 years R/o : Dilawar Nagar, Peth Beed, Tq.Dist.Beed.
Represented by		Shri. S.B.Shaikh, learned advocate for accused

Part 'B'

Date of offence	:	21.12.2020
Date of FIR	:	22.12.2020
Date of Charge-sheet	:	19.01.2022
Date of Framing of Charge	:	20.11.2025
Date of commencement of Evidence	:	29.01.2026
Date on which Judgment is reserved	:	27.03.2026
Date of Judgment	:	27.03.2026
Date of the Sentencing order, if any	:	--

Accused Details

Ran k of accu sed	Name of accused	Date of Arrest	Date of Release on bail	Offences Charged with	Whether acquitted or Convicted	Sentenc e imposed	Period of Detention Undergone during Trial for the purpose of Section 428CR.PC.
1.	Shaikh Ansar Shaikh Babamiya	25.12.20 20	23.02.20 21	Sec.379, 353,332, 201 r.w.34 of IPC etc.	Acquitted	--	--

2.	Shaikh Faruq Shaikh Sharif Bagwan	--do--	--do--	--do--	--do--	--	--
3.	Shaikh Samshir Shaikh Feroj	27.12.20 21	13.01.20 22	--do--	--do--	--	--

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

LIST OF PROSECUTION /DEFENCE /COURT WITNESSES

A. Prosecution :

Rank	Exhibits	Name of Witness	Nature of Evidence
PW-1	24	Machindra Uddhavrao Datar	Panch
PW-2	29	Sachin Dnyanoba Sanap	Informant
PW-3	35	Hanuman Tukaram Khande	Seizure panch
PW-4	38	Uttareshwar Navnath Bhosale	Seizure panch

B. Defence Witnesses, If any :

Rank	Name of Witness	Nature of Evidence
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C. Court Witnesses, If any :

Rank	Name of Witness	Nature of Evidence
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List of Prosecution / defence / Court exhibits

A. Prosecution :

Sr. No.	Exhibits Number	Description
1.	25	Letter dated 23.12.2020 issued to Principal for providing panch
2.	26	Spot panchanama
3.	30	F.I.R.
4.	31	FIR in format
5.	32	Tahsildar
6.	25	Medicolegal Certificate of accused No.2
7.	25	Arrest panchanama of accused No.1
8.	25	Arrest panchanama of accused No.2

B. Defence :

Sr. No.	Exhibits Number	Description
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C. Court Exhibits :

Sr. No.	Exhibits Number	Description
1	2 to 4	Muddemal receipts
2	42 to 44	Statement of accused No.1 to 3 under section 313 of the Cr.P.C.

D. Material Objects :

Sr. No.	Material Object Number	Description
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JUDGMENT
(Delivered on 2nd April, 2026)

The accused are charge-sheeted for the offences punishable under Sections 379, 353, 332, 201 r.w. 34 of The Indian Penal Code.

02. It is the case of prosecution that **informant Sachin Dnyanoba Sanap** lodged first informant report on **22.12.2020** stating that since three months before lodging of F.I.R. he is working as Talathi (Sajja Kurla) on 21.12.2020 as per order of Tahsildar bearing No.2020/जमा-1/गौ.ख/पथक/का.वि. Dated 02.11.2020 he along-with Talathi Kukkadgaon namely Ajay Morale were on patrolling duty to curb illegal excavation of Mineral silica / sand. At about 08.35 hours at Mhalas Javala Road, near Umari Petrol Pump they found one Highwa vehicle bearing No.MH-23-AU-4597 coming from Umari side and they stopped it and checked it and found 5-Brass silica / sand in it. They inquired about transport license but driver replied in the negative. He answered and told the name of vehicle owner as Shamsheer Khan Feroz Khan. Thereafter, they took his mobile in custody and asked him to take the vehicle to Tahsil Office Beed. Thereafter, vehicle owner Shamsheer Khan Feroz Khan and one other person came there in Scorpio and they informed him about illegal sand found in highwa but he scuffled with them and dashed them and ran away with Muddemal and vehicle. They were found transporting silica / sand illegally without

paying royalty and also assaulted and obstructed informant public servant while discharging his official duty and also scuffled with them. Therefore, he lodged report against the accused and submitted his mobile in the police station.

03. On the basis of report, an offence was registered vide **C.R.No.346/2020** for the offences punishable under section 379, 353, 332, 201 r.w. 34 of The Indian Penal Code. Investigation was handed over to PSI **Shri.B.G.Aaghav**.

04. As per record, during investigation concern investigating officer visited the spot, prepared spot panchanama, recorded statements of witnesses and thereafter arrested the accused etc. After completion of investigation charge-sheet came to be filed against accused.

05. Thereafter case was committed to this court vide order **dated 26.07.2023** by learned J.M.F.C. Court No.10, Beed.

06. Charge was framed against the accused persons at **Exh.15** for the offences punishable under Sections 379, 353, 332, 201 r.w. 34 of The Indian Penal Code. As per statement at Exh.16 to 18 accused pleaded not guilty and claimed to be tried.

07. After completion of prosecution evidence, statements of the accused under Section 313 of The Code of Criminal

Procedure is recorded by me at **Exh.42 to 44**. Their defence is of total denial.

08. Heard Ld. APP Shri.A.S.Tandale and Ld. advocates for accused.

09. Following are the points for determination along-with my findings thereon for the reasons stated therein after.

Sr. No.	<u>POINTS</u>	<u>FINDINGS</u>
1)	Does the prosecution prove that, on 21/12/2020 at about 20.35 hours at Beed to Pimpalner road, near Antharwan Pimpari Tanda, west side of Umari petrol pump Tq Dist.Beed accused No.1 to 3 in furtherance of their common intention committed theft of sand ?	No.
2)	Does the prosecution prove that, on the aforesaid date, time and place, accused no. 1 to 3 in furtherance of their common intention voluntarily caused hurt to the informant, public servant with intent to prevent or deter him from discharging their duty as such public servant ?	No.
3)	Does the prosecution prove that, on the aforesaid date, time and place, accused no. 1 to 3 in furtherance of their common intention voluntarily caused hurt to the informant, public servant with intent to prevent or deter him from discharging their duty as such public servant ?	No.

4)	Does the prosecution prove that, on the aforesaid date, time and place, accused no. 1 to 3 in furtherance of their common intention of caused disappearance of evidence with intention of screening themselves from legal punishment ?		No.
5)	What order ?	..	As per final order.

:: REASONS ::

AS TO POINTS NO. 1 TO 4 :-

10. As all the points are interlinked hence to avoid repetition I am going to discuss them together.

11. In order to prove the guilt of the accused prosecution must prove that on aforesaid day, date, time and place, the informant public servant was discharging his official duty and at that time accused were found illegally transporting Minerals silica / sand without any license. At that time when public servant was discharging his duty, they assaulted him and caused hurt and ran away along-with vehicle and silica / sand and obstructed him while discharging him official duty.

12. Now in view of above aforesaid essential ingredients if the deposition of informant **Sachin Sanap PW-2 (Exh.29)** is perused, it is seen that he deposed about their patrolling duty and about stopping of highwa vehicle bearing

No.MH-23/AU/4597 and also deposed that they found 5 brass silica / sand in it and on inquiry driver told his name Shaikh Ansar and name of vehicle owner name as Shamsheer Khan. They asked him to take the vehicle at Tahsil Office, Beed at that time vehicle owner and one another person came in Scorpio and they inquired as to how they dare to catch the vehicle and dashed him and ran away in highwa. They have evaded royalty of Rs.30,000/- and therefore, he lodged report.

13. Now as per this witness, at that time another Talathi Ajay Morale of Kukkadgaon was present with him. However, prosecution has not examined this witness. Moreover, above informant admitted that he has not seen the identity card of accused for verification of his name and also not seen R.C. book of vehicle. It was suggested to him that at that time there was dark and in the dark he could not see the person present there. However, he admitted there was dark but denied other suggestions. It is seen that this witness has not stated details of the mobile number seized from the accused. Even he has not stated specific act of each accused and even the name of owner of the vehicle and name of the person who was accompanied with accused. Even he has not stated the details of Scorpio vehicle came on spot. He has also not stated as to what action taken against said persons for evading royalty. It is seen that he has filed copy of order of Tahsildar dated 02.11.2020 (Exh.32) and Circular of Maharashtra Government dated 16.08.2020 (Exh.33) which is about action in respect of Minerals. As per

said circular and order of Tahsildar it is seen that he was appointed in squad for cubing illegal excavation and transport of Minerals.

14. It is seen that **Hanumant Khande (PW-3)** in whose present mobile was seized, is also examined by the prosecution. He deposed about seizure of mobile in his presence and preparation of seizure panchnama (Exh.36). However, he has not stated details of mobile seized in his presence. On the contrary, during cross-examination he admitted that police have already prepared panchnama before his arrival at police station. He has also admitted that he do not know name of the owner of seized mobile and even cannot tell I.M.E.I. number of said mobile. He clearly admitted that he signed panchnama on the say of police. So this witness is not helpful to the prosecution to prove the guilt of the accused.

15. Similarly, another seizure panch **Uttreshwar Bhosle (PW-4) (Exh.38)** has not supported to the prosecution. Prosecution could not fetch any material admissions during his cross-examination. Furthermore, though spot panch **Mahcindra Datar (PW-1)(Exh.24)** has supported the prosecution by stating that in his presence Pimpalner Police have prepared spot panchnama on dated 23.12.2020 of the spot shown by the Talathi Sachin Sanap. However, here spot of incident is not very much disputed whereas the presence of the accused at spot must be proved.

16. In the present case informant himself failed to state full name of the vehicle driver. On perusal of spot panchnama (Exh.25) it is seen that concerned officer has prepared the spot map and the witness has also stated details as to boundaries etc. of the spot with the help of which the spot can be very well identified. However, except informant there is no any independent witness examined by the prosecution failed and prosecution to prove presence of accused at spot. The act of each accused has not come on record. Despite sufficient opportunity prosecution has not taken steps and examined Ajay Morale and other witnesses including investigating officer and therefore, this court has closed case for statement of accused vide order below Exh.1 dated 04.03.2026. There is no evidence brought on record proving the nexus of accused No.2 and 3 with alleged incident. Even there is no any medical certificate of informant and witnesses on record there is no evidence showing that accused has voluntarily caused hurt to the informant. So also he obstructed him while discharging his official duty. So also they ran away with intention to screening themselves. Therefore, I answer point No.1 to 4 in the Negative.

AS TO POINTS NO.5 :-

17. Police have seized two vehicles i.e. Highwa No.MH-23-AV-4597 and Mahindra Scorpio car No.MH-23-AS-8886. Police also seized one Oppo company golden colour Mobile. It

was handed over to the accused on indemnity bond. Said bonds will have to be canceled after appeal period.

18. In view of the above negative findings the accused No.1 to 4 will have to be acquitted. Hence, in answer to point No. 5 I pass the following order.

ORDER

- 1) Accused No.1 to 3 are acquitted of the offences punishable under Sections 379, 353, 332, 201 r.w. 34 r.w. 34 of The Indian Penal Code vide Section 235(1) of The Criminal Procedure Code.
- 2) Their bail bonds stands canceled and surety stands discharged.
- 3) Accused No.1 to 3 shall execute fresh PR bond of Rs.15,000/- (Rs. Fifteen Thousand only) each and surety bond of like amount each as per section 437-A of the Code of Criminal Procedure.
- 4) Indemnity Bond about seized Highwa No.MH-23-AV-4597, Mahindra Scorpio car No.MH-23-AS-8886 and one Oppo company golden colour Mobile stands cancelled after appeal period.
- 5) Proceeding closed.

(Dictated and pronounced in open Court.)

(Smt. Renuka M. Satav)

Additional Sessions Judge, Beed.

Date : 02.04.2026

:: CERTIFICATE ::

" I Affirm that the content of this PDF file are word to word as per original Judgment/Order "

Dictated on :- 02-04-2026.

Transcribed on :- 02-04-2026.

Checked & Signed on :- 06-04-2026.

Holidays :- 03.04.2026 and 05.04.2026.

Presiding officer is on leave :- 04.04.2026

(M.L.Rathod)
Stenographer Grade-II
Ad-hoc District Court-3, Beed.