

MHBI010030022022



Presented on : 18/08/2022  
 Registered on : 20/08/2022  
 Decided on : 14/05/2026  
 Duration : Y. M. D.  
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**Part 'A'**  
**(Title Page of Judgment)**

	<b><u>IN THE COURT OF SESSIONS JUDGE, BEED</u></b> Present : V. H. Patwadkar, Addl. Sessions Judge-1, Beed.  Date : 14.05.2026.  <b><u>Sessions Case No.149/2022.</u></b>	
	Crime No.180/2020 Beed (Rural) Police Station. Offences punishable under Sections 143, 147 and Section 307, 324, 427, 504, 188, 269, 270 read with Section 149 of the IPC.	
Complainant	:	<b>State of Maharashtra</b> Through Police Officer, Beed (Rural) Police Station Tq. & Dist. Beed.
Represented by	:	Shri B. S. Rakh, Ld. APP for the State.
Accused	:	<b>1) Prashant Vachisht Nawle,</b> Age :- 27 years, <b>2) Vishal Laxman alias Bandu Nawle,</b> Age :- 24 years, <b>3) Mahesh Madhukar Nawle,</b> Age :- 25 years, A. No. 1 to 3 R/o Pali Tq. & Dist. Beed. <b>4) Ankush alias Gudya alias Bablya</b> <b>Rajabhau Ghadge,</b> R/o Aaherwadgaon Tq. & Dist. Beed.

Represented by	:	Shri. S. R. Kale, Ld. Adv. for accused Nos. 1 & 2. Shri M. K. Waghirkar, Ld. Adv. for accused No. 3. Shri G. B. Kolhe, Ld. Adv. for accused No. 4.
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### Part 'B'

Date of offence	:	27.05.2020
Date of FIR	:	28.05.2020
Date of charge-sheet	:	02.03.2021 JMFC 20.08.2022 SC
Date of Framing of charges	:	19.08.2024
Date of commencement of evidence	:	21.03.2025
Date on which judgment is reserved	:	14.05.2026
Date of the Judgment	:	14.05.2026
Date of the Sentencing Order, if any	:	----

### Accused Details

Rank of accused	Name of accused	Date of arrest	Date of Release d on bail	Offences Charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for the purpose of Section 428, Cr.P.C.
1)	Prashant Vachisht Nawle,	28.05.20	11.06.20	PUS 143, 147 and Section 307, 326, 324, 504, 188, 269, 270 r.w. Sec.149 of IPC.	Acquitted.	---	----
2)	Vishal Laxman	30.05.20	11.06.20	---do---	Acquitted.	---	----

	alias Bandu Nawle,						
3)	Mahesh Madhukar Nawle,	01.06.20	11.06.20	---do---	Acquitted.	---	----
4)	Ankush alias Gudya alias Bablya Rajabhau Ghadge,	14.12.20 Nominal arrest.	Anti Bail granted.	---do---	Acquitted.	---	----

**Part 'C'****List of Prosecution / Defence / Court Witnesses****A. Prosecution :**

<b>Rank</b>	<b>Name of Witness</b>	<b>Nature of Evidence</b>
PW1	Ram Pralhadrao Deshmukh	Spot panch.
PW2	Shaikh Aakef Shaikh Farooq	Accused memorandum panch.
PW3	Shaikh Yusuf Shaikh Khadir	Informant/Injured.
PW4	Dr. Ashish Bhaskarrao Garje	Medical officer, who examined injured.
PW5	Sayyad Akram Sayyad Ali Hussain	Eye witness.
PW6	Ashok Suresh Mali	PSI/Investigating officer.
PW7	Sujit Shivaji Bade	Dy.SP/Investigating Officer.
PW8	Habib Abdul Raheman	Eye witness/Injured.

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

<b>Rank</b>	<b>Name of Witness</b>	<b>Nature of Evidence</b>
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**C. Court Witnesses, if any :**

<b>Rank</b>	<b>Name of Witness</b>	<b>Nature of Evidence</b>
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**List of prosecution / defence / Court exhibits**

**A. Prosecution :**

<b>Sr. No.</b>	<b>Exhibits Number</b>	<b>Description</b>
1)	42	Spot panchnama
2)	50 & 51	Accused Memorandum form. (stone)
3)	54	Statement given by complainant/injured in the Hospital.
4)	68	Injury certificate of complainant/injured Yusuf Shaikh.
5)	67	Injury certificate of injured Habib Shaikh.
6)	76	Arrest panchnama of accused No.1 Prashant Nawle.
7)	77	Arrest panchnama of accused No.2 Vishal Nawle.
8)	78	Portion marked-A in the statement of Sayad Akram.
9)	81	Arrest panchnama of accused No.1 Mahesh Nawle.

**B. Defence (Admitted documents) :**

<b>Sr. No.</b>	<b>Exhibits Number</b>	<b>Description</b>
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**C. Court Exhibits :**

<b>Sr. No.</b>	<b>Exhibits Number</b>	<b>Description</b>
1)	31	Charge.
2)	88 to 91	Statements under Section 313 of the Cr.P.C. of accused No. 1 to 4 respectively.

**D. Material objects :**

<b>Sr. No.</b>	<b>Exhibits Number</b>	<b>Description</b>
1)	Article-A	Stone.

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

( Delivered on 14<sup>th</sup> May 2026 )

Accused Nos. 1 to 4 are prosecuted for the offences punishable under Sections 143, 147 and Section 307, 326, 324, 504, 188, 269, 270 read with Section 149 of the Indian Penal Code (for short, the IPC).

**2)** Case of the prosecution, in a nutshell, is as under :-

On 28/05/2020 informant Shaikh Yusuf Shaikh Khadir gave statement to Police from Lotus Hospital, Beed. He alleged therein that on 27/05/2020 around 04-00 p.m. he alongwith his friends Sayyad Akram, Shaikh Riyaz and Habib Abdul Raheman went on two motorcycles from Balepeer to Bindusara Lake in village Pali Tq. & Dist. Beed. Around 06-00 p.m. they were chit-chating near the wall of the lake. At that time accused came there under influence of liquor and abused them on their caste. Then accused Mahesh Nawle assaulted informant on his head, forehead by stone. Other accused persons also assaulted Habib by stone and injured him. The accused further assaulted them by waist belt. Seeing said assault Sayyad Akram and Shaikh Riyaz fled away. The accused further damaged their motorcycle by throwing stone. Then four persons of age group 25 to 30 of village Pali came and they also abused and assaulted them by fist and leg blows. Habib fell unconscious and therefore said persons fled away. Then Sayyad Akram and Shaikh Riyaz made phone call to relatives and on their arrival informant and Habib were shifted to Lotus Hospital, Beed for treatment. Accordingly the report was lodged.

**3)** On the basis of the report, crime bearing CR No.180/2020

for the offences punishable under Sections 143, 147 and Section 307, 324, 427, 504, 188, 269, 270 read with Section 149 of the IPC came to be registered against the accused persons with Beed (Rural) Police Station. Initially investigation of the matter was entrusted with Shri Suresh Ashok Mali PSI. During investigation he visited the spot and prepared spot panchnama. He Seized motorcycle, shirt, chappal pair under panchnama. He collected medico legal certificates of injured and informant. He arrested accused persons. He recorded statements of witnesses. Thereafter investigation of the matter was handed over to Shri Sujit Shivaji Bade Dy.SP. During investigation he arrested accused Mahesh under arrest panchnama. He seized stone under seizure panchnama. Thereafter investigation was handed over to PI Sable, who after completion of investigation submitted charge-sheet in the Court of Judicial Magistrate, F. C., Beed.

**4)** Learned Judicial Magistrate First Class, Beed committed the case to the Court of Session as offence punishable under Section 307 of I.P.C. is exclusively triable by Court of Session.

**5)** Charge is framed against accused Nos. 1 to 5 vide Exh.31 for the offences punishable under Sections 143, 147 and Section 307, 326, 324, 504, 188, 269, 270 read with Section 149 of IPC. Contents of the charge were read over and explained to the accused persons in vernacular to which they pleaded not guilty and claimed to be tried.

**6)** In order to prove its case, the prosecution examined in all eight witnesses and filed evidence close purshis at Exh.87.

**7)** After evidence of the prosecution, statements of the accused Nos. 1 to 4 were recorded under Section 313 of the Code of

Criminal Procedure at Exh.88 to 91 respectively. Defence of the accused persons is of total denial and false implication. The accused persons did not step into the witness box, nor examined witness on their behalf.

8) Heard learned APP Shri. B. S. Rakh for the State and Ld. advocate Shri S. R. Kale for accused Nos. 1 and 2. Ld. advocate Shri M. K. Waghirkar for accused No. 3 and Ld. Advocate Shri G. B. Kolhe for accused No. 4.

9) After going through the prosecution case, evidence on record and hearing arguments of both sides, following points arise for my determination and I record my findings against it for the reasons stated thereafter.

**POINTS**

**FINDINGS**

- |   |          |
|---|----------|
| 1) Whether the prosecution proved that on 27/05/2020 at about 18-30 hours near wall of Bindusara river, Pali Tq. & Dist. Beed accused alongwith child-in-conflict with law formed an unlawful assembly the common object of that assembly was to assault the informant and witnesses and thereby committed an offence punishable under Section 143 of IPC ?   | : ...No. |
| 2) Whether the prosecution further proved that on aforesaid date, time and place, accused alongwith child-in-conflict with law were members of an unlawful assembly and in prosecution of common object of such assembly, voluntarily caused hurt to informant and witnesses and used force or violence and thereby committed the offence of rioting and thereby committed an offence punishable under Section 147 of IPC ? | : ...No. |

- 3) Whether the prosecution further proved that : ...No.  
on aforementioned date, time and place,  
accused alongwith child-in-conflict with law  
were members of an unlawful assembly and  
in prosecution of common object of such  
assembly, did an act of causing injury with  
stones and sticks to informant, with such  
intention or knowledge and under such  
circumstances, that if by that act accused had  
caused his death, accused would have been  
guilty of murder and thereby committed an  
offence punishable under Section 307 r/w.  
Section 149 of IPC ?
- 4) Whether the prosecution further proved that : ...No.  
on aforementioned date, time and place,  
accused alongwith child-in-conflict with law  
were members of an unlawful assembly and in  
prosecution of common object of such  
assembly, voluntarily caused grievous hurt and  
fracture injury to informant and witnesses by  
means of stones, sticks and belt and thereby  
committed an offence punishable under  
Section 326 r/w. Section 149 of IPC ?
- 5) Whether the prosecution further proved that : ...No.  
on aforementioned date, time and place,  
accused alongwith child-in-conflict with law  
were members of an unlawful assembly and in  
prosecution of common object of such  
assembly, voluntarily caused hurt to informant  
and witnesses by means of stones, sticks and  
belt and thereby committed an offence  
punishable under Sec.324 r/w. Section 149 of  
IPC ?
- 6) Whether the prosecution further proved that : ...No.  
on aforementioned date, time and place,  
accused alongwith child-in-conflict with law  
being members of an unlawful assembly and in  
prosecution of common object of such  
assembly, intentionally insulted aforesaid

informant and 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 and thereby committed an offence punishable under Sec.504 r/w. 149 of IPC ?

- 7) Whether the prosecution further proved that : ...No.  
on above mentioned date, time and place accused alongwith child-in-conflict with law being members of an unlawful assembly and in prosecution of common object of such assembly, intentionally caused disobedience of order promulgated by competent authority, thereby tending danger to life of informant and other witnesses and danger to life, health or safety of others, or caused or tending to cause a riot or affray and thereby committed an offence punishable under Section 188 r/w. 149 of IPC ?
- 8) Whether the prosecution further proved that : ...No.  
on above mentioned date, time and place accused alongwith child-in-conflict with law unlawfully being members of an unlawful assembly and in prosecution of common object of such assembly, does act which is, and which accused knows or has reason to believe to be, likely to spread the infection of COVID disease which is dangerous to life and thereby committed an offence punishable under Section 269 r.w. 149 of IPC ?
- 9) Whether the prosecution further proved that : ...No.  
on above mentioned date, time and place accused alongwith child-in-conflict with law unlawfully being members of an unlawful assembly and in prosecution of common object of such assembly, malignantly does act which is, and which accused knew or has reason to believe to be, likely to spread the infection of

COVID disease, which is dangerous to life and thereby committed an offence punishable under Section 270 r.w. 149 of IPC ?

10) What order ? : As per final order.

**:: REASONS :**

**AS TO POINT NOS. 1 to 9 :-**

10) Evidence on above points is interlinked, hence in order to avoid repetition, they are taken together for discussion.

11) Considering the case of the prosecution it is required to see first of all as to whether informant and his friends on 29/05/2020 went to the lake at Pali. In that regard PW-3 informant Yusuf Shaikh deposed that on 27/05/2020 in the afternoon he and his friend Riyaz Shaikh, Abdul Raheman and Sayyad Akram went on two motorcycles to Bindusara lake in the vicinity of village Pali and sat near one wall. Informant stated in his statement (Exh.54) also that on 27/05/2020 around 04-00 p.m. he and his friend Akram, Riyaz, Habib Abdul Raheman went to Bindusara Lake on two motorcycles and sat near one wall. PW-5 Sayyad Akram deposed that on 27/05/2020 in the afternoon he, informant, Habib Abdul Raheman and Riyaz Shaikh went to Pali Lake on two motorcycles and they sat on one wall. PW-8 Habib Abdul Raheman also deposed that on 27/05/2020 around 04-00 p.m. he, Yusuf Shaikh, Riyaz Shaikh and Akram went on two motorcycles to Pali lake and sat near one wall of that lake. Thus it has consistently come on record that at the time of alleged incident i.e. on 27/05/2020 in the afternoon informant and his friends went to Bindusara Lake in the vicinity of village Pali.

**12)** Now coming to another point i.e. as to whether informant and his friends sustained bodily injuries at the relevant time of alleged incident. In this regard PW-4 Dr. Ashish Bhaskarrao Garje deposed at Exh.66 that he runs Lotus Multi-Speciality Hospital in Beed. On 27/05/2020 he was present in the Hospital. On that day patient namely Habib Abdul Raheman and Yusuf Shaikh were brought by their relatives to his Hospital at about 08:15 and 08:05 pm respectively. The patients narrated history of assault at village Pali on 27/05/2020. On medical examination of Habib Abdul Raheman, he observed one abrasion on left flank measuring 3 X 1 CM. It was fresh injury, caused by blunt force and simple in nature. On examination of Yusuf Shaikh he found two injuries i.e. i) abrasion on frontal region measuring 2 X 1 CM. Injury was fresh and caused by sharp object and grievous in nature. ii) abrasion on left iliac region measuring 1 X 1 CM fresh and caused by blunt force and simple in nature. Accordingly he issued injury certificates (Exh.67 & 68). Evidence of this witness is supported by injury certificates of abovesaid two patients i.e. informant and witness Habib Abdul Raheman. So it is proved that on 27/05/2020 prior to examination of informant and witness Habib Abdul Raheman around 8-00 p.m., they sustained injuries in assault.

**13)** Another question arises is as to whether it were present accused, who assaulted informant and his friends and caused them abovesaid injuries. In this regard on perusal of evidence of informant at Exh.53 it reveals that around 05-30 p.m. 4-5 boys namely Mahesh Navle, Bablya alias Gudya, Vishal Navle, Govind Gaikwad and other two came on the spot and abused them and said to beat them up. Mahesh assaulted him on his head by a stone. He also assaulted Abdul

by a stone on his ribs. Akram and Riyaz fled away. He felt unconscious then his relatives shifted him and Abdul to Lotus Hospital, Beed. Police recorded his statement in the Hospital. Informant deposed only to this extent in his examination-in-chief. Then while answering suggestive questions by Ld. APP, he stated that it happened that Onkar Nawle and Gudya assaulted him by belt on his stomach and back. It happened that accused damaged their motorcycle also. Seeing the seized stone he said that it was similar stone, by which accused assaulted him. He identified his chappal, bottle, bag and handkerchief, seized from the spot. He admitted in cross-examination that on the day of incident. There was lock-down in Beed. He further admitted that he was not knowing name of accused and therefore stated his evidence, seeing name of accused written on his hand. He further stated that he and his friends went to the spot for fishing. Test Identification Parade of accused was not conducted. He denied the suggestion that he and his friend sustained injury as they fell from the motorcycle. During cross-examination by Ld. Advocate for accused No. 4 informant admitted that he has not seen the accused persons before the incident. His friends residing near his house and in village Pali showed photographs of accused on Whats-App and on Facebook. However he denied to say names of said friends, who showed him photographs of accused. He admitted that he stated to police that after hearing shouts, four persons of age group 25-35 from village Pali came on the spot and they also abused and beat them up by fist and leg blows and also assaulted them by stone. When he and Habib fell unconscious, said persons fled away.

**14)** On evaluation of evidence of informant, it can be seen that he was not knowing the accused persons prior to the incident.

Obviously he was not knowing names of accused persons. He does not say in consonance with the incident, that he stated to police in his statement (Exh.54). He does not ascribed specific role to accused persons in alleged beating to him and to others as his friend and eye witness Akram Sayyad and Habib Abdul Raheman deposed differently without ascribing specific role to the accused persons. Admittedly test identification parade is not conducted. Informant stated name of accused, by seeing it written on his hand. He identified the accused only when his friends showed their photographs on Whats-App and Facebook. But the informant is reluctant to say names of his friends who showed him photographs of accused persons. Informant skipped to ascribe role to co-accused persons in alleged incident, for the reasons best known to him. He said involvement of said accused only in answers to leading questions. Informant further confused the prosecution story saying that after hearing shouts of quarrel four persons of age group 25 to 35 from village Pali came on the spot and they also abused and assaulted him and his friends by stone. In chief examination informant stated that due to alleged beating he fell unconscious. However in cross-examination informant admitted that he and Habib fell unconscious and then said persons fled away. Informant must not be knowing the happenings after after he fell unconscious. In cross-examination by Ld. Advocate for accused No. 3 informant admitted that there was lock-down on the day of incident and there was a slope to the road, in order to reach to the place of incident. He denied the suggestion that due to fall from the motorcycle from the slopping road, they fell down and sustained injuries. Material omission is brought on record that accused Mahesh assaulted Abdul by stone on his ribs. Thus evidence of informant suffers from material contradictions and

omissions and is not consistent with contents of report, so far as role of present accused in alleged incident is concerned.

**15)** PW-5 Sayyad Akram Sayyad ali Hussain is eye witness of alleged incident. As per his evidence at Exh.71 around 05-00 p.m. on 27/05/2020, 4-5 boys came and asked names to him and others. When they said their names, said boys abused them and beat up informant and Habib. Seeing it, he and Riyaz Shaikh fled away from the spot. When they reached to Beed, they came to know that Habib brought Yusuf to Lotus Hospital, Beed for treatment. Habib said in hospital that said boys pelted stone towards Yusuf and while saving Yusuf he was also beaten by a wood. Habib also said that other villagers also came on the spot. Said boys damaged the motorcycle. During cross-examination he admitted that there was rough road in slope to reach to the spot of incident. He admitted that he and Riyaz Shaikh fled away from the spot when said boys started abusing them. Material contradiction is brought on record that this witness to police that at the relevant time said boys torn clothes on the person of informant and while going down they fell down by a sleep on the sloping road. He has not seen the said boys before the incident and test identification parade of accused was not conducted. He further stated that after fleeing from the spot of incident, he does not know what happened thereat. He has not clearly identified the accused.

**16)** It is seen that above eye witness nowhere in his evidence stated names of present accused as the same boys, who allegedly assaulted informant and Habib. No test identification parade of accused is conducted. At one point this witness stated that when said boys started abusing, he and Riyaz Shaikh fled away from the spot and he

does not know what happened thereafter. However at another point he said that said boys assaulted informant on head by a stone and they assaulted Habib by a wood. It is material that informant nowhere stated that the accused assaulted Habib by a wood. Admittedly informant said that he and Habib fell unconscious, however this witness says that after incident Habib hospitalized informant to Beed. This witness admitted that there was a sloping road to reach to the spot of incident and they fell down sleeping. For said contradictions, evidence of this witness is not reliable.

**17)** PW-8 Habib Abdul Raheman is another eye witness. It reveals from his testimony at Exh.85 that at the relevant time initially one boy came and thereafter 2-3 boys came. They abused and said him and his friends to leave the place. Then said boys assaulted informant by a stone and he also sustained injury on his waist and ribs while saving informant. Then Riyaz and Akram fled away from the spot. He took informant on motorcycle to Lotus Hospital, Beed. He admitted in cross-examination that he has not seen the accused prior to the incident. Concerned person pelted stone towards him from 8 to 10 feet and towards Yusuf from 1 to 2 feet. Accused assaulted Yusuf by one stone and to him by another stone. He further admitted that except he, his friends and the assailants, nobody was present on the spot. He further admitted that due to COVID lock-down people were not coming to the spot of incident. People were driving out, outsiders from the village.

**18)** It reveals from evidence of above eye witness that he ascribed only role to accused Mahesh of assaulting informant by a stone, but said nothing about rest of the accused. Admittedly he was

not knowing accused persons prior to the incident. He stated different version that initially one boy came and then 2-3 boys came on the spot. He also not stated words of abuse by said boys. Surprisingly he improved prosecution story saying that said boys assaulted Yusuf and him by two different stone. However one stone is seized in this case. Admittedly due to COVID lock-down nobody was visiting the spot of incident and informant and his friends went to the spot for fishing, as said by the informant. This witness told differently that he and his friends went to the spot to eat food item. Thus evidence of this witness is not consistent with evidence of informant and other eye witness and therefore is not creditable.

**19)** PW-1 Ram Pralhadrao Deshmukh is a spot panch. He deposed at Exh.41 that on 29/05/2020 as per order of his senior, he alongwith one Sanap went to Beed (Rural) Police Station and therefrom to the spot of incident. Police prepared spot panchnama (Exh.42) and seized one bag, two chappals from the spot. He identified seized shirt, bag, bottle, chappal and two big handkerchiefs. Evidence of this witness merely proves execution of spot panchnama and seizure of abovesaid articles from the spot. But that fact does not connect present accused with alleged incident.

**20)** PW-2 Shaikh Akef Shaikh Farooq is memorandum and seizure panch. As per his evidence at Exh.49. On 03/06/2020 as per say of his Head Master, he alongwith another panch Kagzi Qamar Ayaz went to Beed (Rural) Police Station. Accused Mahesh Nawale gave memorandum statement (Exh.50) to police. Then he alongwith accused and police went to Bindusara Lake. After alighting from the vehicle they followed the accused at a distance of 250 meter, wherefrom accused

produced one stone and police seized it under panchnama (Exh.51). This witness could not say registration number of the vehicle, by which they went to the spot. He cannot say where accused was sitting in the vehicle. He denied that stones were lying on the spot of incident. He admitted that before six years crime under Section 376 of IPC was registered against him. He further stated that Bade Saheb told him about the incident in the police station. He again said that accused informed about the incident.

**21)** This witness is examined to prove memorandum of accused Mahesh Nawle and subsequent recovery of stone at his instance. It is material to mention that investigating officer S. S. Bade (PW-7) testified that there were injuries on the person of accused Mahesh Nawle. He seized stone at the instance of accused Mahesh under panchnama. Investigating Officer admitted that there were no blood stains on seized stone and it was open place wherefrom said stone was seized. He further stated that there were other stones lying on the spot of the incident. He further admitted that there is overwriting on date, on memorandum of seizure panchnama and there is no counter signature at said overwritings. Admittedly he has not conducted investigation with respect to the injuries found on person of accused Nawle. Reading evidence of seizure panch coupled with testimony of investigating Officer, alleged seizure of stone from the spot of incident, at the instance of accused Mahesh appears doubtful. It is so for another reason that informant stated that the seized stone would be similar by which, accused assaulted him and PW-8 Habib said that accused assaulted informant Yusuf by one stone and to him by another stone. Admittedly there is one stone seized. For said variations in the

oral evidence alleged seizure of stone is also suspicious.

**22)** PW-6 Suresh Ashok Mali is Investigating Officer. He testified at Exh.75 that during investigation he arrested accused Prashant Nawale. He visited the spot and prepared spot panchnama (Exh.42). He seized one shirt, bag, pair of chappal, one bottle, one chappal, two big handkerchiefs and one motorcycle from the spot. He recorded statements of witnesses. He arrested accused Vishal Nawle. He obtained injury certificates. Then investigation was handed over to API Bade. During cross-examination defence is substantiated that witness Sayyad Akram said that at the relevant time said boys torn clothes of informant and then they fell down sleeping from the spot of incident. He admitted that there is ascending rough road to reach to the spot and people use to go there by motorcycle. He further admitted that many stones were lying on the spot.

**23)** Evidence of above witness noway connects present accused with alleged incident. However defence of accused that at the relevant time informant and his friends fell down from the spot sleeping and thereby sustained bodily injuries is probabalized.

**24)** PW-7 Sujit Shivaji Bade deposed at Exh.80 that during further investigation he recorded memorandum statement of accused Mahesh Nawle and seized stone in pursuance of said statement. Evidence of this witness regarding alleged recovery of stone from the spot has already been discussed beforehand. At the cost of repeatation alleged seizure of stone from the spot is suspicious.

**25)** Corollary of above discussion is that there is no consistency in the evidence of informant and alleged eye witnesses.

Sayyad Akram (PW-5) and Habib Abdul Raheman (PW-8) about happening of alleged incident. On the contrary, there are material contradictions, omissions and improvements in their evidence. Alleged seizure of stone from the spot, at the instance of accused Mahesh Nawle is doubtful. No words of threatening on record, at the relevant time. Evidence of spot panch and investigating officers falls very short to connect present accused with alleged incident. In substance prosecution failed to prove that present accused by forming unlawful assembly voluntarily caused hurt to informant and witnesses with stone and sticks, with intent to kill them and also intentionally insulted and threatened informant and his friends. The prosecution further failed to prove that the accused committed breach of order promulgated by the competent authority. There is nothing on record to show that the accused at the relevant time did an act which may likely to spread infection of COVID disease, which is dangerous to life. The prosecution failed to prove its case beyond reasonable doubt. Hence the accused persons deserve to be acquitted of all the charges levelled against them. Hence point Nos. 1 to 7 are accordingly answered in the negative and in answer to point No. 8, following order is passed :-

**:: ORDER ::**

- 1) Accused Nos.1) Prashant Vachisht Nawale, 2) Vishal Laxman alias Bandu Nawale, 3) Mahesh Madhukar Nawale, 4) Ankush alias Gudyaa alias Bablya Rajabhau Ghadge are acquitted of the offences punishable under Sections 143, 147 and Section 307, 326, 324, 504, 188, 269, 270 read with Section 149 of the Indian Penal Code vide Section 235(1) of the Code of Criminal Procedure.
- 2) Bail bonds of the accused persons stand canceled and their sureties discharged.

- 3) A) Seized muddemal property i.e. shirt, one bag, one plastic bottle, one chappal pair and one chappal, two handkerchiefs (Gamja) and stone being worthless, be destroyed as per the law, after the appeal period is over.
- B) Interim custody of seized Hero Honda motorcycle bearing registration No. MH-23/S-8897 was given to its registered owner/applicant, his custody shall be made absolute, after the appeal period is over.
- 4) Accused Nos. 1 to 4 are directed to furnish fresh PB and SB of Rs.15,000/- each in compliance with section 437-A of the Code of Criminal Procedure.

Dictated and pronounced in the open Court.

Date : 14-05-2026.  
Beed.

**( V. H. Patwadkar )**  
ADDL. SESSIONS JUDGE-1,  
BEED.

**:: CERTIFICATE ::**

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

Typed on :- 14-05-2026.

Checked & Signed on :- 14-05-2026.

Dt. 14-05-2026.

( Asifali R. Sayyad )  
Stenographer Grade-I  
Additional Sessions Court,  
Beed.