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Sessions Case No. 162/2023  
CNR No.MHBI010032512023  
Judgment (Exh. 103/A)

MHBI010032512023 	Presented on	:-	01/09/2023
	Registered on	:-	02/09/2023
	Decided on	:-	<b>12/03/2026</b>
	Duration	:-	Yrs. Ms. Ds. 02- 06- 11

**Sessions Case No. 62/2023****Exhibit No. 103/A**

**PART 'A'**  
**(Title Page of Judgment)**

		<b><u>IN THE COURT OF SESSIONS JUDGE, BEED,</u></b> <b><u>DIST. BEED.</u></b> Present:- Anand L. Yawalkar, Sessions Judge,  Date: 12/03/2026  <b><u>Sessions Case No. 162/2023</u></b>	
		(Crime No. 651/2017, under Sections 143, 147, 148, 341, 504, 506 of IPC, Sec. 135 of Mah Police Act. Police Station, Shivajinagar Beed, Dist. Beed).	
<b>Complainant (Prosecution)</b>	:-		<b>STATE OF MAHARASHTRA,</b> Police Station, Shivajinagar, Beed, Dist. Beed.
REPRESENTED BY	:-		Shri. A.B. Tidke, Ld. APP for the State
ACCUSED	:-	1]	Rushikesh Bapusaheb Khandare, Age:- 21 years, R/o. Govindnagar, Beed.
		2]	Ashish Arjun Nagargoje, Age:- 21 years, R/o. Lokasha nagar, Beed.

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		3]	Sandip Balasaheb Dahiphale, Age:- 21 years, R/o. Ankush Nagar, Radhanagri, Beed.
		4]	Prajyot Prataprao Rakh, Age:- 23 years, R/o. Kalika Nagar, Beed.
		5]	Dipak Babasaheb Maske, Age:- 23 years, R/o. Palwan, Tq. Dist. Beed.
		6]	Amol Marotirao Vitkar, Age:- 25 years, R/o. Barshi Naka, Beed.
REPRESENTED BY	:-		Shri. V. K. Sagle, Ld. Advocate for accused.

### **Part 'B'**

Date of offence	:-	19/09/2017
Date of FIR	:-	19/09/2017
Date of charge-sheet	:-	14/06/2018
Date of Framing of charges	:-	15/12/2025
Date of commencement of evidence	:-	12/03/2026
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

1]	Rushikesh Bapusaheb Khandare.	19/09/2017	19/09/2017	143, 147, 148, 341, 504, r.w. sec. 149 of Indian Penal Code. Sec. 135 of Bombay Police Act. mbay Police Act.	Acquitted	----	--
2]	Ashish Arjun Nagargoje.	19/09/201	19/09/201	143, 147, 148, 341, 504, r.w. sec. 149 of Indian Penal Code. Sec. 135 of Bombay Police Act.	Acquitted	----	--
3]	Sandip Balasaheb Dahiphale.	20/09/201	20/09/201	143, 147, 148, 341, 504, r.w. sec. 149 of Indian Penal Code. Sec. 135 of Bombay Police Act.	Acquitted	----	--
4]	Prajyot Prataprao Rakh.	07/03/2018	07/03/2018	143, 147, 148, 341, 504, r.w. sec. 149 of Indian Penal Code. Sec. 135 of Bombay Police Act.	Acquitted	----	--
6]	Amol Marotirao Vitkar.	22/05/2018	22/05/2018	143, 147, 148, 341, 504, r.w. sec. 149 of Indian Penal Code. Sec. 135 of Bombay Police Act.	Acquitted	----	--

### **Judgment**

(Delivered on 12<sup>th</sup> day of March, 2026)

Accused are being prosecuted by Police Station, Shivajinagar, Beed, Dist. Beed, in Crime No. 651/2017, for offence under Section 143, 147, 148, 149, 341, 504, , 506, of the Indian Penal Code 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 10.00 a.m. informant and his cousin brother Vishwajit Nagre and Rutuparn came at the house of Rutuparn at Kalika nagar from Therla. There Rutuparn stated him and Vishwajit that, Rushikesh Khandare, Ashish Nagargoje, Sandip Dahiphale R/o. Ankush

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Nagar, Beed are giving threat to him to kill due to old dispute. On it he informed to Aniket Suresh Rakh on phone. That time Aniket stated that, he will come at Beed and will give understanding by meeting father of Sandip Dahiphale. Accordingly they waited for Aniket. At that time Aniket came in Indica vehicle No. MH 14 BA 4355 alongwith Mukesh Adagale and Rupsing Tak came towards them at Kalika nagar and they made phone call to father of Sandip Dahiphale. Thereafter Aniket and Mukesh and Rupsing went to Royal Enfield showroom. After work was over, at 1.30 p.m. and when they were proceeding towards their village from Kalika nagar, they received message of Rushikesh Khandare on the phone. Therefore, they all while proceeding from Nagarnaka at R K Beer Shoppe, Rushikesh Khandare, Ashish Nagargoje, Sandip Dahiphale and other 7 to 10 persons restrained them on road and assaulted by means of stick and abused and threatened to kill.

3] On the basis of complaint, Crime No. 651/2017 for the offence punishable u/sec. 143, 147, 148, 149, 341, 504, 506 of IPC, sec. 135 of Maharashtra Police Act.

4] During investigation I.O visited the spot and conducted spot panchnama, arrested accused persons and as there found sufficient evidence against the accused, charge-sheet came to be filed before Ld. JMFC Court at Beed.

5] As this case is counter case, Ld. JMFC Beed by its order dated 024/08/2023 committed matter to the Court of Sessions.

6] Accused appeared. I have framed, readover and explained the charge vide Exh. 78 to accused for offence punishable u/sec. 143, 147, 148, 341, 504, 506, r.w. sec. 149 of Indian Penal Code and Section 135 of Maharashtra Police Act. In their plea recorded at Exh. 79 to 83, accused pleaded not guilty and claimed to be tried. Therefore, the evidence of prosecution witnesses

then came to be recorded. As there is no incriminating evidence came on record against accused, their statement u/sec. 313 of Cr.P.C. is dispensed with.

7] Heard argument of Ld. APP Shri. A. B. Tidke for State and Ld. Advocate Shri. V. K. Sagle 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;

	<b>POINTS</b>		<b>FINDINGS</b>
1)	Whether prosecution proves that, on 19/09/2017 at 13.30 p.m. at Kalika Nagar, Beed accused were the 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, wrongfully restrained informant and witnesses ?	...	In negative.

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- 5) Whether the prosecution further proves that, on aforesaid date, time and place accused were the members of an unlawful assembly and in prosecution of common object of said assembly, intentionally insulted informant and witnesses and thereby gave provocation to them intending or knowing it to be likely that such provocation would cause them to break public peace ? ... 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 and witnesses with injury to their 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) What order ? ... As per final order.

### **REASONS**

#### **AS TO POINT NO. 1 TO 7 :-**

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

10] In order to prove the charges levelled against, prosecution examined informant Avinash Nagre as PW 1 at Exh.93. He denied the incident. He stated that unknown persons assaulted him. He did not support the case of prosecution and turned hostile. He was cross-examined by Ld. APP but nothing fruitful came on record from his evidence which will support the case of prosecution.

11] Thereafter, prosecution examined PW 2 Rutuparn Nagre and PW 3 Rupsing Tak. They both are injured and eye witnesses. They both also turned hostile and did not support the case of prosecution. They were cross-examined by Ld. APP but nothing fruitful came on record from their evidence which will support the case of prosecution. Thereafter prosecution closed their evidence.

12] Upon considering the evidence of prosecution, it appears that informant and injured witnesses did not support the case of prosecution. They 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 7 in negative.

**As to point No.8 :-**

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 No. 1 to 4 and 6 are hereby acquitted of the offence punishable under Section 143, 147, 148, 341, 504, 506 r.w. Sec. 149 of Indian Penal Code and Sec. 135 of Maharashtra Police 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 stick be returned to concerned Police Station;

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- 5] PSO of P.S. Shivajinagar Beed, is directed to file supplementary charge-sheet against accused No. 5 Dipak Babasaheb Maske.

Beed,  
Date : 12/03/2026

**(Anand L. Yawalkar)**  
**SESSIONS JUDGE, BEED.**

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

<b>Rank</b>	<b>Name</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
PW1	Avinash Machhindra Nagre (Exh.93)	Informant.
PW2	Rutuparn Bharat Nagre (Exh.94)	Injured/eye witness;
PW3	Rupsing Sardarsing Tak (Exh.95)	Injured/eye witness;

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

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

**C. Court Witnesses, if any:-**

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

**List of prosecution/defence/Court Exhibits**

**A. Prosecution:-**

Sr. No.	Exhibit Number	Description
1]	Exhibit P-78	Charge
2]	Exhibit P-79 to 83	Plea of accused No.1 to 4 & 6.
3]	Exhibit P-96 (admitted by accused)	Spot panchnama;
4]	Exhibit P-97 to 101 (admitted by accused)	Arrest panchnama of accused

**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.**

(11)

Sessions Case No. 162/2023  
CNR No.MHBI010032512023  
Judgment (Exh. 103/A)

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