

	Presented on : 14.09.2021
	Registered on : 14.09.2021
	Decided on : 23.04.2026
	Duration : Yr. Ms. Ds. 04 07 08

EXH. NO. 50

FORM NO. XXXII

**Part 'A'**

<b>IN THE COURT OF ADDITIONAL SESSIONS JUDGE, AT BULDHANA, DIST. BULDHANA.</b> (Presided over by Ravikumar K. Sharma)	
	Date of Judgment :- <b>23/04/2026</b> <b>SESSION CASE NO. 44/2021</b>
	F.I.R./Crime No. 93/2021 State through Police Station, Buldhana City.
PROSECUTION	State of Maharashtra, through Police Station, Buldhana City.
REPRESENTED BY	A.P.P. Shri. A. A. Kesale
ACCUSED	1. <b>Pushpa Dattatray Karhale</b> Age – 42 years, Occu. - Household, R/o. Buldhana. Tq. & District- Buldhana.
REPRESENTED BY	Advocate Shri. P. R. Sanap, Chief, LADCA

**Part 'B'**

Date of Offence	17/02/2021
Date of FIR	18/02/2021
Date of Charge-sheet	04/08/2021
Date of framing of Charges	08/02/2022
Date of Commencement of Evidence	26/08/2025
Date on which judgment is reserved	---
Date of the Judgment	23/04/2026
Date of the Sentencing order, if any.	Nil

**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.P.C.
1.	Pushpa Dattatray Karhale	02.07.2021	02.07.2021	Section, 353 332 186, 294, and 506 of the IPC.	Acquitted	Nil	Nil

**Part 'C'****LIST OF PROSECUTION / DEFENCE / COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE
PW-1	Rajesh Prabhakar Bhalerao (Exh.21)	Spot panch
PW-2	Kokila Hattasing Tomar (Exh.25)	Informant
PW-3	Aniket Bhaskar Ahirrao (Exh.34)	Investigating Officer

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

RANK	NAME	NATURE OF EVIDENCE
	-NIL-	-NIL-

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

RANK	NAME	NATURE OF EVIDENCE
1	Exhibit – 46	Statement of the accused recorded under Sec 313 (1) of Cr. P. C.

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

Sr.No.	Exhibit Number	Description
1	Exhibit P-22/PW-1	Letter for deputation of panch
2	Exhibit P-23/PW-1	Spot Panchanama
3	Exhibit P-26/PW-2	Report
4	Exhibit P-27/PW-2	FIR
5	Exhibit P-35/PW-3	Medical Memo
6	Exhibit P-36/PW-3	Arrest panchanama
7	Exhibit P-37/PW-3	Duty chart

**B. Defence :**

Sr.No.	Exhibit Number	Description
	-NIL-	-NIL-

**C. Court Exhibits :**

Sr.No.	Exhibit Number	Description
	-NIL-	-NIL-

**D. Material Objects :**

Sr.No.	Material Object Number	Description
	-NIL-	-NIL-

**JUDGMENT**

(Delivered on 23/04/2026)

The accused is prosecuted for the offence punishable under Sections 353, 332, 186, 294 and 506 of the Indian Penal Code ('the IPC' for short).

**The case of prosecution is summarized as under:-**

2] On 17.02.2021 informant Kokila Tomar was attached to police station, Buldhana City as Police Head Constable. On the same day, she was assigned on Station Diary Duty. At about 9.30 p.m. accused Pushpa came to police station to lodge the report against her husband. On that count, NC report was filed against her husband U/s. 323, 504, 506 of IPC. Thereafter, informant suggested her to approach the proper forum i.e. Court about her complaint. As there was Covid-19 situation, she was not wearing a mask on her face and therefore, she was asked to wear mask on the face of her child and herself. When the other accused was present in the police station, accused Pushpa said the other accused that 'पोलीसवाले असेच हरामी असतात' at that time accused Pushpa abused in filthy language as 'मादरचोद, तु छिनाल आहे' to the informant. At that time, informant tried to convince her when informant tried to take her out of the police station, her hand got

injured. At that time, Santosh Dhandar, Deepmala Umbarkar, Ramkala Surve and Laxmikant Yemle were present there. Then informant lodged report against her at Buldhana City police station.

3] On the basis of the said report, crime No.93/2021 came to be registered against the accused under Sections 353, 332, 186, 294 and 506 of the Indian Penal Code, 1860.

4] The Investigating Officer prepared the spot panchanama in the presence of two panchas. He sent the informant for a medical checkup. He recorded the statements of the witnesses. He then arrested the accused. After completion of the investigation, he forwarded the Charge-sheet through Police Station, Buldhana City in the Court.

5] The Ld. Chief Judicial Magistrate, Buldhana complied with the provisions of Section 207 of the Criminal Procedure Code by supplying copy of Charge-sheet to the accused. Since, the offence under Section 353 of the IPC being exclusively triable by the Court of Sessions, the learned Magistrate committed the case to the Court of Sessions, Buldhana for trial vide Section 209 of the Code of Criminal Procedure.

6] Taking into account the accusations in the charge-sheet, the charge under Sections 353, 332, 186, 294 and 506 of the Indian Penal Code (Exh. 06) came to be framed and the contents thereof were read over and explained to accused in her

vernacular. She pleaded not guilty to it and claimed to be tried. Her plea (Exh.07) was recorded accordingly.

7] The prosecution examined only three witnesses mentioned in Part-C of the title clause. The prosecution kept its reliance on the documents mentioned in part-A of the title clause. The learned Additional Public Prosecutor closed the prosecution evidence by filing a pursis (Exh.44).

8] The statement of the accused under Section 313 (1) (b) of Cr.PC. came to be recorded (Exh.46). The accused put forth the defence of total denial and false implication and preferred not to lead oral or documentary evidence in her defence.

9] Heard learned APP Shri. Kesale for the prosecution. It is argued that, prosecution has amply proved the guilt of the accused beyond reasonable doubt by leading cogent evidence.

Per contra, learned LACDA Shri. P. R. Sanap argued that, the prosecution has failed to lead the evidence which is trustworthy on the touchstones of the offence alleged.

10] On the basis of these facts, following points arise for my determination. I have recorded my findings thereon for the reasons stated below :-

Sr. No.	POINTS	FINDINGS
1.	Does the prosecution prove that, on 17/02/2021 at about 9.30 p.m. in the premises of police station Buldhana, Dist.	

	Buldana, accused assaulted the informant, a public servant, in execution of her duty as such public servant who was attached to P.S. Buldhana as a Police Constable and thereby committed an offence punishable U/s 353 of the Indian Penal Code ?	... No.
2.	Does the prosecution prove that, on the above mentioned date, time and place, the accused voluntarily caused hurt to the informant LPC Kokila Tomar when she was discharging her duty as public servant in the discharge of her public functions and thereby committed an offence punishable U/s.186 of the Indian Penal Code ?	... No.
3.	Does the prosecution prove that, on the above mentioned date, time and place, the accused voluntarily caused to hurt to the informant when she was discharging her duty as a public servant and thereby committed an offence punishable U/s 332 of the Indian Penal Code ?	... No.
4.	Does the prosecution prove that, on the above mentioned date, time and place, the accused uttered obscene words to informant at public place and caused annoyance to others and thereby committed an offence punishable U/s. 294 of the Indian Penal Code ?	... No.
5.	Does the prosecution prove that, on the above mentioned date, time and place,	

	accused committed criminal intimidation by threatening to kill informant with intend to cause alarm to her and thereby committed an offence punishable U/s. 506 of the Indian Penal Code ?	... No.
6.	What order?	... As per final order.

### REASONS

#### AS TO POINT NOS. 1 TO 5 :-

11] These points are interconnected to each other and depend upon same set of evidence, they are taken together for discussion.

12] To bring home the guilt of the accused U/s. 353 and 332 of the IPC, the prosecution has to prove the following ingredients.

- 1) The person assaulted or to whom hurt was caused, was a public servant,
- 2) The person was acting in the exercise of his duties as such a public servant,
- 3) The assault of criminal force used against such public servant or the hurt caused to him was intended to prevent or deter him from discharging his duty as public servant,

13] Before appreciating the evidence, it would be just to recapitulate the available evidence as under;

14] PW1 Rajesh Prabhakar Bhalerao (Exh. 21) deposed

that on 18.02.2021 he was attached to Municipal Council as Health Care Worker (आरोग्य सेवक) Buldhana. He received a letter from Chief Officer, Municipal Council to be present as panch. As per instruction of his superior he reached to the police station. Spot of incident shown by informant Tomar Madam. Spot panchanama was prepared at the police station (Exh. 23).

In his cross-examination he admitted that he is still attached to Municipal Council at Buldhana. At that time, Buldhana City police station was next to his office.

**15]** PW2 the informant Kokila Hattasing Tomar (Exh. 25) deposed that on 17.02.2021 she was attached at police station, Buldhana City as police head constable. She was assigned on station diary duty. On the same day, Pushpa came to police station to lodged report against her husband. Thereafter, informant filed NCR against her husband U/s. 323, 504, 506 of IPC. Thereafter, informant suggested her to go to home and wear mask on the face of her child and herself. When the other accused was present in the police station, accused Pushpa said the other accused that 'पोलीसवाले असेच हरामी असतात' at that time accused Pushpa abused in filthy language 'मादरचोद, तु छिनाल आहे' to the informant. At that time, informant tried to convince her. When informant tried to take her out of police station, her hand got injured. At that time, Santosh Dhandar, Deepmala Umbarkar, Ramkala Surve and Laxmikant Yemle were present. Then informant lodged report against accused at Buldhana City police station. She knows accused.

In her cross-examination she admitted that police station Buldhana city is surrounded by Municipality on the east, Annapurna Mangal Karyalay on the west, Bazar road on the south and Bazar line ground on the north. She further deposed that CCTV footage was installed at P.S. on 17.02.2021 but it was not in operation at that time. She admitted that incident was not taken place at the police station near Municipal Council, Buldhana. Accused Pushpa came to police station to lodge report against her husband. She registered the complaint against her husband vide N.C. No. 148/2021. At that time, it was 9.30 p.m., another accused in Crime No. 92/2021 were sitting there. At that time, accused Pushpa was sitting in front of informant. At the relevant time, four ladies constables were present there. Thereafter, informant dropped accused and her child at her house. She further admitted that on 17.02.2021, she was assigned on station diary duty from 08.00 p.m. to 08.00 a.m. of 18.02.2021. She registered the incident in station diary register No. 02/2021 dtd. 18.02.2021 at 1.46 a.m.

**16]** PW3 Aniket Bhaskar Ahirrao (Exh. 34) who acted as an investigating officer. He deposed that on 17.02.2021 he was attached at Buldhana City P.S. as Asst. P.I. He registered the offence against accused Pushpa. Investigation of Crime No. 93/2021 was handed over to him along-with report, FIR. Then he referred the informant to General Hospital Buldhana for medical examination. Then he prepared spot panchanama. Thereafter, he

recorded the statement of witnesses and effected the arrest of accused.

In his cross-examination he admitted that the distance between police station where the spot panchanama was prepared and the police station near the Municipal Council is approximately just 1 k.m.

17] On careful scrutiny of the entire oral and documentary evidence adduced by the prosecution, it appears that charge against the accused rest mainly upon the evidence of PW2 the informant. The other witnesses are formal and have no direct knowledge of the occurrence.

18] From the testimony of I.O., it is very much clear that informant was present on station diary duty on 17.02.2021 from 8.00 p.m. to 8.00 a.m. of 18.02.2021 by filing duty chart, (Exh.37). It has also brought on record in the evidence of PW1 panch witness Rajesh that spot panchnama was prepared in his presence at Buldhan City P.S. which was located next to Buldhana Municipal Council. It has also brought on record that spot of incident shown by informant. PW2 informant admitted in his evidence that incident has not taken place at the police station near Buldhana Municipal Council. There is inconsistencies in the testimonies of PW1 and PW2. Therefore, the very foundation of allegation that accused obstructed the public servant while performing duty becomes weak.

**19]** The report is lodged about four hours after the alleged occurrence, spot of incident is itself police station. The alleged incident has taken place at about 9.30 p.m. on 17.02.2021 but entry station diary No. 02/2021 was taken at about 1.46 a.m. on 18.02.2021. No satisfactorily explanation is given by the prosecution about four hours delay in lodging the FIR. Considering the fact and circumstances of the present case, this four hours delay in lodging the FIR also creates doubt about the prosecution case.

**20]** It is interesting to note that PW2 informant deposed that accused abused in filthy language ('मादरचोद, तु छिनाल आहे') and manhandled the informant due to which her hand got injured, so as to cause obstruction in her duty. So, the evidence of prosecution is absolutely vague. The alleged incident has taken place in city police station itself there were other persons present namely Laxmikant Yemle, Ravindra Sonkar. In spite of it, the prosecution has not examined any independent witness. There is no concrete evidence to prove the offence U/s. 294 of IPC. No doubt, evidence of a police person cannot be disbelieved mainly because he is a police person but in the case in hand when independent witness were available then their non examination rises doubt the prosecution case.

**21]** It is alleged that accused Pushpa manhandled the informant in which her hand got injured. In the present case medical officer has not been examined by the prosecution.

**2010(4) AIR, AKR R 304 H Gopala Vrs. State of Karnataka** wherein the Hon'ble Karnataka High Court has pleased to observe that without examining the doctor the content of injury certificate are not proved.

**22]** It is well settled that to attract the provision of Sec. 353 and 186 of IPC, the prosecution must prove that the accused voluntarily used criminal force or assaulted or obstructed a public servant while such servant was performing his/her duty. In the present case the prosecution evidence does not satisfactorily established that the accused used criminal force with intention to obstruct the informant PW2 in discharge her duty.

**23]** As regards the ingredients of Section 506 of the IPC, which contemplates criminal intimidation are concerned, at no point of time the prosecution has succeeded in proving the same in any manner. In what manner criminal intimidation has been caused being proved by the prosecution. The detailing of the incident which could have been concluded as the offences has not been tabled on. As such, prosecution in the given circumstances has failed to bring home the guilt of the accused under the ingredients of Sec. 506 of IPC.

**24]** Considering the inconsistencies in the testimony of PW1 and PW2 regarding the spot of occurrence, choosing interested witness by the prosecution and inordinate delay in lodging FIR creates doubt about the prosecution case. Therefore, I

am of the firm opinion that the prosecution has failed to prove the accused caused obstruction in the discharge of public duty of the informant and failed to prove the accused assaulted or used criminal force to the informant. So the prosecution has failed to prove the charge U/s. 353, 332, 186, 294, 506 of IPC against the accused. Therefore, I answered point Nos. 1 to 5 in the negative.

**AS TO POINT NO.6**

25] For want of proved factual aspect, the prosecution has failed to bring home the guilt of accused. Hence, point Nos. 1 to 5 are recorded in negative and to the answer of point No. 6, following order is passed.

**ORDER**

1. Accused **Pushpa Dattatray Karhale** is acquitted of the offence punishable under Sections 353, 332, 186, 294 and 506 of the Indian Penal Code vide Section 235(1) of the Criminal Procedure Code.
2. The bail bond of the accused stands cancelled.
3. The accused is directed to execute P. R bond of Rs. 25,000/- with one solvent surety in the like amount in compliance of Section 437-A of the Criminal Procedure Code.
4. The copy of Judgment be forwarded to District Magistrate, Buldana under Section 365 of Criminal Procedure Code for information.

(Dictated and pronounced in open court.)

Sd/-

**(R.K. Sharma)**

Additional Sessions Judge,  
Buldhana.

Date : 23/04/2026.

**CERTIFICATE**

I affirm that the contents of this PDF Judgment are same word to word as per the original Judgment.	
Name of the Court	: District Judge-3 and ASJ, Buldhana.
Name of the Stenographer	: C N Mahale, Stenographer Grade-1
Date of Order	: 23/04/2026
Uploaded on	: 23/04/2026