

MHBU040000652023 	Presented on	18.01.2023
	Registered on	18.01.2023
	Decided on	14.08.2026
	Duration	Y. M. Ds.
		03. 06. 27.

Sessions Case No.07/2023

Exh.

From No.XXXII

(Title Page of Judgment)

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

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, AT KHAMGAON, DIST.BULDHANA. (Presided over by C.M. Bagal) (Addl.Sessions Judge) (FIR No.256/2019, U/Sections 323, 324 r/w Section 34 of the Indian Penal Code. Police Station: Khamgaon Rural, Tq. Khamgaon, Dist. Buldhana.
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Part -A

Complainant		State of Maharashtra, Through Police Station Khamgaon Rural, Tq. Khamgaon, Dist.Buldhana.
Represented by		Shri S.B.Ingle, learned Special APP
Accused	1.	Rajeshwar @ Kailas Ramdas Kale, Age- 41 years, Occu- Agriculturist,
	2.	Ananta Shrikrushna Akarte, Age- 32 years, Occu- Agriculturist,
		Both R/o. Palshi (Bk.), Tq. Khamgaon, Dist. Buldhana.
Represented by		Shri N.D.Sangle

Part-B

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

Date of offence	13.09.2019
Date of FIR	13.09.2019
Date of Charge-sheet	18.01.2023
Date of framing of Charges	03.04.2025
Date of commencement of evidence	05.01.2026
Date on which judgment is reserved	14.08.2026
Date of judgment	14.08.2026
Date of sentencing order, if any	As per final order.

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on bail	Offences charges with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for purpose of Section
1.	Rajeshwar @ Kailas Ramdas Kale,	20.9.2019	20.9.2019	u/s 324, 324 r/w 34 of the Indian Penal Code.	Acquitted	--	--
2.	Ananta Shrikrushna Akarte,	20.9.2019	20.9.2019	u/s 324, 324 r/w 34 of the Indian Penal Code.	Acquitted	--	--

Part -C

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

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME OF WITNESS	NATURE OF EVIDENCE
PW 1	Pratikumar Vinodkumar Chincholkar	Informant

B. Defence Witnesses, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS.
Nil	Nil	Nil

C. Court witnesses, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS.
Nil	Nil	Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Sr.No	Exhibit Number	Description
1.	19	Signature of informant on the report

B. Defence

Sr.No	Exhibit Number	Description
Nil	Nil	Nil

C. Court Exhibits

Sr.No	Exhibit Number	Description
1.	Exh.6	Charge
2.	Exh.7	Plea of accused No.1

D. Material Objects

Sr.No	Material Object Number	Description
Nil	Nil	Nil

J U D G M E N T

(Delivered on 14.8.2026)

1. The above named both the accused persons stand prosecuted for having allegedly committed offences punishable under Sections 323 & 324 r/w Section 34 of the Indian Penal Code.

2. Briefly stated, it is case of prosecution that the informant Pratik Chincholkar was enlarged on bail by the Court in connection with crime registered on the basis of report lodged by daughter of accused No.1 Rajeshwar. The informant had to pass through the road situate in front of house of accused No.1 Rajeshwar. On 13.9.2019 at noon time, while the informant was proceeding on his motorcycle to his house, both the accused persons intercepted the road of the informant and questioned the informant as to why he gave miscall on the mobile phone of daughter of accused No.1 Rajeshwar. The informant asked both the accused persons to check his mobile. But both the accused persons assaulted the informant with kick and fist blows. Accused Rajeshwar hit something on the head of the informant causing bleeding injury. Accordingly, informant lodged report on 13.9.2019 basing on which Crime No.256/2019 in respect of offences punishable under Sections 323, 324 r/w Section 34 of IPC came to be registered at Khamgaon Rural police station.

3. Upon registration of the crime investigation was entrusted with Bhagwan Rathod Asstt. Police Inspector attached to said police station. In the course of investigation he prepared spot panchanama in presence of panchas, seized a rough stone, secured injury certificate of the informant, recorded statements of prosecution witnesses and upon completion of investigation submitted charge sheet in the Court of Judicial Magistrate First Class, Khamgaon.

4. The learned Magistrate in view of law laid down in Sudhir & Others V/s. State of M.P. 2001 Cri.L.J. 1072 and provision of Section 323 of the Code of Criminal Procedure committed the case to this Court to try it along with cross case Spl.Case No.92/2019.

5. After having secured presence of both the accused persons my learned predecessor was pleased to frame charge against accused persons at Exh.6. Both the accused persons to the charge pleaded not guilty upon explanation of its content in Marathi. The prosecution to prove the guilt of the accused persons has examined in all two witnesses. There is no incriminating evidence against the accused which can be put in their statements u/s 313 of Cr.P.C. Resultantly, by passing order below Exh.1 their statement u/s 313 of Cr.P.C. have been dispensed with.

6. Heard the learned APP Shri S.B. Ingle, appearing on behalf of prosecution and learned advocate Shri A.R. Chandane, appearing on behalf of the accused persons.

7. In view of the matter, the points that arise for determination along with findings and reasons are as follows :-

Sr. No.	Points	Findings
1]	Whether it is proved by the prosecution that both the accused persons in furtherance of their common intention caused hurt to the informant with deadly weapon and thereby committed offence punishable under Sections 323 & 324 r/w Section 34 of IPC ?	In the negative.
2]	What order ?	As per final order.

REASONS

As to point No.1 :-

8. It is worthy to note that the informant whose evidence came to be recorded as PW No.2 (Exh.18), stated that incident occurred about 05 to 06 years ago. There was wordy quarrel between him and accused persons. He has further deposed that accordingly he lodged the report against the accused persons at the police station, but he doesn't know the contents of first information report. The learned APP cross examined him with zeal of bringing on record necessary admissions, but could not succeed. The suggestion given by the

learned APP that he was assaulted by accused No.1 Rajeshwar with the rough stone had denied by him. The first information report discloses that there was no eye witness to the incident. The prosecution has not examined any independent witness. His testimony is of no avail to the prosecution.

9. PW No.1 Shaikh Gaffar, one of the panch witnesses of the spot panchanama and seizure of stone has not supported the prosecution. Despite cross examination nothing has come on the record to believe his version. The compromise pursis filed by the parties at Exh.17 came to be rejected as the offence u/s 324 of IPC is not compoundable. The prosecution having lost hopes of success by filing pursis at Exh.19 closed its evidence. The prosecution has not examined the doctor who treated the injured. Thus the evidence adduced by the prosecution is of no avail to it basing on which, it cannot be concluded that the prosecution has succeeded in proving guilt of both the accused persons u/s 323 & 324 r/w Section 34 of IPC. Accordingly point No.1 is answer in the negative

As to Point No.2 :-

10. In view of finding as to point No.1 both the accused persons are required to be acquitted. The muddemal property i.e. stone being worthless can be ordered to be destroyed after period of appeal is over. Accordingly, in answer to point No.2 following order is passed.

ORDER

1)	Both the accused persons stand acquitted of the offences punishable under Sections 323 & 324 r/w Section 34 of Indian Penal Code.
2)	The bail bonds of both the accused stand cancelled.
3)	Both the accused persons are commanded to execute personal bonds in the sum of Rs.15000/- and furnish surety/sureties in the like amount, to comply the provision of Section 437A of the Code of Criminal Procedure.
4)	The muddemal property i.e. stone being worthless be destroyed after the period as provided in Chapter-VI Para 73(1)(d) of Criminal Manual is over.
	The judgment dictated and delivered in open Court.

(C.M.Bagal)
Additional Sessions Judge, Khamgaon,
Dist.Buldhana.

Dt.14/8/2026

Certificate

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno : Mrs.Nishat Anjum Mohd.Rafique.

Name of Court : Addl.Sessions Judge, Khamgaon, Dist.Buldhana.