

MHBU-1100-0199-2024



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Form No. XXXII

Part 'A'

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

IN THE ADDITIONAL SESSIONS COURT, MALKAPUR,
AT : MALKAPUR, DIST. BULDANA

(Present: R. B. Giri, Additional Sessions Judge, Malkapur)

Date of Judgment :12/03/2026

Sessions Case No.18 of 2024

Exh.No.114

(FIR/Crime No.- 390/2016 of Police Station Jalgaon Jamod,
Transfer to Crime No.-109/2016 Malkapur Gramin,
u/s 498(A), 313, 323, 506, 354 r/w 34 of Indian Penal Code)

PROSECUTION	: The State Of Maharashtra Through Police Station Malkapur Gramin, Dist. Buldana.
REPRESENTED BY	: Mr. S. H. Joshi Ld. A.P.P. for the State.
ACCUSED	1. Mohan Shriram Vitokar, Age :- 38 years, Occupation- Agriculture,
	2. Shriram Bhikaji Vitokar, Age :- 66 years, Occupation- Agriculture,
	3. Sau. Kesarbai Shriram Vitokar, Age :- 63 years, Occupation- Agriculture,
	4. Gokulbai d/o Shriram Vitokar, Age :- 40 years, Occupation- Agriculture,
	5. Gajanan Shriram Vitokar, Age :- 45 years, Occupation- Agriculture,
	6. Sau. Sharda Gajanan Vitokar, Age :- 41 years, Occupation- Agriculture, All R/o. Kati, Tq. Nandura, Dist. Buldana.
REPRESENTED BY	: Mr. S. G. Kulkarni, Ld. Advocate for accused.

Part - 'B'
(Para 44(ii) of Chapter VI of Criminal Manual)

Date of Offence	20.03.2015
Date of FIR	31.08.2016
Date of Charge-sheet	15.03.2024
Date of Framing of Charges	19.08.2024
Date of commencement of evidence	11.03.2026
Date on which judgment is reserved	Nil
Date of Judgment	12.03.2026
Date of the sentencing Order, if any	Nil

Accused Details.

Rank of the Accused	Name of the Accused	Date of Arrest	Date of release on bail.	Offences charges with	Whether acquitted or convicted	Sentence imposed	Period of Detention Under-gone during Trial for purpose of Sections 428 of Cr.PC.
(1)	Mohan Shriram Vitokar.	---	---	498(A), 313, 323, 506, 354 r/w 34 of Indian Penal Code	Acquitted	---	---
(2)	Shriram Bhikaji Vitokar.	---	---	498(A), 313, 323, 506, 354 r/w 34 of Indian Penal Code	Acquitted	---	---
(3)	Sau. Kesarbai Shriram Vitokar.	---	---	498(A), 313, 323, 506, 354 r/w 34 of Indian Penal Code	Acquitted	---	---
(4)	Gokulbai d/o Shriram Vitokar.	---	---	498(A), 313, 323, 506, 354 r/w 34 of Indian Penal Code	Acquitted	---	---
(5)	Gajanan Shriram Vitokar.	---	---	498(A), 313, 323, 506, 354 r/w 34 of Indian Penal Code	Acquitted	---	---
(6)	Sau. Sharda Gajanan Vitokar.	---	---	498(A), 313, 323, 506, 354 r/w 34 of Indian Penal Code	Acquitted	---	---

Part 'C'
(Para 44 (iii) of Chapter VI of Criminal Manual)
LIST OF PROSECUTION/DEFENCE/COURT WITNESSES.

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS).
PW-1 (Exh.104)	Tai Mohan Vitokar.	Informant

B. Defence Witnesses, If any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS).
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C. Court witnesses, if any :-

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS).
CW-1	Nil----	Nil----

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS.

A. Prosecution :

Sr.No.	Exhibit Number	Description
01.	105	Oral Report.
02.	106	FIR.
03	106(A)	Spot Panchanama.

B. Defence :-

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

Sr.No.	Exhibit Number	Description
01.	94	Charge.
02.	107	Evidence Close Pursis.
03.	108 - 113	Statement u/s 313 Cr.Pc.

D. Material Objects :-

Sr.No.	Material object	Description
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- : J U D G M E N T :-

(Delivered on this 12th day of March, 2026)

The accused are facing trial for the offences punishable under section 498(A), 323, 313, 354, 506 r/w 34 of Indian Penal Code.

02. The prosecution case in short is as under :-

On 30/08/2016 informant Tai Mohan Vitokar lodged written report in the Police Station Jalgaon Jamod wherein she alleged that her marriage was performed with accused No.01 on 23/02/2015. The rest of the accused are her parents / brother / sister in laws, respectively. In the marriage, her father had given dowry of Rs.70,000/- to the accused with 3 Tolas gold (i.e. 30 gm) and household articles. At the time of marriage the accused No.01 had informed her that it was his second marriage whereas it was revealed to her later on that it was his third marriage and

he was having one daughter from his first marriage. While she was cohabiting the accused persons, the accused No.02 used to stalk her. On informing the same to the accused No.01 he used to assault her. While she was carrying pregnancy, the accused No.01 compelled her to undergo its termination and when she refused, they administered tablets to her due to which her pregnancy was terminated. In spite of termination of pregnancy, the accused were compelling her to work in the agricultural field and on her refusal, they used to assault her. On 28/07/2015, while she was taking bath in bathroom, the accused No.02 entered there. She threatened to shout and call villagers at that time he left from the bathroom. She called all the accused and told them about the incident at that time they beat and threatened her. She told them about informing the said incident to the police at that time all the accused caught hold of her and administered poison to her due to which she lost her consciousness. She was taken to the hospital of Dr. Kabra at Malkapur wherein she regained consciousness. She found that all the accused were standing besides bed and they threatened her to not to report the incident to the Police or else her brother and father would be killed. She further alleged that the accused used to starve and detain her in a room. She could not narrate these incidents to any one due to threat of the accused.

03. On the basis of said report, the Crime No.390/2016 for the offences punishable under section 498(A), 323, 506 r/w

34 of Indian Penal Code was registered against the accused in the Police Station Jalgaon Jamod and vide letter dated 03/09/2016 it was transferred to Police Station Malkapur Gramin for further action due to the occurrence of the incidents within the jurisdiction of later Police Station. Accordingly, the F.I.R. No.209/2016 for the said offences was registered in the Police Station Malkapur Gramin and the investigation was commenced. During investigation, The Investigation Officer prepared the spot panchanama on the spot in presence of Panchas and recorded the statements of informant and other witnesses. He had arrested the accused and after completion of investigation he had filed the charge sheet against accused before the Learned JMFC Court at Nandura.

04. The Learned JMFC initially framed charge against accused for the offences punishable under section 498(A), 323, 506, 354 r/w 34 Indian Penal Code and commenced the trial. After recording the chief examination of the informant by order below Exh.01, the Learned JMFC concluded that the accused have caused miscarriage of informant without her consent thereby attracting the offence punishable under section 313 of Indian Penal Code. The said offence being triable by the sessions court, the Learned JMFC committed the case vide the said order dated 27/02/2024.

05. My Learned Predecessor framed charge against accused for the offences punishable under section 498(A), 323,

313, 354, 506 r/w 34 of Indian Penal Code at Exh.94 which was read over and explained to accused in vernacular to which they pleaded not guilty and claimed to be tried vide Exhs.95 to 100. The accused took the defence of false implication in their statements under Section 313 of Criminal Procedure Code at Exhs.108 to 113 however they have neither examined themselves nor any defence witness.

06. Considering the evidence of prosecution and defence of accused, following points arise for determination to which I record my findings thereon for reasons to follow :-

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
1.	Does the prosecution prove that the accused in furtherance of their common intention harassed informant Tai with a view to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or on account of failure by her or any person related to her to meet such demand or willfully driven her to commit suicide or endangered her life and thereby committed an offence punishable under section 498(A) r/w 34 of Indian Penal Code ?	No.

2.	Does the prosecution prove that accused in furtherance of their common intention caused miscarriage of the informant without her consent by terminating her pregnancy with the help of administering tablets to her and thereby committed an offence punishable under section 313 of Indian Penal Code ?	No.
3.	Does the prosecution prove that the accused in furtherance of their common intention voluntarily caused hurt to the informant and committed an offence punishable under section 323 r/w 34 of Indian Penal Code ?	No.
4.	Does the prosecution prove that accused in furtherance of common intention threatened the informant to cause death or with such threat which is likely to cause alarm to him and thereby committed an offence punishable under section 506 r/w 34 of Indian Penal Code ?	No.
5.	Does the prosecution prove that the accused No.02 used criminal force or assaulted the informant with intent to outrage her modesty or committed any act with	

	knowledge that by doing such an act her modesty is likely to be outraged and thereby committed an offence punishable under section 354 of Indian Penal Code ?	No.
6.	What order ?	Accused are acquitted.

REASONS

07. Heard Learned APP for state and Learned Counsel for accused Shri. S. G. Kulkarni.

08. In order to substantiate the case, the prosecution has examined the witnesses noted in part C of the judgment.

09. The accused have admitted the spot panchanama at Exh.106(A).

AS TO POINT NOS.1 to 5 -

10. As the evidence of the prosecution is intrinsically interlinked on all these points, I proceed to decide them simultaneously, due to sake of convenience.

11. The offence under section 498(A) contemplates

cruelty of a married woman by the husband or his relatives. The cruelty as defined in the said provision is any willful conduct which is likely to drive the woman to commit suicide or caused injury or danger to life, limb or health or any harassment to compel her to meet any unlawful demand for property or valuable security. Similarly, for proving the ancillary offences including the principle offence under section 313 of Indian Penal Code, the prosecution must prove the causing of hurt, criminal intimidation and forceful termination of pregnancy of the informant coupled with outraging the modesty of informant by the accused No.02.

12. As far as these serious acts are concerned, the PW-01 informant Tai Vitokar declined to narrate any of the incident covering the above noted offences, in her deposition before the Court. Besides accepting trivial dispute between accused and herself, she disowned the contents of her report Exh.105 and F.I.R. Exh.106. Her disowning of the incidents resulted into her cross examination by the learned APP however nothing could be elicited from her.

13. As a result of the informant showing hostility to the prosecution case, it failed to bring any material evidence on record against accused. Considering such facts situation, there is dearth of material to nail the accused. Resultantly, they are entitled for acquittal. Accordingly, I answer point Nos.1 to 5 in negative and proceed to pass the following order. -

ORDER

- 1] Accused No.01 Mohan Shriram Vitokar, Accused No.02 Shriram Bhikaji Vitokar, Accused No.03 Sau. Kesarbai Shriram Vitokar, Accused No.04 Gokulbai d/o Shriram Vitokar, Accused No.05 Gajanan Shriram Vitokar, Accused No.06 Sau. Sharda Gajanan Vitokar are acquitted for the offences punishable under section 498(A), 313, 323, 506, 354 r/w 34 of Indian Penal Code vide section 235(1) of Code of Criminal Procedure.
- 2] Their bail bonds stand canceled.
- 3] Accused shall furnish personal bond and surety bond of Rs.10,000/- each for six months in compliance with Section 437-A (1) of the Code of Criminal Procedure.

Dictated and pronounced in open court.

Malkapur.
Date : 12/03/2026.

(R. B. Giri)
Additional Sessions Judge,
Malkapur.

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CERTIFICATE

I certify that this order P. D.F. uploaded is a true and correct copy of original signed order.

Name of Court : Adhoc District Judge – 1 & Additional
Sessions Judge, Malkapur.
Name of Stenographer : Shri. V. S. Jadhav. (Jr. Clerk)
Date of order : 12.03.2026.
Date of signed on order
by Judicial Officer : 12.03.2026.
Date of uploading : 16.03.2026.