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	<u>Exhibit No. 77.</u>	

Sessions Case No. 01/2018

Form No. XXXII

Part 'A'

(Title Page of Judgment)

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

	IN THE COURT OF AD-HOC DISTRICT JUDGE-1 & ADDITIONAL SESSIONS JUDGE, GADCHIROLI <i>Presided by : Vishwas S. Khot</i> Additional Sessions Judge	
	Crime No. 0048/2016, U/s. 324 and 329 R/w. Section 34 of the I.P.C. Police Station : Kurkheda, Tah. Kurkheda, Dist. Gadchiroli	
COMPLAINANT		STATE OF MAHARASHTRA Through P. S.O. of Police Station Kurkheda, Tah. Kurkheda, Dist. Gadchiroli.
REPRESENTED BY		Learned P.P. Shri A.S. Pradhan
ACCUSED	01	Pundalik Saoji Madavi Age - 45 Yrs., Occu. Cultivator, R/o. Shirpur, Tah. Kurkheda, Dist. Gadchiroli
	02	Madhukar Saoji Madavi (Dead)

	03	Ravi @ Ravindra Chintaman Madavi, Age - 30 Yrs., Occu. Cultivator, R/o. Shirpur, Tah. Kurkheda, Dist. Gadchiroli
REPRESENTED BY		Learned Counsel Shri P.P. Bramhanwade for accused.

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

Date of Offence	06.12.2016
Date of FIR	06.12.2016
Date of Chargesheet	07.12.2017
Date of Framing of Charges	26.11.2025
Date of commencement of evidence	25.02.2026
Date on which judgment is reserved
Date of the Judgment	16.04.2026
Date of the Sentencing Order, if any	N.A.

Accused Details

Ran k of the Acc used	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Wheth er acquitt ed or convict ed	Sente nce Impos ed	Period of Detention Undergon e during Trial for purpose of Section 428, Cr.PC.
1	Pundalik Saoji Madavi	30-01- 2017	6.02.201 7	Sec. 324 and 329 R/w. 34 of the	acquitt ed	N.A.	N.A.

				I.P.C.			
02	Madhukar Saoji Madavi (Dead)	--	--	--	--	--	--
03	Ravi @ Ravindra Chitaman Madavi	30.01.2017	06.02.2017	Sec. 324 and 329 R/w. 34 of the I.P.C.	Acquitted	N.A.	N.A.

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)
PW1	Complainant	Informant
PW2	Nusaram Chirkuta Kokode	Panch witness
PW3	Charandas Sampatrao Aade	Panch witness
PW4	Dr. Komti Moddi Dhurva	Medical Officer

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	---Nil---	

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE
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		WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	---Nil---	

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1	Exhibit P-51/PW1	Statement of informant
2	Exhibit P-53/PW2	Panchanama
3	Exhibit P-54/PW2	Seizure Memo
4	Exhibit P-57/PW4	Letter for medical examination of informant
5	Exhibit P-58/PW4	Medical Certificate
6	Exhibit P-59/PW4	Medical examination of Ghanshyam
7	Exhibit P-60/PW4	Medical examination of Rukmabai

B. Defence :

Sr. No.	Exhibit Number	Description
...	...Nil...	...

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
...	...Nil...	...

D. Material Objects :

Sr. No.	Material Object Number	Description
1	Article A	Map

JUDGMENT

(Delivered on this 16th day of April, 2026)

1] The accused persons stands prosecuted and chargesheeted by Police Station Officer, Kurkheda, Tah. Kurkheda, Dist. Gadchiroli for the offence punishable under Sections 324 and 329 r/w Section 34 of the Indian Penal Code.

2] The prosecution case can be stated as under :-

The incident took place on 06.12.2016 at mouza Kurkheda, Tah. Kurkheda, Dist. Gadchiroli. The report of incident was given by one Chandarshah Rengsuji Salam. The reporter resides at mouza Shirpur, Tah. Kurkheda, Dist. Gadchiroli. He does husbandry work. He resides there with his wife and two sons. One Chintaman Madavi was residing as his neighbourer. On 06.12.2016 at about 9.00 a.m. one Pundalik Madavi came there with match box and he said that the land used for storing manure is belonging to him. He would ablaze the heap of manure kept there. He said that the heap of manure is in his land. The dispute crept between Pundalik, Madhukar, Ravi and the reporter. They fell the reporter down and sat on his chest. They hit on his waist and the thorax. The reporter received injuries on his thorax and waist. One Ravi Madvi was abusing the reporter. He was having stick in his hand. The son of the reporter Ghanshyam came there and rescued him and brought to home. The reporter went to police station for filing report. Police sent him for medical examination. The medical officer admitted him in the hospital. On 06.12.2016 the said Pundalik, Ravi and Madhukar on the reason of land used for storing manure

came in his land and on that count, they beat the reporter and also abused him and did the offence. The report was filed at police station. The police on receiving the report booked trio and registered FIR against them under Sections 324 and 329 read with Section 34 of the Indian Penal Code. The police arrayed them as an accused. The police drew spot panchanama as well as seizure panchanama. The police sent the reporter for medical examination and recorded statement of witnesses. The police collected the necessary documents and did the investigation. After due investigation police presented the chargesheet against the accused persons.

3] After filing of the charge-sheet in the Court, summons came to be issued to the accused persons. The accused persons appeared before the Court in response to the summons. During proceeding accused no.2 died, therefore, proceeding stands abated against him. The proceedings went further. I framed the charge against the accused under Sections 324 and 329 read with Section 34 of the Indian Penal Code. The accused pleaded not guilty and claimed trial. The prosecution in order to prove the guilt of the accused examined four witnesses. As incriminatory evidence came in the examination of the witnesses, the accused persons came to be examined under Section 313 of the Code of Criminal Procedure, wherein they stuck up to the defence of total denial. The proceedings culminated with the arguments of both the sides.

4] In view of rival submissions of the prosecution

and accused, following points arise for my determination and I have recorded my findings subject to the reasons as mentioned hereinafter.

No.	Points	Findings
1.	Whether the prosecution proves that on 06.12.2016 during 8.00 a.m. to 9.00 a.m. at village Shirpur, Tah. Kurkheda, Dist. Gadchiroli the accused persons in furtherance of their common intention voluntarily caused hurt to the informant Chandarshah Renguji Salam by means of stick and fist blows and thereby committed an offence punishable under Section 324 read with Section 34 of the Indian Penal Code ?	..No..
2.	Whether the prosecution proves that on the aforesaid date, time and place the accused persons in furtherance of their common intention voluntarily caused grievous hurt to the informant Chandarshah Rensuji Salam for the purpose of extorting the agriculture land from the said informant, and thereby committed an offence punishable under Section 329 read with Section 34 of the Indian Penal Code ?	..No..
3.	What order ?	... Accused are acquitted

REASONS

As to Point Nos. 1 to 3 :-

5] This case is instituted by the prosecution/police,

therefore, naturally the onus of proof lies upon them and in order to prove onus, four witnesses came to be examined. The accused examined no witness in support of their defence. P.W.1 is the star witness of the prosecution and deposed vide Exh.50 to the extent that he knows the accused. Incident occurred prior to nine to ten years in the precincts of his house. He went to attend the call of nature at the time of incident. He was coming towards his house. The accused came on his person and snatched his money and also beat him by fist and kicks. He received injuries on chest and hands. The accused fell him down. His wife made hue and cry. His son arrived on spot. His son and wife brought him to hospital where he was treated. Police came to hospital and enquired with him and obtained his thumb impression. He was referred to Gadchiroli on next day, where he was hospitalized for two days. He showed spot of incident to the police. The accused wanted to grab his land, therefore, they beat him.

6] P.W.2 deposed vide Exh.52 to the extent that he know the reporter and accused. He was not called as a panch. He became enimical to the prosecution case, therefore, prosecution could not derive any benefit from his testimony. Same is the case with P.W.3. P.W.4 is a Medical Officer and deposed that she examined the reporter and found following injuries :

i) contusion on left triceps, age of injury was 5 to 8

hours, the opinion of orthopaedical surgeon was advised.

ii) pain in right shoulder, advice x-ray.

She accordingly issued medical certificate.

She also examined Ghanshyam who was having abrasion on his right elbow and nature of injury was simple. He also received blunt trauma on right hand and nature of injury was simple. She accordingly issued medical certificate at Exh.59. Thereafter, she examined Rukmabai who was having contusion on left forearm and there was pain in the thigh. The injury was simple. Accordingly, she issued medical certificate.

7] The witnesses came to be cross-examined by the other side wherein PW.1 admitted that there was dispute between him and accused. The dispute was going on in Kurkheda Court on the point of land. Police did not read over the statement to him and he was unaware about the contents of the statement. He was 70 years old at the time of incident. He was hospitalized. Police wrote down the statement as per the say of his son. The police asked him to make thumb impression, therefore, he made it. PW.4 during cross examination admitted that if a person fall on the hard object then injuries mentioned above can be occurred. After examination of the patient the medical authorities took the thumb impression/signature of patient. The thumb impression was not taken on medical certificate.

8] The prosecution has leveled Sections 324 and 329 read with Section 34 of the IPC against the accused persons. The perusal of the case papers especially the cross-examination of P.W.1 show that there was previous enmity between the accused and the reporter. There was civil

litigation decided in Kurkheda Court between the parties. It is apparent that there is some sort of enmity between the accused and the informant. The presence of enmity between the parties weakens the prosecution case to some extent.

9] The P.W.1 deposed that incident occurred nine to ten years back at about 8.00 a.m. The accused persons snatched his money, beat him by fist and kicks due to which he received injury on hand and chest. His wife was present and she made hue and cry. His son brought him to hospital. The evidence of the P.W.1 as regard to hurt by dangerous weapons is uncorrobarated by any independent source. There is no corroboration to the testimony of P.W.1. The absence of any independent source weakens the case of the prosecution.

10] The P.W.1 did not depose in examination-in-chief that stick was used in the commission of the offence. The stick is seized by the police. There is no mentioned of the stick in the evidence. The role of each accused is not described. The evidence of P.W.1 is inchoate as regards to the ingredients of the offence. This fact makes the prosecution case vulnerable.

11] The prosecution has not examined the material witnesses. The wife of victim and son of victim were the material witnesses, but they were not examined by the prosecution. This fact goes against the case of the prosecution.

12] The prosecution case is subject to lacunas. It is apparent that the son of injured/P.W.1 stated the information to the police and police wrote it down. The informant signed the report because police asked him to sign. The prosecution

failed to prove the panchanamas through independent witnesses. The prosecution also failed to examine the Investigating Officer. The prosecution could not prove the seizure of weapon through independent witness. All these lacunas weakens the prosecution case to certain extent. The prosecution case cannot be believed.

13] The Section 329 of the IPC is on the point of causing grievous hurt for extorting property or to constrain to do an illegal act. The ingredients of Section 329 of the IPC are not stated by the P.W.1. The ingredients of Section 329 of the IPC are not touched by the prosecution witnesses. The charge under the said Section cannot be allowed to stand. This fact make the prosecution case dubious.

14] In this case the testimony of P.W.1 is inchoate. The panch witnesses turned enimical to the prosecution case, therefore, prosecution could not prove the spot or seizure panchanama. The reason of dispute is not stated by P.W.1. The material witnesses are not examined by the prosecution. The stick is not produced before the Court during evidence. The ingredients of Section 329 of the IPC are missing. No force or extortion is deposed by P.W.1. The ingredients of Section 329 of the IPC are not established. Likewise, evidence as regard to Section 324 of the IPC is also weak. The ingredients are not proved. Therefore, my answer to point no.1 and 2 are in negative. The accused are entitled to be acquitted. Having regard to abovesaid reasons my answer to point nos.1 and 2 are in negative and I am inclined to pass following order

resulting in acquittal of the accused.

ORDER

1. The accused No.1 by name **Pundalik Saoji Madavi** and accused no.3 **Ravi @ Ravindra Chintaman Madavi** are hereby acquitted, vide Section 235(1) of the Code of Criminal Procedure for the offences punishable under Sections 324 and 329 r/w Section 34 of the Indian Penal Code.
2. The bail bonds of the accused stands cancelled.
3. The accused have already furnished the bail of Rs.50,000/- each under Section 437-A of Cr.P.C., which shall remain in force for 6 months.
4. The property i.e. stick be destroyed after appeal period is over.
5. The proceedings stand closed.

Sd/-

(Vishwas S. Khot)
Ad-Hoc District Judge-1 and
Additional Sessions Judge,
Gadchiroli.

Gadchiroli
16th April, 2026