

MHGA110001862022	Presented on :-	09/06/2022
	Registered on :-	09/06/2022
	Decided on :-	20/04/2026
	Duration :-	03Yrs. 10Months. 11Days.
	EXHIBIT NO. 61	

Form No. XXXII

Part - 'A'

(Title Page of Judgment)

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

	IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, AT : KURKHEDA, DISTRICT : GADCHIROLI	
	Presided over by N.P. Deshpande, Judicial Magisterial F.C., Kurkheda	
	[Decided on 20 day of April, 2026]	
	Regular Criminal Case No.36/2022	
	Crime No.55/2022, Offence punishable under sections 379, 34 of the Indian Penal Code Police Station Kurkheda, District Gadchiroli.	
Complainant/ Prosecution		State of Maharashtra through the Police Station Officer, Police Station Kurkheda, Taluka-Kurkheda, District – Gadchiroli.
Represented by	Mr. A.P. Nakade, Learned Asst. Public Prosecutor	
Accused		1. Vilas Shivdas Kirsan, Age – 33 Years, Occupation : Agri, 2. Anil Paitram Dhurve, Age – 33 Years, Occupation : Agri, 3. Hariram @ Gunaji Hiralal Madavi, Age – 27 Years, Occupation : Agri, All R/o. Navargaon, Taluka – Kurkheda, District – Gadchiroli.
Represented by	Learned Advocate Mr. G. M. Nagmoti	

Part 'B'

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

Date of offence	05/04/2022
Date of F.I.R.	17/04/2022
Date of Chargesheet	09/06/2022

Date of Framing charges	12/07/2022 and 13/02/2026
Date of commencement of evidence	06/02/2022
Date on which judgment is reserved	-----
Date of Judgment	20/04/2026
Date of the Sentencing order, if any.	-----

DETAILS OF ACCUSED :-

Rank of the accused	Name of the accused	Date of Arrest	Date of Release on bail.	Offences charge with	Whether acquitted or convicted	Sentence imposed	Period of detention Undergone during trial for the purposes of section 428 of Cr.P.C.
1)	Vilas Shivdas Kirsan	05/05/22	06/05/22	U/sec. 379, 34 of the I. P. C.	convicted	Imprisonment for T.R.C. and to pay fine of Rs.20,000/- (Twenty Thousand Rupees Only)	05/05/22 to 06/05/22
2)	Anil Paitram Dhurve	--"--	--"--	--"--	acquitted	--	--"--
3)	Hariram @ Gunaji Hiralal Madavi	--"--	--"--	--"--	--"--	--"--	--"--

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	Girish Gopalkrushrao Dorlikar	Witness
PW2	Purushottam Balaji Shedmake	Spot Panch Witness
PW3	Ramdas Chadarji Gedam	Spot Panch Witness
PW4	Jayendra Gopinath Iskape	Witness
PW5	Manojkumar Shankar Sakhare Forester	Witness
PW6	Vanita Dayaram Sahare Forest Guard	Informant
PW7	Rajendra Budhram Kawaliya Head Contable	Investigating Officer

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (Eye-Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
	--	Nil..

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (Eye-Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
	--	Nil..

LIST OF PROSECUTION EXHIBITS**A. Prosecution :**

SR.NO	EXHIBIT NUMBERS	DESCRIPTION
1)	Exhibit P-24/PW1,	Certificate of Section 65-B (4) of the Indian Evidence Act
2)	Exhibit P-35 and 36/PW6	Report and F.I.R. of dated 17.04.2022
3)	Exhibit P-39/PW7,	Spot Panchanama dated 20.04.2022
4)	Exhibit P-40 to 42/PW7,	Arrest Form of accused no. 1 to 3

B. Defence :

SR.NO.	EXHIBIT NUMBERS	DESCRIPTION
--	Nil	--

C. Court Exhibits :

SR.NO.	EXHIBIT NUMBERS	DESCRIPTION
	--	Nil..

D. Material Objects :

SR.NO.	EXHIBIT NUMBERS	DESCRIPTION
1.	Article-A	Pen Drive
2.	Article-B, C and D	Photos of accused

Charge:- Offence under Sections 379, 34 of the Indian Penal Code

JUDGMENT

(Delivered on 20 day of April, 2026)

Accused No.1 to 3 are facing trial for the Offence under sections 379, 34 of the Indian Penal Code.

2. The case of prosecution is as under :

Informant PW-6 Vanita Dayaram Sahare is a Forest Guard who was working in the year 2022 at Shirpur. At the relevant period she was having additional charge of Arttondi forest bit along with Shirpur bit. In all 24 Trap Cameras were received by her to install in the both bits for the

control on the wild life in her area. Accordingly, on 03.03.2022, she installed two pairs of four Trap Cameras in Compartment No. 127 of Arttondi Forest, one pair each at a place opposite to each other cameras in the pair and she was checking these cameras on every two-three days. On 05.04.2022, she went on the spot to check the cameras. However, she did not find one camera ID WD 14 GRID No. 867 B of Rs.24,800/- out of the pair. Thereafter, she took one camera from the pair installed on the spot and went in the office and found in the footage that one person is moving the stolen camera. Thereafter, she inquired with accused persons who later on came her office on 07.04.2022 and told to return the same. However, accused persons did not return the same. Therefore she lodged report on 17.04.2022.

3. On the basis of the report, Police Station, Kurkheda registered Crime No.55/2022 for the offence under section 379, 34 of the Indian Penal Code against accused no. 1 to 3. Its investigation was handed over to PW-7 PHC Rajendra Kawaliya B.No.2627, Police Station, Kurkheda. Informant with the help of PW-1 Gopal Dorlikar copied the footage of adjacent trap camera from the informant, investigating officer prepared spot panchanama on 20.04.2022 and on same day he seized the footage. He recorded statement of witnesses and filed charge-sheet against accused no. 1 to 3.

4. My learned predecessor framed the charge (Exh.19) against the accused no. 1 to 3 Offence under section 379, 34 of the Indian Penal Code which was altered by me vide Exh. 56. Accused no.1 to 3 pleaded not guilty and claimed to be tried. Statements of the accused no. 1 and 2 under section 313 of Code of Criminal Procedure was recorded vide Exh-49 and Exh.50. From the mode of cross-examination and the statements recorded under section 313 of Code of Criminal Procedure, the defence of accused No. 1 to 3 appears to be of total denial and false implication.

5. Perused the entire record and evidence. Heard Shri. A.P. Nakade learned A.P.P. appearing for State and Shri. G. M. Nagmoti, learned advocate appearing for the accused no. 1 to 3.

6. On the above facts and circumstances of the case and after having anxious thought over the charge framed and evidence brought on record, the following points arise for my determination. My Findings with reasons thereon are as under;

<u>Sr.No.</u>	<u>Points</u>	<u>Findings</u>
1)	Does prosecution prove that in between period 03.03.2022 to 05.04.2022 at 10.00 ... to 10.30 am at Arttondi Forest Area Compartment No. 127 Tq- Kurkheda the accused No. 1 to 3 in furtherance of their common intention dishonestly moved trap camera bearing ID WD 14 GRID No. 867 B of Rs. 24,800/- out of the custody of informant without her consent and thereby committed offence of theft punishable under section 379 r/w. 34 of the Indian Penal Code ?	In the Affirmative to the extent of accused no. 1 only.
2).	What order ?	... As per final order.

REASONS

7. In order to bring home guilt of accused no. 1 to 3, prosecution has examined in all 07 witnesses. The accused no. 1 to 3 have adduced neither oral nor documentary evidence in support of their defence.

AS TO POINT NO. 1 :-

8. In order to prove the offence under section 379, 34 of the Indian Penal Code, the prosecution has to prove that accused No. 1 to 3 in furtherance of their common intention dishonestly moved trap camera bearing ID WD 14 GRID No. 867 B of Rs. 24,800/- out of the custody of informant without her consent and thereby committed offence of theft. So

also prosecution has to prove these facts with legally admissible evidence beyond reasonable doubts.

9. It has come in the evidence of PW-6 Informant Vanita Dayaram Sahare at Exh. 34 that incident occurred in the year 2022 in the Arttondi Forest bit compartment No. 127 reserve forest, at that time she was working as Forest Guard at Shirpur and she was having additional charge of the Arttondi bit. As per further evidence of informant in order of protection and control of the wild life, she received 24 cameras (trap cameras) for installation in both these bits and on 03.03.2022 she installed two pairs each of trap cameras on two different places in Arttondi Forest. As per evidence of informant on every two-three days, she was visiting in the forest to check the trap cameras and on 05.04.2022 when she visited on the spot out of two trap cameras, one trap camera of Rs.24,800/- did not find her on the spot, she took search of it however she could not get it. As per further evidence of informant thereafter she took the camera in the pair out of which the another trap camera was missing, she saw its footage and revealed that one person is moving or stealing the camera. As per evidence of informant thereafter she inquired about accused persons, on 07.04.2022 accused no. 1 to 3 came in her office, during inquiry they admitted that they took the camera and promised to return the same. However, they failed to do so. Therefore, she lodged report Exh. 35 against accused no. 3 and F.I.R Exh. 36 dated 17.04.2022. Informant denied during the cross examination of the Learned Advocate for accused that she did not install the trap cameras in the compartment No. 127 and she lodged false report. Thus, nothing fruitful has come on record in the cross examination of the informant.

10. As per evidence of informant Vanita Sahare at Exh. 34 that PW-1 Girish Dorlikar took out the footage of the trap camera in the pair of which one of the trap cameras was missing or stolen and another camera was on the spot, copied the same in Pendrive Article-A and handed over the Pendrive to the investigating officer at the time of spot panchanama inquiry. During

cross examination, informant denied that she filed a false footage of accused persons and it is not taken from another trap camera in the pair. As per evidence of PW-1 Girish Dorlikar at Exh. 23 that he was working at Wadsa forest Division as Computer Operator, the informant brought the memory card in the trap camera, he copied the data in Pendrive Article-A and he issued Certificate Exh. 24 under Section 65-B of the Indian Evidence Act. PW-1 admitted that informant did not bring the trap camera. Learned Advocate for accused argued that as the informant did not bring original camera its footage is doubtful. However, already evidence of PW-1 informant shows that she took out memory card in the trap camera and copied the same from him in Pendrive Article-A. However, PW-1 Girish Dorlikar denied that the data in the Article-A Pendrive has no concerned with the data in the trap camera in which pair, other camera is stolen.

11. Thus, from the evidence of informant Vanita Sahare at Exh. 34 and evidence of PW-1 computer operator Girish Dorlikar the prosecution has filed on record Certificate Exh.24 under Section 65-B of the Indian Evidence Act and Pendrive Article-A in which trap camera images Article B,C and D are filed. Already my learned predecessor has admitted Exh. 24 the Certificate issued under 65-B of the Indian Evidence Act by PW-1 Girish Dorlikar.

12. As per provisions of Section 65A of the Evidence Act, the contents of electronic record may be proved satisfying the provisions of Section 65B sub section (2) to (5) and producing the certificate under section 65-B sub section (4) mentioning therein that (a) identifying the electronic record containing the statement and describing the manner in which it was produced (b) giving such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer (c) dealing with any of the matters to which the conditions mentioned in sub section (2) relate and purporting to be signed by a person occupying a

responsible official position in relation to the operation of the relevant device or the management of the relevant activities shall be evidence of any matter stated in the certificate. On perusal of Certificate Exh. 24, it transpires that PW-1 Girish Dorlikar has issued the same. As per the contents in Exh. 24 informant Vanita Sahare has brought the memory card of the one of the cameras in the pair of two cameras out of which trap camera 1347 ID WD 14 GRID No. 867 B was stolen, he copied the memory card of the trap camera in the Pendrive of 8GB (Article-A) and handed it to the investigating officer.

13. Thus, in Certificate under Section 65-B, the conditions of regular activities of the computer/trap cameras, describe in the feeding of the data in the computer, certifying the identification of electronic record and its particular under the signature of four person having responsible official position are required to be satisfied. In the present case, prosecution has filed on record Certificate Exh. 24 and it is the evidence of informant Vanita Sahare and PW-1 Girish Dorlikar that the footage was of the another trap camera in the pair of 1347 ID WD 14 GRID No. 867 B. However, considering that Exh. 24 relates to data having images of the trap cameras, all the details of the functioning is not required for its footage. So also, the certificate Exh. 24 relates to the trap camera in the pair of trap camera 1347 ID WD 14 GRID No. 867 B. Admittedly, the number of the trap camera is not mentioned in Exh. 24 but considering that it was in the pair of stolen camera it must be the same camera having model no. 1347 bearing ID No. WD 13 or 15 of GRID No. 867 B. Thus, the Certificate Exh. 24 bears signature of PW-1 Girish Dorlikar who is Computer Operator. Overall details required under Section 65-B (2) to (5) are not mentioned in Exh.24. However, Article-A Pendrive backup is of images only and there is no possibility of making changes in it. Therefore, considering evidence of informant and PW-1 it appears that the prosecution satisfied conditions of Section 65-B (2) to (5) substantially. So also, the Article-A footage is of images only, therefore considering fact and circumstances of the case, it would be proper to hold

that the prosecution has substantially proved essential conditions of Section 65-B by way of Certificate Exh. 24.

14. As per evidence of PW-7 PHC Rajendra Kawaliya investigating officer at Exh. 38, that on 20.04.2022 he went in the Arttondi Forest and prepared spot panchanama Exh. 39 in presence of two panchas. Prosecution examined PW-2 Purushottam Shedmake at Exh. 25 and PW-3 Ramdas Gedam at Exh. 27 as spot panch witnesses, they admitted their signatures on spot panchnama. However, they denied the preparation of spot panchanama in their presence. In the present days, the people are not interested to indulge in the matter of others. Therefore, in spite of having signatures upon the spot panchnama Exh. 39, they are not supporting the same. However, in the present case, PW-7 Rajendra Kawaliya investigating officer has proved the spot panchanama Exh. 39. It is not contention of the accused no. 1 to 3 that investigating officer having grudge on the accused no. 1 to 3 or vice versa. Therefore, evidence of PW-7 Rajendra Kawaliya being the public officer is reliable to the extent of preparation of spot panchanama Exh. 39.

15. On perusal of Exh. 39 spot panchanama it transpires that the spot was situated in Arttondi Forest compartment No. 127. The investigating officer had mentioned the location the 20.394012 and 80.125953. The detailed four boundaries are mentioned in it and it is seen that it was prepared on 20.04.2022 in between 14.15 to 15.20 in presence of PW-2 Purushottam Shedmake and PW-3 Ramdas Gedam. Thus, the spot is proved the prosecution at where the trap camera bearing 1347 ID WD 14 GRID No. 867 B price Rs. 24,800/-.

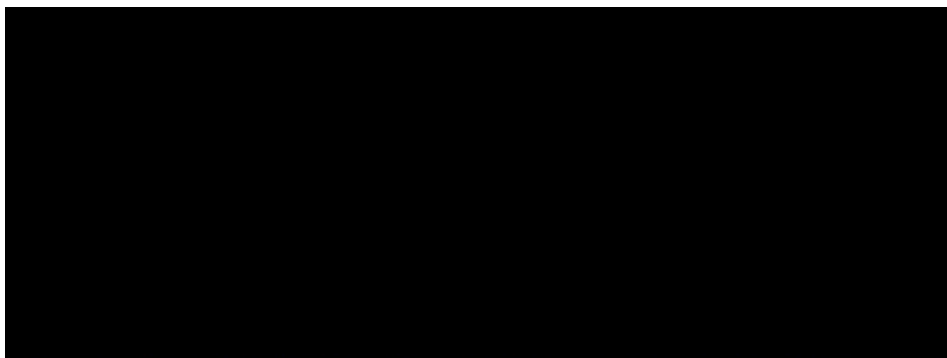
16. Thus, the prosecution has proved the footage of Article-A vide Certificate Exh. 24. So also, as per evidence of PW-1 Girish Gopal Dorlikar he has copied the file JPG images in Pendrive Article-A. As per evidence of PW-4 Jayendra Iskape at Exh. 31 and PW- Manojkumar Sakhare at Exh. 33, they found in the footage that three persons are stealing the trap camera. As per evidence of informant PW-6 Vanita Sahare at Exh. 34, she has handed over

the Pendrive Article A to the investigating officer. As per evidence of PW-7 PHC Rajendra Kawaliya at Exh. 38, he seized the Article A Pendrive under spot panchanama Exh. 39, arrested accused no. 1 to 3 and filed chargesheet against them. So also, during course of evidence in the Court when the JPG images in Article A had shown to PH.C. Rajendra Kawaliya he identified that in Article C image accused no. 1 vilas Shivdas Kirsan is having trap camera for which present case is filed against accused no. 1 to 3. During cross examination investigating officer denied that he filed false chargesheet against accused persons. Be that it may be, considering the investigation the trap camera was stolen, it was not recovered from accused no. 1 to 3 and the prosecution has seized the footage of the another camera in the pair in Article-A and as per the images accused no. 1 to 3 are seen. Especially, in Article C image the stolen trap camera is seen in the hands of accused no. 1 Vilas Shivdas Kirsan.

17. Thus, on perusal of images in the Pendrive Article-A, it is seen that accused no. 1 Vilas Shivdas Kirsan is having trap camera in his hand which is stolen. As per prosecution case the pair of cameras was installed in Arttondi Forest on 03.03.2022 and in between 03.03.2022 to 05.04.2022 the trap camera bearing Model No. 1347 ID WD 14 GRID No. 867 B was stolen. On perusal of the aforesaid image it is seen that on 02.04.2022 at 04.50 pm accused no. 1 Vilas Kirsan moved the stolen trap camera of Cuddeback professional Colour trap camera, Model No. F 1347 ID WD 14 GRID No. 867 B of price 24,800/-. So also, in other images it is seen that remaining accused no. 2 Anil Dhurve and accused no. 3 Hariram @ Gunaji were accompanied with him. Following is image Article C.

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Reg.Cri.Case No.36/2022,
State Vs. Vilas +2, (Judgment Exh.61)



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18. It is pertinent to note here that during investigation trap camera could not recovered from accused no. 1 to 3. However, considering the aforementioned evidence it is proved that on 02.04.2022 the stolen trap camera was moved by accused no. 1. Accused no. 2 and 3 were with him. However, it is not investigation that they helped accused no. 1 to move it or to sell it. Thus, although accused no. 2 and 3 seen in the footage, actually accused no.1 Vilas Shivdas Kirsan is seen as moving the stolen trap camera. Therefore, I do not find collusion or common intention of accused no. 1 to 3 and found role of accused no. 1 only. Thus, prosecution has successfully proved that accused no. 1 committed theft of trap camera Model No. F 1347 ID WD 14 GRID No. 867 B of price 24,800/- fixed in the Arttondi Compartment No. 127 tq- Kurkheda.

19. Now, onus is shifted upon accused no. 1 to prove that he did not commit theft of the stolen camera. However, accused no. 1 has failed to do so and to re shift the onus upon the prosecution. Hence, my finding to Point No. 1 is in affirmative to the extent of accused no. 1 only and I am pausing my judgment to hear both the parties on points of probation and sentence.

Place : Kurkheda.
Date : 20/04/2026

(N. P. Deshpande)
Judicial Magistrate First Class
Kurkheda

AS TO POINT NO.2 :-

20. Learned advocate for accused no. 1 Shri. G.M. Nagmoti argued that considering the nature of offence accused is ready to pay the fine, hence fine may be imposed. Learned A.P.P. Shri. A.P. Nakade argued that the stolen camera was the Government Property. Hence, maximum punishment may be awarded. In the present case, it is not prayer of accused no. 1 to release him on probation. So also report to that effect is not called. Hence without prayer, benefit of probation can not be given.

21. In the present case, the trap camera Model No. F 1347 ID WD 14 GRID No. 867 B of price 24,800/- is stolen. The Forest Department used to install trap cameras in the forest for the protection of wild life and for the protection of the people so that exact monitoring should be kept on the wild life. In the present case, the trap camera worth Rs. 24,800/- is stolen and it is proved that lastly on 02.04.2022 it was moved by accused no. 1 Vilas Shivdas Kirsan. The camera is not useful to the ordinary persons. Therefore, although it is stolen it is of no use of accused no. 1. Considering that punishment which may extend to 3 years or fine or both is provided for the offence under Section 379 of the Indian Penal Code, accused no. 1 being the bread winner of his family, it would be proper to award the just and proper sentence. So that Forest Department would get price of the stolen camera and family of accused no.1 would not suffer from his conviction. Hence, considering fact and circumstances of the case, it would be proper to impose T.R.C. and fine of Rs. 20,000/- upon accused no. 1. In the present case, remaining accused no. 2 and 3 are liable to be acquitted. No Muddemal is seized in the case, therefore there will not be ordered in respect of it. Hence, in Answer to Point No. 2, I pass following order:

ORDER

- 1) Accused no.1 **Vilas Shivdas Kirsan** is found guilty and convicted for the offence punishable under section 379 of the Indian Penal Code, 1860 vide Section 248 (2) of Code of Criminal Procedure, 1973.
- 2) Accused No. 1 shall suffer imprisonment for T.R.C. and to pay fine of Rs.20,000/-(Twenty Thousand Rupees Only) for the offence punishable under Section 379 of the Indian Penal Code. In default of payment of fine she shall suffer further simple imprisonment for 6 months (Six Months Only).
- 3) Out of the fine of Rs.20,000/-(Twenty Thousand Rupees Only), compensation of Rs. 18,000/-(Eighteen Thousand Rupees Only) shall be given to the Range Forest Officer Wadsa/Desaiganj after appeal period is over and remaining amount of Rs. 2,000/- only(Two Thousand Rupees Only) shall be credited to

Government.

- 4) Accused no.2 **Anil Paitram Dhurve** and accused no. 3 **Hariram @ Gunaji Hiralal Madavi** are acquitted for the offence punishable under section 379 of the Indian Penal Code, 1860 vide Section 248(1) of Code of Criminal Procedure, 1973.
- 5) The bail bonds of accused no. 2 and 3 and their surety bonds stand cancelled.
- 6) In compliance of section 481 of Bhartiya Nagrik Suraksha Sanhita, accused no. 2 and 3 shall furnish personal bonds of Rs. 10,000/- and one or more surety's bonds of like amount, which shall remain in force for next six months from today.
- 7) Copy of this judgment shall be given to accused no. 1 free of cost forthwith.

(Judgment dictated and pronounced in open Court)

Place : Kurkheda.
Date : 20/04/2026

(N. P. Deshpande)
Judicial Magistrate First Class
Kurkheda