

MHJG180002062024 	Presented on	06/02/2024
	Registered on	06/02/2024
	Decided on	18/08/2026
	Duration	02Y 06M 12D

Exhibit-**Part “A”**

<u>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,</u> <u>PACHORA.</u> Presided by : Smt. G. S.Bora [Date of the Judgment : 18/08/2026] [RCC Case No.30/2024]		
Complainant		The State of Maharashtra, Through – Pachora Police Station, Tal. Pachora, Dist. Jalgaon
Learned APP		Shri. C. A. Naikwade
Accused		Yogesh Mangal Joshi Age- 44, Occu: Laborer, R/o Adarsh Nagar, Plot no. 12/8, Pachora, Tal. Pachora, Dist. Jalgaon.
Learned advocate for accused		Shri. S. A. Saindane

Part “B”

Cause of Action Arose on	06/10/2023
Date of complaint.	12/10/2023
Date of charge-sheet	05/02/2024
Date of Framing Plea/Charge	08/04/2024
Date of commencement of evidence	21/04/2025
Date on which judgment is reserved	12/08/2026
Date of the Judgment	18/08/2026
Date of the Sentencing Order, if any	Nil

Accused Details

Rank	Name	Date of	Date of	Offences	Whether	Sen	Period of
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of the accused	of Accused	Arrest	Release on Bail	charged with	acquitted or convicted	pen- ce im- posed	Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
1	As per Part No. A	Notice dated 13/10/ 2023 U/s 41(A) of CRPC	08/04/ 2024	P/u/s 326, 323, 504 & 506 of IPC	Acquitted	--	--

Part "C"**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A-Prosecution :**

Rank	Name	Nature of Evidence
PW No.1	Sindhu Yogesh Joshi	Informant
PW No.2	Sima Laxmikant Joshi	Witness
PW No.3	Laxmikant Chandrakant Joshi	Witness
PW No.4	Dr. Shubham Sanjay Teli	Medical Officer

LIST OF DOCUMENTS OF PROSECUTION AND EXHIBITS

Sr. No.	Exhibit Number	Description
1	Exh. 14	FIR
2.	Exh. 20	Injury Certificate

JUDGMENT**(Delivered On this 18th August 2026)**

1. The accused is facing trial for the offence punishable u/s 326, 323, 504 & 506 of Indian Penal Code (for the sake of brevity, hereinafter called as 'IPC').

2. The case of the prosecution, in short, is as under -

The informant, Sindhu Yogesh Joshi, stated that she and her husband were present at home. At about 2.30 p.m., she asked her husband when they would construct a house on their plot and how much longer they would continue to reside in a rented house. Her husband became angry, started abusing her, and stated that he would not construct a house on the said plot. When the informant tried to convince him, he pulled her down and assaulted her with fists and kicks on her face, back and stomach. Thereafter, he took a stick and struck her on her right palm. He also assaulted her on her face with a piece of glass from a bangle and threatened to break her hands and legs and kill her. The informant further raised an alarm, upon which her husband's brother and her husband's brother's wife came to the spot and rescued her from the clutches of the accused. Thereafter, the informant went to Pachora Police Station along with her son. The police issued a medical memo, pursuant to which she went to the Rural Hospital, Pachora, for treatment. She was thereafter referred for further treatment to the Civil Hospital, Jalgaon, where she travelled by a private vehicle. Subsequently, on 12/10/2023, she lodged the report against the accused at the police station. Accordingly, Crime Register No. 376/2023 for the offences punishable under Sections 326, 323, 504 & 506 of the Indian Penal Code was registered at Pachora Police Station and after completion of investigation, charge-sheet was filed against the accused for the

said offences.

3. My Ld. predecessor has framed charge against accused vide Exh.9 for the offences punishable under Sections 326, 323, 504 & 506 of the Indian Penal Code. The accused pleaded not guilty and claimed to be tried.

4. The points for determination along with my findings thereon are as under,

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1	Does prosecution prove that on 06/10/2023 at about 14.30 p.m., Adarsh Nagar, Pochora, Tal. Pachora, Dist. Jalgaon, the accused voluntarily caused grievous hurt to the informant Sindhu Yogesh Joshi by means of stick and thereby committed offence as alleged ?	No
2	Does prosecution further prove that on aforementioned date, time and place, the accused voluntarily caused hurt to the informant and thereby committed offence as alleged ?	No
3	Does prosecution further prove that on aforementioned date, time and place, the accused insulted informant by using filthy words and thereby gave provocation to her knowing it to be likely that such provocation will cause her to commit an offence and thereby committed offence as alleged ?	No
4	Does prosecution further prove that on aforementioned date, time and place, the accused committed criminal intimidation by threatening to kill the informant with intend to cause her alarm and thereby committed offence as alleged ?	No

5 What order ?

Accused is
acquitted.

REASONS

AS TO POINT NO.1 TO 4 :-

5. In order to bring home the guilt of accused, the prosecution has examined in all 4 witnesses including informant Sindhu Yogesh Joshi (PW-1) at Exh.13, witnesses Seema Laxmikant Joshi (PW-2) at Exh.16, Laxmikant Chandrakant Joshi (PW-3) at Exh.17 and Medical officer Dr. Shubham Sanjay Teli(PW-4) at Exh.19. The evidence of prosecution treated to be closed by passing order below Exh. 1 dated 02/05/2026.

6. The informant Sindhu Yogesh Joshi (PW-1) deposed at Exh. 13 regarding the incident in accordance with the prosecution case. According to her testimony, on 06/10/2023, while she and her husband were present at home, she asked him as to when they would construct their house. Thereupon, the accused allegedly assaulted her on her chest with fist blows, twisted the finger of her right hand, and slapped her. He also allegedly snatched on her face by means of pice of glass bangle and threatened to kill her. She further stated that the accused assaulted her with a water pipe, due to which her right hand was fractured. According to her, the incident was intervened by Seema Joshi (PW-2), the wife of her husband's brother, and some local villagers, following which she lodged the report.

7. During cross-examination, the informant admitted that her marriage with the accused was solemnized on 15/06/2014 and that, since her marriage, she has been residing with her husband.

She further stated that, after the incident, her husband was engaged in begging/mendicancy (Bhikshuki) and was earning a meagre income therefrom. She admitted that her husband had purchased a plot, but denied that he had told her that he would construct a house whenever he had sufficient funds and that he was not willing to obtain a loan for such construction.

8. The prosecution further examined Seema Laxman Joshi (PW-2) and Laxmikant Chandrakant Joshi (PW-3). Both these witnesses turned hostile and failed to support the case of the prosecution. According to their testimony, no incident had taken place in their presence and they had neither witnessed any assault nor heard any abuse allegedly committed by the accused against the informant.

9. In order to establish the injuries sustained by the informant, the prosecution examined Medical Officer Dr. Shubham Teli. As per his evidence at Exh. 19, on 07/10/2023, he examined the informant, Sindhu Yogesh Joshi, who presented with a history of assault. On examination, he found blunt trauma over her right hand, chest and abdomen and accordingly issued the injury certificate at Exh. 20. During cross-examination, the Medical Officer admitted that he is not an Orthopedic Surgeon and that he had referred the informant to the Civil Hospital, Jalgaon, for further treatment. He further admitted that although the patient had produced a medical certificate, the said certificate did not contain any opinion of the Medical Officer of the Civil Hospital, Jalgaon. He also stated that he had given his opinion regarding the said certificate on the basis of the say of the police. Though he denied

the suggestion that, being not an Orthopedic Surgeon, he had no authority to give an opinion regarding the injuries, he further admitted that if a person slips and falls in the house, the injuries mentioned in the injury certificate (Exh. 20) could also have been caused in such a manner.

10. Considering the entire evidence adduced by the prosecution, it can be seen that the informant (PW-1) deposed in accordance with the case of the prosecution and no element of hostility is found in her evidence. However, on a careful perusal of her testimony, it is apparent that her evidence is marked by material exaggerations and discrepancies. As per the report (Exh. 14), the accused allegedly assaulted the informant with fists, blows and a stick. There is no mention in the report of any assault by means of a pipe. However, in her deposition, the informant stated that the accused assaulted her with a pipe and, as a result, her right hand was fractured. The introduction of the pipe as a weapon in her testimony, despite there being no such allegation in the report, amounts to a material improvement and exaggeration. Such improvement cannot be brushed aside as a minor discrepancy, as it relates to the manner of assault and the weapon allegedly used and, therefore, goes to the root of the prosecution case.

11. Further, the informant further deposed that her in-laws and her husband's brother drove her out of the matrimonial house on 12/06/2021 and that, thereafter, she and her husband had been residing in a rented house. However, the report (Exh. 14) is completely silent about these facts. Thus, this aspect of her testimony is also an improvement over the version contained in the

report. Moreover, the alleged incident occurred on 06/10/2023, whereas the informant lodged the report on 12/10/2023, resulting in a delay of six days in lodging the FIR. The explanation offered by the informant for such delay is that she was admitted to the hospital. In this regard, the Medical Officer, Dr. Shubham Teli, deposed that he examined the informant on 07/10/2023 and referred her to the Civil Hospital, Jalgaon, for further treatment. However, the Medical Officer from the Civil Hospital, Jalgaon, who allegedly treated the informant thereafter, has not been examined by the prosecution. The Medical Officer examined by the prosecution has merely given an opinion regarding the certificate issued by the Civil Hospital, Jalgaon, concerning the nature of the injuries.

12. Further, on perusal of the injury certificate (Exh. 20), there is no material to establish that the informant was admitted to the Civil Hospital, Jalgaon, or the period for which she allegedly remained admitted there. No documentary evidence has been brought on record to establish that, after the incident, the informant remained under treatment in the hospital until the lodging of the report on 12/10/2023. Thus, the explanation furnished by the prosecution for the six days delay in lodging the report is not satisfactory. The delay assumes significance particularly in view of the material omissions and improvements appearing in the testimony of the informant. Her evidence, therefore, does not inspire sufficient confidence to form the sole basis for recording a finding of guilt against the accused. In the circumstances, her testimony requires corroboration from

independent and reliable evidence. However, Seema Joshi (PW-2) and Laxmikant Chandrakant Joshi (PW-3) have turned hostile and have not supported the case of the prosecution. Apart from their evidence, there is no other substantive evidence on record which lends corroboration to the testimony of the informant. Thus, considering the material omissions, improvements, unexplained delay in lodging the report and the absence of corroborative evidence, the testimony of the informant does not inspire confidence and the evidence on record is insufficient to establish the guilt of the accused beyond reasonable doubt. Therefore, the prosecution has failed to prove the case against the accused beyond reasonable doubt.

Hence, I answer point Nos.1 to 4 in the negative.

AS TO POINT NO. 5 :-

13. During statement of the accused under section 313 of the Code of Criminal Procedure, he denied incriminating circumstance appeared in the prosecution's evidence. The prosecution failed to prove the charge. Hence, accused is deserves to be acquitted. So far as seized stick is concerned, it being worthless, will have to be destroyed after appeal period is over. Therefore, in answer to point No. 5, I pass the following order.

ORDER

- 1] The accused Yogesh Mangal Joshi acquitted of offences punishable under Sections 326, 323, 504 & 506 of the Indian Penal Code, vide Section 248(1) of the Code of Criminal Procedure.
- 2] His bail bond is cancelled and he is set at liberty.

- 3] The seized muddemal property i.e wooden stick be destroyed after appeal period is over.
- 4] The accused to furnish bail bond of Rs.15,000/-, as per Section 437-A of the Code of Criminal Procedure.

Pachora

Date :- 18/08/2026.

(Smt. G.S. Bora)

Judicial Magistrate F.C., Pachora