

MHKO010036062023



Received on :- 01/09/2023

Registered on :- 25/09/2023

Decided on : 28/08/2026

Duration :- Y. M. Ds.
02 - 11 - 27

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
KOLHAPUR, AT KOLHAPUR
(Presided over by R.V. Utpat)

Sessions Case No.216/2023
Exh. No. 98/A

Complainant	The State of Maharashtra,
Represented By	Mrs. A. A. Patole, APP for the State.
Accused	1. Ramu Mukund Kalgutaki, Age : 24 Yrs., Occu.: Labour R/o. Near Navshya Maruti Temple, Rajarampuri 14 th Lane, Kolhapur.
	2. Karan Uday Sawant, Age : 24 Yrs., Occu.: Mechanic, R/o. Mother's Statue, Rajarampuri, Kolhapur.
	3. Abhishek Manoj Hawaldar, Age : 24 Yrs., Occu.: Education, R/o. Before Rajarampuri Police Station, Kolhapur.
	4. Vinayak Dattatraya Jadhav, Age : 24 Yrs., Occu.: Auto Rickshaw driver, R/o. Near Mahalaxmi Hospital, Rajarampuri, 12 th lane, Kolhapur.

Represented By	Mr. D. P. Patil, Adv. for accused No.1 Mr. A. A. Mahadik, Adv. For accused No.3 Shri. P V. Patil, Adv. for accused No.2 & 4.
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Date of offence	04/07/2023
Date of FIR	05/07/2023
Date of Charge sheet	30/08/2013
Date of Framing of Charges	03/04/2025
Date of commencement of evidence	20/07/2026
Date on which judgment is reserved	28/08/2026
Date of the Judgment	28/08/2026
Date of the Sentencing Order, if any	----

Accused Details

Sr. No.	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.PC.
1.	Ramu Mukund Kalgutaki.	05/07/2023	10/09/2015	Office p.u.s. 307, 323, 427, 504 and 506 of IPC u.s. 5 and 27 of the Arms Act.	Acquitted	---	---
2.	Karan Uday Sawant.	05/07/2023	11/10/2024	--"--	Acquitted	---	---
3	Abhishek Manoj Hawaldar.	05/07/2023	26/08/2024.	--"--	Acquitted	----	----
4.	Vinayak Dattatraya Jadhav.	05/07/2023	11/10/2024	--"--	Acquitted	----	----

A. List of prosecution witnesses:

Rank	Name	Exh. Nos.	Nature of Evidence
PW1	Nilesh Rajendra Jadhav.	79	Complainant.
PW2	Nitin Raju More.	85	Eye-witness.

PW3	Uday Shamrao Ghongade.	86	Eye-witness.
PW 4	Suresh Annaso Patil..	90	Panch witness.

A. Prosecution exhibits:

Sr.No.	Exh. Nos.	Description.
1.	80	Signature on the complaint dtd. 5/7/2023
2.	81	Statement of the informant U/Sec. 164 of the Cr. P. C.
3.	91	Order of Shivaji Vidhyapeet, dtd. 7/7/2023
4.	92	Memorandum and Seizure Panchnama, dtd.07/07/2023.

B. Defence Exhibit:

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C. Court Exhibits:

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D. Material Objects:

Sr. No.	MO/Nos.	Description
1	--	Blood Sample of the informant.
2	--	Blood-mixed soil.
3	--	Normal soil.
4	--	Blue coloured half T-shirt.
5	--	Gray coloured pant.
6	--	Black coloured full shirt.
7	--	Light blue coloured Jeans Pant.
8	--	Red coloured half T-shirt.
9	--	Black coloured pant.
10	--	Light blue coloured half T-shirt.

11	--	Black coloured Tracksuit Pant.
12	--	White coloured half T-shirt.
13	--	Gray coloured night pant.
14	--	One sword.

J U D G M E N T

(Delivered on 28th August, 2026)

1. The accused abovenamed stand prosecuted on the accusation of having committed offence punishable U/Secs.307, 323, 324, 427, 504, 506 r. w. 34 of the Indian Penal Code and Sec. 5 r. w. 27 of the Arms act, 1959.

2. Briefly stated, case of the Prosecution is as follows :

That, the first informant - PW 1 Nilesh Jadhav while undergoing medical treatment at the CPR Hospital, Kolhapur, lodged report on 05/07/2023 stating that, he is residing at Rajarampuri 14th lane, Kolhapur near Vijay Bakery and the accused persons under the leadership of accused No.1 – Ramu Kalgutki are indulged in various criminal activities in the Doulatnagar area such as- giving threats, kidnapping for ransom, possessing deadly weapons like swords etc. with a view to spread terror. On 04/07/2023, at about 10.00 p.m., the first informant was near the Vijay Bakery. At that time, four persons came on two motorcycles from the direction of Bhagatsing Lane and they were causing damage to various vehicles on the way. The accused No.1 was pillion rider of the one of those

motorcycles and he threatened by showing sword to the informant that, he would not spare him on the count of some earlier dispute and then he gave a blow of sword on his head. At that time, the other accused persons started beating him by kicks and fists. Therefore, he raised hue and cry. Then the accused persons went away brandishing swords in the direction of Khare Mangal Karyalaya. Then, the informant was taken to CPR Hospital, by his friends Uday Ghongade and Nitin More. Accordingly, he lodged report and on the basis of that report, crime No.348/2023 was registered. In his supplementary statement recorded on the same day, the first informant stated that, he had wrongly stated the name of accused Abhishek Manoj Hawaldar as 'Abhijeet Manoj Hawaldar.' He also disclosed to the Police the full names of the accused No.1, 2 and 4.

3. During the investigation, the Investigating Officer drew spot panchnama, recorded statements of the witnesses, collected samples from the spot of incident as well as seized the clothes of the injured-informant and accused. The accused No.1 while in police custody made a confessional statement, pursuant to which, a sword came to be recovered. On completion of the investigation, the accused came to be charge-sheeted before the learned Judicial Magistrate First Class (Court No.9), Kolhapur for the offence mentioned above.

4. Since the offence punishable U/sec.307 of the I.P.C. is exclusively triable by the Court of Sessions, the learned Magistrate was pleased to commit the case for trial to this Court.

5. On appearance of the accused, Charge (Exh. 59) was framed and explained to them in vernacular; to which they pleaded not guilty and claimed to be tried.

6. The prosecution has examined the informant PW 1 – Nilesh Rajendra Jadhav, eye-witnesses PW 2 – Nitin Raju More and PW 3 – Uday Shamrao Ghongade as well as panch witness PW 4 – Suresh Annaso Patil. The prosecution has closed evidence by moving pursis Exh.85. The accused have not adduced evidence in defence and in their statement recorded under S.313 of the CrPC, they have submitted that, they are falsely implicated in this case.

7. I have heard the learned A.P.P. Smt. A. A. Patole for the State and the learned advocate Shri. D. P. Patil for the accused No.1, Shri. A. A. Mahadik for the accused No.3 and Shri. Prakash V. Patil for the accused No.2 and 4, before taking up the matter for consideration.

8. Following points arise for my determination. My findings thereon with reasons are as follows :

POINTS

FINDINGS

- 1 Whether the prosecution proves that, on 04/07/2023 at about 22.00 hours, near Vijay Bakery, situated at Doulat Nagar, Kolhapur, the accused in furtherance of their common intention, did an act of assault to the informant Nilesh Rajendra Jadhav and accused No.1 assaulted him on

In the
negative

his head with a sword and accused Nos. 2 to 4 assaulted him by fists blows and kicks, with intention or knowledge that such injury was likely to cause death of Nilesh Rajendra Jadhav and the accused thereby caused grievous hurt to him ?

- | | | |
|----|--|-----------------|
| 2 | Whether the prosecution proves that, on the aforesaid date, time and place, accused Nos. 1 to 4 in furtherance of their common intention, voluntarily caused grievous hurt to the informant Nilesh Rajendra Jadhav by assaulting him on his head with a sword and with fist blows and kicks ? | In the negative |
| 3 | Whether the prosecution proves that, on the aforesaid date, time and place, accused Nos. 2 to 4 in furtherance of their common intention, voluntarily caused hurt to the informant Nilesh Rajendra Jadhav by beating with fist blows and kicks ? | In the negative |
| 4. | Whether the prosecution proves that, on the aforesaid date, time and place, the accused, in furtherance of their common intention, committed mischief by causing wrongful loss or damage to two Auto Rickshaws and four Motorcycles valued more than Rs. 50/- which were parked on the roadside ? | In the negative |
| 5. | Whether the prosecution proves that, on the aforesaid date, time and place, the accused in furtherance of their common intention, intentionally insulted informant Nilesh Rajendra Jadhav and thereby gave provocation to him intending or knowing it to be likely that such provocation would cause him to break the public peace ? | In the negative |

6. Whether the prosecution proves that, on the aforesaid date, time and place, the accused in furtherance of their common intention, committed criminal intimidation by threatening informant Nilesh Rajendra Jadhav with threat to end his life with intent to cause alarm to him ? In the negative
7. Whether the prosecution proves that, on the aforesaid date, time and place, accused No.1 were carrying seized arms i.e. Sword, without holding a license, which is dangerous to human life and prohibited for possession by law ? In the negative
8. What order? As per final order

REASONS

As to Points No.1 to 7 :-

9. PW 1 – Nilesh Rajendra Jadhav is the first informant as well as the injured and his evidence is important in the point of view of the prosecution. He has deposed that on 04/07/2023, at about 10.00 p.m., after having dinner, he was at Vijay Bakery square and quarrel took place. Then, stone pelting took place and he was hit with one of the stones on his head. Because of that, he sustained bleeding injury and fell unconscious and then he was taken to CPR Hospital. He flatly denied that, the accused persons had attacked him and caused injury to him. Since, he was not supporting to the prosecution, the learned APP put him questions lawful in cross-examination with the permission of the Court. At that time, he has specifically denied that, the accused

persons came on two motorcycles, they were causing damage to other vehicles and thereafter, the accused No.1 threatened him with show of sword that, he would not spare him and then gave a blow of sword on his head. He has also denied that, the accused No.2 to 4 beat him by kicks and fists and when he raised hue and cry, all the accused went in the direction of Khare Mangal Karyalaya, brandishing swords. When he was confronted with the complaint, he admitted his signature on it but, showed ignorance about its contents. He has also denied that, he had given supplementary statement before the Police and at that time, he had stated the correct name of the accused No.3 – Abhishek so also, full names of the accused No.1, 2 and 4. He has admitted that, his statement was recorded during the investigation before the Court. But, he has denied that, the said statement was recorded as per his say. He has identified seized clothes – M. O. No.1 and 2, but he could not identify seized sword. Thus, it appears that, this material witness has turned hostile.

10. PW 2 – Nitin Raju More and PW 3 – Uday Shamrao Ghongde have been examined as eye-witnesses. Their evidence transpires that, they are acquainted with the informant and the accused. They have stated that, on 04/07/2023 at about 10.00 p.m., they were at Vijay Bakery square and the informant was also there. However, they have not deposed as per the prosecution case in respect of the incident. According to them, quarrel took place between two groups and there was stone

pelting. They have specifically denied that, all the accused persons attacked the informant and the accused No.1 gave sword blow to the informant. As they were not deposing as per the prosecution case, the learned APP put them questions lawful in cross-examination with the permission of the Court. At that time, they have specifically denied all the material suggestions in respect of the incident. They have denied that, they had stated before the Police that, the accused No.1 had given sword blow on the head of the informant and they had taken the informant to the CPR Hospital.

11. Further prosecution witness is PW 4 – Suresh Annaso Patil and he has deposed that on 07/07/2023, he was asked to act as a panch and thereafter, he along with other panch Ajit Zore went to the Rajarampuri Police Station, where the Police brought Ramu Kalgutaki before them and said Ramu Kalgutaki made a statement that, he would show the place, where he had hidden a sword. Thereafter, the Police recorded said statement and obtained signatures of the panchas and said Ramu Kalgutaki. He has also deposed that he, the other panch as well as said Ramu Kulgutaki and the Police proceeded in police vehicle to compound of T. A. Battalion via Cyber Chowk - Pri. I. Training Center - Sarathi Sub Station, as per the way shown by the said Ramu Kalgutaki and when they reached there, said Ramu Kalgutaki showed the place, where he had hidden a sword. Thereafter, one sword was found, which was seized in presence of the panchas under seizure panchnama. He

has proved the memorandum & seizure panchnama Exh.92. He has also identified the sword - article 1 as well as photographs - article 'A', snapped at the time of panchnama. He could not identify the accused Ramu Kalgutaki before the Court. In cross-examination, he has admitted that, he can not tell four-boundaries of the place, where the memorandum was scribed and panchnama was drawn. He has denied all the other material suggestions. Though his evidence on the point of memorandum and seizure panchnama is not shaken, it is material to note that, he could not identify the accused No.1 before the Court as said Ramu Kalgutaki. As discussed earlier, the informant and the eye-witnesses have not supported to the prosecution on the point of the incident and in absence of any cogent evidence on the point of the incident as well as use of the sword in the incident, recovery of the sword is not much consequential.

12. In totality of above noted circumstances and in absence of any worthwhile evidence in respect of the incident as alleged by the prosecution, I hold that, the prosecution has failed to prove the Charge and answer the Points No.1 to 7 in the negative. The accused are therefore, entitled to be acquitted. Hence, I proceed to pass the following order:

ORDER

- 1) Accused No.1 – **Ramu Mukund Kalgutaki**, No.2 – **Karan Uday Sawant**, No.3 – **Abhishek Manoj Hawaldar** and No.4 – **Vinayak Dattatraya Jadhav** are hereby acquitted of

the offence punishable U/Secs. 307, 324, 323, 427, 504, 506 of the Indian Penal Code and Secs. 5, 27 of the Arms Act, vide Section 235 (1) of the Code of Criminal Procedure, 1973.

- 2) Bail bonds of the accused stand cancelled.
- 3) **The muddemal articles -**
 - I) Sr. No.1 to 3 - Blood Sample of the informant, blood-mixed soil, and normal soil being worthless, be destroyed after appeal period is over.
 - II) Sr. No. 4 to 13 – Clothes of the informant and the accused No.1 to 4, being worthless, be destroyed after appeal period is over.
 - III) Sr. No.14 - Sword be sent to the District Magistrate, Kolhapur for disposal according to Law after period of appeal is over.
- 4) Accused are directed to furnish P.B. & S.B. of Rs.25,000/- (Rs. Twenty-five Thousand only) each as per Sec.437(A) of the Criminal Procedure Code, to appear before the Hon'ble Appellate Court whenever directed, in case any appeal/petition is preferred against this judgment.

(Dictated and pronounced in open Court)

Date : 28/08/2026.
Kolhapur.

(R. V. Utpat)
Additional Sessions Judge,
Kolhapur.

I affirm that the contents of this PD.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Mrs. A.R.Magdum
Name of Court	Mr. R. V. Utpat, Addl. Sessions Judge, Kolhapur.
Date of Dictation	28/08/2026.
Judgment signed by the P.O. on	28/08/2026.
Judgement uploaded on	28/08/2026.