


<u>MHKO190004122014</u> 	Presented On	:	02/09/2014
	Registered On	:	02/09/2024
	Decided On	:	30/03/2026
	Duration	:	Y. M. D.

REGULAR CRIMINAL CASE NO.67/2014EXH. NO.98/B

(FIR No.57/2014, Police Station, Radhanagari.)

<u>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,</u> <u>RADHANAGARI, KOLHAPUR.</u> <u>(Presided over by R.D. Shinde)</u> <u>(Date: 30/03/2026)</u>		
PROSECUTION	:	The State of Maharashtra, Through Police Inspector, Police Station, Radhanagari.
APP for Prosecution	:	Shri. K. M. Bhosale, Spl. Public Prosecutor
ACCUSED	:	1. Krushna Aba Jadhav (A 1) Age:65 Yrs, Occ : Agri, 2. Dattatraya Krushna Jadhav (A 2) Age:35 Yrs, Occ : Agri 3. Gourabai Krushna Jadhav (A 3) (Deceased- Hence abated) 4. Sajabai/Bharti Rajendra Magdum (A 4) Age:45 Yrs, Occ : Household All Above R/o. Mangewadi, Tal.Radhanagari, Dist.Kolhapur.
Advocate for Accused	:	Adv. Shri. S. P Wagvekar

Date of Offence	:-	19/05/2014
Date of FIR	:-	20/05/2014
Date of Charge-sheet	:-	02/09/2014
Date of Framing of Charges	:-	07/11/2016
Date of commencement of evidence	:-	26/11/2018
Date on which judgment is reserved	:-	30/03/2026
Date of the Judgment	:-	30/03/2026
Date of the Sentencing order, if any,	:-	Accused are Acquitted

Accused Details

Name	Date of Arrest	Date of Release on Bail	Offence charged with	Whether acquitted or convicted	Period of Detention Undergone during Trial for purpose of Section 428 Cr.PC.
Krushna Aba Jadhav	26/05/2014	27/05/2014	Under Sec. 452, 337, 324, 323,504, 506 r/w 34 of the IPC	Acquitted	NA
Dattatray Krushna Jadhav	26/05/2014	-//-	-//-	Acquitted	NA
Gaurabai Krushna Jadhav	27/05/2014	-//-	-//-	Abetted	NA
Sajabai/ Bharti Rajendra Magdum	27/05/2014	-//-	-//-	Acquitted	NA

J U D G M E N T

(*Delivered On 30th March, 2026*)

Accused stands prosecuted for offences punishable under Section 452, 337, 324, 323, 504, 506 r/w 34 of the Indian Penal Code.

Brief facts of the prosecution case :-

2. On 19/05/2014 at about 22.00 hrs. the informant Geeta Pandurang Jadhav was at her house. Her child was sleeping in the frontal room of her house. That time accused No.1 thrown a stone on her house which fell near the child of the informant. Therefore, the husband of the informant namely Pandurang Maruti Jadhav (P.W.No.4) rushed towards the courtyard of their house. he inquired as to who thrown the stones. That time accused Nos.1 to 4 entered into the house of the informant and stated that “they have thrown the stone, what you will do” and started to abuse them. They also assaulted Pandurang Jadhav (P.W.No.4). The informant and her father in law i.e. Maruti Jadhav tried to resist. However, accused assaulted them also. Accused No.1 took bite of middle finger of left hand of the informant and Maruti Jadhav. Accused No.2 took bite near the right hand elbow of Pandurang Jadhav (P.W.No.4). Accused No.3 and 4 caught the hairs of the informant and assaulted her by fist and kicks. During the said incident the Ganthan of the informant broke. And some portion of the same was misplaced. Thereafter, the informant lodged report in Police Station, Radhanagari.

3. In pursuance of said report Police Station Radhanagari registered Crime bearing No.57/2014 for offence punishable under Section 452, 337, 324, 323, 504, 506 r/w 34 of the Indian Penal Code. The investigating officer carried out investigation of the present crime. During investigation it transpired to him that accused have committed the offence. Hence, he filed charge sheet against accused Nos.1 to 4.

4. Accused No.3 has died during the trial of the case. Hence, proceeding of the case is abated against accused No.3 and tried further against accused Nos.1, 2, and 4.

5. My Ld. Predecessor framed charge against accused Nos.1, 2 and 4 vide Exh.18 for the offence punishable under Section 452, 337, 324, 323, 504, 506 r/w 34 of the Indian Penal Code. The charge was read over and explained to accused in vernacular. Accused pleaded not guilty to it as per Exh.19 to 21 and claimed to be tried, hence, present trial.

6. In order to prove the guilt of accused, prosecution examined the informant Geeta Pandurang Jadhav (P.W.No.1) at Exh.33, Ashok Vasant Kamble (P.W.No.2) at Exh.36, Dattatray Pandurang Magdum (P.W.No.3) at Exh.38, Injured witness Pandurang Maruti Jadhav (P.W.No.4) at Exh.38, Sadashiv Rajaram Jadhav (P.W.No.5) Panch witness at Exh.49 and medical officer Dr. Sudhir Bhagwan Rajdeep (P.W.No.6) at Exh.54. Even after giving sufficient opportunity prosecution failed to secure the presence of Investigating Officer. Hence, by passing order below Exh.1 on 23/07/2024 evidence of prosecution is closed. There is incriminating evidence come on record against accused. Therefore, statements of accused Nos.1, 2 and 4, under Section 313 of the Code of Criminal Procedure have been recorded vide Exh.88 to 90. Accused have denied all evidence and stated that, a false case has been registered against them. Accused have not examined any witness in their defense.

7. Heard, Ld. Spl. Public Prosecutor for the State. He argued that, PW 1 to PW 4 have deposed in corroboration about the date time and place of the incident. PW 2, 3 and 4 are eye witnesses and they have seen accused persons assaulting and abusing the informant and other witnesses. He argued that, prosecution has proved the guilt of all the accused persons in commission of the present offence. He further argued that, medical officer (PW-6) has also supported the case of prosecution. Therefore, he prayed that accused Nos.1, 2 and 4 be punished for the charges as framed against them.

8. Heard Ld. Advocate for the accused at length. He argued that, witness Nos.2 and 3 are interested witnesses. There is civil dispute between informant, her family and accused. It is further argued that, evidence of informant and her husband Pandurang consists of many improvements and omissions. Prosecution has not examined any neighbour of the informant as a witness. The alleged stone used in the commission of the offence is not produced before the court. Additionally it is argued that, medical officer has not supported the case of prosecution. It is also argued that, evidence of informant and her husband (PW-4) is totally silent about the presence of alleged eye witnesses i.e. PW-2 and PW-3 at the time of incident. He argued that, prosecution has not examined any independent witness in support of its case. He further argued that, evidence of prosecution witnesses is not reliable and trustworthy. He argued that, evidence of prosecution is wholly unreliable. Lastly, he prayed that, accused persons be acquitted from the charges leveled against them.

9. Considering facts and circumstances of the case and evidence available on record following points arose for my determination. I have recorded my findings thereon for reasons stated as under :-

Sr.No.	POINTS FOR DETERMINATION	FINDING
1)	Whether prosecution proves that on 19/05/2014 in the house of the informant at Mangewadi, Tal. Radhanagari accused Nos.1, 2 and 4 along with accused No.3 in furtherance of their common intention committed house trespass by entering into the house of informant, used as human dwelling for assaulting the informant and his family members, and thereby committed an offence punishable under Section 452 r/w 34 of the Indian Penal Code?	Not proved.

2)	Whether the prosecution proves that on the aforesaid date, time and place accused Nos.1, 2 and 4 along with accused No.3 in furtherance of their common intention thrown stone on the house of the informant so rashly and negligently, so as to endanger human life or personal safety of others and thereby committed an offence punishable under Section 337 r/w 34 of the Indian Penal Code?	Not proved.
3)	Whether the prosecution proves that on the aforesaid date, time and place accused Nos.1, 2 and 4 along with accused No.3 in furtherance of their common intention voluntarily caused hurt to the Informant and his family members, by means of stone and tooth bite, which are likely to cause their death and thereby committed an offence punishable under Section 324 r/w 34 of the Indian Penal Code?	Not proved.
4)	Whether the prosecution proves that on the aforesaid date, time and place accused Nos.1, 2 and 4 along with accused No.3 in furtherance of their common intention voluntarily caused hurt to the informant namely Geeta Pandurang Jadhav and thereby committed an offence punishable under Section 323 r/w 34 of the Indian Penal Code?	Not proved.
5)	Whether the prosecution proves that on the aforesaid date, time and place accused Nos.1,2 and 4 along with accused No.3 in furtherance of their common intention, intentionally abused the informant and her family members and thereby gave provocation to them intending that such provocation would cause them to break public peace or to commit any other offence, and thereby committed an offence punishable under Section 504 r/w 34 of the Indian Penal Code?	Not proved.

6)	Whether the prosecution proves that on the aforesaid date, time and place accused Nos.1,2 and 4 along with accused No.3 in furtherance of their common intention committed criminal intimidation by threatening informant and her family members with injury to their person, with intent to cause alarm to them and thereby committed an offence punishable under Section 506 r/w 34 of the Indian Penal Code?	Not proved.
7)	What order ?	Accused are Acquitted

Evidence on record :-

10. Informant (PW-1) deposed in her chief-examination that, on 19/05/2019 accused No.1 thrown stone from colony directing towards her house. The said stone fell nearby her child who was sleeping in the room. Her husband Pandurang (PW-4) inquired as to who thrown the stone. At that time accused came there and stated that, they have thrown the stone. By saying so they entered into her house and assaulted her husband. When tried to intervene, her hairs were grabbed and she was assaulted. Her father in law also tried to mediate. But he was also assaulted by the accused. Accused No.1 bite middle finger of her hand. He also took bite of finger of left hand of her father in law. Accused No. 3 and 4 grabbed her hairs and assaulted her with fists and kick blows. On the same day informant and her husband went to police station at about 11.00 pm. Whereat her complaint was registered. Then she went to hospital. In her evidence F.I.R dated 20/05/2019 was proved and exhibited as Exh. 34. However, she failed to identify the accused persons by their names.

11. In her cross examination she admitted that, Dattatraya Magdum (PW-3) and Ashok Kamble (PW-4) works in Milk Dairy owned by R.T.Patil. She denied that, she is well acquainted with the both. She

admitted that, her family is well acquainted with the above named two persons. She admitted that, her family was having doubt that accused have made encroachment over their field. She also admitted that, in pursuant to that doubt they had applied for government measurement. She further admitted that, after the said measurement the concerned officer had given 2 ft land in their possession to the accused. She admitted that, there was dispute between them and accused over the boundaries. Additionally she admitted that, she had no knowledge as to who thrown stone on her house until her husband inquired about the same. She admitted that, the fact that accused No.1 took bite of upper area of elbow of her husband is not mentioned in her FIR. She showed her ignorance as to why it is not mentioned in her FIR.

12. Ashok (PW-2) is examined as eye witness. He deposed in his chief examination that, on 19/05/2019 at about 10.00 pm he was going to his agricultural field along with his friend Dattatrya (PW-3). He reached Jadhav Colony. Krushna Accused No.1 thrown stone which fell nearby the child who was sleeping in the house of Maruti Jadhav. Pandurang Jadhav came outside his house and asked as to who thrown the stone. All the accused came out of their house and went inside the house of accused. In the house all the accused told accused to do whatever they want by stating that, they have thrown the stone. After that quarrel started between accused and informant. Krushnaji Accused No1. Took bite of middle finger of Maruti Jadhav. Accused No. 3 and 4 grabbed hairs of informant and assaulted her. Dattatraya Accused No.2 took bite of elbow of right hand of Pandurang Jadhav (PW-4). They resolved the dispute and sent accused and informant to their respective house.

13. In his cross examination he admitted that, informant and her family members purchase milk from milk dairy where he and Dattatraya

(PW-3) works. He admitted that, he is well acquainted with the informant and her family. He stated that, in his statement before police he had told the police the fact that, 'on 19/05/2014 at about 10.00 pm he and his friend Dattatraya were going to his agricultural field. We reached Jadhav Colony. Krushnaji Accused No.1 thrown stone which fell nearby the child sleeping in the house of Maruti Jdhav. After that, Pandurang came out of the house and asked as to who thrown the stone. At that time accused came out of their house and went inside the house of informant'. However, he showed his ignorance as to why the same facts are not mentioned in his statement. He admitted that, portion mark Exh.37 in his statement before police i.e ' At that time after hearing the noise in colony he and Dattatraya went at the house of Maruti Jadhav' is true and correct. He denied that, he has not seen the accused No.1 throwing stone at the house of Maruti Jadhav. He denied that, he has not seen accused persons coming out of their house and going inside the house of the informant. He deposed that, he do no know whether the police have recorded his statement as per his narration or not.

14. Dattatraya (PW-3) is also posed as eye witness. In chief examination he deposed that, on 19/05/2019 at about 10.00 pm he was going to his agricultural field along with his friend Ashok (PW-2). He reached Jadhav Colony. Krushna Accused No.1 thrown stone which fell nearby the child who was sleeping in the house of Maruti Jadhav. Pandurang Jadhav came outside his house and asked as to who thrown the stone. All the accused came out of their house and went inside the house of accused. In the house all the accused told accused to do whatever they want by stating that, they have thrown the stone. After that quarrel started between accused and informant. Accused No.1 took bite of middle finger of right hand of Maruti Jadhav. Thereafter accused persons grabbed informant by her hair and assaulted her. They pacify the dispute.

15. In his cross examination he admitted that, till May,2014 accused used to deliver Milk in their dairy. He admitted that, after that accused started delivering milk in other dairy. It is also admitted that, he and his milk dairy has good relation with informant and her family. In his cross examination he denied that, portion mark A in his statement recorded by police i.e. 'at that time after hearing the noise in colony he and Ashok (PW-2) went at the house of Maruti Jadhav' was told by him to the police while recording his statement. He showed his ignorance as to why the same has been mentioned in his statement before police. He admitted that, he do not know as to what happened before he went to the house of Maruti Jadhav. He admitted that, in his statement before police he has stated that, ' on 19/05/2014 at about 10.00 pm he and his friend Ashok were going to the agricultural field for giving water'. He showed his ignorance as to why the same is not mentioned in his statement recorded by police.

16. Pandurang (PW-4) is the husband of the informant. He deposed in his chief examination that, land of accused No.1 is adjacent to his land. Accused has got measured his land earlier. Thereafter, he got his land measured. At that, time accused extended boundaries by 3 to 4 inch more than the calculation. He further deposed that, on 19/05/2014 at about 10.00 pm accused No.1 thrown stone towards his house. The same landed near the child in his house. At that, time he inquired from his doorstep as to who has thrown the stones. Then all four accused told him that, they have thrown the stone and asked him to do whatever he can. Thereafter accused entered into his house and started assaulting him. When his wife and father intervened accused assaulted them also. Accused No.1 and 4 grabbed his wife's hair and assaulted her with fists and kick blows by dragging her and took bite of her left middle finger. Accused No.1 assaulted and took bite of left middle finger of of his father. Accused No.2

took bite near his left elbow. Thereafter at about 11.00 pm on the same day they went to police station and filed complaint. They also took treatment in government hospital.

17. In his cross examination, he denied that, his and land of accused were at same level. He denied that, at present land of accused is 3 to 4 ft above his land. He denied that, he has sold soil from his land. He denied that, he had suspicion that accused had made encroachment over his filed the reason for which he got his land measured. He stated that, in his statement before police he has told police that, 'they had earlier measured their land. When he got measured his land, accused extended boundaries of his filed by 3 to 4 inches'. He showed his ignorance as to why the same is not mentioned in his statement before police. He admitted that, he had no knowledge as to who thrown stone. He stated that in his statement before police he has deposed that, "at that time he asked from his doorstep as to who thrown the stone. At that time accused person told him that, they have thrown the stone and asked him to do whatever he can. Accused No.1 and 4 grabbed his wife's hair and assaulted her with fists and kick blows by dragging her and took bite of middle finger of her left hand. Accused No.2 took bite near his left hand elbow". He showed his ignorance as to why the same is not mentioned in his statement recorded by police.

18. Sadashiv (PW-5) who is panch witness did not support the case of prosecution. Ld. Spl.PP cross examined him at length but failed to extort anything from his mouth which will be helpful to the prosecution.

19. Dr. Sudhir Bhagwan (PW-6) is examined as medical officer. He deposed that, he was working at R.H.C. Hospital Radhanagari for the period of 2012 to 2017. On may 19/05/2014 at about 10.30 pm informant and her husband Pandurang (PW-4) visited the hospital. On examination

he found abrasion on left middle finger of informant ad measuring 2x1x1 cm and another injury of her back in nature of blunt trauma. He found third injury on her abdomen which was blunt trauma in nature. Age of injuries was within two hours and were simple in nature. Medical certificate of informant dated 19/05/2014 is proved in his evidence and is marked as Exh. 57. He further deposed that, he had also examined Pandurang Jadhav. He found swelling on his right arm. Size of injury was 3x2 cm. Age of injury was within two hours and caused by blunt object and simple in nature. He also found abrasion on his left side of neck and blunt trauma on his chest. Medical certificate of Pandurang Jadhav dated 19/05/2014 is proved in his evidence and is marked as Exh.58.

20. In his cross examination he admitted that, certificates at Exh. 57 and 58 do not mention about the police yadi. He cannot cite any reason for non mentioning of the same. He deposed that, I.O had sought medical certificates from him but he cannot tell the name of the I.O. He further deposed that, he cannot tell the name of police officer to whom the certificates Exh.57 and 58 were given. He admitted that, injuries on the person of informant can be caused if a person falls on the earth. He further admitted that, the certificate at Exh. 58 bears some mutation. He admitted that, he is not working in P.H.C. Radhanagari in the year 2019.

:- REASONS :-

As to point Nos.1 to 4 :-

21. As these points are interlinked with each other, hence I have taken it for common consideration.

22. Prosecution needs to prove that, the accused No.1 thrown stone directing towards house of informant, which fell near the child who

was sleeping in room (सोप्यात). Accused No.1 took bite of left middle finger of informant. Accused No.1 also took bite of left middle finger of her father in law. Accused No.2 took bite above the right elbow of Pandurang (PW-4). Accused Nos. 3 and 4 grabbed hairs of informant and assaulted her with fists and kick blows. All the accused assaulted and abused husband and father in law of the informant.

23. Informant and her husband Pandurang (PW-4) are the injured and prime witnesses in present case. Therefore, their evidence needs to be discussed together to evaluate the ring of truth.

24. So far as regards examination in chief of informant, she has deposed therein that, on 19/05/2014 accused No.1 thrown stone towards her house which fell near the child sleeping in room. Her husband (PW-4) inquired as to who has thrown the stone. Then accused Nos.1 to 4 came inside their house by saying that, they have thrown the stone. By saying so they started to assault her husband (PW-4). When informant tried to intervene, accused grabbed her hair and assaulted her. Informant has further deposed that, accused No. 1 took bite of her middle finger, right elbow of her husband (PW-4) and finger of left hand of her father in law.

25. On perusal of her examination in chief, it appears that, her evidence is inconsistent with the case of prosecution. She has not given specific role to the each accused. She has not stated anything about the assault at the hand of accused No.2. Whereas as per the case of prosecution accused No.2 took bite of left elbow of Pandurang (PW-4). Moreover, in her examination in chief she has failed to identify the each accused person specifically by their names.

26. On the contrary Pandurang (PW-4) in his examination in chief

has given different version of the incident. As per him, when informant tried to intervene, accused No.1 and 4 dragged informant by grabbing her hairs and assaulted her with fists and kick blows and took bite of her middle finger. Accused No.1 took bite of left middle finger of his father. Accused No.1 also took bite near his left elbow.

27. Perusal of the evidence of the informant and her husband Pandurang (PW-4) shows that, they have attributed different roles to the accused persons. Their evidence is not in corroboration with each other on the manner in which the alleged incident has taken place and role played by each of the accused.

28. Informant as well as her husband Pandurang (PW-4) have specifically deposed that, they had been to the police station on the very day of the incident i.e. 19/05/2014 at about 11.00 pm to the Radhanagari Police station in order to lodge the FIR. However, on perusal of FIR (Exh.34) in shows that, the FIR has been lodged on 20/05/2014 at midnight/early morning at about 01.15 am.

29. In her cross examination informant has admitted that, agricultural field of accused is 3 to 4 ft above than their agricultural field. She has also admitted that, they have sold soil in their land because of which their land has moved down by 3 to 4 ft. She further admitted that, they applied for measurement of their land as they had suspicion that, accused has made encroachment over their land. She admitted that, there was dispute between them and accused person over boundaries of the agricultural land. On the contrary Pandurnag (PW-4) who is husband of the informant has denied in his cross examination that, agricultural field of accused is 3 to 4 ft above than their agricultural field. He has also denied that, he has sold soil in his field. He further denied that, he applied for

measurement of his land as he had suspicion that, accused has made encroachment over his land.

30. As already discussed above, informant as well as Pandurang (PW-2) have made several improvements and omissions in their evidence. Their evidence is not in corroboration with each other on the point of manner in which the incident took place, role played by each accused during the incident, previous civil dispute between the parties and injuries caused to the injured. The improvement and omissions in the evidence of informant and Pandurang (PW-4) are material. However, prosecution has failed to examine the Investigation Officer (I.O) despite giving sufficient opportunity.

31. Informant and Pandurnag (PW-4) are related and interested witness. It is true that, there is a principle that, the interested or relative witness version would be more reliable as he would not allow to go scot-free the real assailant. There is also a legal principle that, the enmity is a double-edged weapon, it could lead to happening of the incident as well as false implication. It is already found that, there is civil dispute between the family and informant and accused persons. Therefore, their evidence needs corroboration from testimony of other independent witnesses.

32. Prosecution as posed Ashok (PW-2) and Dattatraya (PW-3) as eye witness. As per the evidence of both the witness, they pacified the dispute between informant, her family and accused person and sent them to their respective house. However, the injured and prime witness of the present case i.e. informant and her husband Pandurnag (PW-4) have not mentioned anything in their evidence about the presence of Ashok (PW-2) and Dattatraya (PW-3) at the time of commission of the offence. Their evidence is totally silent about Ashok (PW-2) and Dattatraya (PW-3)

settling their quarrel with accused person.

33. Importantly it is not the case of prosecution itself that, Ashok (PW-2) and Dattatrya (PW-3) were present during the commission of the offence and they pacified the dispute between accused and informant. The question is if the informant in her F.I.R. (Exh.34) has not mentioned anything about the presence of PW-2 and PW-3 during and after the commission of the offence, on what basis the I.O has recorded the statements of PW-2 and PW-3. I.O is the best witness to answer the same, however as already said prosecution has not examined him.

34. Ashok (PW-2) in his cross examination has admitted that, portion Mark 'Exh. 37' in his statement before police i.e 'At that time after hearing the noise in colony he and Dattatrya (PW-3) went at the house of Maruti Jadhav' is true and correct. This fact implies that, after accused No.1 thrown stone towards the house of Maruti Jadhav and quarrel started between accused and family of informant Ashok (PW-2) and Dattatrya (PW-3) came to the spot. However, Ashok (PW-2) denied suggestion that, he has not seen the accused No.1 throwing stone at the house of Maruti Jadhav. As already discussed that Ashok (PW-2) has made several improvements in his evidence. He has improved his evidence on the point of he and Dattatrya (PW-3) going to his field at about 10.00 pm on the day of incident and accused No.1 throwing stone and same falling near the child sleeping in house of Maruti Jadhav. Going further he has specifically deposed in his cross examination that, he do not know whether police has recorded his statement as per his narration or not.

35. Dattatrya (PW-3) in his evidence has deposed that, when the dispute started accused No.3 and 4 grabbed hairs of informant and assaulted her. He has also deposed that, accused No.1 took bite of middle

finger of right middle finger of Maruti Jadhav. He also deposed that, accused person pulled hairs of informant and assaulted her.

36. On perusal of evidence of Dattatraya (PW-3) it appears that, his evidence is silent about the assault of informant and Pandurang (PW-4). His evidence is also consists of numerous improvements as already discussed.

37. On careful scrutiny of evidence of Ashok (PW-2) and Dattatraya (PW-3) it appears that, their evidence do not corroborate the case of prosecution. On the contrary it is inconsistent with the case of prosecution. The evidence available on record do not raise any confidence about their presence during and after the commission of the present offence at the spot.

38. Prosecution has examined Dr. Bhagwan (PW-6) to prove injuries inflicted upon informant, her husband Pandurang (PW-4) and her father in law Maruti Jadhav. He was working at R.H.C. Radhanagari for the period of 2012 to 2017. As per his evidence he has examined only informant and Pandurang (PW-4). In his evidence prosecution as proved two medical certificates belonging to informant and Pandurnag (PW-4) which are marked as Exh. 57 and 58 respectively. Evidence of Dr. Bhagwan (PW-6) it shows that, nowhere in his entire evidence he has stated that, the injuries found on the person of informant and Pandurang are possible due to tooth bite. Evidence of Dr. Bhagwan (PW-6) shows that, he has not found any tooth mark on person of informant and Pandurang. As per his evidence he found swelling injury on right arm of Pandurnag (PW-4). Whereas as evidence of Pandurang (PW-4) accused No.2 took bite of his left elbow. Medical certificates (Exh.57 and 58) shows that, informant and Pandurang were treated by Dr.Bhagwan on 19/05/2014 at about 11.45 pm.

39. On the contrary as per the informant and Pandurang (PW-4) they went to government hospital from Radhanagari Police Station after lodging of FIR. As already discussed informant has lodged FIR at the midnight/early morning of 20/05/2014 at about 01.15 am. Moreover, both the injured informant as well as Pandurang (PW-4) has nowhere stated in their evidence that, they took treatment at Rural Hospital, Radhanagari. In his evidence Dr.Bhagwan specifically deposed that, the injuries found on the person of informant and Pandurang (PW-4) are caused due to object with rough surface. In his cross-examination he has admitted that, injuries found on the person of informant and Pandurang (PW-4) can be caused if a person falls on the earth. Therefore it is found that, the evidence of Dr. Bhagwan is inconsistent with the oral evidence of informant and Pandurang (PW-4). His evidence is not helpful to the prosecution in proving its case.

40. It is to be noted that, Sadashiv (PW-5) who is examined as a panch witness has not supported the case of prosecution. In the result prosecution has failed to prove the spot and seizure panchnama.

41. The sum and substance of the above discussion is that, the eye version of the prosecution witnesses is involved of inconsistencies and material improvements. There is no coherence in their version as to the manner of the commission of the crime in question. Their version is not corroborated by seizure and medical evidence. Informant and Pandurang (PW-4) are interested witnesses. There is enmity between family of informant and the accused persons. The prosecution evidence is totally vague. Prosecution has not examined Maruti Jadhav who is another injured and important witness in this case. Ashok (PW-2) and Dattatraya (PW-3) appears to be planted witness. Prosecution has not examined any witness

from the neighbourhood of the informant who could have been natural witnesses of the alleged offence. Prosecution has not examined the I.O. of the offence. There are material discrepancies about the manner in which the investigation of present offence has been carried out. Under such circumstances, it cannot be ruled out that, there may be possibility of false implication of the accused persons on enmical grounds by the informant in collusion with other witnesses.

42. It is true that, there is a principle that, the interested or relative witness version would be more reliable as he would not allow to go scot-free the real assailant. There is also a legal principle that, the enmity is a double-edged weapon, it could lead to happening of the incident as well as false implication. Here, considering the vague and inconsistent nature of the prosecution evidence, and it involved of material improvements and omissions, the prosecution evidence cannot be believed or accepted on the touchstone of appreciation of these legal principles in favour of the prosecution. Even prosecution evidence is not corroborated by important evidence of seizure and medical. Therefore, the prosecution case is a doubtful one, and the defence would be entitled for its benefit. Thereby, the prosecution failed to prove that, the accused persons in furtherance of their common intention thrown stone towards the house of Maruti Jadhav, entered into house of informant with intention to cause hurt to informant and her family members and did cause hurt to the informant and other witnesses beyond reasonable doubt. Hence, it failed to prove the offences punishable under sections 452, 337, 324 and 323 r/w 34 of the Indian Penal Code. Consequently, point Nos.1 to 4 are being answered as not proved

As to point Nos.5 and 6:-

43. To prove offence under section 506 of the I.P.C. prosecution

must prove that, all accused in furtherance of their common intention committed criminal intimidation by threatening informant and her family members with injury to their person, with intent to cause alarm to them. However, on the perusal of the entire prosecution evidence it appears that, neither informant nor Pandurang (PW-4) have deposed that accused persons have threatened them with injury to their person. There is no iota of evidence to show that, accused have criminally intimidated informant and Pandurang (PW-4) by threatening them. In absence of any specific evidence, the basic ingredients requisite to fulfill and attract Section 506 of the Indian Penal Code are not made out.

44. There is no such cogent evidence with respect to exact insulting words on the part of accused persons. In absence of evidence regarding exact words uttered, it cannot be ascertained whether those words were insulting or not. The evidence is general and vague. Prosecution has failed to establish that, accused persons had an intention to cause alarm to the any witness. No person can be held guilty on the basis of vague, ambiguous and of general evidence. It is cardinal principle of criminal justice system that the evidence should be clear, cogent and not on basis of hypothesis or of general nature. In absence of these specific evidence, the basic ingredients requisite to fulfill and attract Section 504 of the Indian Penal Code are not made out. Therefore, for want of cogent evidence, it cannot be said that the accused persons insulted or threatened the informant and other witnesses intentionally. Hence, I answer point Nos.5 and 6 as not proved.

As to Point No.07 :

45. In the backdrop of above discussion and in view of my negative findings on Point Nos.1 to 6, I hold that, prosecution has not

proved the guilt of accused Nos.1, 2 and 4 for alleged offences beyond the shadows of reasonable doubts. Therefore, the benefit of doubt goes in favour of accused and they all become entitled to be acquitted of alleged offences. In the result and in answer to Point No.07, I pass the following order:-

- ORDER -

1. Accused Nos.1, 2 and 4 are hereby acquitted for the offence punishable under Section 452, 337, 324, 323, 504, 506 r/w 34 of the Indian Penal Code Section 248(1) of the Code of Criminal Procedure, 1973.

2. Bail-bonds of accused stands cancelled.

3. Accused shall execute fresh bail bonds of amount of Rs.15,000/- (Rupees Fifteen Thousand only) each and surety of like amount in compliance of Section 437-A of Criminal Procedure Code.

4. The seized muddemal one stone being worthless be destroyed as per rule after the expiry of appeal period.

(Pronounced and dictated in open Court.)

Date: 30/03/2026
Place : Radhanagari.

(R.D.Shinde)
Judicial Magistrate First Class
Radhanagari

PART – C**[Para 44(iii) of Chapter VI of Criminal Manual]****1. LIST OF PROSECUTION/DEFENCE/COUR WITNESSES :-****A. LIST OF PROSECUTION WITNESSES :-**

RANK	Name of the witness	Nature of witness	Exh. No
PW.1	Geeta Pandurang Jadhav	Informant	33
PW.2	Ashok Vasant Kamble	Witness	36
PW.3	Dattatray Pandurang Magdum	witness	38
PW.4	Pandurang Maruti Jadhav	Injured witness	38
PW.5	Sadashiv Rajaram Jadhav	Panch witness	49
PW.6	Dr. Sudhir Bhagwan Rajdeep	Medical Officer	54

B. LIST OF DEFENCE WITNESSES:-NIL.**C. COURT WITNESS IF ANY:-NIL.****2. LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS.****A. PROSECUTION EXHIBITS :-**

Sr.No.	Exh. No.	Nature of Document
1.	34	First Information Report (complaint)
2.	57 and 58	Medical Certificates

B. DEFENCE EXHIBITS:-NIL**C. COURT EXHIBITS:-NIL**

Sr.No.	Exh. No.	Nature of Document
1.	1	Charge-sheet
2.	18 to 21	Charge and Statements of Accused
3.	88 to 90	Statements of Accused u/sec.313 of Cr.PC.

D. MATERIAL OBJECTS :- One Stone.