


<u>CNR NO.MHLA040000392025</u>		<u>CNR No.: MHLA040000392025</u>	
	Presented on	:	18.01.2025
	Registered on	:	18.01.2025
	Decided on	:	18.05.2026
Duration		:	- 01 Y 04 M 00 D
<u>Exh.26</u>			

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE AT
AHMEDPUR**

(Presided over by S.U.Wadgaonkar)
(Date of Judgment 18.05.2026)

SESSIONS CASE NO.5/2025

Prosecution	:	The State of Maharashtra Through Police Station, Ahmedpur Crime No.291/2023
Represented by	:	Shri. M. K. Patil, A.P.P.
Accused	:	Rajendra Govindrao Suryawanshi, Age: 73 Years, Occ.: Agri., R/o. Ambegaon, Tq. Ahmedpur, Dist. Latur
Represented by	:	Shri. T.N.Kamble, Advocate

SESSIONS CASE NO.5/2025

Part B

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

Date of Offence	:	19.05.2023
Date of FIR	:	19.05.2023
Date of Charge-sheet	:	04.07.2024
Date of Framing of Charges	:	04.04.2025
Date of commencement of evidence	:	03.11.2025
Date on which judgment is reserved	:	05.05.2026
Date of the Judgment	:	18.05.2026
Date of Sentencing Order, if any	:	--

Accused Details

Rank of the accused	Name of the Accused	Date of Appearance	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec.468 B.N.S.S.
1	Rajendra Govindrao Suryawanshi	26.07.2023	26.07.2023	Sec. 353, 352 of I.P.C.	Acquitted	--	--

LIST OF WITNESSES**A) Prosecution:-**

Rank	Name	Nature of Evidence
PW-1	Santosh Tukaram Balwad	Informant
PW-2	Amol Shamrao Kamble	Spot Panchanama
PW-3	Bhagwan Hanmantrao Patil	Eye Witness
PW-4	Balasaheb Annarao Patil	Eye Witness
PW-5	Vitthal Kishanrao Durpude	Investigation Officer

List of Prosecution/Exhibits/Articles:

Sr. No.	Exhibit Number	Description
1	13	First Information Report
2	15	Spot Panchnama
3	21	Contradiction from the statement of Bhagwan Patil.
4	22	Contradiction from the statement of Balasaheb Patil.
5	24	Evidence close pursis.

J U D G M E N T**(Delivered on 18.05.2026)**

The accused is charged and tried for the offence punishable under Section 353, 332 of the Indian Penal Code 1860.

Brief facts of the case are as under :

2) Informant Santosh Balwad, Technical Engineer, Mahavitaran, Branch Shiroor Tajband, Tq. Ahmedpur alleged that, he was working as a Technical Officer, Ambegaon was under his supervision. On 19.05.2023 installation of new pole from village Aambegaon to the extended Ambegaon were ongoing through Bhawani Electrical Contractor. Accused Rajendra Suryawanshi came at about 1.45 hours thereat, stated not to install electric pole, of whom they have taken permission, caught hold the neck of informant, assaulted with shoe on his head. The cause obstruction in the public work while discharging his duties as a public servant.

3) On the strength of above referred information crime bearing No.291/2023 is came to be registered for the offence punishable under Section 353, 332, 323, 504, 506 of the Indian Penal Code 1860. Investigation was set in motion. Investigation Officer drawn spot panchanama, recorded statement of witnesses. After completion of investigation charge-sheet is came to be filed.

4) Charge (Exh.9) is framed and explained to accused on which he pleaded not guilty and claimed to be tried. The defence of accused is of total denial.

5) The following points arise for my determination and I have recorded findings thereon for the reasons referred below :

Sr.No.	POINTS	FINDINGS
1)	Whether prosecution proves that, accused made assault/use of criminal force to deter public servant informant from discharge of their duties, voluntarily caused hurt to informant ?	No.

REASONS

POINT NO.1 :

6) Prosecution led the evidence of PW-1 Santosh Balwad. He testified that, he was working as an Technical Officer in Mahavitaran, village Ambegaon was under his supervision. On 19.05.2023 at about 1.45 hours installation of pole ongoing, accused Rajendra came thereat stated that, of whom they have taken permission to install the poles. Accused has given push and fist, obstructed public work. The accused has stopped erection of installing polling work, threaten to cause the death of informant. Informant placed report at police station, Ahmedpur. Informant proved the report (Exh.13).

7) PW-2 Amol Kamble, spot panch proved the spot panchnama which is located near agricultural land of Rambhau Suryawanshi (Exh.15). PW-3 Bhagwan Patil, PW-4 Balasaheb Patil have not supported the prosecution case that, accused Rajendra obstructed for the installation of electric pole and assaulted to the public servant/informant.

8) PW-5 Vitthal Durpude, Investigation Officer testified that, he has visited the place of occurrence which is adjacent to the agricultural land of Rambhau Suryawanshi. He has conducted the investigation and placed charge-sheet.

9) The sole evidence of informant is forthcoming on record as two independent witnesses has not supported to the prosecution case, nothing worthwhile circumstances are given through their cross-examination by the State.

10) It is to be considered whether the evidence of informant is wholly reliable to warrant the conviction of accused. On perusal of cross-examination of informant, he stated there is no necessity of Engineer to do mark out for the installation of pole. The said work was done by him. Further, the he admitted they have not taken permission of the land owners from whom land owned to be installed as required. Further, he admitted that, the incident taken place in the agricultural land of Rambhau. Anita wife of Rambhau came while installing the poles in their field. Anita stated not to install poles as her family members were not in the house. When we go through these admission there is no connection of accused Rajendra indicating installation of pole was ongoing his field thereby he was aggrieved to commit the referred offence.

11) When accused have no connection with the agricultural land where alleged poles are installed then no circumstances are forthcoming on record in what circumstances or what was the motive behind the alleged commission of offence by accused. Further, in fact the incident was ongoing in the field of Rambhau. Anita the wife of Rambhau aggrieved by the installation of pole in their field and she asked to stop it. These forthcoming circumstances is sufficient to conclude that, sole testimony of informant is not wholly reliable to warrant the conviction of accused. The rest of the evidence led by the

prosecution by way of spot panchanama and the evidence of investigation officer by itself is not sufficient to strengthen the prosecution case.

12) In the light of above discussion, the evidence on record is not sufficient to prove guilt accused beyond reasonable doubt for the offences punishable under Sections 353, 332 of the Indian Penal Code 1860. Hence, following order.

ORDER

1)	Accused Rajendra Govindrao Suryawanshi is acquitted for the offence punishable under Section 353, 332 of the Indian Penal Code 1860.
2)	Personal bond of accused is cancelled, surety is discharged.
3)	Muddemal property seized shoes be destroyed after expiry of appeal period.
4)	The accused to execute personal bond in the sum of Rs.25,000/- (Rupees Twenty five Thousand only) in compliance to Section 481 of Bhartiya Nagrik Suraksha Sanhita to require him to appear before next appellate Court.

(S.U. Wadgaonkar)

Additional Sessions Judge,
Ahmedpur

Date: 18.05.2026