

MHLA140010502016	Presented on	:	27.05.2016
	Registered on	:	27.05.2016
	Decided on	:	23.06.2026
	Duration	:	Y M D 10 00 27

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, AUSA,
AT AUSA

(Presided over by Shubhangi H. Nalawade)

R.C.C.No.77/2016
Exh. No. 139

Prosecution

State of Maharashtra
Through the Police Station Officer,
Killari Police Station Ausa,
Tal. Ausa, Dist. Latur

Versus

Accused

- 1. Dinkar Kamlakar Taur (abated)**
- 2. Jitendra Kamlakar Taur,**
Age:- 20 Yrs., Occu:- Agriculturist.
- 3. Kamlakar Ratan Taur,**
Age:- 52 Yrs., Occu:- Agriculturist,
Accused Nos. 2 & 3 are the resident of
Banegaon, Tq. Ausa, Dist Latur.

Appearances

For Prosecution : A.P.P. Shri. S.S.Waghmare
Advocate for accused : Shri. . P.N. Kaldate.

Date of Offence	12.03.2016
Crime Register No.	53/2016
Date of FIR	12.03.2016
Date of Charge-sheet	27.05.2016
Date of Framing of Charges	10.08.2016
Date of Commencement of evidence	19.04.2018
Date on which judgment is reserved	23.06.2026
Date of the Judgment	23.06.2026
Date of the Sentencing Order, if any	----

Rank of the Accused	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 Sec.428, Cr.P.C.
1.	Dinkar Kamlakar Taur (abated)	--	--	---	--	----	---
2.	Jitendra Kamlakar Taur	15.03.2016	16.03.2016	U/S.326, 324,323, 504,506 r./w. 34 of I.P.C.	Acquitted.	----	---

3.	Kamlakar Ratan Taur	16.03. 2016	16.03. 2016	U/S.326, 324,323, 504,506 r./w. 34 of I.P.C.	Acquitted.	----	---
----	---------------------	-------------	-------------	--	------------	------	-----

LIST OF PROSECUTION WITNESSES

Rank	Witnesses Name	Exh. No.	Nature Of Evidence
1.	Rajkumar Shrirang Taur	47	Spot panch
2.	Suresh Digambar Taur	57	Informant
3.	Pyarelal Vishwambhar Taur	61	Eye witness
4.	Ranjit Suresh Taur	66	Injured
5.	Umakant Shrirang Taur	67	Seizure punch.
6.	Gopal Pandurang Chavan	79	Eye witness
7.	Vaishali Kishor Chavan	102	Eye witness
8.	Kishor Khanderao Chavhan	103	Eye witness
9.	Dr. Y.Y. Mane	109	Medical Officer

LIST OF PROSECUTION EXHIBITS:

Sr No	Exhibit No	Description
1	58	F.I.R.
2.	110	Injury Certificate

JUDGMENT
(Delivered on 23rd June, 2026)

Accused Nos.1 to 3 have been prosecuted for the offence punishable under Section 326, 324, 323, 504 and 506 r/w Section 34 of the Indian Penal Code.

Brief facts of the prosecution's case are as under:

2. It is a case of prosecution that on 12.03.2016 at about 11.00 am, accused obstructed the wall compound construction of his brother namely Vijaykumar and assaulted his mason. The mason was subsequently admitted to the hospital in the Latur. At approximately 5 p.m. on the same day accused assaulted to his son Ranjit in their field with stick and axe and caused him grievous injury. He further contended that, he learnt about the assaulting incident while he was at Latur. Immediately he along with his brother rushed to the Killari hospital where his son had been taken for the treatment. Later on him shifted to the Latur. He further contended that, accused assaulted and abused his son on the count of previous quarrel and threatened to kill him. Hence, he lodged the complaint against the accused. On the basis of complaint filed by the informant the Crime No.53/2016 came to be register against accused person.

3. The investigation officer investigated the offence by recording the statements of witnesses, procured the medical certificate, drawn the spot and seizure panchnama. After finding sufficient evidence, he filed a chargesheet against the accused person

in respect of offence punishable under section 326, 324, 323, 504, 506 r/w 34 of the Indian Penal Code.

4. The charge was framed against the accused person for an offence punishable under section 326, 324, 323, 504, 506 r/w 34 of the Indian Penal Code at the Exh.No.25. The charge was read over and explained to the accused person in the vernacular. They pleaded not guilty and claimed to be tried.

5. During the pendency of trial the accused namely Dinkar Kamlakar Taur is reported to be died vide Exh.14. Hence, proceeding stands abated against him by passing an order below Exh.1 dated 13.12.2024.

6. I have heard learned A.P.P. for the State and learned advocate for the accused. The statements of accused Nos.2 and 3 under Section 313 of Cr. P. C. are recorded vide Exh. 122 and 123 respectively.

7. My learned predecessor has framed the charge vide Exh. 25. Following are the points for determination along with my findings thereon for the reasons to follow:

Sr. No.	Points	Findings
1.	Does the prosecution prove that on 12.03.2016 at about 17.00 p.m. at Banegaon Tq. Ausa, accused in furtherance of common intention caused grievous hurt to the informant by means of axe and stick which are the	No.

	dangerous weapon and thereby committed an offence punishable under Section 326 r/w. 34 of Indian Penal Code.	
2.	Does the prosecution prove that on relevant date, time and place accused in furtherance of your common intention caused hurt to informant by the means of axe and stick which which are instrument used weapon of offence is likely to cause death and thereby committed an offence punishable under Sec.324 r/w.34 of Indian Penal Code.	No.
3.	Does the prosecution prove that on relevant date, time and place accused in furtherance of your common intention caused hurt to informant and thereby committed an offence punishable under Section 323 r/w.34 of Indian Penal Code?	No.
4.	Does the prosecution prove that accused in furtherance of common intention, intentionally insulted the informant and thereby gave provocation to him, intending or knowing it to be likely that such provocation will cause him to break public peace and thereby committed an offence punishable under S.504 r/w S.34 of the Indian Penal Code?	No.
5.	Does the prosecution prove that accused in furtherance of their common intention committed criminal intimidation by threatening informant with an intent to cause alarm to him or to cause him to do an act which is they legally bound to do and thereby committed an offence punishable under Section 506 r/w S.34 of the Indian Penal Code?	No.

6.	What order?	Accused are acquitted.
----	-------------	------------------------

REASONS

AS TO POINT NOS. 1 TO 3:-

8. In order to prove the case the prosecution has examined Spot panch Rajkumar (PW-1) at Exh.47, informant Suresh Digambar Taur as PW-2 at Exh.27, eye witness Pyarelal as PW-3 at the Exh.61, injured Ranjit as PW-4 at the Exh.66, Seizure panch Umakant as PW-5 at the Exh.67, eye witness Gopal as PW-6 at the Exh.79, eye witness Vaishali as PW-7 at the Exh.102 and eye witness Kishor as PW-8 at the Ex.109.

9. Considering arguments advanced by advocate for the accused, and prosecution, it is necessary to examine evidence on record. Before turning to evidence, it has to be seen as to what ingredients, the prosecution has to prove, in order to prove charge those are-

- i. Accused in furtherance of their common intention caused griveous hurt to the injured Ranjit (PW4).
- ii. that accused used dangerous weapon of offence.
- iii. that accused voluntarily caused grievous hurt to injured Ranjit(PW4) by means of stick and axe.
- iv. accused intentionally insulted injured Ranjit(PW4).
- v. threatened injured Ranjit(PW4) with an injury to kill him.

10. In order to prove the spot panchanama the prosecution has examined Rajkumar Taur at the Exh. No. 47 as PW-1 and Umkarant Taur at the Ex. No. 67 as PW-5 but they did not support the prosecution case. Hence, with the aid of Section 154 of Indian Evidence Act, the prosecution has examined the aforesaid witnesses. However, nothing fruitful has been on the record through their testimonies. Moreover,, prosecution has not examined even the investigation officer.

11. In order to prove the contentions of F.I.R. the prosecution has examined informant Suresh Taur as PW-2 at the Exh. No. 57. He deposed that the incident occurred on 12.03.2016. On the alleged day at about 11.00 am accused assaulted the Mason who worked on the construction of his brother. In the said scuffle mason sustained the injury on his head. Hence, he took him to the Government hospital at Killari. However, doctor forwarded him to the Latur. Thus, he accompanied him. On the said day at about 5.00 pm accused assaulted his son with stick, stone and axe in their agricultural field. He sustained head, shoulder, ankle and finger injuries. At the time of incident he was in the Latur. After taking the first aid his son was forwarded to Latur. Therefore, he lodged the complaint against accused vide Exh. No. 58.

12. In the cross examination PW-2 admitted that accused filed the criminal cases against him. He further admitted that his nephew Amarsingh is doctor. He filed the complaint at about 9.30

pm and his son was admitted in government hospital at 10.00 pm. He further admitted that there is no enmity between him and accused. He specifically denied that at the instance of doctor Amarshingh he lodged the false case against the accused. He further deposed that the complaint vide Exh. 59 was written by him. He further admitted the complaint vide Exh. 59 does not disclose that his son sustained the injury on his head, shoulder, finger and ankle with stone. On the perusal of evidence of informant it can be inferred that, he is a not eye witness. Therefore, considering the case of the prosecution. It is necessary to scrutinize the evidence of injured Ranjit(PW4) and medical officer Dr. Mane(PW9).

13. The prosecution case is revolved around the testimony of injured Ranjit(PW4). The injured witness namely Ranjit (PW-4) the Exh. No. 66 deposed that informant is his father. He further deposed that on 12.03.2016 at about 11.00 am accused assaulted the mason, who worked on the construction side of his uncle Vijaykumar Taur. Therefore, his father, cousin and uncle took mason to the hospital. Thereafter, he went in his field. On the said day at about 5.00 pm he went in the field of Kishor Chavan to drink the water. At that relevant time accused assaulted him with stick on his leg, hand and caused fracture to his two fingers. Accused No.1 assaulted him with the axe in result he sustained injury on the right side of the head. Vaishali Kishor Chavan and Balaji Namdev Survase intervened between them. On hearing the sound of quarrel Gopal Pandurang Chavna, Govind Pandurang Chavan and Pyarelal Vishavambhar Taur came on the spot and took him to the village on motorcycle. Later

on, he shifted to Killari PHC in the Devendra Chavan Tempo and then to the government hospital Latur. He deposed that accused did not beat him with stick which seized by police.

14. In the cross examination Ranjit(PW4) admitted that, Amarsingh Taur is his cousin and Vijaykumar Taur is his uncle. Vaishali Chavan and Balaji Survase are his neighbour. He further admitted that accused filed the criminal case against him. He further deposed that he reached to the Killari hospital at about 7.00 pm and government hospital in Latur at about 10.30 pm. He further admitted that Amarshingh Taur was with him in Killari as well as in Latur hospital. He further deposed that Balaji Survase was with him while Vaishali Chavan at some distance.

15. Gopal Pandurang Chavan PW-6, Vaishali Kishor Chavan PW-7 and Kishor Khanderao Chavan PW-8 are projected as the eye witnesses. However, they turned hostile. The prosecution has examined them with the aid of Section 154 of the Indian Evidence Act. In spite of such examination nothing material brought on the record regarding alleged incident. Thus, their evidence is not useful to the prosecution case.

16. Now moving to us the evidence of medical officer Dr. Mane (PW.-9) at Exh.No.109. He deposed that on 12.03.2016 he examined the injured namely Ranjit Suresh Taur and noticed following injuries

- i) Contusion over right side occipital region, size 6 x 3 cm.
- ii) Contusion over right shoulder size 15 x 5 cm.
- iii) Contusion over the left shoulder size 6 x 2 cm.
- iv) Contusion over the right hand middle finger size 3 x 2 cm.
- v) Abrasion over left hand ring finger size 2 x 1 cm.
- vi) Contusion over the right ankle size 5 x 2 cm.
- vii) Contusion over the right wrist joint size 3 x 1 cm.

Except the injury No. 4 all aforesaid injuries were simple in nature. After the examination he issued certificate which is marked as Exh.No. 108. He further deposed that he referred injured to the Civil Hospital, Latur.

17. In the cross-examination PW-9 stated that he is familiar with doctor Amar, who is the brother of injured. He further stated that he did not recollect whether Dr. Amar was a present when he medically the examined of injured Ranjit. He further admitted that he did not mention the colour of injury which is essential to ascertain it's age. He further deposed that police did not accompany injured. He further deposed that alleged injury could be possible if person fallen from vehicle.

18. According to the evidence of Medical Officer Dr. Mane, injured Ranjit (PW4) sustained the grievous injury to his right hand, middle finger. Hence, he referred him to the Civil Hospital, Latur.

Further, Ranjit(PW4) deposed that, accused fractured his two fingers in assault. However, to prove the same fracture injury nothing has been brought on the record by prosecution. Ranjit (PW4) further deposed that, the seized stick is not one by which accused assaulted him. It is necessary to note that, the prosecution has not examined the investigation officer. However, the spot and seizure panch did not support the prosecution. In result, the prosecution failed to prove spot and seizure panchanama.

19. Prosecution come with the case that, on the same day in the morning accused assaulted the mason of Vijaykumar Taur and subsequently at about 5 pm assaulted the Ranjit (PW4) with stick, stone and axe in their field. To counter this allegation advocate of the accused produced on record the certified copy of judgment in Session Case No.93/2016. On the perusal of said copy of judgment it appears that, the mason of Vijaykumar Taur i.e. Sambhaji Govind Salgar did not support the prosecution case. Hence, Hon'ble Session Court acquitted the accused on 29/02/2020. Motive is relevant factor in criminal cases. However, it is not alone sufficient evidence to establish the crime in question has been committed by particular person. However, in the absence of direct and circumstantial evidence proving the motive is essential in order to complete the chain of evidence connecting the accused. But, prosecution has failed to prove the motive behind the commission of offence.

20. Further, Medical Officer Dr. Mane (PW9) deposed the alleged injury could be possible if the person fallen from the vehicle.

In the cross examination Medical Officer admitted that, he did not mention the colour of injury in wound certificate vide Exh.110, which is essential in asserting the exact age of injury. Informant Suresh (PW2) in his cross-examination admitted that, his complaint vide Exh.59 is silent about that accused assaulted his son with stone over his head, shoulder and fractured his two fingers. Thus, it is clearly seen that the informant has improvised his statement. At the cost of repetition eye witnesses resiled from their statements. The prosecution has failed to prove the motive behind the commission of offence. Thus, evidence of the informant (PW2) and injured Ranjit (PW4) is not found reliable. Further, spot and seizure panchanama is not proved. Therefore, in the view of above discussion it can be inferred that, the prosecution has failed to prove the essential ingredients of Offence. Hence, I answer to point Nos. 1 to 3 in negative.

AS TO POINT NO.4:-

21. Before moving further it is necessary to see that whether the prosecution has proved offence punishable under section 504 of the IPC. Further, for the purpose to prove the guilt of accused persons u/s.504 of the I.P.C., the prosecution has to prove ;

- a) Firstly, the accused insults the injured Ranjit(PW4),
- b) Secondly, the insult must be of such a nature that, it would be a provocation to the injured Ranjit(PW4) and,
- c) Thirdly, that the accused intended or knew that the provocation was likely to cause the injured Ranjit(PW4) to either break the public peace or commit any other offence.

- d) Moreover, the injured Ranjit(PW4) should depose the actual words which were used by the accused while insulting him.

22. I have gone through the aforesaid provision as well as the testimony. In this regard, on perusal of the testimony of informant(PW2) and injured Ranjit(PW4) it appears that they have not deposed the actual words which were used by the accused, while insulting them. Hence, I answer point No.4 in the negative.

AS TO POINT NO.5:-

23. Next in order to make out the offence punishable under Section 506 of the I.P.C it must be established that, accused person threatened injured Ranjit(PW4) with injury to his in person, reputation or property and did some act in pursuance of the same. In this regard informant and injured Ranjit(PW4) have not uttered a single word regarding the threatening at the hand of accused with the injury to his in person, reputation and property. There is absolute no evidence on the record to show that, on the alleged day of incident the accused threatened the informant with the injury to his in person, reputation and property. Hence, I answer point No.5 in the negative.

24. It is settled law that in the criminal trial entire burden lies on the prosecution to prove the guilt of accused beyond the all reasonable doubt. However, the prosecution has failed to do so. It is cardinal principal of the criminal law that to base the conviction evidence adduced by the prosecution must be unbiased, unexaggerated and sufficient to inspire the confidence in the mind of Court. However, the testimonies of informant and injured Ranjit(PW4) are not sufficient to inspire the confidence of the

Court. It is also principle of criminal jurisprudence that if there is any reasonable doubt with regard to the guilt of accused then the accused is entitled to the benefit of doubt resulting in acquittal. Hence, in order to answer point No. 6, I pass the following order :-

ORDER

- 1) Accused namely **Jitendra Kamlakar Taur and Kamlakar Ratan Taur** are acquitted for offence punishable under Sections 326, 324, 323, 504 and 506, r./w. Section 34 of the Indian Penal Code vide Section 248(1) of Code of Criminal Procedure.
- 2) Accused Nos. 2 and 3 to furnish fresh P.B. and S.B. of Rs.15,000/- each, in view of Section 437-A of Cr.P.C. in order to secure their presence in case of appeal is preferred against them.
- 3) Seized muddemal i.e stick being worthless, be disposed of after appeal period is over.

[Dictated and pronounced in the open Court.]

Place:-Ausa.
Date:- 23.06.2026

(Shubhangi H. Nalawade)
Judicial Magistrate First Class,
Ausa.