

MHMM140025972019	Date of filing : 19 07 2019
	Date of : 19 07 2019
	Registration
	Decided on : 16 06 2026
	Period : Y M D
	06 10 28

Part A

Exh.12	
<u>IN THE COURT OF THE ADDL. CHIEF JUDICIAL MAGISTRATE,</u> <u>4TH COURT, GIRGAON, MUMBAI.</u> (PRESIDED OVER BY S. S. PARAVE)	
Details of FIR/ Crime and Police Station	Crime No. 112/2019 (Police Station Tardeo)
Case No.	Criminal Case no. 400933/PS/2019 MHMM14-002597-2019
Complainant/ Prosecution	State of Maharashtra through P.I. Police Station Tardeo
Represented by	APP Smt. Maya Khairnar
Accused	Amit Dhondu Kaspale Age – 44 yrs., Occ.- Driver, Res:- Bhoiwada, Parel, Mumbai.
Represented by	Adv. Shri Swapnil Sonawane

Part B

Date of offence	11.05.2019
Date of FIR	11.05.2019
Date of Charge sheet /complaint	19.07.2019
Date of commencement of evidence	02.08.2025
Date on which judgment is reserved	16.06.2026
Date of the Judgment	16.06.2026
Date of the Sentencing Order, if any	-----

Accused Details

Ran k of the accu sed	Name of accused	Date of Arrest	Date of Releas e on bail	Offence charged with	Whether acquitted or convicted	Sente nce impos ed	Period of Detention undergone during Trial for purpose of Section 428 Cr.P.C.
1.	Amit Dhondu Kaspale	13.05. 2019	13.05. 2019	Section 283, 337 of the Indian Penal Code and Sec. 122 of the Motor Vehicle Act	Acquitted	---	-----

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

RANK	NAME	EXHIBIT	NATURE OF EVIDENCE
PW 1	Maimunna Rashid Khan	Exh. 4	Informant

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

Sr. No.	EXHIBIT NUMBER	DESCRIPTION
1.	Exhibit 6/PW 1	First information report (FIR)

J U D G M E N T
(Delivered on 16/06/2026)

The accused is facing trial for the offences punishable Under Sections 283, 337 of the Indian Penal Code and for the offence punishable under section 122/177 of the Motor Vehicle Act.

2. **The case of the prosecution is as under :**

On 11.05.2019, the informant namely Smt. Maimuna Rashid Khan lodged report before the police of Tardeo Police Station alleging that, on 11.05.2019 at about 05.45 p.m. she herself and her son Shahbaz Khan were proceeding by Activa Scooter from Worli to Lobhan Galli, Null Bazar. When they reached at Hajiali Circle, one Maruti Suzuki Swift car No.MH-01-BD-8028 was proceeding ahead of them. However, the driver the car all of sudden and without giving any signal stopped the car in front of Hajiali Garden. At the same time, passenger sitting in the said car opened its door. Consequently, she collided against the door of the car. Due to dash mudguard and headlights of her Activa were also damaged.

3. On the basis of said report, police of Tardeo police station registered C.R. No.112/2019 against the driver of the said car for the

offences punishable under sections 283, 337 of the Indian Penal Code and for the offence punishable under section 122/177 of the Motor Vehicle Act. It is revealed in investigation that the accused was the driver of the car. Hence, chargesheet is came to be submitted against the accused for the commission of aforementioned offences.

4. My Ld. Predecessor explained the particulars (Exh.4) of the offence punishable under sections 283, 337 of the Indian Penal Code and for the offence punishable under section 122 of the Motor Vehicle Act to the accused. The accused pleaded not guilty and claimed to be tried. His defence is of total denial and false implication.

5. The points for determination alongwith my findings thereon are as under :-

Sr.
Nos

Points

Findings

1. Does the prosecution prove that the accused while stopping his Maruti Suzuki Swift car No.MH-01-BD-8028 on a public way failed to take order and thereby caused danger, obstruction or injury to the informant?

**... In the
negative**

2. Does the prosecution prove that the accused by doing rash or negligent act endanger to the human life caused hurt to the informant?

**... In the
negative**

3. Does the prosecution prove that the accused improperly parked his Maruti Suzuki Swift

car No.MH-01-BD-8028 in a public way ... In the
causing danger, obstruction, or undue negative
inconvenience ?

4. What order ?

As per
final order

REASONS

As to Point No. 1:

6. The informant states in her evidence that on the date of incident she herself and her son were proceeding from Worli to Lobhan Galli, Nal Bazar, by Activa scooter. Her son was driving the Activa. At a signal, white colour Suzuki Car No.MH-01-BD-8028, which was being driven by the accused, was ahead of their Activa. After the signal, the accused suddenly applied break. At the same time, passenger of the car opened the door of the car. Consequently, their scooter dashed against door of the car. In the incident, she sustained injury on her face and hand. Mudguard and headlights of the Activa scooter were also damaged. Thereafter, she took medical treatment in the Nair Hospital and lodged report Exh. 6 against the accused.

7. The spot panchanama Exh. 8 and Injury Certificate Exh.9 are admitted by the accused. As per the recitals of the report Exh.6c the informant who was driving the scooter collided against the door of the car. However, the informant has stated in her evidence that at the time of incident her son was driving the Activa. This fact shows that there is material contradiction in the first information report Exh.6 and

the oral evidence of the informant. Hence, the oral evidence of the informant regarding the actual incident is not believable.

8. During the cross-examination, the informant stated that she is not knowing due to whose mistake the incident was occurred. This fact also create doubt about the prosecution case that the accused all of sudden stopped his car and passenger sitting in it opened its door. The oral evidence of the informant, spot panchanama Exh.8, nowhere show the exact place on the road where accused stopped the Swift car. The oral evidence of the informant is also silent about the omission on the part of the accused to gave signal to the other vehicle on the road that he is going to stop his car. In such circumstances, it is difficult to conclude that the accused failed to take order regarding the motor vehicle in his possession and also failed to establish that the accused by rash or negligent act caused hurt to the informant. The prosecution also failed to establish that the accused improperly parked his vehicle in a public way that causes danger, obstruction, or undue inconvenience. Hence, it is clear that prosecution has failed to establish point Nos. 1 to 3. Hence, I answer point Nos. 1 to 3 in the negative.

As to Point No. 4:

9. In view of negative findings to the point Nos. 1 to 3, the accused will have to be acquitted of the offence punishable under sections 283, 337 of the Indian Penal Code and of the offence punishable under section 122/177 of the Motor Vehicle Act. In the circumstances, I answer point No. 4 accordingly and pass following order:

-: ORDER :-

1. The accused is acquitted of the offences punishable under sections 283, 337 of the Indian Penal Code and for the offence punishable under section 122/177 of the Motor Vehicle Act vide Section 255(1) of the Code of Criminal Procedure.
2. His bail bonds, if any, are cancelled.

(S. S. Parave)
Addl. Chief Judicial Magistrate,
4th Court, Girgaon, Mumbai.

Date:- 16.06.2026

Dictated & typed on : 16.06.2026
Signed on : 16.06.2026

/sas