

MHND170000522018 	Presented on : 07.02.2018 Registered on : 07.02.2018 Decided on : 17.06.2026 Duration : 08 Y. 04 M. 10 D.
<u>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, Himayatnagar</u> Before : Shri. Z. Z. Quadri (Date of Judgment : 17.06.2026) R.C.C. No.02/2018 Exh.No.62.	
Details of FIR Crime No. : 260/2017, dated 20.11.2017. Police Station : Himayatnagar, Tal. Himayatnagar, Dist. Nanded	
Prosecution	The State of Maharashtra , through Police Station Officer, Police Station Himayatnagar, Tal. Himayatnagar, Dist. Nanded.
Represented by	Shri. K. M. Giri, Ld. A.PP.
Accused	1. Motiram Tukaram Wadekar. Age : 65 Yrs., Occu.: Labour. 2. Dhurpatabai Motiram Wadekar. Age : 55 Yrs., Occu. : Labour 3. Baban Motiram Wadekar. Age : 40 Yrs., Occu. : Labour 4. Sindhu Baban Wadekar. Age : 35 Yrs., Occu. : Labour All R/o. Dhanora, Tq. Himayatnagar, Dist. Nanded.
Represented by	Shri. S.B.Shinde, Ld. Advocate.

Date of Offence	19.11.2017
Date of FIR	20.11.2017
Date of Charge-sheet	07.02.2018
Date of Framing of charges	15.01.2020

Date of commencement of evidence	18.04.2023
Date on which judgment is reserved	10.06.2026
Date of the Judgment	17.06.2026
Date of the sentencing order, if nay	Convicted.

ACCUSED DETAILS

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.
A1	Motiram Tukaram Wadekar. Age. 65 Yrs.,	Cr.PC. 41 (A) Notice issued to accused.	Cr.PC. 41 (A) Notice issued to accused.	Section 324, 34 of the Indian Penal Code	Convicted.	Simple Imprisonment for a period of three (03) months and to pay fine of Rs.1000/- (One thousand) each, I. D. S. I. for (fifteen days)	The period of detention, if any, undergone by the accused during investigation, inquiry, or trial shall be set off under Section 428 of the Code of Criminal Procedure.
A2	Dhurpatabai Motiram Wadekar Age. 55 Yrs.	Cr.PC. 41 (A) Notice issued to accused.	Cr.PC. 41 (A) Notice issued to accused.	Section 324, 34 of the Indian Penal Code	Convicted.	Simple Imprisonment for a period of three (03) months and to pay fine of Rs.1000/- (One thousand) each, I. D. S. I. for (fifteen days)	The period of detention, if any, undergone by the accused during investigation, inquiry, or trial shall be set off under Section 428 of the Code of Criminal Procedure.
A3	Baban Motiram Wadekar Age. 40 Yrs.	Cr.PC. 41 (A) Notice	Cr.PC. 41 (A) Notice	Section 324, 34 of the	Convicted.	Simple Imprisonment for a period of	The period of detention, if any, undergone by

		Notice issued to accused.	issued to accused.	Indian Penal Code		three (03) months and to pay fine of Rs.1000/- (One thousand) each, I. D. S. I. for (fifteen days)	the accused during investigation, inquiry, or trial shall be set off under Section 428 of the Code of Criminal Procedure.
A4	Sindhu Baban Wadekar Age. 35 Yrs. All R/o. Dhanora, Tq. Himayatnagar, Dist. Nanded	Cr.PC. 41 (A) Notice issued to accused.	Cr.PC. 41 (A) Notice issued to accused.	Section 324, 34 of the Indian Penal Code	Convicted.	Simple Imprisonment for a period of three (03) months and to pay fine of Rs.1000/- (One thousand) each, I. D. S. I. for (fifteen days)	The period of detention, if any, undergone by the accused during investigation, inquiry, or trial shall be set off under Section 428 of the Code of Criminal Procedure.

LIST OF PROSECUTION WITNESSES

Rank	Name	Nature of evidence
PW-1	Natha Hari Khirade	Spot Panch
PW-2	Sarika Uttam Wadekar	Informant.
PW-3	Uttam Motiram Wadekar	Witness
PW-4	Dr. Madhav Vishwanath Bhurke	Medical Officer
PW-5	Ashok Gyanba Sakhare	Witness
PW-6	Sahebrao Narayan Wadekar	Seizure Panch
PW-7	Satish Shankar Lekhule	Investigating Officer

LIST OF DEFENCE WITNESSES

Rank	Name	Nature of evidence
DW-1	N.A.	N.A.

LIST OF COURT WITNESSES

Rank	Name	Nature of evidence
CW-1	N.A.	N.A.

LIST OF PROSECUTION EXHIBITS

Sr.No.	Exhibit Number	Nature of evidence
1	Exh.47	Panchnama
2	Exh.48	Article 'A' and 'B' Signature
3	Exh.54	Spot Panchnama
4	Exh.55	Spot Panchnama Article A.
5	Exh.56	Seizure Panchnama
6	Exh.57	Muddemal Pavti

DOCUMENTS ADMITTED BY DEFENCE

Sr.No.	Exhibit Number	Nature of evidence
1	Nil	Nil

LIST OF DEFENCE EXHIBITS

Sr. No.	Exhibit Number	Nature of evidence
1	Nil	Nil

LIST OF COURT EXHIBITS

Sr. No.	Exhibit Number	Nature of evidence
1	Nil	Nil

MATERIAL OBJECTS

Sr. No.	Material Object No.	Description
1	Nil	Nil
2	Nil	Nil

J U D G M E N T

(Pronounced in open Court)

01. Accused are charged and facing trial for the offence punishable under Section 324 r/w 34 of the Indian Penal Code.

FACTS OF PROSECUTION'S CASE IN BRIEF ARE AS UNDER

02. On 19.11.2017, at about 11:00 a.m., when the informant was watering the cotton crop in the agricultural field allotted in partition, at that time her brother-in-law namely Baban Motiram Wadekar came there with a tractor for carrying out rotavator work in the field. The informant told him that the partition of the field had not yet been finalized and that the village panchas were going to come, therefore the rotavator work should be done later. While she was saying so, her mother-in-law Dhurpatabai Wadekar, sister-in-law Sindhu Baban Wadekar, and father-in-law Motiram came there. Thereafter, mother-in-law Dhurpatabai and sister-in-law Sindhu caught hold of the informant's hair, pushed her to the ground, and assaulted her by slaps and fist blows. Father-in-law Motiram assaulted the informant on her back with a stick from the house, and brother-in-law Baban struck the informant on her head with a stick from the house, causing bleeding injuries.

03. During the said quarrel, when the informant's husband Uttam came there to intervene and separate them, the accused persons also assaulted him. Thereafter, the quarrel was pacified by villagers namely Nivrutti Jaywanta Vitewad, Natha Barsewad, and Ashok Sakhare. Informant proved her report during the examination chief at exhibit 37.

INVESTIGATION AND FILING OF CHARGESHEET

04. Report was pertaining to commission of cognizable offence, therefore, as per Section 154(1) of Code of Criminal Procedure, 1973 (hereinafter referred as "Cr.P.C." in short) Crime No.260/2017 came to be registered against accused under section 323, 324 r/w 34 of the I.P.C. and investigation was handed over to S.S.Lekhule (PW-7) (for short the I.O.). During the investigation, the I.O. prepared spot panchnama (Exh.54). He recorded the statements of witnesses under Section 161 of the Cr.P.C. and after completion of investigation, filed final report under Section 173(2) of the Cr.P.C.

FRAMING OF CHARGES

05. Present case is the police case, hence procedure of warrant trial instituted upon police report as per chapter XIX of the Cr.P.C. was followed. Satisfaction as to the compliance of section 207 of the Cr.P.C. regarding supplying of police report along with documents was made under Section 238 of the Cr.P.C. Upon considering the police report and documents sent with it under section 173 of the Cr.P.C., there was sufficient ground for presuming that accused has committed offence under section 324 r/w 34 of I.P.C., which this Court is competent to try. Therefore, as per Section 240 of the Cr.P.C., After the appearance of accused the particulars of the offences supra came to be stated to them and they was asked whether they pleads guilty or have any defence to make. Accused pleaded to be innocent and claimed for the trial.

06. By following the procedure as contemplated under Section 242 of the Cr.P.C., the prosecution has examined in all only 07 witnesses as stated above to bring home the guilt of accused. Apart from oral evidence, the

prosecution has also relied upon documentary evidence as stated above;

DEFENCE OF ACCUSED

07. After examination of witnesses for prosecution and before accused are called on for their defence evidence, they were examined and questions were put to them as per section 313 (1) (b) of the Cr.P.C., (at Exh.58 to 61) to enable them to personally explain the circumstances appeared in prosecution's evidence against them. Accused did not produce any evidence in their defence. From the examination of accused, cross-examination of prosecution witnesses and the argument advanced, the defence of accused are that this is false case against them and also taken defence that, civil dispute is going on between the parties.

POINTS FOR DETERMINATION

08. Perused record. Heard Shri. K.M.Giri, Ld. A.P.P. for the State and Shri. S.B.Shinde, Ld. advocate for the accused. Following points arise for my determination to which I record my findings as per section 354 of Cr.P.C., against each of them with reasons stated below :

Sr. No.	Points for Determination	Findings
1.	Do prosecution prove that on 19.11.2017 at about 11.00 am at Dhanora, Tal. Himayatnagar, in furtherance of your common intention voluntarily caused hurt to the informant Sarika Uttam Wadekar by means of stick which is an instrument used at the time of offence is likely to	In the affirmative.

cause death and thereby committed an offence
offence punishable under Section 324 of I.P.C.?

2 What order?

**Accused are
convicted.**

ARGUMENTS

09. The learned A.P.P. argued that the prosecution has proved the case against the accused beyond reasonable doubt. For proving the same, the prosecution has examined almost seven witnesses. Informant PW-2 has proved the case as well as the report during her evidence, and there are no omissions or contradictions in her statement. She also identified Articles 'A' and 'B', i.e., the sticks which were used in the commission of the offence. Therefore, the informant has proved the ingredients of Section 324 of the IPC against the accused.

10. The prosecution has also examined the eye-witness at Exhibit 39, namely the husband of the informant, who has supported the prosecution case and also identified the sticks with which the accused assaulted them. The learned A.P.P. further argued that the prosecution has duly proved the case. PW-4, the Medical Officer, has also supported the prosecution case and proved the medical certificate at Exhibit 43. Overall, all the witnesses corroborate each other as well as the version of the informant.

11. He further argued that seizure panch PW-6 at Exhibit 46 has supported the prosecution case and proved the seizure panchanama at Exhibit 47. Last but not least, the prosecution has examined the Investigating Officer at Exhibit 53, who has also proved the spot panchanama at Exhibit 54

and the seizure panchanama.

12. The learned A.P.P. also relied upon certain judgments of the Hon'ble High Courts in support of his submissions. The said authorities and the principles laid down therein shall be discussed at the appropriate stage while appreciating the evidence and deciding the issues involved in the present case.

13. Lastly, the learned A.P.P. argued that the prosecution has proved the charges levelled against the accused beyond reasonable doubt and, therefore, prayed for conviction of the accused. On the other hand, the learned advocate for the accused submitted that the accused have been falsely implicated in the present crime. It was argued that the informant has falsely implicated the accused and that the prosecution has failed to prove the actual spot of the incident. It was further argued that both the panch witnesses have turned hostile and, therefore, the charges levelled against all the accused have not been proved beyond reasonable doubt.

14. It was also contended that no independent witness has supported the prosecution case and only the husband of the informant has supported her version, who is an interested witness. PW-5 Ashok, who is stated to be an eye-witness as per the prosecution story, has not supported the prosecution case.

15. The learned advocate for the accused further submitted that there are several contradictions and omissions in the evidence of the prosecution witnesses, and therefore their evidence is not reliable. Hence, the prosecution has failed to prove the case, resulting in failure to establish the

charges against the accused. He further argued that there was a delay in lodging the FIR and that the prosecution has failed to satisfactorily explain the said delay. Therefore, according to him, the delay creates serious doubt about the genuineness of the prosecution case and entitles the accused to the benefit of doubt.

16. Thus, it was submitted that the prosecution has failed to prove the alleged offences beyond reasonable doubt, and accordingly, the learned advocate for the accused prayed for acquittal of the accused.

REASONS **APPRECIATION OF EVIDENCE**

As to Point No.1 :

17. The accused are alleged to have committed the offence of physically assaulting the informant and her husband in the agricultural field by using sticks in furtherance of their common intention. It is a settled principle of criminal jurisprudence that every accused is presumed to be innocent unless proved guilty. Therefore, the burden lies upon the prosecution to prove the guilt of the accused beyond reasonable doubt by leading cogent, reliable, and trustworthy evidence.

18. In order to secure conviction for the offence punishable under Section 324 of the Indian Penal Code, the prosecution is required to establish that the accused voluntarily caused hurt to the informant by means of a dangerous weapon or instrument likely to cause death. The prosecution must prove all the ingredients of the offence through reliable evidence beyond reasonable doubt. In the present case, the prosecution has examined in all

seven witnesses. For appreciating whether the prosecution has succeeded in proving the charges, the evidence of the witnesses is required to be analyzed in detail.

19. PW-1 Sarika Uttam Wadekar, the informant, was examined at Exhibit-36. She deposed that on 19.11.2017 she was watering the crop in the agricultural field when accused Baban came there with a tractor for carrying out rotavator work. At that time, she informed him that the partition of the agricultural land had not yet taken place and therefore the work should not be carried out. Thereafter, accused Dhurpatabai and Sindhu caught hold of her hair, pushed her to the ground, and assaulted her by kicks and fist blows. She further deposed that accused Motiram assaulted her on her back by means of a stick and thereafter accused Baban snatched the stick and assaulted her on her head, due to which bleeding injury was caused. She specifically stated that she sustained injuries on her forehead and head by the stick blows. Thereafter, she was taken to Nanded for treatment and on the next day, i.e., on 20.11.2017, she lodged the report at Himayatnagar Police Station. She proved the report at Exhibit-37.

20. During cross-examination, the informant admitted that a criminal case under Section 307 of the IPC was registered against her at the instance of her mother-in-law and another case under Section 294 IPC and the relevant provisions of the Disabilities Act was registered against her at the instance of accused Baban. Except these admissions, the remaining suggestions put by the learned advocate for the accused were denied by her.

21. It clearly emerges from the evidence of PW-1 that previous enmity existed between the parties. Therefore, her evidence is required to be

scrutinized carefully and with caution. Previous enmity may sometimes provide motive for commission of the offence and at the same time may also provide reason for false implication. Hence, the testimony of the informant must be corroborated by independent and circumstantial evidence available on record.

22. The testimony of PW-1 reveals that she has specifically attributed distinct overt acts to each accused. In order to corroborate her version, the prosecution examined PW-3 Uttam Wadekar, husband of the informant, at Exhibit-39. He deposed that on 19.11.2017 he was carrying out toilet construction work at his house when he received a phone call from the informant stating that the accused persons had come to the field and were quarrelling with her. Thereafter, he immediately rushed to the field and saw accused Motiram assaulting the informant on her waist by means of a stick and accused Baban assaulting her on the head by means of a stick. He further deposed that all the accused abused the informant in filthy language. He also stated that Nivrutti and Natha had come there for agricultural work and they intervened and separated the quarrel. During his evidence, he identified Article 'A' and Article 'B', i.e., the sticks used in the assault.

23. During cross-examination, he admitted that Gut No.173 stood partly in the names of his father, accused Baban, and himself and that he himself used to cultivate the said land. He further admitted that partition of the land had taken place in the year 2017. He also admitted that a case under Section 307 IPC was registered against him alleging attempt to commit murder of his mother. Except these admissions, the remaining suggestions were denied by him.

24. For corroboration of the prosecution case, PW-5 Ashok Gayanba Sakhare was examined at Exhibit-42. However, this witness did not support the prosecution case in its entirety. He deposed that while passing near the field he heard noise of quarrel and by the time he reached the spot, the quarrel was already over. Though he was declared hostile, his evidence at least establishes that a quarrel had in fact taken place at the spot of the incident.

25. Upon careful appreciation of the evidence of PW-1 and PW-3, it becomes evident that both the witnesses consistently narrated the manner of assault and specifically attributed the role of assault by stick to accused Motiram and accused Baban. Merely because PW-3 is the husband of the informant, his testimony cannot be discarded solely on that ground if otherwise it inspires confidence and is found reliable. Their evidence is natural, consistent, and corroborative on material particulars.

26. It is an admitted fact that the informant sustained injuries in the incident. In order to prove the injuries, the prosecution examined PW-4 Dr. Madhav Bhurke, Medical Officer, at Exhibit-41. He deposed that on the date of the incident the informant came for medical examination with MLC papers, which were proved at Exhibit-42. On examination, he found a head injury measuring 2 x 0.5 cm and another injury on the forehead measuring 2 x 0.5 cm. He opined that the injuries were simple in nature. He further proved the medical certificate at Exhibit-43 and stated that the informant was referred to Nanded for further treatment, which document was proved at Exhibit-44.

27. During cross-examination, he admitted that such injuries may also

be possible if a person falls on a sharp stone or due to broken bangles or a sharp ring. However, such suggestions by themselves are insufficient to discredit the otherwise reliable ocular testimony of the prosecution witnesses.

28. The evidence of the Medical Officer materially corroborates the testimony of the informant that accused Baban assaulted her on the head by means of a stick. The injuries noted in the medical certificate correspond with the oral evidence of PW-1 and PW-3. Thus, the prosecution has successfully proved that the informant sustained injuries during the incident.

29. The prosecution has further examined PW-6 Sahebrao Narayan Wadekar at Exhibit-46, who is the seizure panch witness. He deposed that on 23.11.2017 police called him to the police station where another panch namely Chandu Tudse was present. At that time, police seized two bamboo sticks from accused Motiram and accused Baban and prepared seizure panchanama. He identified his signature and contents of the seizure panchanama at Exhibit-47.

30. During cross-examination, he admitted that the seizure panchanama was not prepared in his presence and that he merely signed the document. He also admitted that Dhurpatabai had filed a criminal case against him. However, despite such admissions, the seizure of sticks stands corroborated by the evidence of the Investigating Officer.

31. PW-7 Satish Lekhude, the Investigating Officer examined at Exhibit-53, deposed that during investigation he seized two sticks from accused Motiram and accused Baban and prepared seizure panchanama. He

identified the signatures appearing on the seizure panchanama. The sticks seized were identified by PW-1 and PW-3 during trial. Therefore, the prosecution has sufficiently proved recovery of the sticks used in the commission of the offence.

32. Though PW-2 Natha Hari Khirade, the spot panch witness at Exhibit-33, did not support the prosecution case, he admitted his signature on the spot panchanama at Exhibit-34. The Investigating Officer also proved the spot panchanama at Exhibit-54. Moreover, the evidence of PW-1 and PW-3 consistently establishes the place of occurrence. Hence, merely because the spot panch turned hostile, the prosecution case cannot be discarded. The prosecution has satisfactorily proved the spot of the incident.

33. Upon overall appreciation of the evidence on record, it becomes clear that PW-1 has specifically narrated the overt acts committed by each accused. Her testimony is duly corroborated by PW-3, medical evidence, and the recovery of sticks. The evidence of the prosecution witnesses is consistent on all material particulars and inspires confidence.

34. The defence has contended that due to previous disputes regarding agricultural land and pendency of criminal cases between the parties, the accused have been falsely implicated. However, merely because previous enmity existed, the otherwise trustworthy evidence of the prosecution cannot be discarded. On the contrary, previous enmity appears to be the motive for the occurrence of the incident. The defence has failed to explain how the informant sustained injuries if the incident had not occurred. For the aforesaid point, the learned A.P.P. also relied upon the judgment of the *Hon'ble Himachal Pradesh High Court in State of H.P. v. Om Prakash and*

Another, 2006 L.J. 3061 it is held that, “*Injured and accused were not on good terms for last several years, and civil litigation was going on that by itself is no ground for disbelieving their testimony.*”

35. After going through the aforesaid authority, this Court finds that the ratio laid down therein squarely applies to the facts of the present case. Merely because a civil dispute regarding agricultural land was pending between the parties, the testimony of the informant cannot be discarded on that ground alone. On the contrary, the existence of such dispute furnishes a motive for the occurrence of the incident.

36. Therefore, the pendency of a civil dispute between the parties is not sufficient to disbelieve the prosecution case. Rather, the evidence on record establishes that the incident did occur as alleged by the prosecution. Hence, applying the ratio of the aforesaid authority, this Court holds that the testimony of the informant cannot be rejected merely on account of the existence of civil litigation between the parties.

37. The learned advocate for the accused argued that there are material contradictions in the testimonies of the prosecution witnesses. It was further submitted that there is an unexplained delay in lodging the FIR and, therefore, the benefit of doubt ought to be extended to the accused.

38. On the other hand, the learned A.P.P. relied upon the judgment of the *Hon'ble Bombay High Court, Nagpur Bench, in Dilip S/o Mahadeorao Ingale v. State of Maharashtra, 2009 ALL MR (cri) 3356* wherein it was held that, “*witness are not expected to give parrot like statements, contradiction of minor nature are bound to occur in every criminal case. Normal*

discrepancies do not corrode credibility of witnesses. It is the duty of the trial court appreciating evidence to sift grain from the chaff and where it can be separated from the grain, it is open the trial court to convict if witnesses are found creditworthy.” The learned A.P.P. submitted that the evidence of the prosecution witnesses is consistent on material particulars and duly corroborated by the medical evidence and other circumstances on record. Therefore, the prosecution has successfully proved the case beyond reasonable doubt.

39. After going through the aforesaid authority and considering the facts of the present case, this Court is of the opinion that there are no material contradictions in the evidence of the prosecution witnesses so as to discard their testimony. The alleged contradictions pointed out by the defence are minor in nature and do not affect the core of the prosecution case.

40. It is further observed that there is no inordinate or unexplained delay in lodging the FIR. The FIR was lodged on the next day of the incident. The delay of one day has been satisfactorily explained by the prosecution. The evidence on record reveals that immediately after the incident the informant was taken to Nanded for medical treatment. The said fact is duly corroborated by the referral card issued by the Medical Officer, which has been proved at Exhibit 44.

41. Therefore, the delay in lodging the FIR cannot be said to be fatal to the prosecution case. Upon appreciation of the entire evidence on record and the ratio laid down in the aforesaid authority, this Court finds that no major or material contradictions have been brought on record which would

render the testimony of the prosecution witnesses unreliable. Accordingly, the ratio of the aforesaid judgment squarely applies to the facts of the present case and supports the prosecution case.

42. Now, coming to the nature of the offence proved against the accused, it is necessary to consider whether the offence falls under Section 324 IPC or Section 323 IPC. Section 324 IPC contemplates voluntarily causing hurt by dangerous weapons or means. In the present case, the weapon used was an ordinary bamboo stick. The injuries sustained by the informant were simple in nature. An ordinary stick, unless used in a manner likely to cause death, cannot ordinarily be termed as a dangerous weapon within the meaning of Section 324 IPC. Therefore, considering the nature of the weapon and the medical evidence, the offence proved against the accused would appropriately fall under Section 323 IPC rather than Section 324 IPC.

43. Though charge was framed under Section 324 IPC, the Court is empowered under Section 222(2) of the Code of Criminal Procedure to convict the accused for a minor offence if the facts proved constitute such minor offence. In the present case, the prosecution has successfully proved that accused Motiram and accused Baban assaulted the informant by means of sticks and accused Dhurpatabai and Sindhu caught hold of her hair, pushed her to the ground, and assaulted her by kicks and fist blows, all in furtherance of their common intention. Accordingly, all the accused are liable to be convicted for the offence punishable under Section 323 read with Section 34 of the IPC. it would be apposite to hear the accused on the point of sentence.

44. On the point of sentence, the accused prayed that they be released on probation on the ground that they are old aged persons suffering from ailments related to old age. The learned advocate for the accused requested that lenient punishment be imposed and benefit under the Probation of Offenders Act be granted.

45. On the other hand, the learned A.P.P. strongly opposed the grant of probation and submitted that the accused do not deserve the benefit of the Probation of Offenders Act as they assaulted the informant and caused injuries, which has been duly proved by the prosecution evidence.

46. After considering the rival submissions and the facts of the case, this Court finds that the offence proved against the accused is serious in nature. The accused assaulted the informant in the agricultural field and caused injuries on her head by means of sticks. Such acts of violence within family disputes cannot be lightly viewed. Granting benefit of probation in such circumstances would send a wrong signal to society and would defeat the object of deterrence in criminal law. Considering the manner of assault, the role attributed to each accused, and the injuries sustained by the informant, this Court is of the opinion that the accused are not entitled to the benefit of the Probation of Offenders Act.

47. Hence, the prosecution has successfully proved beyond reasonable doubt that the accused committed the offence punishable under Section 323 read with Section 34 of the Indian Penal Code. Accordingly, all the accused stand convicted for the said offence.

48. In light of the entire discussion, it is evident that the prosecution

has succeeded in proving the charges against the accused persons beyond reasonable doubt. Accordingly, I record my findings on points 1 in the affirmative.

OPERATIVE PART

49. In view of the aforesaid discussion, I answer point No. 2 accordingly and I pass following order ;

ORDER

01. The accused namely :

- (i) Accused No.1 – Motiram Tukaram Wadekar,
- (ii) Accused No.2 – Dhurpatabai Motiram Wadekar,
- (iii) Accused No.3 – Baban Motiram Wadekar, and
- (iv) Accused No.4 – Sindhu Baban Wadekar, R/o. Dhanora, Tq. Himayatnagar, Dist. Nanded are hereby Convicted for the offence punishable under Section 323 read with Section 34 of the Indian Penal Code, vide Section 248(2) of the Code of Criminal Procedure, 1973 and they are sentenced to suffer Simple Imprisonment for a period of three (03) months.

02. The accused are entitled to set off for the period of detention undergone for the purpose of this case against the term of sentence of imprisonment as per Section 428 of Code of Criminal Procedure, 1973.

03. The accused no.01 to 04 are hereby ordered to pay An amount of Rs. 1000/- (One thousand rupees) each i.e. total Rs.4000/- (Four Thousand Only) as compensation to the informant Sarika Uttam Wadekar under section

357(3) of the Code of Criminal Procedure, 1973. After appeal period is over. The accused no.01 to 04 shall suffer further simple imprisonment of Fifteen (15) Days in default of payment of compensation amount.

04. The accused to surrender their Bail bonds.

05. The seized muddemal property, namely Article 'A' and Article 'B' (sticks), be destroyed after the appeal period is over.

06. copy of this judgment be given free of cost to the accused forthwith as required under Section 363 of the Code of Criminal Procedure.

07. The accused are informed of their right to appeal against this judgment.

(Dictated and Pronounced in open Court.)

Place : Himayatnagar.

Dated : 17.06.2026.

(Z. Z. Quadri)
Judicial Magistrate First Class,
Himayatnagar, Dist. Nanded

CERTIFICATE

I affirm that, the contents of this P.D.F. file order are same word to word, as per the original order.	
Name of the Stenographer	N.K.Hingmire
Court Name	Court of CJJD & JMFC, Tq. Himayatnagar. Dist. Nanded
Judgment signed by the Presiding Officer on	17.06.2026
Judgment/Order uploaded on	17.06.2026