

MHNG030220302022



Presented on : 27.07.2022

Registered on : 27.07.2022

Decided on : 07.05.2026

Duration : 03Y-09M-11D

Exh.No. 76

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, NAGPUR

(Presided over by Mr. Swaroopkumar S. Bose)

Delivered on 7th May, 2026

[Regular Criminal Case No.3274/2022]

Crime No.161/2022, punishable under Section 294, 325, 506 and 427 read with Section 34 of I.P.C.

Prosecution	:	STATE OF MAHARASHTRA Through Police Station Officer, Sadar, District Nagpur.
Represented by	:	Smt. Sangeeta Goge and Smt. Sole A.P.P. for the State.
Accused		1] Mohd. Jakir Qureshi Abdul Gafur Qureshi, Aged about 35 years, Occu- Private, R/o. Gaddi Godam, Near Police Chowki, Nagpur.
		2] Mohd. Sabir Qureshi Abdul Gafur Qureshi, Aged about 33 years, Occu- Private, R/o. Gaddi Godam, Near Police Chowki, Nagpur.
		3] Jeba Aman Qureshi Sajid Qureshi, Aged about 29 years, Occu- Housewife, R/o. House No.470, Near Sidharth Tailorkhana, Gaddigodam, Sadar, Nagpur.
		4] Najima Parvin Qureshi Jakir Qureshi, Aged about 35 years, Occu- Housewife, R/o. Gaddi Godam, behind Police Chowki, Nagpur.

Represented by	:	Shri Sheikh Sabahat, Learned Advocate for Accused.
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Date of offence	26.04.2022
Date of FIR	26.04.2022
Date of Charge-Sheet	27.07.2022
Date of Framing of Charge	26.09.2023
Date of commencement of evidence	10.01.2024
Date on which judgment is reserved	07.05.2026
Date of the judgment	07.05.2026
Date of the Sentencing Order, if any	-----

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 for purpose of Section 428, Cr.P.C.
1.	Mohd. Jakir Qureshi Abdul Gafur Qureshi	--	04.02.2023	U/Sec. 294, 323, 325, 506, 427 R/w. 34 of I.P.C.	Acquitted	---	---
2.	Mohd. Sabir Qureshi Abdul Gafur Qureshi	--	04.02.2023	U/Sec. 294, 323, 325, 506, 427 R/w. 34 of I.P.C.	Acquitted	---	---
3.	Jeba Aman Qureshi Sajid Qureshi	--	04.02.2023	U/Sec. 294, 323, 325, 506, 427 R/w. 34 of I.P.C.	Acquitted	---	---
4.	Najima Parvin Qureshi Jakir Qureshi	--	04.02.2023	U/Sec. 294, 323, 325, 506, 427 R/w. 34 of I.P.C.	Acquitted	---	---

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution witness :-

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
PW-1	Mohd. Sajid Shafi Qureshi(Exh.29)	Informant
PW-2	Rajani Prakash Walde(Exh.42)	Witness
PW-3	Ashish Ashok Manwatkar(Exh.43)	Panch Witness
PW-4	Shabbir Qureshi Gaffur Qureshi (Exh.49)	Witness
PW-5	Ratnamala Prakash Pillewan (Exh.50)	Witness
PW-6	Mohd. Jahid Qureshi Mohd. Shafi(Exh.51)	Panch Witness
PW-7	Dr. Sohail Rahuf Sheikh (Exh.54)	Medical Witness
PW-8	Pramod Dayalu Dighore (Exh.59)	I.O.

B. Defence witness, if any :-

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
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C. Court witness, if any :-

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
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LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :-

Sr. No.	Exhibit No.	Description
1.	30 and 31	Report and F.I.R.
2.	38	F.I.R. in Crime No.498/2021
3.	39	F.I.R. in Crime No.160/2022
4.	40	F.I.R. in Crime No.283/2022
5.	44	Spot panchanama
6.	45 and 46	Seizure panchanamas
7.	52	Panchanama
8.	60	Letter
9.	61	Panchanama
10	62	Letter

B. Defence Exhibits :-

Sr. No.	Exhibit No.	Description
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J U D G M E N T**(Delivered on this 7th day of May, 2026)**

Accused have been prosecuted for the offences punishable under Sections 294, 325, 506 and 427 read with 34 of the Indian Penal Code (for short "IPC").

2] The prosecution story is as under:

That, on the alleged day of incident i.e. on 26.04.2022 at about 4.00 p.m. all accused came to the house of informant Sajid Qureshi Shafi Qureshi for taking out ceiling fan from his house. While the accused were removing the ceiling fan, informant reached to his house. On seeing the informant, the accused no.1 tried to assault the informant by hammer and assaulted by fist blows on his nose, due to which the informant sustained bleeding

injury to his nose. So also, other accused have assaulted the informant. Thereafter, all accused went to the house of father of informant and abused him in filthy language. Accused have also broke the windshield of Alto car of informant's father. Thereafter, the informant lodged the report about the said incident with Police Station, Sadar.

3] On the basis of said report lodged by the informant, F.I.R.No.161/2022 was registered. Head constable Pramod Dighore has conducted the investigation. During the investigation, he prepared spot-seizure panchanama, recorded statements of witnesses, collected medical evidence, arrested the accused and after completion of investigation filed the charge-sheet in the court for the offences Punishable Under Sections 325, 294, 506,427 and 323 R/w.34 of the Indian Penal Code.

4] My learned predecessor has framed charge against the accused for the offences punishable under Section 294, 325, 506 and 427 r/w. 34 of Indian Penal Code at Exh.22. The plea of the accused are recorded below Exh.23 to 26. Accused pleaded not guilty to the said charges and claimed to be tried.

5] The statements of accused no.1 to 4, Under Section 313 of Code of Criminal Procedure are recorded as per Exh.67 to 70. The defense of the accused is that of total denial.

6] Heard the learned counsel for the accused and the Ld. APP for the State. From the documents and evidence brought on record, following points arise for my determination, and I have recorded my findings thereon for the reasons to follow :-

Sr.No.	<u>P O I N T S</u>		<u>FINDINGS</u>
1]	Does the prosecution proves that on 26.04.2022 at about 16.00 hours, at Gaddigodam, Nagpur, accused in furtherance of their common intention abused the informant Sajid Qureshi in filthy language which caused annoyance to others and thereby committed an offence punishable under Section 294 r/w. 34 of I.P.C.?	...	In the Negative.
2]	Does the prosecution proves that on the aforesaid date, time and place, accused in furtherance of their common intention caused grievous hurt to informant Sajid Qureshi by means of fist on his nose and thereby committed an offence punishable under Section 325 r/w. 34 of I.P.C.?	...	In the Negative.
3]	Does the prosecution proves that on the aforesaid date, time and place, accused in furtherance of their common intention committed criminal intimidation by threatening to informant Sajid Qureshi with intent to cause alarm and thereby committed an offence punishable under Section 506 r/w. 34 of of I.P.C.?	...	In the Negative.
4]	Does the prosecution proves that on the aforesaid date, time and place, accused in furtherance of their common intention committed mischief by causing damage to the property i.e. car of the complainant and thereby committed an offence punishable under Section 427 r/w. 34 of I.P.C.?	...	In the Negative.

REASONS

7] In order to prove the guilt of the accused for the above said offences, the prosecution has examined total 8 witnesses as follows:

Sr. No.	Name of witnesses and P.W.No.	...	Exh. Nos.
1]	Mohd. Sajid Shafi Qureshi(P.W.1)	...	29
2]	Rajani Prakash Walde(P.W.2)	...	42
3]	Ashish Ashok Manwatkar(P.W.3)	...	43
4]	Shabbir Qureshi Gaffur Qureshi (P.W.4)	...	49
5]	Ratnamala Prakash Pillewan (P.W.5)	...	50
6]	Mohd. Jahid Qureshi Mohd. Shafi(P.W.6)	...	51
7]	Dr. Sohail Rahuf Sheikh (P.W.7)	...	54
8]	Pramod Dayalu Dighore (P.W.8)	...	59

The prosecution has also relied upon the following documents.

Sr. No.	Description of documents	...	Exh. Nos.
1]	Report and F.I.R.	...	30 and 31
2]	F.I.R. in Crime No.498/2021	...	38
3]	F.I.R. in Crime No.160/2022	...	39
4]	F.I.R. in Crime No.283/2022	...	40
5]	Spot panchanama	...	44
6]	Seizure panchanamas	...	45 and 46
7]	Panchanama	...	52
8]	Letter	...	60
9]	Panchanama	...	61
10]	Letter	...	62

AS TO POINT NOS.1 To 4 :

8] As all the points are co-related with each other, I am discussing all of them together for the sake of convenience and to avoid repetition of discussion.

9] To prove the guilt of the accused person, the prosecution has to prove that the accused in furtherance of their common intention abused the informant in filthy language, voluntarily caused grievous hurt and also committed criminal intimidation by threatening the informant.

10] (P.W.1)Mohd. Sajid Qureshi is the informant and injured in the present matter, as such his evidence is vital, who is examined below Exh.29. He has deposed that on 26.04.2022 his wife came to informant's house along with accused No.1, 2 and 4 for taking out ceiling fan. When informant reached his house, accused No.1 was taking out ceiling fan and on seeing the informant accused No.1 tried to assault him by means of hammer and also gave a fist blow on his nose, due to which informant sustained bleeding injury. Accused No.4 has also assaulted the informant by steel-tiffin and accused No.2 has assaulted him by iron pipe. Thereafter, all the accused went to his father's house and abused them in filthy language and accused No.2 has committed mischief by causing damage to his Car No. MH-40-KR-1549. Thereafter, the informant lodged the report of the said incident to Police Station vide Exh.30 and 31. Police referred the informant to Mayo Hospital.

11] To prove that the informant has sustained grievous

injury, the prosecution has examined (P.W.7)Dr. Sonali Sheikh who has deposed below Exh.54 that on 26.04.2022 while he was on duty as Casualty officer, he examined injured patient Sajid Qureshi. On examining the said patient, he found that patient sustained injury blunt trauma on right eye and nose. He also found fracture injury at Nasal bone. He opined that the nature of the injury was grievous caused by hard and blunt object. Accordingly, he issued medical certificate Exh.55.

12] To prove the spot of alleged incident the prosecution has examined (P.W.3)Ashish Ashok Manwatkar. He is stated to be the panch witness over the spot as well as seizure panchanama. The prosecution has examined (P.W.3)Ashish below Exh.43, but this witness has not supported the prosecution story. He has categorically deposed that he do not know about the contents of the spot panchanama Exh.44 as well as seizure panchanama Exh.45. Though, this witness has admitted his signatures over the panchanamas, he flatly refused its contents.

13] In support of the contentions of the informant, the prosecution has examined (P.W.2) Rajani Prakash Walde below Exh.42 who is the neighbour of the informant and stated to be the eye witness to the alleged incident. She deposed that on the alleged day of incident she heard the voice of quarrel. When she came out of her house, she saw that Zeba's relative were beating the informant Sajid by holding some weapon, due to which informant sustained bleeding injury. One of the accused also damaged the Car of informant by throwing a brick.

14] (P.W.4)Shabbir Qureshi is father of informant, who is examined below Exh.49. He deposed that on 26.04.2022 when the accused came to the informant's house for taking out fan, at that time accused no.1 Jakir assaulted the informant with fist blows, due to which the informant sustained bleeding injury to his nose. Thereafter, accused came to his house and abused him in filthy language. Accused no.2 Sabir caused damage to his Alto Car by iron pipe.

15] In support of prosecution story, the prosecution has also examined (P.W.5)Ratnamala Prakash Pillewan below Exh.50, who is informant's neighbour. She has deposed that on the alleged day of incident, while she was sitting in her courtyard, she saw that quarrel took place between the informant and accused and in that the informant sustained injury. Thereafter, accused went to the house of father of informant and also caused damage to his house.

16] If we peruse the entire evidence of informant, (P.W.2)Rajani, (P.W.4)Shabbir Qureshi and (P.W.5)Ratnamala it clearly appears that there are many contradictions in their statements. The informant has deposed that till 26.04.2022 i.e. till the day of alleged incident, he was residing along with his wife, whereas, as per his report Exh.30 he was residing separately since last one and half year prior to the alleged incident. Admittedly, many cases are pending against the informant and the dispute with the wife of informant is admitted. The copies of F.I.R. produced on record below Exh.38, 39 and 40 are confirming the same. There are many contradictions in the statement of informant. In his testimony the informant has deposed that on the

alleged day of incident he called the police at about 3.30 p.m. whereas, in the same testimony he has deposed that accused came to his house at 4.00 p.m. and thereafter, he went to the house. Except the informant, there is no other witness who has seen the actual incident inside the house of informant.

17] The informant has stated that the accused assaulted him by means of a fist blows and steel tiffin, but (P.W.2)Rajani Walde is deposing that the accused were holding some kind of weapon in their hand. This (P.W.2)Rajani who is stated to be the eye witness has deposed that after hearing the voice of quarrel, she came out of her house and saw that the accused were beating the informant and one of the accused pelted a brick on the car of informant, due to which its windshield got damaged, but as per the testimony of (P.W.4) Shabbir Qureshi, accused damaged his car by means of an iron pipe.

18] (P.W.5)Ratnamala has also deposed that at the time of alleged incident, the accused came to the house of informant and they have beaten the informant. Thereafter, all the accused went to the house of informant's father and there also they caused damage. These witnesses (P.W.2)Rajani Walde, (P.W.5)Ratnamala Pillewan are stated to be the eye witnesses to the alleged incident. Both these witnesses have categorically stated that after beating the informant all the accused went to the house of informant's father and caused damage to his car or house. But, during the cross-examination, both the witnesses have admitted that the house of informant's father is situated at 5 minutes walking distance from the house of informant and from the house of

informant, his father's house is not visible. If this is the situation, it is quite difficult for me to digest the fact that the witnesses who were present on the spot of incident i.e. the house of informant are able to see the actual incident occurred at the house of informant's father. Further, the father of informant is stating that the accused damaged his car by means of an iron pipe, whereas the so called eye witness is stating that it is the brick which was used for damaging the car.

19] It is not the case of prosecution that the father of informant was present on the spot of alleged incident at the time of alleged incident. As such, (P.W.4)Shabbir Qureshi cannot be stated to be the eye witness to the alleged incident of beating. Though, (P.W.2)Rajani has deposed that at the time of alleged incident the relatives of Zeba were present and she saw them assaulting the informant, the same is not mentioned in her statement to the police and the said is confirmed by the investigating officer (P.W.8)Pramod Dighore. The I.O. has clearly deposed that the said witness has not stated the above said fact while recording her statement. Further, (P.W.5)Ratnamala has deposed that at the time of alleged incident she was sitting in her courtyard and she saw that the accused No.3 was trying to take away the ceiling fan, while the informant was obstructing her. So also, at that time she saw that the informant has sustained bleeding injury to his mouth, but, same is not mentioned in her statement and it is confirmed by the investigating officer. Not only this, this witness has categorically submitted that he has not stated the names of persons who came along with the wife of informant

to the police while giving statements, but in her statement the names of all the accused are mentioned. This clearly creates doubt regarding the reliability of the testimony of the present witness.

20] If we carefully scrutinize the evidence of informant and other witnesses, it appears that there are many discrepancies, omissions and contradictions in their statements and testimonies. Admittedly, the relation between the applicant and accused are not cordial and litigation is pending in between them. Many of the statements of the witnesses are coming on record as an improvement.

21] As per the testimony of investigating officer he has obtained a Pen-Drive from informant containing the CCTV footage of the alleged incident and prepared its seizure panchanama Exh.46, but the panch witness over the said panchanama has not supported the investigating officer's version. It is pertinent to note that the contents of the said Pen-Drive is neither played before the court nor shown to the witnesses. The investigating officer has categorically admitted that the father of informant has not lodged any report to the police station regarding damage to his car. So also, he has not forwarded any document regarding the ownership of the alleged car.

22] The learned advocate for the accused has vehemently argued that out of the matrimonial enmity, the informant has lodged false complaint against the accused. The discrepancies in the testimonies of the witnesses and the investigation supports the contention of accused. The learned advocate for the defense has

further draw my attention to the fact that the statements of witnesses were recorded after many days of the alleged incident, which also creates doubt regarding the genuineness and trustworthiness of the testimonies of witnesses. The eye witness (P.W.2) Rajani has categorically admitted that he never went to police station and on the day of alleged incident itself, the police had recorded her statement. Whereas, the record shows that her statement was recorded on 04.05.2022, i.e. after around 8 days of the alleged incident. Similarly, the another eye witness (P.W.5) Ratnamala has categorically stated that she never went to police station and on 04.05.2022 police had not recorded her statement.

23] The learned advocate on the above point has relied upon the Judgment of Hon'ble Supreme Court in between **Ganesh Bhavan Patel and Anr. Vs. State of Maharashtra, reported in (1978)4 SCC 371.** in which the Hon'ble Supreme Court has observed that - *“The delay in examining the eye witnesses by the investigating officer can on particular facts of a case amount to serious infirmity in the prosecution case.”* The Court has further observed that the one unusual feature which projects its shadow on the evidence of witnesses and casts a serious doubt about their being eye witnesses of the occurrence, is the undue delay on the part of investigating officer in recording their statements. Though, these witnesses were or could be available for examination when the investigating officer visited the scene of occurrence or soon thereafter.

24] In the present matter, though the alleged incident occurred on 26.04.2022, and all the witnesses mentioned in the

case are the neighbours of informant, their statements were recorded after around 8 days of the alleged day of incident and the explanation for the same is not coming on record. Except the informant, the actual filthy words used by the accused were not stated by any of the witnesses. Except the informant and his father, no other eye witness has stated that the accused have abused the informant in filthy language or threatened him. The another surprising thing is that at the time of medical examination of informant, the informant has not narrated the name of accused to the doctor though they are his close relatives, for the reason best known to him.

25] From the documents placed on record and the testimonies of all the witnesses, it appears that there are many discrepancies in the testimonies of all the witnesses. Even if it is proved by the prosecution that the informant had sustained injury, then again the prosecution has failed to prove by forwarding cogent and reliable evidence that the accused are the author of the same.

26] After agglomerating the entire evidence discussed supra, I come to the conclusion that, the prosecution evidence is not incriminating, sufficient weighty, reliable and satisfactory against the accused. The evidence adduced by the prosecution against the accused failed to connect the accused in this case beyond all reasonable doubt. Therefore, it is but natural to accede with the defense and submission on behalf of the accused that the prosecution has failed to prove the guilt of the accused beyond all reasonable doubts. There is a long distance between “may be true”

and “must true” and prosecution has to travel all the way to reach “must true”. In criminal jurisprudence, the word ‘suspicion’ cannot be substituted for the word ‘conclusive proof’ or ‘proved’. Thus, I find that the prosecution evidence in totality conclusively failed beyond all reasonable doubt to establish the guilt of the accused for the offences punishable under Sections 294, 325, 506 and 427 r/w. 34 of Indian Penal Code. Consequently the accused are entitled to get the benefit of doubt. Accordingly, I record my findings to point Nos.1 to 4 in the negative and proceed to pass the following order:

ORDER

- 1] Accused No.(1)Mohd. Jakir Qureshi Abdul Gafur Qureshi, (2)Mohd. Sabir Qureshi Abdul Gafur Qureshi, (3)Jeba Aman Qureshi Sajid Qureshi and (4)Najima Parvin Qureshi Jakir Qureshi, are hereby acquitted of the offences Punishable under sections 294, 325, 506 and 427 read with Section 34 of the Indian Penal Code, vide Section 248(1)of the Code of Criminal Procedure, 1973.
- 2] Bail bonds of the accused shall stand canceled.
- 3] Accused shall comply with the provisions of section 437-A of the Code of Criminal Procedure, 1973.
- 4] Seized property i.e. iron pipe and pen-drive being worthless be destroyed after appeal period is over.
- 5] Judgment dictated and pronounced in open Court.

Dated :07.05.2026

(Swaroopkumar S. Bose)
Chief Judicial Magistrate,
Nagpur.

Endorsement

Case argued on	:	23.04.2026
Judgment dictated on	:	07.05.2026
Transcription ready on	:	07.05.2026
Judgment checked and signed on	:	07.05.2026

Certificate

I affirm that the contents of this PDF Judgment are same word to word, as per original Judgment.

Name of Stenographer:- Ravindra W.Vindane,
Stenographer (Grade-II)