

MHNG140004702019



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Decided on : 27/03/2026

Duration : 06Ys, 06Ms,10Ds

IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS,**PARSEONI. DIST. NAGPUR**[Presided over by **Mr. G.O.Wankhade**]**Reg. Criminal Case No.39/2019****Exh.No.41***Offence punishable U/s. 324 R/w Section 34 of The Indian Penal Code, 1860.*

Prosecution	The State of Maharashtra Through Office Incharge of Police Station, Parseoni, Tq. Parseoni, Dist. Nagpur.
Represented by	Mr. S. V. Talmale
Accused	1. Shashikant Haribhau Wath, Age- 30 Years, Occ.- Labour. R/o Ward no. 2, Parseoni Tah. Parseoni Dist. Nagpur 2. Vicky Laxmanrao Yerkhede, Age- 31 Years, Occ.- Private Business. R/o Ward no. 3, Parseoni Tah. Parseoni Dist. Nagpur 3. Pramila Haribhau Wath,

	Age- 54 Years, Occ.- Labour. R/o Ward no. 2, Parseoni Tah. Parseoni Dist. Nagpur	
Represented by	Mr. P.S. Sayare	
Date of offence		03/06/2019
Date of FIR		04/06/2019
Date of filling final report/ charge-sheet		17/09/2019
Date of charge of accused		15/01/2020
Date of commencement of evidence		20/09/2021
Date on which judgment is reserved		---
Date of the Judgment		27/03/2026
Date of 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 for purpose of Section 428 Cr.P.C.
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1.	Shashikant Haribhau Wath,	01/07/2019	01/07/2019	Section 324 R/w. Section 34 of the Indian Penal Code 1860	Acquitted	As per final order	
2.	Vicky Laxmanrao Yerkhede,						
3.	Pramila Haribhau Wath,						

LIST OF PROSECUTION WITNESS

RANK	NAME	NATURE OF EVIDENCE
PW-1	Sunita Beniram Wath	Injured Informant
PW-2	Raju Govindrao Wath	Spot Witness
PW-3	Pankaj Beniram Wath	Spot Witness
PW-4	Sanjay Kisanrao Shinde	Police witness
PW-5	Dr. Gajanan Mahadev Dhurve	Medical Officer

LIST OF DEFENCE WITNESS

RANK	NAME	NATURE OF EVIDENCE
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LIST OF PROSECUTION EXHIBITS

SR. NO.	EXHIBIT NUMBER	DESCRIPTION
1.	Exh.16/ PW-1	Deposition of Injured Informant
2.	Exh.17/ PW-1	Oral Report
3.	Exh.20/ PW-2	Deposition of Witness
4.	Exh.21/ PW-3	Deposition of Witness
5.	Exh.27/ PW-4	Deposition of witness
6.	Exh.28/ PW-4	F.I.R.
7.	Exh.29/ PW-4	Letter to Medical officer
8.	Exh.30/ PW-5	Deposition of Medical officer
9.	Exh.31/ PW-5	Medical Certificate
10.	Exh.32/ PW-5	Letter to query of weapon
11.	Exh.33/ PW-5	Query Report
12.	Exh.34/ PW-5	Letter to query of weapon
13.	Exh.35/ PW-5	Query Report

LIST OF DEFENCE EXHIBITS

RANK	NAME	NATURE OF EVIDENCE
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LIST OF COURT EXHIBITS

RANK	NAME	NATURE OF EVIDENCE
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LIST OF MATERIAL OBJECTS

RANK	NAME	NATURE OF EVIDENCE
1	ARTICLE A	Bucket
2	ARTICLE B	Wooden Stick

J U D G M E N T**[Delivered On: 27/03/2026]**

The accused no. 1 to 3 have prosecuted for the offence punishable u/s. 324 R/w. Section 34 of The Indian Penal Code, 1860 (I.P.C.).

02. Prosecution's case in brief:

Informant Sunita Beniram Wath (PW-1) and accused No.1 Shashikant Haribhau Wath, accused No. 2 Vicky Laxmanrao Yerkhede, and accused No. 3 Pramila Haribhau Wath are residing in the same village Ward No. 11, Parseoni, Tah. Parseoni, Dist. Nagpur. They have an old rivalry with Sunita (PW-1). On 03.06.2019 Shashikant taunt to son of Sunita (PW-1) namely Pankaj (PW-3) in the Beer Bar thereafter, on same day at 11.00 pm Shashikant came to house of the Sunita (PW-1) and abused Pankaj (PW-3) in filthy language. Shashikant called Vikky. Thereafter Pramila also came with wooden stick. Pramila

assaulted by wooden stick to the brother of Sunita (PW-1) daughter-in-law and Shashikant picked up a steel bucket and hit on head of the Sunita (PW-1). Pramila assaulted by stick on the left hand of the Sunita (PW-1). Vicky, who came to intervene, beat the Pankaj (PW-3), husband of and daughter-in-law of Sunita (PW-1) by fist and blow. Sunita (PW-1) sustained head injured. On the basis of said oral report, crime No. 0203/2019 for an offence punishable u/s. 324 R/w. Section 34 came to be registered against the accused Shashikant, Vicky and Pramila

03. Investigation was handed over to NPC Jayant Sherkar B.N.1224 During the investigation. He visited the spot of the incident and prepared spot panchanama in the presence of panch witness, obtained medico legal certificate of injured, Seized Wooden stick and Steel Bucket thereafter, arrested the accused and prepared arrest panchama. After the completion of the investigation, he filed a charge-sheet against the accused No. 1 to 3 for an offence punishable u/s. 324 R/w. Section 34 of the Indian Penal Code, 1860.

04. Charge, plea and defence

After going through the charge-sheet and the accompanying case paper, my Learned Predecessor framed charge at Exh.07 for the offence punishable under section 324, R/w. Section 34 of I.P.C. The contents of the charge

are read over and explained in vernacular which accused pleaded not guilty and claimed to be tried. From the mode of the cross-examination and statement u/s 313 of Criminal Procedure Code, 1973 (In short Cr.P.C.) defence of the accused is totally denial therefore, false complaint lodged against the accused out of old rivalry.

05. Points for Determination and findings:

I have gone through the record. I have heard the arguments of learned Assistant Public Prosecutor Mr.S. V. Talmale and the learned advocate for the accused, Mr.P.S.Sayare. The following points arise for my determination. Now I give my finding and reason as under.

Sr.No.	Points	Findings
1.	Whether the prosecution proved that, on 03.06.2019 at about 11:00 p.m. Ward no.11 Parseoni Tah. Parseoni, District Nagpur, Accused Nos.1,2 and 3 in furtherance of common intention voluntarily caused hurt to the informant Sunita by means steel bucket ?	In negative
4.	What Order?	As per final order

Reason For The Finding

As to Point No. 01:-

06. Before going through evidence and material brought on record, it will be appropriate to set out the framework of ingredients of the offence which the prosecution intends to prove. In order to prove the guilt of the accused under Section 324 R/w 34 of the Indian Penal Code, 1860 the prosecution has to prove the following ingredients:-

- (a) Accused voluntarily caused injury to the informant by means of dangerous weapon.

07. Learned A.P.P. argued that Sunita (PW-1) supported to her oral report and deposed in respect of all accused. She specifically stated that accused No. 1 hit bucket on her head and how the other accused assaulted her. She identifies the stick and bucket. The defence of accused is total denial but could not succeed. There is no delay in F.I.R. no suggestion given to the injured that injury caused due to fell down. Hence, prosecution proved the offence beyond reasonable doubt.

08. Learned advocate for the accused argued that

Sunita (PW-1) stated in her cross examination that incident took place before 1 day at 1.30 pm. Dr. Dhurve (P.W.-5) deposed that he immediately referred injured to GMC but, the injured didn't deposed this fact. Sunita (PW-1) deposed that she didn't know when she lodged the complaint. Pankaj (PW-3) is not eye-witness. No any independent witness examined by the prosecution. There is old rivalry in between accused and injured under such circumstances prosecution must prove the offence with cogent evidence. There is no any corroborative evidence to the testimony of injured hence prosecution failed to prove the offence beyond reasonable doubt, accused are liable to be acquitted.

09. Sunita (PW-1) is the informant and injured. She is a star witness for the prosecution, she deposed that Accused No. 3 is her sister-in-law. Accused No. 1 is her nephew. Raju (PW-2) and Pankaj (PW-3) deposed the same fact in respect of relation with accused. Sunita (PW-1) deposed that on 03/06/2019, her son Pankaj(PW-3) had gone out. He came home around 10.30 pm. Pankaj(PW-3) told her and accused No.3 that accused No. 1 was taunting to him. Pankaj (PW-3) also deposed the same fact.

10. As per the story of prosecution Sunita (PW-1), her son Pankaj (PW-3) the brother of her daughter-in-law

namely Shyam and husband of injured were present at the time of incident. Sunita (PW-1) deposed that all these person were present on the spot of incident. But there is no any corroborative evidence to the testimony of Sunita (PW-1). Raju (PW-2) turned hostile, Pankaj (PW-3) deposed that his mother, father and Raju (PW-2) were present on the spot of incident.

11. Sunita (PW-1) deposed that accused No.1 came there and started abusing in filthy language to Pankaj (PW-3). Pankaj (PW-3) also deposed the same fact in addition that accused No. 1 was also abusing to his mother. But Sunita (PW-1) is not deposing the same that accused No. 1 was abusing her in filthy language.

12. Sunita (PW-1) stated that the accused No. 3 assaulted to the Shyam by wooden stick. There is no any corroborative evidence to this fact. Neither Pankaj (PW-3) deposed the same nor prosecution has examined Shyam .

13. Sunita (PW-1) stated that accused No. 2 gave fist and blow to her son, Shyam and husband. As per the story of prosecution the husband of Sunita (PW-1) is the eye witness of the incident but his statement has not been recorded by the I.O.

14. As per the testimony of Pankaj (PW-3), three workers came along with the accused No. 2 on the spot of incidence. But said fact has not been deposed by Sunita (PW-1). Neither their statement has been recorded by I.O.

15. Sunita (PW-1) deposed that, accused No. 3 beat her by wooden stick on left hand. The medico legal certificate shows that only one injury on the head. There is no any corroboration to this fact by the oral evidence of the witness or medical evidence.

16. Sunita (PW-1) deposed that, accused No.1 hit steel bucket on her head, there is no any corroborative oral evidence of any independent witness. Pankaj (PW-3) deposed that he was in the home, he has not seen the incident when the accused No. 1 hit bucket on the head of his mother. As per his testimony Raju (PW-2) said to him that accused No. 1 hit bucket on the head of his mother. But, Raju (PW-2) denied this fact. The statement of her husband has not recorded.

17. The learned A.P.P. argued that the oral testimony of Sunita (PW-1) in respect of the fact that injury sustained to her head is corroborated by the medical evidence Exh. 31 Medico Legal Certificate and testimony of Dr. Dhurve (PW-5).

18. Dr.Dhurve(PW-5) deposed that , on 03/06/2019 he examined the injured Sau. Susheela Behimram Wat, there is difference in the name of injured. Accordingly he found injury contused Lacerated Wound over scalp, left parietal region, middle 1/3rd of size 5X5X0.5 c.m., injury was fresh, blood and blood clot present. he referred injured for further investigation and treatment and advised C.T. Scan. Accordingly, he issue medical certificate Exh-31.

19. On 28/06/2019 he received a letter Exh.32 for query of steel bucket which was used as a weapon. Accordingly, he has given his opinion that injury mentioned in injury report at Exh.31 is possible by the steel bucket which was brought before him. Accordingly, he issued query report Exh.33.he has given his opinion that injury mentioned in injury report at Exh.31 is possible by the bamboo stick which was brought before him. Accordingly, he issued query report Exh.35.

20. Dr.Dhurve(PW-5) admitted in his cross-examination that, if any person fell down on hard and blunt object injury mentioned in Exh.31 is possible. On Exh. 31 there is only one injury but the this witness deposed that said injury may be caused by the still bucket or wooden

stick. He immediately referred injured to the G.M.C., Nagpur. He didn't find blood stains on the cloth of injured at the time of alleged medical examination. But, neither Sunita (PW-1) nor Pankaj (PW-3) deposed that Dr. Dhurve (PW-5) referred to Sunita (PW-1) to G.M.C. on the contrary Pankaj(PW-3) deposed that Sunita (PW-1) was moved to the rural hospital Parseoni and she was admitted in the hospital but there is no any such document on record that she was admitted in the hospital at Parseoni.

21. In the cross-examination Sunita(PW-1) admitted that, there is water tap in 4 to 5 ft deep hole in there courtyard, she and accused No.3 use to take water from said water tap. Always dispute was took took place on the count of water tap. Her daughter in law had lodged complaint against accused No.1 for the reason that accused No.1 was talking with her and harassing her. There was dispute between her son and daughter-in-law on the issue of accused No.1. Therefore, divorce took place in between them. No light and cement road infront of her house. Her house is near the police station and he has cordial relation with the police.

22. Raju(PW-2)is a brother of Sunita(PW-1)and accused No.2 Pramila kept him aloof from the incident.

23. Pankaj(PW-3) deposed that Accused no.1 and 2 manhandled to him and his father, his father took him into house and locked the door from outside. After some time, he heard screaming noise of his mother Sunita(PW-1). His uncle Raju(PW-2) opened the door and told him that, accused No.3 hit bucket on the head of Sunita(PW-1). Bleeding injury was sustained to his mother. Therefore, his mother was moved in rural hospital Parseoni.

24. Pankaj(PW-3) further deposed that, he asked to his mother about incident, she narrated the incidence and told that, accused No.3 hit bucket on her head. His mother was admitted in hospital. Police were came in hospital and recorded statement of Sunita(PW-1). On next date, Police were came for inquiry. Police asked about bucket. He identified bucket article 'A'. Said dispute was taken place for the reason of his wife.

25. Omission came on record in the testimony of Pankaj(PW-3) "accused no.2 was present in bar and he abused him in filthy language". "accused no.1 abused in filthy language to his mother (PW-1)." "accused no.2 came along with 3 workers and accused No 1 and 2 manhandled to him dragged beired of his father, his father and mother were in Courtyard. He asked to his mother about incidence, she narrated incidence and told that,

accused no.3 hit bucket on her head. His mother was admitted in hospital." these are the omission in his testimony. I.O. Jayant Sherekar found dead therefore accused could not prove these omissions through the I.O. These omission are material one.

26. Further admitted that Pankaj (PW-3) has not seen alleged occurrence in between his mother & accused No.3. Pankaj (PW-3) deposed that there are many house around his home. Generally people used to gather after any occurrence. No statement of independent witness has been recorded by I.O. Pankaj (PW-3) stated that his father and mother runs tea stall/ shop near police station. His father and mother were residing at tea stall and shop at the time of alleged occurrence. He had dispute with accused No.1, because he was trying to talk with his wife. He had given police report against accused No.1 for that reason. No people were gathered at the time of alleged occurrence. His mother was admitted for two day and thereafter took her at Nagpur for treatment. But this fact not testified by the Sunita (PW-1) and no any document is on record. Pankaj (PW-3) deposed that his mother have cordial relation with policemen. There is no street light in front of his house.

27. The evidence came on record shows that the accused and injured are the nearest relative, there is a

rivalry between these two family on the count that the accused No. 1 was talking with the wife of Pankaj (PW-3). Previously complaint was lodged by the Pankaj (PW-3) against the accused No. 1. On the issue of accused No. 1 matrimonial relation of Pankaj (PW-3) break down. Under such strange relation between this two family, corroborative independent evidence is necessary in support of the testimony of injured. The old rivalry is a double edged weapon it can be use for the commission of offence or to entangled any person in false offence.

28. Though, there is a corroboration of medical evidence to the testimony of Sunita (PW-1) but considering there old rivalry with the accused other corroborative evidence is necessary to repose the confidence on the testimony of Sunita (PW-1).

29. Shinde(PW-4) deposed that he registered F.I.R. Exh.28 on the oral report of informant Sunita(PW-1), issued letter for medical examination of the injured and obtained the medical report. This witness has not deposed about the seizure of weapon one panch witness Waman Sangalkar reported dead, other not found on the given address. No any evidence on record. How the wooden stick and still bucket seized and from whom said article seized. Prosecution failed to prove the seizure panchanama of the

weapon and spot panchanama of the incidence through the panch witness and I.O.

30. Considering the evidence on record, it falls short to connect the nexus of accused with the guilt that accused assaulted by wooden stick and still bucket. Under the shadow of old rivalry the evidence of injured Sunita (PW-1) and Pankaj (PW-3) is doubtful therefore the benefit of the doubt always goes to the accused thus, prosecution failed to establish the guilt of accused, by leading, corroborative evidence. Hence, I answer Point No.1 in negative.

As to point No.02 :-

31. In view of the aforesaid reason the prosecution has failed to prove the guilt of accused, beyond all the reasonable doubt. Accused No. 1 to 3 entitled to benefit of doubt. They deserves to be acquitted. In the result, I pass the following order :-

ORDER

1. The accused no. 1 Shashikant Haribhau Wath, accused no. 2 Vicky Laxmanrao Yerkhede, accused no. 3. Pramila Haribhau Wath are

hereby acquitted from the offence punishable u/s.324 r/w 34 of I.P.C.as per Section 248(1) of the Code of Criminal Procedure, 1973.

2. The bail bonds of the accused stand cancelled and his earlier surety stand discharged.
 3. The accused to furnish PR bond of Rs.15,000/- each with one surety in the like amount in view of section 437(A) of the Code of Criminal Procedure, 1973.
 4. Worthless muddemal 'wooden stick' 'Steel bucket' be destroyed after period is over.
- Judgment pronounced in open court.

Date : 27/03/2026

(G.O. Wankhade)
Judicial Magistrate First Class,
Parseoni.

CERTIFICATE

I affirm that the contents of this P.D.F. file of order are word to word, as per original order.

Name of Stenographer- **A.B.Tamgadge**