

**MHNS010035262025**



Received on : 19/05/2025

Registered on : 19/05/2025

Decided on : 10/03/2026

Duration : Y. M. D.  
00 07 12

**Exh. No. : 30.**

**PART 'A'**

<b><u>IN THE COURT OF ADDL. SESSIONS JUDGE-7, NASHIK, AT NASHIK</u></b>	
<b><u>(PRESIDED OVER BY PRITI KUMAR GHULE)</u></b>	
<b>Sessions Case No.</b>	<b>: 262/2025</b>
<b>Date of Judgment</b>	<b>: 10/03/2026</b>
<b>Details of FIR / Crime and Police Station</b>	<b>: C. R. No. 41/2025 of Satpur Police Station, for the offences punishable under sections 109(1), 351(2), 351(3) of the Bhartiya Nyay Sanhita and under Section 135 of Bombay Police Act.</b>
<b>Complainant</b>	<b>: The State of Maharashtra, Through – Satpur Police Station, Dist. Nashik.</b>
<b>Represented by</b>	<b>: Ld.APP Smt. S. S. Gore.</b>
<b>Accused</b>	<b>: 1] Vilas Jairam Borse, Age 23 yrs. (A1) R/o.Room No.93, Bhagwati Nagar, Near Hanuman Mandir, Ambedkar Awas Yojna, Hirawadi, Panchavati, Nashik.</b>
<b>Represented by</b>	<b>: Shri. S.B. Shejwal, Advocate for the accused.</b>

**Part 'B'**

<b>Date of Offence</b>	<b>: 08/02/2025</b>
<b>Date of FIR</b>	<b>: 08/02/2025</b>
<b>Date of Charge-sheet</b>	<b>: 17/05/2025</b>

Date of Framing of Charges	:	06/10/2025
Date of commencement of evidence	:	18/12/2025
Date on which Judgment is reserved	:	-
Date of the Judgment	:	10/03/2026
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 of Cr. P. C.
A1	Vilas Jairam Borse	08/02/2025	Accused in Jail.	109, 351(3) of BNS and S.135 of Bombay Police Act.	Acquitted	--	From 08.02.2025 till today.

### **PART 'C'**

#### **LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**

##### **A] PROSECUTION :-**

<u>Rank</u>	<u>Name</u>	<u>Nature of evidence</u> (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
PW 1	Rupesh Ravindra Suryawanshi, Exh.10	Complainant
PW 2	Akash Sujit Walunj, Exh.12	Panch
PW 3	Dr.Avinash Kisanrao Gore, Exh.14	Medical Officer, C.H. Nashik

PW 4	Ajinath Somnath Batule, Exh.18	Investigating Officer
PW 5	Dnyaneshwar S. Bhadange, Exh.29	ASI, Satpur P.S.

**B] DEFENCE WITNESSES, IF ANY :-**

<u>Rank</u>	<u>Name</u>	<u>Nature of evidence</u> (eye witness, police witness, expert witness, medical witness, panch witness, other witness)
	Nil	

**C] COURT WITNESSES, IF ANY :-**

<u>Rank</u>	<u>Name</u>	<u>Nature of evidence</u> (eye witness, police witness, expert witness, medical witness, panch witness, other witness)
	Nil	

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS****A] PROSECUTION :-**

<u>Sr. No.</u>	<u>Exhibit number</u>	<u>Description</u>
1.	11/PW-1	Complaint (for proving signature)
2.	13/PW-2	Spot panchanama
3.	15/PW-3	Medical Certificate

4.	16/PW-3	Letter dtd.20.03.25 for opinion of weapon
5.	17/PW-3	Opinion of doctor
6.	19/PW-4	Order dtd. 08.02.25 for investigation
7.	20/PW-4	Arrest panchanama
8.	21/PW-4	Memorandum statement of accused
9.	22/PW-4	Muddemal Receipt
10.	23/PW-4	Letter sent to FSL
11.	24/PW-4	Letter dtd.28.02.25 to M.O.
12.	25/PW-4	Letter dtd.24.04.25 to M.O.
13.	26/PW-4	CCTV footage panchanama
14.	27/PW-4	Certificate u/s 63(4)(c)
15.	28/PW-4	Attendance sheet, payment sheet and appointment letter collectively

**B] DEFENCE :- (Admitted by defence)**

<u>Sr. No.</u>	<u>Exhibit number</u>	<u>Description</u>
-	-	-

**C] COURT EXHIBITS :-**

<u>Sr. No.</u>	<u>Exhibit number</u>	<u>Description</u>
-	-	-

**D] MATERIAL OBJECTS :-**

<u>Sr. No.</u>	<u>Material Object Number</u>	<u>Description</u>
-	-	-

**JUDGMENT**  
**(Delivered on 10<sup>th</sup> March, 2026)**

Accused is in jail stands prosecuted for the offences punishable under sections 109(1), 351(2), 351(3) of the Bhartiya Nyay Sanhita (hereinafter referred to as “BNS” for short) and Section 135 of Bombay Police Act.

**2. The prosecution case in nutshell can be narrated as follows :-**

The Informant Rupesh Ravindra Suryawanshi is serving in Jahangirdar Foods Pvt. Ltd., at Satpur, Nashik as Production Head. He has 16 to 17 workers working under him. They work in shift. There is a four-wheeler Eco Car arranged by the company for transportation of the workers.

On 08.02.2025, in the morning around 7:15 a.m. the Informant started from his house to go to work. At 08.00 a.m. he went to the company and gave instructions to the workers and suddenly somebody assaulted him on his head from behind. He turned and saw that workman Vilas Borse, the accused had assaulted him by means of iron sickle. The informant got severely injured. He was taken to the hospital for medical aid. He lodged the complaint from the hospital. Accordingly, F.I.R. was registered by Satpur Police Station for the offence punishable under Sections 109(1), 351(2), 351(3) of the B.N.S. and under Section 135 of Bombay Police Act.

3. Accused was arrested. Statement of witnesses were recorded. Spot panchanama was prepared, medical documents of the informant were obtained. During investigation accused gave statement U/s. 27 of the Evidence Act and the weapon and clothes were recovered. The blood sample of accused was sent to F.S.L. and on completion of investigation, charge-sheet is filed.

4. As the offence U/s. 307 of IPC is triable by the Court of Sessions, Ld. Addl. C.J.M., Court No.12, Nashik committed the matter to the Court of Sessions by Committal order dated 14.05.2025.

5. The charge is framed at Exh.5, to which accused pleaded not guilty and claimed to be tried. Prosecution has examined in all five witnesses.

6. The statement u/s. 313 of Cr.P.C. of the accused is recorded at Exh.29, in which he has denied the incriminating evidence and claimed innocence.

7. Taking into consideration the evidence on record, arguments of Ld. APP Smt. S.S. Gore for the State, the Ld. Defence Advocate S.B. Shejwal for the accused, following points arise for determination and the findings accordingly are stated as below -

<u>SN</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether the prosecution has proved that on 08/02/2025 at Jahangirdar Foods Pvt. Ltd., MIDC, Satpur, at about 08.00 a.m. accused, the employee of the said company keeping some grudge by means of weapon Koyta gave blows on head, chest and body to Rupesh Ravindra Suryawanshi who is also serving in the said company knowing that it can cause death, and attempted to murder him and thereby committed an offence p.u.s. 109 of BNS ?	.. In the negative.
2.	Whether the prosecution has proved that on above date, time and place accused committed criminal intimidation by means of weapon Koyta and gave blows on head, chest and body to Rupesh Ravindra Suryawanshi and caused injury to him and thereby threatened to cause his death or grievous hurt and thereby committed an offence p.u.s. 351(3) of the BNS ?	.. In the negative.
3.	Whether the prosecution has proved that on above said date, time and place, accused inspite of the promulgation of the prohibition order of the Commissioner of Police to carry any article capable of being used for causing physical violence, you carried weapon 'Koyta' and thereby committed an offence p.u.s. 135 of the Bombay Police Act ?	.. In the negative.
4.	What order ?	.. ...As per final order.

## REASONS

### As to Point Nos. 1 to 3:-

8. Ld. A.P.P. has submitted that, Informant and the accused were in the same company. It is the accused who has assaulted the informant on his head by means of iron sickle. The Medical Certificate Exh.15 is proved by PW-3 Dr. Avinash Gore who has examined the informant. There are in all following six injuries found -

- i) CLW over right frontal area of the the dimension 10 x 2 x 2 cm (means over head).
- ii) CLW over left frontal area the dimension 4 x 1 cm (means over head).
- iii) Contusion superficial wound over left chest dimension 2 x 0.5 cm.
- iv) Abrasion over left lower abdomen.
- v) Abrasion over right forearm dimension 2 x 0.5. cm.
- iv) Contusion over right scapular injury.

The first injury is a fresh and grievous injury. There was fracture to the right frontal is in the medical evidence. The said witness also deposed that weapon is rusted iron sickle was shown to him by the police vide letter dated 20.03.2025 Exh.16. He gave opinion that, the injuries to the patient can be caused by this weapon. The said opinion is at Exh.17.

Ld. APP has submitted that, informant has not supported the prosecution but medical evidence shows that the injuries to the informant can be caused by weapon sickle which is seized by the police.

9. It is further submitted that, PW-5 Dnyaneshwar

Shantaram Bhadange, I.O. has deposed that, statement of informant at Exh.11 is recorded by him by going to Civil Hospital, Nashik. Initially informant was unconscious. He was further shifted to Shri Guruji Hospital, Gangapur, Nashik where he gained conscious, then his statement was recorded by him. As the informant did not depose as per the contents in the statement, it is proved through PW-5, I.O.

10. Ld. Advocate for the accused has submitted that, PW-1 informant deposed that, he is serving in Jahangirdar Foods Company at Satpur, Nashik as a Production Head. He had no employees working under him. He deposed that, he did not lodge any complaint. His signature on the complaint was taken when he was admitted in the hospital. He has not stated any contents to the police.

On the other hand, it is his evidence that he is having problem of fits and he fell down. He did not support the prosecution on the point that accused was armed with iron weapon sickle and assaulted him. The injured is not deposing against the accused. The injuries in the Medical Certificate cannot be attributed to the accused. There is no direct evidence by the injured himself against the accused. The Medical Certificate Exh.15 therefore cannot be used for corroborative purpose, as there is no direct evidence itself, is rightly submitted by the Ld. Advocate for the accused.

11. According to prosecution, it is the accused who gave memorandum statement to the police and the weapon was recovered. The statement during police custody was voluntarily given by accused is not proved by the prosecution by the independent witness. The recovery of weapon under Section 27 of Evidence Act not proved, is accepted.

12. PW-2 Akash Walunj deposed that he went to Jahangir bakery, Mahatma Nagar at Nashik for panchanama along with police where the spot panchanama Exh.13 was drawn. It shows that spot panchanama was prepared. However, according to the informant he got injured due to fall as he is suffering from fits problem. The possibility of head injury due to falling, is brought in evidence.

13. In the cross-examination of the I.O. PW. 4 Ajinath Bhatude it was suggested that, false CCTV footage panchanama is prepared. It is seen that evidence of the prosecution do not prove that there is any such CCTV footage of assault which is recovered under the panchanama. So also in absence of any evidence by PW-1, here is no need of corroborative evidence. The use of corroborative evidence is to strength the evidence of PW-1. In our case, the testimony of PW-1 is not as per the complaint recorded by police.

14. In these circumstances, the evidence of the prosecution do not show direct involvement of the accused.

The evidence is not creating reasonable doubt. Hence, answered Point Nos. 1 to 3 in the negative and pass following order.

**ORDER**

1. Accused **Vilas Jairam Borse** is hereby **acquitted** for the offences punishable under Sections 109, 351(3) of the Bhartiya Nyan Sanhita and Section 37(1)(3) r/w sec. 135 of the Bombay Police Act.
2. Accused be released forthwith, if not required in any other crime.
3. Accused is directed to furnish P.B. and S.B. of Rs.15,000/- ( Rupees Fifteen Thousand ), under Section 437(A) of the Code of Criminal Procedure.
4. Muddemal property i.e. clothes, pen-drive and rusted iron sickle being worthless be destroyed after appeal is over.
5. Sessions Case No. 262/2025 stands disposed off accordingly.

(Dictated and pronounced in open Court.)

Date : 10/03/2026  
Place: Nashik

(Priti Kumar Ghule)  
Additional Sessions Judge-7,  
Nashik.