

Sessions Case No.10 of 2020
Judgment



Received on : 29.09.2017.
(In Malvan Court)
Received on : 23.01.2020.
Registered on : 23.01.2020.
Decided on : 21.05.2025.
Duration : Ys. Ms. Ds.
07 07 22

CNR No. : MHSI01-000062-2020

Exhibit No. : 288

PART 'A'

<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE,</u> <u>SINDHUDURG, AT OROS, DISTRICT SINDHUDURG</u> <u>Present : V. S. Deshmukh, Additional Sessions Judge,</u> [Date of Judgment – 21.05.2025.] <u>SESSIONS CASE NO. 10 OF 2020</u>	
	Details of F.I.R. - C.R. 104/2017 Crime - Pun. under Sections 353, 341, 332, 141, 143, 147, 149, 504, 506 of the Indian Penal Code, 1860. Police Station – Malvan.
COMPLAINANT	STATE OF MAHARASHTRA THROUGH PRADEEP LAKSHMAN VAST. AGE 51 YEARS, OCCU. SERVICE R/O. UDYAMNAGAR, KUDAL, TAL.- KUDAL, DIST.-SINDHUDURG.
REPRESENTED BY	SPL. P.P. R. S. GAVHANKAR.

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ACCUSED NO.1	KAMALAKAR NILKANTH MANJAREKAR. [A1] AGE 39 YEARS, OCCU. AGRICULTURE, R/O. WAYARI BHUTNATH, MALVAN, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.2	MAHESH VISHWANATH JAVKAR. [A2] AGE 47 YEARS, OCCU. BUSINESS, R/O. MEDHA, MALVAN, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.3	DNYANESHWAR SURYAKANT KHAVALA [A3] AGE 46 YEARS, OCCU. FISHING, R/O. BRAHMANDEVWADI DEOGAD, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.4	NARAYAN CHIMAJI KHOBAREKAR. [A4] AGE 64 YEARS, OCCU. FISHING, R/O. CHAMBHARBHATI, DEOGAD, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.5	GANEHS BHIMSEN KUBAL. [A5] AGE 44 YEARS, OCCU. FISHING, R/O. ANANDWADI, DEOGAD, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.

ACCUSED NO.6	NITESH NARAYAN RANE. [A6] AGE 35 YEARS, OCCU. MLA, MAHARASHTRA R/O. 'OM GANESH' BUNGALOW, NEAR KANKAVALI RAILWAY STATION, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.7	SAU. MAMATA MANMOHAN VARADKAR [A7] AGE 43 YEARS, OCCU. HOUSEHOLD, R/O. 1667, MEDHA, MALVAN, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.8	SANDEEP SUNIL KANDALGAONKAR. [A8] AGE 40 YEARS, OCCU. FISHING, R/O. TARAMUMBARI, DEOGAD, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.9	AMOL BHARAT JOSHI. [A9] AGE 38 YEARS, OCCU. RIKSHAW DRIVER, R/O. TARAMUMBARI, DEOGAD, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.10	GURUNATH NAGU TARI. [A10] AGE 48 YEARS, OCCU. FISHING, R/O. ANANDWADI DEOGAD, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.

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ACCUSED NO.11	PRADEEP CHIMAJI KHOBAREKAR.. [A11] AGE 57 YEARS, OCCU. FISHING, R/O. JAGTAPWADI DEOGAD, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.12	KIRAN HARISHCHANDRA TEMBULKAR. [A12] AGE 27 YEARS, OCCU. AGRICULTURE, R/O. KINJAWADE, KHALACHIWADI, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.13	SUBHASH SAKHARAM NARVEKAR. [A13] AGE 52 YEARS, OCCU. AGRICULTURE, R/O. REMBWALI DEOGAD, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.14	AMIT RAMESH SATAM. [A14] AGE 29 YEARS, OCCU. BUSINESS, R/O. SHIRGAON BAJARPETH, DEOGAD, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.15	SAMBHAJI GAJANAN SATAM. [A15] AGE 50 YEARS, OCCU. AGRICULTURE, R/O. SHIRGAON, DEOGAD, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.

ACCUSED NO.16	AMOL JANARDAN TELI. [A16] AGE 37 YEARS, OCCU. DOCTOR, R/O. H.NO.73, KASABA WAGHOTAN, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.17	SANDEEP PRAKASH SATAM.[A17] AGE 38 YEARS, OCCU. AGRICULTURE, R/O. H NO. 1611, SHIRGAON DEOGAD, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.18	PRAKASH BALKRISHNA RANE. [A18] AGE 64 YEARS, OCCU. BUSINESS, R/O. HINDALE, RANEWADI, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.19	RAMCHANDRA VASANT KHADAPE. [A19] AGE 55 YEARS, OCCU. FISHING, R/O. DEOGAD VITTHALWADI, TAL. DEOGAD, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.20	MANMOHAN ANANT VARADKAR [A20] AGE 50 YEARS, OCCU. CATERING, R/O. MEDHA MALVAN, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.

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ACCUSED NO.21	ABHAY ANIL KADAM. [A21] AGE 31 YEARS, OCCU. SHOPKEEPER, R/O. H. NO.220, SUMATI SADAN, MEDHA MALVAN. TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.22	BHALCHANDRA HARISHCHANDRA KOLAMBAKAR. [A22] [ABATED]
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.23	MANDAR MOHAN KENI. [A23] AGE 35 YEARS, OCCU. BUSINESS, R/O. DHURIWADA, MALVAN, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.24	SANJAY RAGHUNATH LUDABE. [A24] AGE 52 YEARS, OCCU. AGRICULTURE, R/O. WAYARI BHUTNATH, LUDABEWADI, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.25	DIPAK GANPAT PATKAR. [A25] AGE 55 YEARS, OCCU. BUSINESS, R/O. H. NO.331, SOMWAR PETH, MALVAN, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.

ACCUSED NO.26	SAU. CHARUSHILA ULHAS ADHAV. [A26] AGE 49 YEARS, OCCU. HOUSEHOLD, R/O. H.NO.222, MEDHA MALVAN, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.27	RAJENDRA SATISH BIDAYE. [A27] AGE 37 YEARS, OCCU. TRANSPORT, R/O. 305, SAI SAMARTHA COMPLEX, DHURIWADA, MALVAN, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.28	SURYAKANT RAMCHANDRA PHANASEKAR [A28] AGE 63 YEARS, OCCU. CONTRACTOR, R/O. WAYARI, TANAJI NAKA, MALVAN, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.29	DEVADATTA JANARDAN SAMANT [A29] AGE 46 YEARS, OCCU. AGRICULTURE, R/O. KUMBHARMATH, , TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.30	MAHESH NILKANTH SAVAJI. [A30] AGE 47 YEARS, OCCU. FISHING, R/O. WAYARI BHUTNATH, H.NO.220, MORESHWARWADI, MALVAN, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.

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ACCUSED NO.31	DILIP HARI GHARE. [A31] AGE 43 YEARS, OCCU. FISHING, R/O. JADHAVWADI, WAYARI BHUTNATH, MALVAN, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.
ACCUSED NO.32	RAVIKIRAN CHINTAMANI TORASKAR. [A32] AGE 43 YEARS, OCCU. FISHING, R/O. REVATALE, NEAR CHANDIKA MAND, H. NO.2381, MLAVAN, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI.

PART 'B'

Date of F.I.R.	06.07.2017.
Date of Charge-sheet	29.09.2017.
Date of Framing of Charge	30.01.2021.
Date of commencement of evidence	04.04.2022.
Date on which judgment is reserved	Nil.
Date of the Judgment	21.05.2025.
Date of the Sentencing Order, if any	Nil.

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Accused Details

Rank of the Accu-sed	Name of Accused	Date of arrest	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Under-gone during Trial for purpose of Section 428 of Cr.P.C.
1.	Kamalakar Nilkanth Manjarekar [A1]	08.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
2.	Mahesh Vishwanath Javkar. [A2]	08.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
3.	Dnyaneshwar Suryakant Khavale[A3]	08.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
4.	Narayan Chimaji Khobarekar. [A4]	08.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
5.	Ganesh Bhimsen Kubal. [A5]	08.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
6.	Nitesh Narayan Rane [A6]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
7.	Sau. Mamata Manmohan	11.07.2017	--	Pun. under Section 353,	Acquitted.	--	--

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	Varadkar. [A7]			332,341,141, 143, 147, 149, 504, 506 of I.P.C.			
8.	Sandeep Sunil Kandalgaonkar [A8]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
9.	Amol Bharat Joshi [A9]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
10.	Gurunath Nagu Tari. [A10]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
11.	Pradeep Chimaji Khobarekar. [A11]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
12.	Kiran Harishchandra Tembulkar[A1]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
13.	Subhash Sakharam Narvekar. [A13]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
14.	Amit Ramesh Satam [A14]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--

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15.	Sambhaji Gajanan Satam [A15]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
16.	Amol Janardan Teli. [A16]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
17.	Sandeep Prakash Satam [A17]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
18.	Prakash Balkrishna Rane. [A18]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
19.	Ramchandra Vasant Khadape. [A19]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
20.	Manmohan Anant Varadkar [A20]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
21.	Abhay Anil Kadam [A21]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
22.	Bhalchandra Harishchandra Kolambkar [A22] [Abated]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of	<u>Abated</u>		

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				I.P.C.			
23.	Mandar Mohan Keni [A23]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
24.	Sanjay Raghunath Ludabe.[A24]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
25.	Deepak Ganpat Patkar [A25]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
26.	Sau. Charusheela Ulhas Aadhav [A26]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
27.	Rajendra Satish Bidaye. [A27]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
28.	Suryakant Ramchandra Phanasekar. [A28]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
29.	Devdatta Janardan Samant. [A29]	11.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
30.	Mahesh Nilkanth Savaji	13.07.2017	--	Pun. under Section 353,	Acquitted.	--	--

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	[A30]			332,341,141, 143, 147, 149, 504, 506 of I.P.C.			
31.	Dilip Hari Ghare. [A13]	13.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--
32.	Ravikiran Chintamani Toraskar. [A13]	13.07.2017	--	Pun. under Section 353, 332,341,141, 143, 147, 149, 504, 506 of I.P.C.	Acquitted.	--	--

JUDGMENT

(Delivered on 21st May, 2025)

01. The accused stand prosecuted for having committed the offence punishable under Sections 353, 341, 332, 141, 143, 147, 149, 504 and 506 of the Indian Penal Code, 1860.

02. The prosecution story in nutshell is as under :

Informant Pradeep Lakshman Vast, Asstt. Commissioner, Fisheries Office, Malvan filed first information report stating that on 06.07.2017 at about 10.00a.m. he was present on his office cabin. While discharging his duty MLA of Maharashtra State Nitesh Rane came along with about 100 workers and entered in his cabin. MLA Nitesh Rane asked him, “काय करतोस रे तु? तू स्वतःला शहाणा समजतोस काय ? पर्ससीन धारकाना तु संरक्षण

देतोस काय? त्यांचेकडून पैसे खातोस त्यांचेवर खटले भरत नाहीस. ” and abused as “हरामखोर” . During talks Kamalakar Nilkanth Manjarekar from mob poured the basketful Mackerel (बांगडा) on his table and started talking in filthy language. MLA Nitesh Rane asked him as to whether he was teaching the law and put up one Mackerel and threw on his person which hit to his cheek. He threatened him as “जास्त बोललास तर कानपटीत मारीन, यापुढे पर्ससीन नौकाधारकांवर कारवाई केली नाहीस तर त्या नौका पेटवून देवू व तुम्हासही पेटवून देवू ”. The witness Shrikant Vinayak Warunjikar Fisheries Development Officer while showing the office rules and documents, MLA Nitesh Rane snatched the same and thrown them on his face and also threatened him to slap. They wrongfully restrained him in the office .

03. On 06.07.2017, the F.I.R. was lodged by the informant and the police registered the crime against accused bearing C.R. No. 104/2017, for the offences punishable under Sections 353, 341, 332, 141, 143, 147, 149, 504 and 506 of the Indian Penal Code, 1860.

04. The police went to the spot, ascertained the facts on the spot of offence, prepared the spot panchanama. The statements of witnesses were recorded.

05. As the offences punishable under **Sections 353, 332 of the Indian Penal Code, 1860** are exclusively triable by the Court of Sessions, the case was committed to the Court of Sessions.

06. The charge is framed against the accused for the offence punishable under **Sections 143, 147, 353, 332, 341, 504, 506 read with 149 of the Indian Penal Code, 1860** vide **Exh.68**, to which accused pleaded not guilty and claimed to be tried. The defence of the accused is of total denial.

07. The prosecution has examined in all eight witnesses. The defence has cross-examined them at length. Thereafter, the statements of the accused under **Section 313(1)(b) of the Code of Criminal Procedure, 1973** were recorded. As per the statements of the accused and the cross-examination of the witnesses, it is their defence that there are implicated in false case out of political rivalry.

08. From the prosecution case, the evidence on record and the submissions advanced by the learned Addl. P. P. for the State and learned

advocate for the accused, following points arose for determination and I have recorded my findings thereon are as under :-

SR. NO.	POINTS	FINDINGS
1.	Does the prosecution prove that, all accused, on 06.07.2017 at about 11.30a.m. in the building of Fisheries, Malvan, Tal Malvan, Dist. Sindhudurg, were members of an unlawful assembly, the common object of which was to use criminal force, cause hurt, abuse and give threat to the public servant i.e. the first informant Pradeep Lakshman Vast and thereby committed an offence punishable under Section 143 of the Indian Penal Code, 1860 ?	...No.
2.	Does the prosecution prove that, all accused on above mentioned date, time and place, were members of an unlawful assembly and in prosecution of its common object, committed the offence of rioting punishable under Section 147 of the Indian Penal Code, 1860?	...No.
3.	Does the prosecution prove that, all accused on above mentioned date, time and place, were members of an unlawful assembly and in prosecution of its common object, assaulted and used criminal force to first informant Pradeep Lakshman Vast, Assistant Commissioner, Department of Fisheries and witness Shrikant Vinayak Warunjikar, Development Officer of Fisheries, the public servants, while discharging their duty as such public servants and thereby committed an offence punishable under Section 353 r/w.149 of the Indian Penal Code, 1860?	...No.

4.	Does the prosecution prove that, all accused on above mentioned date, time and place, were members of an unlawful assembly and in prosecution of its common object, voluntarily caused hurt to first informant Pradeep Lakshman Vast, Assistant Commissioner, Department of Fisheries and witness Shrikant Vinayak Warunjikar, Development Officer of Fisheries, i.e. public servants, while discharging their duty as such public servants and thereby committed an offence punishable under Section 332 r/w. 149 of the Indian Penal Code, 1860?	...No.
5.	Does the prosecution prove that, all accused on above mentioned date, time and place, were members of an unlawful assembly and in prosecution of its common object, wrongfully restrained to first informant and thereby committed an offence punishable under Section 341 r/w. 149 of the Indian Penal Code, 1860?	...No.
6.	Does the prosecution prove that, all accused on above mentioned date, time and place, were members of an unlawful assembly and in prosecution of its common object, intentionally insulted the first informant by abusing him and thereby gave provocation to him intending or knowing it to be likely that such provocation will cause him to break public peace and thereby committed an offence punishable under Section 504 r/w. 149 of the Indian Penal Code, 1860?	...No.
7.	Does the prosecution prove that, all accused on above mentioned date, time and place, were members of an unlawful assembly and in prosecution of its common object, committed criminal intimidation by threatening the first informant to set him by fire and witness to slap him with intent to cause alarm to them and	...No.

	thereby committed an offence punishable under Section 506 r/w. 149 of the Indian Penal Code, 1860?	
8.	What order ?	...As per final order.

REASONS

09. Heard learned A.P.P. Shri. R. V. Desai for State and learned Adv. Shri. S. D. Desai for accused persons.

AS TO POINTS NO. 1 AND 2 :

10. As points No. 1 and 2 are interlinked, in order to avoid repetition they are being discussed together.

Unlawful Assembly

11. It is alleged that the accused formed unlawful assembly. In order attract the offences punishable under **Sections 143 and 147 of the Indian Penal Code, 1860** the prosecution has to prove that the assembly of the accused persons is an unlawful assembly as defined under **Section 141 of the Indian Penal Code, 1860**. In consequence thereof the prosecution has to prove that -

- i. There was assembly of five or more persons,
- ii. The common object of the persons composing that assembly was -
 - a. to overawe by criminal force, or show of criminal force, the Central or State Government or Parliament or the Legislature of any State, or any public servant in the exercise of lawful power of such public servant; or
 - b. to resist the execution of any law, or any legal process; or
 - c. to commit any mischief or criminal trespass, or other offence; or
 - d. by means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or
 - e. by means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

The F. I. R. at Exh.152 discloses that according to the informant Pradeep Vast PW2 accused Nitesh Rane, the then MLA along with about 100 party workers came to the office of the informant. As per the F. I. R. accused Nitesh Rane questioned the informant Pradeep Vast PW2, abused him and threatened to assault him. The contents in the F. I. R. disclose that there were more than five persons along with accused Nitesh Rane in the office of informant Pradeep Vast PW2. As per the allegations in F. I. R. he was abused and threatened by the accused persons. Informant Pradeep Vast PW2 has in his evidence narrated the incident. However in cross-

examination he has admitted that at the time of the alleged incident different groups of fishermen had been to his office to submit their representations. He has further admitted that his office was overcrowded by the different groups of fishermen. He has further admitted that while he was going through the representation of accused Nitesh Rane, unknown person committed the alleged offence and therefore he is not in a position to firmly state who has committed the alleged incident. In this way though the F. I. R. and the informant's evidence make out the ingredients of the unlawful assembly under **Section 141 of the Indian Penal Code, 1860**, admissions given by the informant Pradeep Vast PW2 reveal that he does not know who has committed the alleged offence. According to his admission while he was going through the representation given by accused Nitesh Rane an unknown person committed the alleged offence.

12. The other eye witnesses are Shrikant Warunjikar PW3, Bhagwan Tambe PW4, Satyawan Rawool PW5 and Dnyandeep Keluskar PW6. At the relevant time all of these witnesses were present in the office of informant Pradeep Vast PW2. However none of them has supported the prosecution. Everybody has stated that they do not know who has committed the alleged offence. Thus the material eye witnesses have also not corroborated the prosecution story. Evidence of informant Pradeep

Vast PW2 does not prove that the accused have formed unlawful assembly designated under **Section 141 of the Indian Penal Code, 1860**. His admissions washed out the contentions in the F. I. R. at Exh. 152 and his examination-in-chief. In the result, there is no reliable evidence on record to prove the alleged offences beyond reasonable doubt. Hence, I answer **points No. 1 and 2 in 'negative'**.

AS TO POINTS NO.3 AND 4 :-

13. As both these points are interlinked, in order to avoid repetition they are being discussed together.

14. In order to bring home guilt of the accused for the offences punishable under **Sections 353 and 332 of the Indian Penal Code, 1860** the prosecution has to prove following ingredients:

- a) at the time of the alleged incident informant Pradeep Lakhman Vast PW2 and Shrikant Warunjikar PW3 were discharging their official duty as public servants,
- b) Informant Pradeep Vast PW2 was assaulted by the accused or criminal force was used by the accused with intention to deter him from discharging his duty as such public servant,
- c) the accused voluntarily caused hurt to informant Pradeep Vast PW2 with intention to deter him from discharging his duty as such public servant,

PUBLIC SERVANT

15. It is not disputed that at the relevant time informant Pradeep Vast PW2 and Shrikant Warunjikar PW3 were working as Asstt. Commissioner and Development Officer respectively at Fisheries Office, Malvan, Sindhudurg . Thus it is proved that informant Pradeep Vast PW2 and Shrikant Warunjikar PW3 are public servants.

DISCHARGING DUTY AS PUBLIC SERVANT

16. The alleged incident is dated 16.07.2017. Informant Pradeep Vast PW2 and Shrikant Warunjikar PW3 were present in the office. On perusal of the evidence on record it can be seen that it is not disputed by the accused that at the relevant time both of them were discharging their duties as public servants. Hence it is proved that at the time of the alleged incident informant Pradeep Vast PW2 and Shrikant Warunjikar PW3 were discharging their duties as public servants.

**CRIMINAL FORCE /ASSAULT AND VOLUNTARILY CAUSING
HURT**

17. The F. I. R. at Exh. 152 states that accused Nitesh Rane voluntarily caused hurt by throwing Mackerel at the informant which

struck against his cheek and caused obstruction in the discharge of his official duty. However there is no allegation of voluntarily causing hurt to Shrikant Warunjikar PW3. Thus as per the F. I. R. at Exh.152 accused Nitesh Rane voluntarily caused hurt to informant Pradeep Vast PW2 by throwing Mackerel on his cheek. However informant Pradeep Vast PW2 has in his evidence stated that the persons accompanying accused Nitesh Rane threw Mackerel on his face. Thus informant Pradeep Vast PW2 has in his evidence not stated that it is accused Nitesh Rane who had thrown Mackerel on his face and caused hurt to him. As per his evidence persons accompanying accused Nitesh Rane had thrown Mackerel on his face causing hurt to him. Thus he is not sure who has caused hurt to him by throwing Mackerel at him. Further Investigating Officer Arwind Bodake PW8 has not conducted Identification Parade of the accused persons. The other eye witnesses viz. Shrikant Warunjikar PW3, Bhagwan Tambe PW4, Satyawar Rawool PW5 and Dnyandeep Keluskar PW6. have not supported the prosecution case. As such there is no reliable evidence on record to prove that the accused caused obstruction to the informant and witnesses while discharging their official duties as public servant and they voluntarily caused hurt to informant Pradeep Vast PW2 while he was discharging his official duty as public servant with a view to deter him from discharging his duty as public servant. Hence the prosecution has

failed to prove the offences punishable under **Sections 353, 332 read with Section 149 of the Indian Penal Code, 1860** beyond reasonable doubt. In the result, I answer **points No. 3 and 4 in 'negative'**.

AS TO POINT NO. 5:-

18. F. I. R. at Exh. 152 discloses that at the time of incident informant Pradeep Vast PW2 felt suffocated and therefore when he tried to go out of the cabin, accused pressed him in his chair by caught holding his hand and wrongfully restrained him from going out of his cabin. But informant Pradeep Vast PW2 has not stated a single word in his evidence before the Court that any of the accused wrongfully restrained him from going out his cabin. Other witnesses also not supported the prosecution case. Hence the prosecution has failed to prove the offence punishable under **Section 341 read with Section 149 of the Indian Penal Code, 1860**. In the result I answer **point No. 5 in 'negative'**.

AS TO POINTS NO. 6 AND 7 :

INTENTIONAL INSULT AND CRIMINAL INTIMIDATION

19. Informant Pradeep Vast PW2 has stated in his F. I. R. at Exh.152 that accused Nitesh Rane along with other accused entered in his

office cabin and abused him in filthy language. He also stated that accused Nitesh Rane abused him as “*Haramkhor*” and threatened him to slap and set fire to vessels and also to the informant to cause alarm to him and other witnesses. Informant Pradeep Vast PW2 in his evidence simply stated that accused Nitesh Rane abused them and said, ‘if they had not stopped their illegal affairs, he would set fire to vessel by tying him to it.’ None of the other witnesses have stated about the abuses given by the accused. Witness Satyawar Rawool PW5 has stated that at the time of incident there was commotion and therefore he could not hear what actual the accused said. All other witnesses have stated that they only heard altercations between the accused and informant but not heard actual words stated by the accused. After going through the oral evidence on record it is transpired that the eye witnesses viz. Shrikant Warunjikar PW3, Bhagwan Tambe PW4, Satyawar Rawool PW5 and Dnyandeep Keluskar PW6 who were alleged to have been present in the cabin of informant Pradeep Vast PW 2 have not supported the prosecution story that informant Pradeep Vast PW2 was abused and threatened by the accused persons. So also, informant Pradeep Vast PW2 has not specified the abuses allegedly given by the accused Nitesh Rane. An offence under **Section 504 of the Indian Penal Code, 1860** is said to have been committed when there is intentional insult and thereby the provocation is given to any

person intending that such provocation will cause him to break the public peace or to commit any other offence. In absence of evidence as to what abuses were allegedly given by the accused person to informant Pradeep Vast PW2 it is hardly possible to infer that by such intentional insult the provocation was given to informant Pradeep Vast PW2 and the provocation was such severe that informant Pradeep Vast PW2 would have broken the public peace or committed any other offence. The eye witnesses have also not supported the prosecution story that the accused Nitesh Rane threatened informant Pradeep Vast PW2 to set him with vessel on fire. In the result it is not proved beyond reasonable doubt that informant Pradeep Vast PW2 was abused and threatened by the accused Nitesh Rane. Hence I answer **points No. 6 and 7 in 'negative'**.

AS TO POINT NO. 8 :-

20. Considering the entire evidence on record, it is evident that the prosecution has failed to prove the charges levelled against the accused persons beyond reasonable doubt. Therefore, the accused are entitled to acquittal. Hence, in answer to point No.8 I pass following order.

ORDER

1. Accused Kamalakar Nilkanth Manjarekar [A1], Mahesh Vishwanath Javkar. [A2], Dnyaneshwar Suryakant Khavale[A3], Narayan Chimaji

Khobarekar. [A4] , Ganesh Bhimsen Kubal. [A5], Nitesh Narayan Rane [A6], Sau. Mamata Manmohan Varadkar. [A7], Sandeep Sunil Kandalgaonkar [A8], Amol Bharat Joshi [A9], Gurunath Nagu Tari. [A10], Pradeep Chimaji Khobarekar. [A11], Kiran Harishchandra Tembulkar[A1], Subhash Sakharam Narvekar. [A13], Amit Ramesh Satam [A14], Sambhaji Gajanan Satam [A15], Amol Janardan Teli. [A16], Sandeep Prakash Satam [A17], Prakash Balkrishna Rane. [A18], Ramchandra Vasant Khadape.[A19], Manmohan Anant Varadkar [A20], Abhay Anil Kadam [A21], Mandar Mohan Keni [A23], Sanjay Raghunath Ludabe.[A24], Deepak Ganpat Patkar [A25], Sau. Charusheela Ulhas Aadhav [A26], Rajendra Satish Bidaye. [A27], Suryakant Ramchandra Phanasekar. [A28], Devdatta Janardan Samant. [A29], Mahesh Nilkanth Savaji [A30], Dilip Hari Ghare. [A13] and Ravikiran Chintamani Toraskar. [A13] are acquitted of the offence punishable under **Sections 353, 341, 332, 141, 143, 147, 149, 504 and 506 of the Indian Penal Code, 1860** vide **Section 235(1) of the Code of Criminal Procedure, 1973.**

2. Their bail bonds stand cancelled and they be set at liberty.
3. There is no muddemal property seized, therefore no order for the disposal.
4. Accused are directed to furnish P.B. & S.B. of Rs.15,000/- (Rs. Fifteen Thousand Only) each, for their appearance before the Appellate Authority, if the State has preferred appeal against the order, in compliance of **Section 437-A of the Code of Criminal Procedure, 1973.**
5. The copy of the judgment be forwarded to the District Magistrate, Sindhudurg-Oros, under **Section 365 of Code of Criminal Procedure, 1973.**

(Dictated and pronounced in open court.)

Sindhudurg-Oros.
DATE – 21.05.2025

(V. S. Deshmukh)
Additional Sessions Judge,
Sindhudurg-Oros

ANNEXURE

PART 'C'

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	Pradeep Appa Kadam.	Panch Witness (Exh.123)
PW2	Pradeep Lakshman Vast	Informant (Exh.151)
PW3	Shrikant Vinayak Warunjikar	Witness (Exh.162)
PW4	Bhagwan Tatu Tambe.	Witness (Exh.163)
PW5	Satyawan Parshuram Rawool	Witness (Exh.164)
PW6	Dnyandeep Vithoba Keluskar	Witness (Exh.166)
PW7	Vitthal Digambar Joshi.	Police Station Officer (Exh.168)
PW8	Arwind Shidoba Bodake.	Investigating Officer (Exh.227)

B. Defence Witness, if any :

RANK	NAME	NATURE OF EVIDENCE
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C. Court Witness, if any :

RANK	NAME	NATURE OF EVIDENCE
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LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

SR.NO.	EXHIBIT NUMBER	DESCRIPTION
1	124	Spot Panchanama
2	152	F. I. R.
2	169 to 199	Arrest panchanamas
3	228	Letter issued to Tahasildar

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4	229	Letter issued to Speaker of Maharashtra Legislative Assembly, Mumbai.
5	230	Letter issued to President of Legislative Council.
6	231	Letter issued to Medical Officer, Malvan

B. Defence :

SR.NO.	EXHIBIT NUMBER	DESCRIPTION
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C. Court Exhibits :

SR.NO.	EXHIBIT NUMBER	DESCRIPTION
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D. Material Objects :

SR.NO.	MATERIAL OBJECT NUMBER	DESCRIPTION
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Sindhudurg-Oros.
DATE – 21.05.2025

(V. S. Deshmukh)
Additional Sessions Judge,
Sindhudurg-Oros