

MHNS230017872023 	Received on : 13/09/2023 Registered on : 13/09/2023 Decided on : 16/05/2026 Duration : 02Y.08M.03D
<u>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,</u> <u>IGATPURI, DIST. NASHIK</u> (Presided over by A. C. Rokade) Regular Criminal Case No.134/2023 Exh.52	
Details of crime and police station	Police Station, Wadivarhe Cr. No. 71/2022
COMPLAINANT	State of Maharashtra, Through, Police Station Wadivarhe, Dist. Nashik
REPRESENTED BY	APP. Shri. A.G. Maniyar
ACCUSED	1) Murlidhar Dattu Mahale Age: 28 Yrs., Occ.: Agri. 2) Shridattu Gangaram Mahale Age: 55 Yrs., Occ.: Nil 3) Hirabai Dattu Mahale Age: 50 Yrs., Occ.: Nil 4) Dipak Dattu Mahale Age: 50 Yrs., Occ.: Nil R/at. Pimplad, Tal. Iagtpuri, Dist. Nashik 5) Savita Dinkar Kokane Age: 24 Yrs., Occ.: Nil R/at. Kopargaon, Tal. Iagtpuri, Dist. Nashik 6) Rekha Govind Bhagat Age: 35 Yrs., Occ.: Nil R/at. Mulegaon, Tryambkeshwar, Dist. Nashik 7) Asha Samadhan Gaykar Age: 25 Yrs., Occ.: Nil R/at. Ahurli, Tal. Iagtpuri, Dist. Nashik
REPRESENTED BY	Adv. Shri. B.T. Deore
Date of Offence	From December 2018 to 27/12/2021

Date of Complaint	27.12.2021
Date of Framing of Charges	16.10.2023
Date commencement of evidence	10.07.2025
Date of Judgment is reserved	16.05.2026
Date of the Judgment	16.05.2026

ACCUSED DETAILS

Rank of Accused	Name of Accused	Date of Arrest	Date of Bail	Offence charged with	Whether acquitted/ convicted
1	Murlidhar Dattu Mahale	Notice u/S.41 Cr.PC	16/10/2023	Sec.498A, 323, 504, 506 r/w 34 of IPC	Acquitted
2	Dattu Gangaram Mahale	As above	As above	As above	Acquitted
3	Hirabai Dattu Mahale	As above	As above	As above	Acquitted
4	Dipak Dattu Mahale	As above	As above	As above	Acquitted
5	Savita Dinkar Kokane	As above	As above	As above	Acquitted
6.	Rekha Govind Bhagat	As above	As above	As above	Acquitted
7.	Asha Samadhan Gaikar	As above	As above	As above	Acquitted

LIST OF PROSECUTION WITNESSES

Rank	Name	Nature of Witness
PW 1 (Exh.20)	Suvarna Murlidhar Mahale	Informant

PW 2 (Exh.27)	Dadasaheb Ramchandra Fokane	Witness
PW 3 (Exh.29)	Sunil Dadasaheb Fokane	Witness
PW 4 (Exh.30)	Keshav Chandrbhan Gaikwad	Witness
PW 5 (Exh.38)	Kanchan Pandurang Bhojne	I.O

JUDGMENT

(Delivered on 16th of May, 2026)

Accused are tried for commission of an offences punishable under section 498(A), 323, 504, 506 r/w. 34 of I.P.C.

2) Case Of Prosecution Is In Nutshell As Under:

Informant is legally wedded wife of accused no.1. Their marriage was solemnized on 11/05/2018. After marriage accused treated her properly for six months. Thereafter they have started ill treating informant for unlawful demand of cash of Rs. 5,00,000/- to purchase tractor. As financial condition of parents of informant was poor, she could not comply the demand of accused. So, accused started harassing including beating and starving to informant. Therefore, on 27/12/2021 she lodged report in police station Wadiwarhe.

3) On the basis of said report crime No. 71/2022 came to be registered with PS Wadiwahre, Tal. Igatpuri for the offence punishable under section 498(A), 323, 504 r/w. 34 of IPC. After completion of investigation he found, allegations levelled against accused were true and correct. So he forwarded report under Section 173(2) of Code of Criminal Procedure, 1973 against accused.

4) After appearance of accused persons, my learned predecessor framed charge under Section 498A, 504 r/w 34 of I.P.C at Exh.17. The contents of charge were read over and explained to the

accused in vernacular. Their defense was of total denial. They claimed to be tried according to law.

5) Statements of accused under section 313(1) (b) of Code of Criminal Procedure are recorded at Exh.41 to 47. Their defence is of total denial.

6) Following points arise for my consideration to which I have recorded findings with reasons thereon are as under:

Sr.No.	POINTS	FINDINGS
1.	Whether the prosecution has proved that, accused persons have demanded Rs. 5, 00,000/- (Rs. Five Lac Only) from the informant and for that purpose, they have subjected her to cruelty and harassment and thereby committed an offence p/u/s. 498(A) r/w 34 of IPC?	No.
2.	Whether the prosecution has proved that, accused in furtherance of their common intention, voluntarily caused hurt to informant by means of fist and kicks and thereby committed an offence punishable U/s. 323 r/w 34 of IPC?	No.
3.	Whether the prosecution has proved that, accused persons in furtherance of their common intention intentionally insulted informant by hurling abuses against her with intent to cause her to break the public peace or commit any other offence and thereby committed an offence punishable U/s.504 r/w 34 of IPC?	No.
4.	Whether the prosecution has proved that, the accused persons in furtherance of their common intention committed criminal intimidation by threatening informant with injury to their person, with intent to cause	

	alarm to informant or to cause them to do an act which is legally bound to save her life and thereby committed an offence punishable U/s. 506 r/w 34 of IPC?	No.
5.	What order?	As per final order.

REASONS

7) During the course of the trial, the prosecution examined 5 (five) witnesses and defence examined none.

8) Heard both. Ld. A.P.P. has relied on the evidence of the prosecution witnesses and submitted that the prosecution has proved the offence against accused persons beyond reasonable doubt. On the other hand, the Ld. advocate for the accused has submitted that there is no evidence against the accused persons. He submitted that the evidence of informant and her relatives is vague. There is no specific allegations, specific dates and specification as to the demand of money.

AS TO POINT Nos. 1 to 5:

9) In this case the allegation against the accused person is under section 498A and 323 of IPC. Let me consider the other aspect of the matter as regards the allegation u/sec.498A of the IPC.

Sec. 498-A: Husband or relative of husband of a woman subjecting her to cruelty: Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.— For the purpose of this section, “cruelty” means—(a)any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or (b)harassment of the woman where such harassment is with a view to coercing her or

any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

10) Hence, it seems that there must be a wilful conduct which is of such a nature and is likely to drive to informant to commit suicide or to cause grave injury or danger to life, limb or health. Sec. 498-A also requires that if harassment of the women is caused then harassment is to be caused with a view to coercing her or any person related to her to meet any unlawful demands. Now let me consider the evidence of the witnesses to arrive at a just conclusion.

11) The prosecution examined the victim namely Suvarna as PW No.1, who deposed in her evidence in chief that 5-6 months of her marriage with accused No.1 Murlidhar, accused started torturing her physically and mentally by demanding a cash of Rs. 5 lakh. Hence, she filed the report (Exh.21) against accused.

12) However, during her cross-examination, material omissions and contradictions have surfaced. PW No.1 admitted that she had not mentioned in her complaint the specific date and time on which the accused allegedly demanded the amount of Rs.5,00,000/-. She further admitted that accused Savita and Rekha had been married prior to her marriage and were residing separately at their respective matrimonial homes. She also admitted that accused Asha got married after her marriage and was likewise residing separately at her matrimonial house. These admissions create doubt regarding the active involvement of the said accused persons in the alleged acts of harassment and cruelty.

13) The prosecution further examined PW No.2 Dadasaheb, PW No.3 Sunil, and PW No.4 Keshav, who are respectively the father, brother, and maternal uncle of the informant. All these witnesses

deposed that after the marriage of PW No.1 with accused No.1, the accused persons subjected her to physical and mental cruelty on account of demand of Rs.5,00,000/-. However, during their cross-examination, they admitted that the exact amount allegedly demanded by the accused was not stated in their police statements. They further admitted that neither the date nor the time of the alleged demand was mentioned in their statements before police. These omissions materially affect the credibility of their testimony.

14) PW No.4 Keshav also admitted in his cross-examination that they had demanded from the accused that the names of the informant and her daughter be entered in the ancestral property of the accused. This admission gives rise to a possibility of existing family and property disputes between the parties. Further, PW no.2 Dadasaheb, father of the informant has admitted that he has hearsay knowledge about the incident.

15) PW No. 5 Mrs. Bhojane is the Investigating Officer of the case and she recounted the investigation conducted by her. During her cross-examination, she admitted that he himself had undertaken the investigation of the present case. She further admitted that she has not recorded statement of any independent witness.

16) Thus, upon careful scrutiny of the evidence on record, it appears that the testimony of the prosecution witnesses suffers from material omissions and improvements. The prosecution has failed to establish with specificity the date, time, and manner of the alleged demand of money. The evidence against accused Savita, Rekha, and Asha is general in nature, especially when it is admitted that they were residing separately in their matrimonial homes. Moreover, the existence of property-related disputes between the parties cannot be ruled out. Therefore, the evidence led by the prosecution does not inspire full confidence. Moreover, no medical evidence has been placed

on record to establish that the accused, in furtherance of their common intention, caused hurt to the informant. Though, she has deposed in her evidence that she went to the hospital after the alleged assault by the accused, no medical certificate or other supporting medical record has been produced to corroborate the said version. In the instant case, there is no evidence to establish that there was any harassment with a view to coerce the informant or any person related to her to meet any unlawful demands.

17) In view of the above mentioned discussion of evidence and also on the basis of entire material available on the record, I am of the considered opinion that the prosecution side has failed to connect the accused persons herein with the commission of alleged offence U/S 498A and 323 r/w 34 of the IPC. Hence, I answer these points in negative.

18) So far as abusing and threatening is concerned, all the witnesses have not specifically stated about use of particular word for abusing and threatening the informant to kill. So, the evidence of informant and witnesses to that extent is vague and not sufficient. Thus, considering the evidence on record, I have no any hesitation to hold that, the prosecution has not proved beyond all reasonable doubt, that the accused has abused and threatened the informant. No chain of incident is sufficient to bring home the guilt of the accused. Hence, I answer point nos. 3 and 4 in negative.

19) In the result, I am of the considered view that prosecution has failed to establish guilt of accused beyond reasonable doubt. It is trite law that in case of even single doubt, benefit must be extended in favor of accused persons. This is the fit case to give benefit of the doubt to the accused. Considering all these aspects, I answer Point No.5 accordingly and proceed to pass following order:

ORDER

1.	Accused Nos.1 Murlidhar Dattu Mahale, 2) Shridattu Gangaram Mahale, 3) Hirabai Dattu Mahale, 4) Dipak Dattu Mahale, 5) Savita Dinkar Kokane, 6) Rekha Govind Bhagat and 7) Asha Samadhan Gaykar are acquitted for the offence punishable under Sec. 498-A, 323, 504 and 506 r/w 34 of the IPC vide Section 248(1) of The Code of Criminal Procedure.
2.	Bail bonds of accused persons stand cancelled.
3.	Accused nos. 1 to 7 shall execute P. B. and S.B. of Rs. 15,000/- (Rs. Fifteen Thousand Only) each vide Section 437-A of The Code of Criminal Procedure.
(Judgment pronounced in open Court)	

Date: 16.05.2026

Place: Igatpuri

(A.C. Rokade)

JMFC, Igatpuri, Dist. Nashik