

MHNS240012972018



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Decided on : 19.05.2026

Duration : YY MM DD
07 09 11

Exh.

52

**IN THE COURT OF JUDICIAL MAGISTRATE, FIRST CLASS,
SATANA, DISTRICT : NASHIK**

(Presided by Shri. U.P. Hingmire)

Regular Criminal Case No.129/2018.

C.R. No.19/2018

Prosecution...

The State of Maharashtra
(Through – Police Inspector,
Jaikheda Police Station, Satana,
Dist.Nashik).

Represented by...

Assistant Public Prosecutor
Shri. A.B. Mahajan.

1. Jayesh Pradip Sonawane (Juvenile)

Accused...

2. **Pradip Tryambak Sonawane**, Age-48
Yrs.,3. **Sangita Pradip Sonawane**, Age-40
Yrs.,R/o. - Jaikheda, Tal.Satana, Dist-
Nashik.On behalf of
accused

Shri. P. P. Bhamare.

Part-B

(As per Paragraph 44(ii) in Chapter VI of the Criminal Manual)

Date of offence	:-	26.01.2018
Date of FIR	:-	26.01.2018
Date of Charge-sheet	:-	27.07.2018
Date of Framing of Charges	:-	06.03.2019

Date of commencement of evidence	:-	02.08.2023
Date on which judgment is reserved	:-	--
Date of the Judgment	:-	19.05.2026
Date of the sentencing order, if any	:-	Acquitted.

Details of Accused.

Sr. No	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.
2.	Pradip Tryambak Sonawane	10.02.2018	10.02.2018	(For the offences punishable under Sections 326, 324, 323, 504, 506 r/w.34 of I.P.C.	Acquitted	Nil.	Nil.
3.	Sangita Pradip Sonawane	--	--			Nil.	Nil.

LIST OF PROSECUTION WITNESSES

A. Prosecution :

Rank	Name	Nature of Evidence	Exh.
PW 1	Ritesh Kashinath Sonawane	Complainant	25
PW 2	Prakash Nimba Khairnar	Panch	30
PW 3	Sanjay Shravan Shevale	Panch	32
PW 4	Kashinath Tryambak Sonawane	Witness	34
PW 5	Dr. Kishor Shivajirao Dange	Medical Officer	43
PW 6	Rajesh Machhindra Savale	I.O.	46

B. Defence Witnesses, if any :

Rank	Name	Nature of Evidence
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C. Court Witnesses, if any :

Rank	Name	Nature of Evidence
1.	1	Charge-sheet
2.	26	Complaint

Judgment**(Delivered on 19.05.2026)**

The present case is proceeded against the accused for the offences punishable under Sections 326, 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

The prosecution case, in brief, is as follows :

02. The informant/complainant namely Ritesh Kashinath Sonawane lodged a report at Jaikheda Police Station stating therein that, on 26.01.2018 at about 13.30 hours, at Mouje Wadipisol, in agricultural land Gat No. 29, the accused persons, in furtherance of their common intention, came armed with sticks and a sickle and questioned the informant as to why he had started the common water pump. Thereupon, by picking up quarrel and abusing him in filthy language, accused No.1 assaulted the informant by means of the sickle in his hand on the face and hand of the informant, and accused Nos. 2 and 3 assaulted the informant and witnesses by slaps and also extended threats to kill them.

03. The said report came to be registered as C.R.No.19/2018. Thereafter, the Investigating Officer carried out investigation by drawing spot panchanama in presence of two panchas, recording statements during investigation, collecting the medical certificate of the injured, arresting the accused persons and, after completion of investigation, filed charge-sheet against the accused before the Court.

04. In the present case, charge at Exh.16 came to be framed against accused Nos. 2 and 3 for the offences punishable under Sections 326, 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code. The contents of the said charge were read over and explained to the accused persons in Marathi, to which they pleaded not guilty and claimed to be tried.

05. The statements of the accused under Section 313 of the Code of Criminal Procedure came to be recorded at Exhibits 49 and 50.

06. Upon perusal of the record, evidence and submissions advanced by both sides, the following points arise for determination. My findings thereon, along with reasons, are as follows :

<u>Sr.No.</u>	<u>Points for Determination</u>	<u>Findings</u>
1.	Whether the prosecution proves that, on 26.01.2018, at Mouje Wadipisol Shivar, the accused persons, in furtherance of their common intention, picked up quarrel with the informant as to why he had started the common well water pump, and accused No.1 voluntarily caused grievous hurt to the informant by assaulting him on his face by means of a sickle in his hand?	Negative.
2.	Whether the prosecution proves that, on 26.01.2018, at Mouje Wadipisol Shivar, the accused persons, in furtherance of their common intention, picked up quarrel with the informant as to why he had started the common well water pump, and accused No.1 voluntarily caused hurt to the informant by assaulting him on his face by means of a sickle in his hand?	Negative.

3. Whether the prosecution proves that the accused persons, in furtherance of their common intention, assaulted the informant and witnesses by slaps, kicks and fist blows? **Negative.**
4. Whether the prosecution proves that the accused persons, in furtherance of their common intention, intentionally insulted the informant and witnesses by abusing them in filthy language? **Negative**
5. Whether the prosecution proves that the accused persons, in furtherance of their common intention, criminally intimidated the informant and witnesses by extending threats to them? **Negative.**
6. What order? **As per final order.**

ARGUMENTS

07. Heard learned Advocate Shri A. B. Mahajan for the prosecution. He argued that all the witnesses are deposing about the incident and the manner in which the offence has been committed by the accused. The medical evidence also support the case of prosecution as the injuries are proved. Hence, prayed that accused may be convicted. On the contrary, learned Advocate Shri P. P. Bhamare for the accused argued that, there is no eye witness to depose the exact incident, the medical evidence also suffers certain lacuna's which are admitted by the medical officer. The entire case is put forth due to previous enmity on civil disputes. Hence, prayed that the accused may be acquitted.

REASONS

AS TO POINT NOS.1 TO 6 :-

08. Since all the points are interconnected, they are being discussed together. In the evidence of the informant Ritesh

Kashinath Sonawane (PW No.1), it has come on record that, on 26.01.2018, when he had gone to start the motor on the common well for irrigating onion crop, accused Pradip Tryambak Sonawane, Sangeeta Pradip Sonawane and Jayesh Pradip Sonawane(Juvenile) came there. The accused abused him and obstructed him from starting the motor. Thereafter, accused Jayesh assaulted the informant on his face by means of a sickle, accused Pradip assaulted him by stick and accused Sangeeta assaulted him by slaps. It has further come in his evidence that the parents of the informant, who had come to pacify the quarrel, were also assaulted and threatened. The injured informant thereafter lodged report at Jaikheda Police Station and took treatment at Government Hospital.

09. In his cross-examination, he admitted that Gat No.29 situated at Wadipisol Shivar is ancestral property and initially there was dispute between his grandfather and the accused persons. He admitted that half portion of the said Gat was cultivated by the accused and it was decided to allot half share to them. He further admitted that some portion of the land stands in the name of his paternal aunt and the accused are cultivating the said land also. He admitted that the ancestral joint family house, in which the accused are residing, was proposed to be sold. It was orally agreed that water from the common well would be used by both sides and Friday to Sunday were their days for taking water. At the relevant time, onion crop was standing in the fields of both parties. He admitted that nobody had come to the spot at the time of quarrel. He had not handed over bloodstained clothes to the police. He further admitted that the accused had also lodged complaint against his father and in the said case he and his parents are accused persons.

10. In the evidence of panch witness Prakash Nimba Khairnar (PW No.2), it has come on record that Shri Sawale of Jaikheda Police Station had called him for drawing spot panchanama. He went along with police to the field of Kashinath Tryambak Sonawane. It was noticed that quarrel had taken place at the spot and sticks, sickle and dry leaves were lying there. Onion crop was standing in the field. Police seized sticks and sickle in his presence. He identified Articles A, B and C shown before the Court as the same articles seized in his presence. Another panch witness Sanjay Shraavan Shewale was also present with him. Police prepared panchanama in his presence and signature at Sr. No.1 on the panchanama was his as well as that of another panch witness Sanjay Shewale.

11. In his cross-examination, he admitted that he resides in agricultural field at Wadipisol and his field is adjacent to the spot of incident. He admitted that when police came to the spot, the complainant had called him over phone for acting as panch witness. He further admitted that he had not read the contents of the spot panchanama before signing it and therefore he cannot state what was written therein.

12. In the evidence of panch witness Sanjay Shraavan Shewale (PW No.3), it has come on record that Shri Sawale of Jaikheda Police Station had called him for drawing spot panchanama. Thereafter, he went along with police to the field of Kashinath Tryambak Sonawane situated at Wadipisol Shivar. It appeared that quarrel had taken place over pipeline. There was well, onion crop, sticks and sickle at the spot. Police seized sticks and sickle in his presence. Another panch witness Prakash Khairnar was also present with him. Police prepared panchanama in his presence.

13. In his cross-examination, he admitted that he resides in agricultural field at Wadipisol and his field is adjacent to the place of incident. He admitted that on the date of incident police had come to the spot and upon hearing noise of quarrel he went there. He further admitted that he had signed the panchanama in the evening on the date of incident and before signing it he had not read the contents thereof and therefore he cannot state what was written therein.

14. In the evidence of Kashinath Tryambak Sonawane (PW No.4), it has come on record that informant Ritesh is his son and accused Nos.1 to 3 are his relatives. On 26.01.2018, when the informant had gone to the field for starting motor on the common well, the accused told him that he had no concern with the well. Thereupon, accused Jayesh rushed towards the informant with sickle for assaulting him, whereas accused Sangeeta and Pradip assaulted him on eye by means of stick. Upon hearing noise of quarrel, when he reached the spot, the accused also assaulted and threatened him. Thereafter, he and the informant went to police station. They took treatment at Government Hospital, Jaikheda and thereafter were admitted at Malegaon for further treatment. He stated that the informant had lodged complaint against the accused regarding the said incident.

15. In his cross-examination, he admitted that the accused are cultivating the land standing in the name of his sister. He admitted that there is common well between him and his sister and apart from the same he had laid pipeline for bringing water from another well. He admitted that he uses water from the common well for three days and for remaining three days the accused use it for their agricultural land and that he uses water from the common well as

per necessity. He admitted that at the relevant time he and his wife were in hut situated in the field and the place of starting motor was at distance of about 150 feet therefrom. He stated that when he and his wife went to pacify the quarrel, the accused assaulted them also. He admitted that he and his wife took treatment at Government Hospital, Jaikheda due to injuries sustained by them. He admitted that at the time of incident there was nobody in nearby fields and despite noise of quarrel nobody had come there. He further admitted that the accused had lodged complaint against them at Jaikheda Police Station.

16. In the evidence of Medical Officer Dr. Kishor Shivajirao Dange (PW No.5), it has come on record that while he was serving as Medical Officer at District Hospital, Malegaon in the year 2018, on 26.01.2018 at about 4.40 p.m. he had examined Ritesh Kashinath Sonawane. There was history of assault by hard object. On examination, injury on left hand, bleeding injury near right eye, bleeding from nose, swelling on right side of face and fracture of right maxillary sinus were noticed. All injuries were fresh in nature and caused by hard and blunt object. Injury Nos.1 and 4 were simple in nature, whereas Injury Nos.2, 3 and 5 were grievous in nature. He had advised X-ray and C.T. Scan. In X-ray, fracture to lateral part of orbital bone and right cheek bone was noticed. The patient was admitted in hospital and accordingly he had issued medical certificate.

17. In his cross-examination, he admitted that he had completed M.B.B.S. and M.D. (Gynecology) education and that various specialists such as gynecologists and orthopedic surgeons are appointed in Government Hospital. He admitted that identity of patient was not verified through Aadhaar Card and identification

marks of patient were not mentioned in medical certificate. He stated that entry of every referred patient is taken in M.L.C. Register wherein history of assault is mentioned. However, he had not brought M.L.C. Register and history papers of patient. He admitted that he cannot state for how many days the patient was admitted in hospital. He further admitted that X-ray and C.T. Scan reports were supplied to Jaikheda Police Station along with medical certificate, however he cannot state which doctor had issued those reports. He admitted that duration of injuries was not mentioned in medical certificate. He further stated that the patient was referred as per medical requisition issued by Jaikheda Police Station.

18. In the evidence of Investigating Officer Rajesh Machhindra Sawale (PW No.6), it has come on record that while serving as Police Naik at Jaikheda Police Station in the year 2018, he had investigated the present crime. During investigation, he drew spot panchanama in presence of two panchas and seized muddemal wooden stick from the spot. Thereafter, seized muddemal was deposited in police station and receipt thereof was obtained. He obtained 7/12 extract of the spot of incident. Thereafter, he arrested the accused and produced them before the Court. As grievous injuries were noticed in medical certificate of injured, Section 326 of the Indian Penal Code came to be added. He recorded statements of witnesses and after completion of investigation, as evidence was found against the accused, charge-sheet came to be filed against them.

19. In his cross-examination, he admitted that investigation of the present crime was entrusted to him orally and there was no written order in that regard. He admitted that when he went for drawing panchanama, two panch witnesses and witnesses were

with him, however he cannot state their names. He admitted that no notice was issued to panchas and no station diary entry was made before proceeding for panchanama. He stated that distance between Jaikheda and Wadipisol is about 3 to 4 kilometers. He admitted that he alone went to the spot on his personal motorcycle. He admitted that signatures of panchas are appearing on seized muddemal and that he had not collected medical certificates of injured and informant from Rural Hospital, Jaikheda. He further admitted that statements of witnesses were recorded at police station.

20. Upon overall appreciation of the evidence on record, it reveals that the informant and accused are close relatives and there existed previous dispute between them regarding ancestral property, common well, use of water and ancestral house in the village. The informant and his father have specifically admitted the same in their cross-examination. It has also come on record that the accused had lodged complaint against the father of informant and in the said case informant and his parents are accused persons. Thus, previous enmity between both parties clearly appears on record. Further, the informant had not handed over bloodstained clothes to police and despite noise of quarrel, no independent witness had come to the spot. Hence, independent corroboration to the testimony of informant is lacking.

21. Panch witnesses Prakash Khairnar and Sanjay Shewale have admitted in their cross-examination that they had signed the panchanama without reading it and they are unable to state contents thereof. Both the panch witnesses are residents adjoining the spot and they were called by the informant himself. Investigating Officer has also admitted that no station diary entry

was made before proceeding for panchanama, no notice was issued to panchas and statements of witnesses were recorded at police station. Therefore, deficiencies in investigation and doubtful credibility of panchanama create serious doubt about prosecution case.

22. Though the Medical Officer has stated regarding injuries sustained by the injured, M.L.C. Register, history papers and treatment papers have not been produced before the Court. Duration of injuries is not mentioned in medical certificate and it has also not been clarified as to which doctor had issued X-ray and C.T. Scan reports. No scientific or forensic evidence regarding alleged weapons has been produced on record. In such circumstances, the prosecution has failed to prove the guilt against the accused beyond reasonable doubt and therefore the accused are entitled for benefit of doubt. Hence, I answer Point Nos.1 to 5 in the negative and proceed to pass the following order regarding Point No.6.

ORDER

1. Accused Nos.2 and 3 namely, **Pradip Tryambak Sonawane & Sangita Tryambak Sonawane** are acquitted under Section 248(1) of the Code of Criminal Procedure of the charges punishable under Sections 326, 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.
2. The bail bonds of Accused Nos.2 & 3 are hereby cancelled.
3. Accused Nos.2 & 3 shall, in compliance with Section 437-A of the Code of Criminal Procedure, 1973, furnish a bond and surety within one month from the date of this order.

4. Since the seized property in the present case is worthless, it shall be disposed of in accordance with the rules after the expiry of the appeal period.

(Dictated and Pronounced in Open Court).

Date – 19.05.2026.

(U.P. Hingmire)
J.M.F.C., Court No.2,
Satana.

CERTIFICATE

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

Name of Stenographer (Grade-III)	: Pratik S. Kale.
Court	: Jt.C.J.J.D. & J.M.F.C.
Date of Order/Judgment	: 19.05.2026.
Order signed by the Presiding Officer on	: 19.05.2026.
Order uploaded on	: 19.05.2026.