

MHOS100004662023



Order below Exh.01 in Cri.M.A.No.50/2023.
Suryakant. Vs. S. S. Budhwant.

This is an application filed by applicant u/s. 323, 504, 506(2) r/w. 34 of the Code of Criminal Procedure.

2. Today Applicant and his Ld. Advocate present. Applicant has filed pursis at Exh.6 stating that, he does not want to proceed further with matter. Hence, he wants to withdraw the application. Said pursis is signed by applicant. Hence, I hereby proceed to pass the following order :

O R D E R

- 1] Cri.M.A. No. 50/2023 stands disposed off as withdrawn in view of pursis Exh.6.
- 2] Entry be taken in concerned register.

Plact : Washi.
Date- 23/07/2026.

(Smt. M.V. Patil-Rathode)
Judicial Magistrate, F.C.,
Washi.

CERTIFICATE

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

Name of Stenographer	---	A.M.Wagh, Stenographer, (Grade-III)
Name of the Court	---	Civil Court, J.D. & J.M.F.C. Washi, Tal. Washi, Dist. Osmanabad
Date of order/judgment	---	23/07/2026
Order signed by the presiding officer on	---	23/07/2026
Order uploaded on	---	23/07/2026

J U D G M E N T

(Delivered on 14th October, 2025)

Accused are facing trial for the offences punishable under Section 324, 323, 504, 506 r/w. 34 of the Indian Penal Code, 1860 (hereinafter referred to as "***I.P.C.***" for the sake of brevity).

Case of the prosecution in nutshell as under:-

2) The informant gave his statement dated 21/07/2017 during medical treatment at Rural Hospital Washi. On the basis of statement FIR is lodged.

3) Informant stated that, he runs hotel at Shivaji Nagar Washi. On 21/07/2017 at 2.30 p.m. he was making tea at his hotel. At that time accused came there and on the count of previous quarrel abused informant by saying 'तु लय माजलास, तुला आता बघतो'. Accused No. 2 Akshay beat him by means of fighter on his head, back and neck. Due to that he sustained injury on his head. Accused No. 3 Nitin beat him by means of iron rod on his back. Accused No. 1 Balaji and accused No. 4 beat him by means of kicks and fist blows. Therefore, during the treatment at Rural Hospital Washi, informant gave MLC statement.

4) Due to perpetration of crime alleged as above, the report was submitted on 21/07/2017 and accordingly the crime bearing Cr. No. 161/2017 was registered at Washi Police Station under aforesaid penal sections. Officer In-charge of the Police Station on culmination of investigation submitted final report under section 173 of the Code of Criminal Procedure.

5) My Ld. Predecessor framed charge against accused at Exh. 30. Accused refused the contents of charge and claimed a trial. To prove its

case the prosecution has examined in all 7 witnesses.

6) These apart, prosecution did not examine any further witness. The prosecution evidence was seemingly closed by it. Further the prosecution has tendered the documentary evidence as stated in Part 'C'

7) Statements of accused under section 313 of the Cr.P.C. were recorded at Exh. 84 to 87. Accused refuted and abjured the contents of evidence as false and attributed falsity on prosecution evidence. Their defence is of total denial.

8) Heard the Ld. A.P.P. for State Shri. S.R. Sayyad and Ld. Advocate for accused Shri. O.A. Choudhari.

9) As per the fact in issue, relevant fact and matter before me in the trial following points arise for my determination, against which I have given my findings thereon for the reasons stated below.

<u>Sr.No.</u>	<u>Points For Determination</u>	<u>Decision</u>
1	Does the prosecution prove that on 21/07/2017 at about 14.30 p.m. in the Shree hotel, near Shivaji Nagar road, Washi, Tq. Washi, Dist. Osmanabad, the accused No. 1 to 4 in furtherance of their common intention voluntarily caused hurt to the informant by means of iron rod and fighter which is used as weapons of offence likely cause death and thereby committed an offence punishable u/s. 324 r/w. 34 of the IPC ?	Not proved.
2	Does the prosecution prove that on above said date, time and place accused No. 1 to	Not proved.

	4 in furtherance of their common intention voluntarily caused hurt to the informant by means of kicks and fist blows and thereby committed an offence punishable u/s. 323 r/w. 34 of the IPC ?	
3	Does the prosecution prove that on above said date, time and place accused No. 1 to 4 in furtherance of their common intention intentionally insulted to informant intending or knowing it to be likely that such provocation will cause him to break public peace or to commit any other offence and thereby committed an offence punishable u/s. 504 r/w. 34 of the IPC ?	Not proved.
4	Does the prosecution further prove that on aforesaid date, time and place accused No. 1 to 4 in furtherance of their common intention committed criminal intimidation by threatening informant to kill him with intent to cause alarm to them and thereby committed an offence punishable u/s. 506 r/w. 34 of the IPC ?	Not proved.
5	What order?	Accused are acquitted.

REASONS

As to Point Nos. 1 to 4 : -

10) All these points are interlinked with each other, therefore they are taken together for discussion.

11) It can be gathered from the projectin of facts in FIR that accused persons in furtherence of their common intention voluntarily caused hurt to the informant.

12) PW1 Rahul, informant deposed that, incident took place infront of his hotel situated at Shivaji Nagar Washi on 21/07/2017 at about 2.30 p.m. Accused No. 1 to 4 came infront of his hotel and started abusing stating that “Tu Lai Majlas, Tuzyakade Baghun Gheto”. Accused No. 2 beat him by means of fighter and caused injury to head. He caused muffled injury to neck and back. Shinde beat him by means of rod to back and neck. Accused No. 1 and 4 beat him by means of fist blows.

Thereafter, Akshay Sanjiwan Chede Sanket Vittal Kawade took him to Rural Hospital Washi. Doctor came at 4.00 p.m. and examined him. He advised him to go to Civil Hospital Osmanabad for further treatment. Thereafter police came and recorded his statement i.e. complaint at Exh. 42. Thereafter he went to Civil Hospital Osmanabad. The fighter and rod which was used at the time of offence are at article ‘A’ and ‘B’.

13) During corss-examination he stated that there is chowk on right side of hotel. It is crowded by people. He has sustained bleeding injury. He had showed boold stained cloths to police but they did not seize it. Further he denied that compliant is lodged due to political rivalry. He admitted that accused No. 1 has lodged complaint against him and his brother Laxman Chede, Akshay Chede, Vishal Chede, Satyajit Chede and Nitin Chede for the offence punishable u/s. 307 of I.P.C. and he was in jail for some days.

He further testyified that on 21/07/2017 he had been to police station at 2.30 p.m. He does not know who was with him when he had been

to police station as he had injury to his head. He does not remember whether police were with him at the time when he was going to hospital from police station. He does not know who had taken him to hospital. Police had not meet him thereafter.

He admitted that, door frame in his hotel short one and if any one wants to go into hotel, he has to bend and then go. However, he denied that he sustained injury by door frame while entering into the hotel through short door frame.

14) PW 2 Kiran Machindra Chede - spot panch deposed that, on 22/07/2017 police called him to the spot of incident and prepared spot panchnama Exh. 48 in his presence. At that time alongwith him Krushna Chavan, Laxman Chede and police were with him.

15) During cross-examination he stated that, Shrikrushna chavan is his friend and works with him at Disha Collection Washi. The door frame of hotel is short and it can hit to head if any one enters to hotel. He also stated that, there is chowk and it is crowded by people.

16) PW 3 Akshay Sanjiwan Chede deposed that, on 21/07/2017 at about 2.30 p.m. he alongwith Sanket and Vishal had been to the informant's hotel for tea. At that time accused came and accused No. 2 abused the informant on count of previous quarrel stating 'Tu lai majlas, Tula ata baghato'. Accused No. 2 beat the informant by means of fighter. Accused No. 1 beat him by means of fist blows. Accused No. 3 beat him by means of iron rod to the back. All the accused beat the informant. Thereafter he resolved quarrel and took the informant to Rural Hospital Washi. The fighter which used for the commission of offence is article 'A' and 'B'.

17) During cross-examination he admitted that, accused No. 1 had lodged complaint for offence u/s. 307 against him and his brother Rohit,

Rahul i.e. informant, Laxmn Chede, Vishal Chede, Satyajit Chede and Nitin Khanderao Chede.

18) He testified that his statement that incident took place at about 2.30 p.m. and accused No. 1 beat the informant on back by means of fist blows and accused No. 3 by means of rod are not in his statement before police. However, he had told it to police. He does not know why the police did not write it as per his say.

19) He had not gone to hospital with informant.

20) PW 5 Vishal Digambar Chede deposed that, incident took place on 21/07/2017 at 2.30 p.m. in the hotel of informant. He, Akshay Chede and one Sanket Kawade had been to the hotel for tea. On count of previous quarrel accused abused the informant. Accused No. 2 beat the informant by means of fighter to head and neck. Accused No. 3 beat the informant by means of rod to back. Accused No. 1 and 4 beat the informant by fist blows. The fighter and rod used at the time of incident is at article 'A' and 'B'.

21) During the cross-examination he admitted that, accused No. 1 has lodged complaint against him and other 6 people for the offence punishable u/s. 307 of I.P.C. He also denied that this complaint is outcome of political rivalry.

22) PW 6 Sanket Kawade at Exh. 72 deposed that incident took place on 21/07/2017 at about 1.00 to 2.00 p.m. at Shri hotel. He and his friends Akshay PW3 and Vishal Chede PW5 were at hotel and taking tea. At that time accused persons came there and on count of previous quarrel abused the informant saying that 'Tu lai majlas, Tula baghato'. Accused No. 2 caused injury to head of informant by means of fighter. He also caused muffled injury to back and neck by means of fist blows. Accused No. 3 beat the informant to his neck and back by means of rod. He resolved the

quarrel. Thereafter he took the informant to hospital. The fighter and rod are at article 'A' and 'B'.

23) During cross-examination he admitted that at the place if incident is place of having crowd. Further he stated that his statement before police does not contain that incident took place on 21/07/2017 at about 1.00 to 2.00 p.m. and he was taking tea with friends. Further, there is no such statement that accused No. 1 beat the informant by fist blows to back and neck and accused No. 3 beat the informant's neck by means of rod. He does not know the reason why did the police record such statement.

24) PW 4 Dr. Radha Nandkumar Shedgikar deposed that, on 21/07/2017 she was working and medical superintendent at Washi Rural Hospital. At 4.00 she examined the informant. He had history of assault. On examination she found 4 injuries on his body person. She found 1) abrasion on the right occipital area, size 3x0.5 c.m., 2) abrasion on the left occipital area, size 2 x 0.5 c.m., 3) Bruise on the both scapulae, size 2 x 0.5 cm.m, 4) CLW on occipital area centrally, size 2 x 0.5 x0.25 c.m. All the injuries were within 6 hours and caused with hard and blunt weapon. He had told her history of assault. Nature of injuries were simple. She had referred him to General Hospital Osmanabad. She also issued medical certificate Exh. 62.

25) During cross-examination she stated that, informant had not sustained injury to neck. She denied that such injuries are possible if any person hurriedly goes from the hotel having 6 ft. door frame and falls down into nala. Further, she denied all the suggestions put to her stating that such injuries are possible otherwise.

26) PW7 Ramraje Vinayak Shinde, investigation officer at Exh. 74 deposed that, on 21/07/2017 he was attached to Washi Police Station as police Nike. Informant had come to police station to lodge the complaint on

count of quarrel. So the complaint was registered and registered crime No. 161/2017 was handed over to him for investigation. Further he prepared the spot panchnama at Exh. 48 on 22/07/2017 at Shri Hotel situated at Shivaji Nagar. He took photos of spot at atricle 'A'. He recorded statements of witnesses as per their say. He arrested accused with panchnamas at Exh. 75 to 77. He had given letter to medical officer at Exh. 78 to have medical certificate. He prepared seizure panchnama Exh. 79 and 80. He took the accused in custody with letter Exh. 81. He seized iron rod from possession of accused No. 3 and fighter from accused No. 2.

27) During cross examination he stated that, there are many shops neighbouring to the spot of incident. Further he denied all the adverse contentions put to him.