

<u>CNR No.MHPU010024452016</u> 	Received on	:	24/02/2016		
	Registered on	:	24/02/2016		
	Decided on	:	12/08/2026		
	Duration	:	<u>Years</u>	<u>Months</u>	<u>Days</u>
			10	05	19

Sessions Case No.143/2016

Exh. No.63

FORM No. XXXII

Part 'A'

(Title Page of Judgment)

(Para 44(i) of Chapter VI of Criminal Manual)

	<u>IN THE SESSIONS COURT, PUNE.</u> Present : S.S. Kanthale, Addl. Sessions Judge. <u>(Sessions Case No.143/2016)</u>	
	FIR No.456/15 under Section 363, 397, 510, 506, 504 r/w 34 of the Indian Penal Code.	
Complainant		State of Maharashtra Through The Police Inspector, Sinhagad road PS.
REPRESENTED BY		Shri. Wadekar, A.P.P.
ACCUSED	1.	Raju @ Dada Ramdas Londhe, Age – 29 years, Occ. R/at Near Ganesh Prasad apartment, beside canal, Garmal, Dhayari, Pune.
	3.	Rajendra Vithhal Bhikule, Age – 32 years, Occ. R/at Nandoshi, Sanaswadi, Tal. Haveli,

		Dist. Pune.
REPRESENTED BY		<u>Shri Girish Patil</u> – Advocate for accused

Part 'B'

(Para 44(ii) of Chapter VI of Criminal Manual)

Date of Offence	:	07/11/2015 and 08/11/2015
Date of FIR	:	09/11/2015
Date of Charge-sheet	:	09/02/2016 before JMFC
Date of Framing of Charges	:	17/07/2017
Date of Commencement of evidence	:	14/07/2026
Date on which Judgment is reserved	:	N. A.
Date of the Judgment	:	12/08/2026
Date of the Sentencing order, if any	:	Accused nos.1 and e are acquitted

Accused Details

	Name	Date of Arrest	Date of Release on Bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention Undergone during Trial for purpose of Section 428 Cr.PC.
1.	Raju @ Dada Ramdas Londhe	12-11-15	30-4-16. Ther	363, 392, 395,	Acquitted	–	–

				eafter taken in MCR on 17-6-26	397, 510, 506 and 504 r/w 34 IPC.			
3.	Rajendra Bhikule.	Vithhal	4-2-16	27-4-16 Thereafter taken in MCR on 17-6-26	As above	Acquitted	—	—

Part 'C'

(Para 44(iii) of Chapter VI of Criminal Manual)

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. PROSECUTION

Rank	Name	Nature of Evidence (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Rakesh Narhari Chavan	Witness
PW-2	Sandip Tukaram Sanas.	Witness

B. DEFENCE WITNESSES, IF ANY:-

Rank	Name	Nature of Evidence (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS,
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		OTHER WITNESS)
-	-	-

C. COURT WITNESSES, IF ANY :-

Witness No.	Name	Nature of Evidence
	NIL	

LIST OF EVIDENCE OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. PROSECUTION EVIDENCE :-

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

B. 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>Exhibit Number</u>	<u>Description</u>
-	-	-

(Delivered on 12/08/2026)

1. The accused stands prosecuted for committing offences punishable under Section 363, 397, 510, 506 and 504 r/w Sec. 34 of the Indian Penal Code.

The case of prosecution, in short, is as under :

2. The complainant Aftab Aktar Shaikh used to work as mechanic with the motorbike workshop of his 2 brothers at Dhayari, Pune. The shop was known as Nilesh Bike Zone. One Rakesh Chavan also used to work as mechanic in the said workshop. The accused no.2 Yogesh Pasalkar was friend of said Rakesh Chavan, and used to often visit the complainant's garage. From there, he used to attend his work of estate agent. Occasionally, the accused no.2 Yogesh Pasalkar also used to work as mechanic. He used to repair motorcycles on some occasions and get remuneration for the same. On one occasion, accused Yogesh Pasalkar borrowed Rs.5000/- from complainant's friend Rakesh Chavan, on the pretext of performing *Varsha Shraddha* of his deceased father. However, he failed to repay the amount later. Despite persuading demands, accused no.2 Yogesh Pasalkar did not return the money. Rather, on 07/11/2015, he beat up complainant Aftab Shaikh, as he suspected the complainant to have informed the police about the unscrupulous act of changing motorcycle's engine. On the next day i.e. 08/11/2015, it is alleged that accused no.2 Yogesh Pasalkar, along with his 2 friends viz. accused no.1 Raju @ Dada Londhe and the accused no.3 Raju Bhikule came to the workshop in drunken state. They forced the complainant Aftab and his friend Rakesh Chavan to sit on their motorcycles and took them to the nearby canal. There, accused no.2

Yogesh Pasalkar beat up complainant Aftab Shaikh with a *bamboo* stick. He rained bamboo stick blows on his hands and legs, resulting in injuries. When complainant's friend Rakesh Chavan tried to intervene, the other 2 accused i.e. accused no.1 Raju @ Dada Londhe and accused no.3 Raju Bhikule beat up Rakesh Chavan also with fist and kick blows. Upon the assault, accused no.2 Yogesh Pasalkar threatened complainant Aftab Shaikh to cough up Rs.50,000/-, else he threatened to kill him. Under the threat, the accused no.2 Yogesh Pasalkar snatched Rs.9,000/- from the pocket of complainant. He warned him to pay the balance within 2 days, else threatened to murder either of them. Alarmed with such threat, complainant Aftab visited Sinhagad road police station and lodged report about the incident. Following the same, above offences came to be registered against the accused persons. In course of investigation, the police recorded statement of complainant, his friend Rakesh Chavan and the fellow mechanics present in the workshop, who witnessed the incident. The accused persons came to be arrested. The spot of incident was inspected, and the *bamboo* stick used in the assault was seized pursuant to disclosure made by accused no.2 Yogesh Pasalkar. The motorbike used by the accused persons in carrying the victims to the canal, also came to be seized. As police found sufficient evidence, it charge-sheeted the accused persons for the above offences.

3. Upon receipt of case on committal, charge for the above offences framed against the accused persons. They pleaded not guilty and claimed to be tried. However, after the charge was framed, accused no.2 Yogesh Pasalkar went absconding. Though NBW was issued and the surety was noticed, the presence of the said accused could not be secured. Thus, by order dtd.23/06/2026, trial of absconding accused no.2 Yogesh Pasalkar was separated

u/sec.317(2) Cr.P.C., and the trial of co-accused nos.1 and 3 was proceeded, wherein the prosecution examined 2 witnesses in support of the charges.

5. Thus, having gone through the case of the prosecution, and the evidence adduced in support of the charges, following points arise for my determination and I record my findings thereon as under, for the reasons to follow.

	POINTS	FINDINGS
1.	Does prosecution prove that the accused on 07/11/2015 and 08/11/2015 at 13.00 hrs at Bike Zone, Raikarnagar, Dhayari, Pune, in furtherance of their common intention, abducted complainant and his friend Rakesh Chavan and thereby committed an offence u/sec.363 read with Sec.34 of the Indian Penal Code ?	: In the Negative.
2.	Does the prosecution further prove that the accused, on the above said day, time and place, committed robbery, dacoity and that at the time of committing the said robbery or dacoity used a deadly weapon bamboo or caused grievous hurt to complainant and his friend Rakesh Chavan or attempted to cause death or grievous hurt to them and thereby committed an offence u/sec.392/395 of IPC r/w Sec.397 of IPC ?	: In the negative.
3.	Does the prosecution further prove that the accused, on the above said date, time, and place, in furtherance of their common intention appeared in a state of intoxication in a public place to Dhayari canal and conducted yourselves in such a manner as to cause annoyance to complainant and his friend and thereby committed an offence p/u/sec.510 r/w 34 of IPC ?	: In the Negative.

4.	Does the prosecution further prove that the accused, on the above said date, time, and place, in furtherance of their common intention, committed criminal intimidation by threatening complainant and his friend with injury to their persons with intent to cause alarm to the said complainant and his friend and thereby committed an offence p/u/sec.506 r/w 34 of IPC ?	: In the Negative.
5.	Does the prosecution further prove that the accused, on the above said date, time, and place, in furtherance of their common intention, intentionally insulted and thereby gave provocation to complainant and his friend intending that such provocation would cause the said complainant to break public peace and thereby committed an offence p/u/sec.504 r/w 34 of IPC ?	: In the Negative.
6.	What order ?	As per final order.

REASONS

As to Point Nos.1 to 6 :-

6. The prosecution has examined 2 material witnesses. PW-1 is Rakesh Narhari Chavan, one of the victims, and the friend of complainant. PW-2 Sandip Tukaram Sanas is panch witness to the recovery and seizure of *bamboo* stick, and the motorcycle.

7. PW-1 Rakesh Narhari Chavan deposed in his evidence that he knows all the 3 accused and also the complainant Aftab Shaikh. The complainant had a two wheeler repairing garage. He used to often see all the 3 accused sitting in the motorbike garage of the complainant. As regards the incident, he deposed that on the day of incident, he had been towards the canal to get some welding done

on his Yamaha motorbike. At that time, the welder one Chavan told him that some quarrel was going on near the canal. Thus, he went towards the canal to see what happened. There, he saw accused no.2 Yogesh Pasalkar and 5-6 boys threatening the complainant Aftab and beating him. The two of the assailants boys then took complainant Aftab on the motorcycle of this witness to some unknown place. PW-1 Rakesh Chavan was asked to identify the said 2 boys. However, he stated that he was unable to recollect the faces of those 2 boys. PW-1 Rakesh Chavan further deposed that those 2 boys had forcefully taken away his motorbike to take away the complainant Aftab Shaikh. He had therefore, informed this fact to the police chowky, Sinhagad. Police had later seized his Yamaha motorbike. He received back the custody of the said motorcycle later from the court.

8. PW-1 Rakesh Chavan was declared hostile and extensively cross-examined by the prosecution. It was put to the witness that accused Yogesh Pasalkar used to sit in the garage and used to do the work of estate agent. However, the witness denied the said suggestion. He further denied the suggestion that accused no.2 Yogesh Pasalkar had borrowed Rs.5000/- from complainant Aftab Shaikh, and had beaten him up when Aftab demanded his amount back. He further denied the occurrence of the incident as narrated by the complainant in the police report. Thus, the prime witness PW-1 Rakesh Chavan did not depose the facts in consonance with the material allegations of the prosecution.

9. The complainant Aftab Shaikh was repeatedly summoned. However, it was learnt that he had left Pune to go to his native place in Uttar Pradesh. The complainant Aftab Shaikh could not be located and served with witness summons despite reasonable efforts.

10. PW-2 Sandip Tukaram Sanas, is the panch witness to the disclosure made by accused no.2 Yogesh Pasalkar and consequent recovery of the *bamboo* stick at his instance. In his evidence, PW-2 Sandip Sanas states to have signed the memorandum Exh.60 and seizure memo Exh.61 at the police station. He, denied accompanying the police as panch along with accused Yogesh Pasalkar, and the said accused leading the police towards bushes, and producing therefrom the *bamboo* stick used in the assault. The prosecution declared him hostile and extensively cross-examined. However, still, nothing come in his evidence to support the case of the prosecution.

11. As discussed herein above, one of the material witnesses i.e. the complainant was untraceable for evidence. The other material witness and the victim Rakesh Chavan testified before the court. However, he did not support the prosecution allegations in material particulars. His evidence alleged the incriminating act only against accused no.2 Yogesh Pasalkar. He did not depose about the involvement of accused no.1 Raju Londhe and accused no.3 Raju Bhikule facing the trial before the court. He stated that two unknown boys had taken away complainant Aftab Shaikh on his motorcycle. He did not relate the identity of these two boys to the accused persons, although he confirmed the fact that he was knowing the accused persons since before.

12. Resultantly, with the aforesaid evidence, the prosecution miserably fails to prove beyond reasonable doubt the charge against the accused no.1 Raju Londhe and accused no.3 Raju Bhikule of accompanying prime accused no.2 Yogesh Pasalkar in the act of kidnapping the complainant Aftab Shaikh and his friend Rakesh Chavan and taking him to canal, and together in furtherance of common intention, hitting him with *bamboo* stick and further

snatching cash amount of Rs.9,000/- from him, as alleged. I, thus, answer Point Nos.1 to 5 in negative and pass following order.

<u>ORDER</u>	
1)	Accused no.1 Raju @ Dada Ramdas Londhe and accused no.3 Rajendra Vithhal Bhikule are acquitted under Section 235(1) of the Code of Criminal Procedure of committing offences under Section 363, 392, 395, 397, 510, 506 and 504 read with Section 34 of the Indian Penal Code.
2)	The accused further to furnish under Section 437-A of the Code of Criminal Procedure, bond of Rs.15,000/- each with one solvent surety each of like amount.
3)	The seized muddemal viz. bamboo stick, being worthless, be destroyed after the appeal period is over.
4)	The seized motorcycle Yamaha bearing No.MH-12/XA-445 is returned to informant. The same be retained by him. The Supratnama bond stands discharged after the appeal period is over.
5)	The seized Hero Honda Splendor motorcycle bearing No.MH-24A/5244, lying in the police station, be returned to its lawful registered owner, after the appeal period is over. Should the registered owner fail to turn up, the motorcycle be auctioned or scrapped and the sale proceeds credited to Government, after the appeal period is over.
6)	The prosecution to file separate charge-sheet against the accused no.2 Yogesh Yashwant Pasalkar, for his separate trial.
7)	Present case is disposed off accordingly.

Ordered accordingly.

(S.S. Kanthale)

Date:12/08/2026

Additional Sessions Judge, Pune.

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C E R T I F I C A T E

“I affirms that the contents of this P.D.F. file are same word for word as per original”

Name of the Court	:	Shri. S.S. Kanthale Addl. Sessions Judge, Pune.
Name of Steno	:	P.S. More, Grade-3.
Date of Judgment	:	12/08/2026
Judgment signed by P. O. on	:	14/08/2026
Judgment uploaded on	:	14/08/2026