



Received on : 13/06/2001
Registered on : 13/06/2001
Decided on : 27/08/2026
Duration : 25Y, 2M, 14D

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PUNE,
AT PUNE

[Presided over by **Shri. Moreshwar S. Kulkarni**]

FORM NO. XXXII
[Title page of Judgment]

PART 'A'
[Para 44(i) of Chapter VI of Criminal Manual]

Sessions Case No. 232/2001
[CNR No. : MHPU01-002489-2001]

Exh.No. 57

<u>Crime No. 23/2001, Police Station, Yerwada, Pune</u>		
Prosecution	:-	The State of Maharashtra Through, Police Station Officer, Police Station, Yerwada, Pune.
Represented by	:-	Shri. M. B. Wadekar, Learned A.P.P. for the State.
Accused	:-	1. Nawab Mohammad Puriyal <u>(Deceased)</u> Age- 21 yrs, Occ- Nil R/at- M-11, Room No. 1738, Maharashtra Housing Board, Yerwada, Pune. 2. Pravn Suresh Thoart Age- 47 yrs, Occ- Security guard R/at- S.No. 191, Nagpur chawl, Yerwada, Pune.

		3. Pravin Wilson Ingale (Deceased) Age- 25 yrs, Occ- Laundry R/at- M-13, Room No. 1738, Maharashtra Housing Board, Yerwada, Pune.
Represented by	:-	Adv. Shri. A. G. Inkar Learned advocate for accused No.2.

PART- 'B'

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

Date of offence	:-	21.01.2001
Date of FIR	:-	21.01.2001
Date of charge-sheet	:-	12.04.2001
Date of framing charges	:-	23.06.2026
Date of commencement of evidence	:-	03.08.2026
Date of evidence closed	:-	25.08.2026
Date of arguments	:-	25.08.2026
Date on which judgment is reserved	:-	27.08.2026
Date of Judgment	:-	27.08.2026
Date of sentencing, if any	:-	--

Accused Details

Rank of the accused	Name of the accused	Date of Arrest	Date of release on bail	Offences charged with under sections	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during the trial for purpose of Section 428 of Cr.PC.
1.	Nabab Mohammad Puriyal	26.01.2001	Released by the Hon'ble High Court vide Cri.Bail Appl No. 3684/2001, dt. 27.06.2001	341, 307, 504 r/w 34 of IPC and 4(25) of Arms Act	<u>Abated</u>	--	--
2.	Pravin Suresh Thorat	26.01.2001	UTP		<u>Acquitted</u>	--	--
3.	Pravin Wilson Ingale	26.01.2001	30.10.2007		<u>Abated</u>	--	--

[Note : PART – 'C' is annexed at end of the judgment]

J U D G M E N T

(Delivered on : 27/08/2026)

1. All three accused came to be charge-sheeted for the offences punishable under Sections **341, 307, 504** read with Section **34** of the Indian Penal Code, 1860 and Section **4(25)** of the Indian Arms Act, 1959 on the allegations that all three accused in furtherance of their common intention to eliminate injured Gajanan Nathuram Jagade from earth on the count that he was intervened the quarrel happened in between the all three accused on one part and one Mr. Shekhar Jagtap on another part. On 21/01/2001 around 04.30 a.m. to 05.00 a.m. in the dawn chased him in the area, known as Maharashtra Housing Board Colony, Yerwada, Pune when he was on bicycle by their motorbike carrying dangerous weapons and after intercepted him. When he started to run away they chased him in the area between building No. M-14 and MH-16 of the said housing board colony whereat the accused No.1 Nawab Puriyal and the accused No.2 Pravin Thorat abused and assaulted him with sword and chopper on his body person, while the accused No.3 Pravin Ingale assaulted him with rod.

2. The prosecution story as visible from the F.I.R. which was given by the injured himself Gajanan Nathuram Jagade himself in short is that he was carrying the work of delivering (dropping) the newspapers at the doorstep of the residence of Maharashtra Housing Board Colony to earn his livelihood. For that purpose he would be using his bicycle first collect the newspapers from Yerwada area and then deliver them in the said colony. On 31/12/2000 there was dispute between the accused on one part and friend of the first informant, namely, Shekhar Jagtap on

another part. At the relevant time the first informant had taken side of the Shekhar Jagtap. So, accused had anger on him and to ventilate said anger, on 21/01/2001 the accused persons in the dawn at about 05.00 a.m. when the first informant left his house to go to Yerwada on his bicycle to bring the newspapers, the accused persons followed him. When the first informant after passing MHADA complex area reached near temple of Datta, he heard noise of motorbike chasing him. So, he turn around and saw the accused with weapons coming on that motorbike. The accused after crossing the bicycle of the first informant, parked it to intercept the first informant. So, the first informant fell down and started to run. At that time the accused persons abused him and started to chase him. The first informant tried to rescue himself from their clutches and when came in the open area available between building No.M-14 and M-16 of Maharashtra Housing Board Colony, the accused No.2 Pravin Thorat chased him and knocked him down. At that time the accused No.1 Nawab Puriyal dealt blow of sword targeting the neck. The first informant evaded said blow raising his left hand, so he sustained injury near his elbow. The accused No.1 Nawab Puriyal then dealt blow of sword on his right hand near wrist. The accused No.2 Pravin Thorat at the relevant time dealt blows of chopper on both legs of the first informant and because of that he sustained incise wounds on the left shin, near knee and near ankle of right leg. The third accused Pravin Ingale at that time used his fist to attack the first informant. The first informant cried loudly calling people to save him. Hearing said noise his friends who also used to deliver the newspapers, namely, Bharat Mahadev Khande, Sachin Pandurang Patole and Sachin Robinson rushed at him. After having

seen said witnesses coming towards them, the accused ran away with weapons. Information of the said incident was given to the parents of the first informant, who immediately came at the spot and carried the first informant to the Shah Hospital. When the first informant was indoor patient in Shah Hospital, police officer from Yerwada Police Station reached there and recorded his statement, which came to be registered as F.I.R. for Crime No. 23/2001.

3. Investigation was taken over by S.D.Suryavanshi, Police Inspector attached to the Yerwada Police Station. In the course of investigation, he prepared spot panchanama visiting the spot, while doing so arrested all accused, seized clothes of the injured, collected blood stained as well as plain earth therefrom and seized weapons from the accused. He also seized the motorcycle used in the crime and after completion of investigation, filed charge-sheet against the accused.

4. When the accused were under trial prisoner (UTP), case came to be committed to the Court of Session after making compliance of Section 207 of the Code of Criminal Procedure, 1973. After committal of the case, the accused came to be released on bail. Thereafter they never turned before the Court. NBW was running against the accused for en-number of years. Meanwhile it came to be reported to the Court that accused No.1 Nawab Puriyal and the accused No. 3 Pravin Ingale are no more. So, accordingly by an order dated 23/06/2026, case came to be abated against them. The accused No.2 Pravin Thorat on the same day came to be arrested and produced before the Court. He came to be taken into the custody by cancelling his bail. Accordingly, charge came to be framed only against the accused No.2 Pravin Thorat on 23/06/2026

for the offence punishable under Sections 341, 307, 504 read with Section 34 of the Indian Penal Code and Section 4(25) of the Indian Arms Act. He pleaded not guilty and claimed to be tried.

5. To prove the guilt of the accused, prosecution has examined the witnesses as noted above. The prosecution placed on record the documents which came to be exhibited as noted above.

6. As no incriminating evidence came on record against the accused No.2 Pravin Thorat, his statement under Section 313 of the Cr.P.C. (Section 351 of BNSS) came to be dispensed with by an order dated 25/08/2026.

7. I heard the prosecution and the defence.

8. Considering evidence and documents on record, following points arise for determination and I have given findings against each along with reasons as stated below.

Sr.No.	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether the prosecution proves that the accused No.2 along with deceased accused No.1 and 3 on 21/01/2001 at about 05.10 a.m. at open space in between building No. M-14, Maharashtra Housing Board, Yerwada, Pune, in furtherance of their common intention, wrongfully restrained the first informant Gajanan Nathuram Jagade by intercepting his bicycle and thereby committed an offence punishable under Section 341 read with Section 34 of the Indian Penal Code, 1860 ?	 No.
2.	Whether the prosecution proves that	

	the accused No.2 along with deceased accused No.1 and 3, on above said day, date, time and place, in furtherance of their common intention, attempted to commit murder of the first informant by assaulting him with Sword and chopper and thereby committed an offence punishable under Section 307 read with Section 34 of the Indian Penal Code, 1860 ?	 No.
3.	Whether the prosecution proves that the accused No.2 along with deceased accused No.1 and 3, on above said day, date, time and place, in furtherance of their common intention, intentionally insulted the first informant by abusing him and thereby gave provocation to him intending that such provocation will cause him to break the public peace and thereby committed an offence punishable under Section 504 read with Section 34 of the Indian Penal Code, 1860 ?	 No.
4.	Whether the prosecution proves that the accused No.2 along with deceased accused No.1 and 3, on above said day, date, time and place, found in possession weapons sword and chopper without licence and thereby committed an offence punishable under Section 4(25) of the Indian Arms Act, 1959 ?	 No.
5.	What order ?	The accused No.2 is acquitted.

REASONS

AS TO POINT NOS. 1 TO 4 :

9. All points are taken together for consideration.
10. The first informant **Gajanan Nathuram Jagade (PW1)** put on oath before the Court that on 21/01/2001 the incident was happened. At the relevant time he was proceeding towards Yerwada area to collect the newspapers as he used to deliver the newspapers in the colony. When he was in the area known as Datta mandir chowk, he heard noise of motorbike chasing him. He saw three persons present on the said motorbike. Said persons crossed his bicycle and parked their motorbike intercepting his bicycle. So, he fell down. Before he could raise and run, all three said persons started assaulting him. But he tried to rescue himself from their clutches and started to run. All three persons chased and assaulted him. Two of said three assailants were carrying weapons like knife. Because of that he had sustained incised injuries on his right hand near to elbow and at left hand wrist. He had sustained injuries on both legs and back also. His left leg was cut from knee, while bone was fractured of right leg. Thereafter said assailants ran away. Someone had called his parents, who carried him to Shah Hospital.
11. When the first informant was asked about the assailants, he denied to identify the accused No.2 Pravin Thorat who was available on video conferencing (VC). He even denied to identify his friend Shekhar Jagtap. He further denied that he had acted as middle man in the dispute happened in between the accused and Shekhar Jagtap.

12. As the first informant himself who had sustained injuries denied to identify the accused, he came to be cross-examined by the prosecution. In the cross-examination when the first informant was suggested that the accused No.2 Pravin Thorat available on V.C. was one of the assailants, the first informant answered that the assailants had hidden their faces with the handkerchief, so he was unable to identify them. The first informant denied the facts available in Portion Mark-A of his F.I.R. as he was suggested that those were recorded as per his version. He then denied that the said incident was witnessed by his friends, namely, Bharat Mahadev Khande, Sachin Pandurang Patole and Sachin Robinson. In short, through his cross-examination, the prosecution could not bring on record any material against the accused.

13. The second witness namely, **Sachin Robinsingh Borde (PW2)** examined by the prosecution is stated to be an eyewitness. This witness deposed initial facts that in the year 2001 he was delivering the newspapers at doorsteps in the same Maharashtra Housing Board Colony along with the first informant. He also was collecting the newspapers from Yerwada area going there on motorbike with his father. He was knowing the first informant being involved in same work. This witness then deposed that on 21/01/2001 when he and his father were proceeding at around 05.00 a.m. to 05.30 a.m. towards Yerwada on their motorbike, he heard noise coming from Tridalnagar side. So, they proceeded there and found the first informant lying on the ground. So, he (this witness) went to the house of the injured/first informant and informed them about the incident. When parents of the first informant came at the spot, he (this witness) went to collect the

newspapers at Yerwada.

14. This witness also refused to identify the accused No.2 Pravin Thorat plainly answering that he was not knowing any of the accused. This witness also therefore came to be cross-examined by the prosecution, but nothing came on record through his cross-examination which will help the prosecution.

15. The prosecution tried to secure the presence of the investigating officer, but the concerned police station officer could not trace out the investigating officer. The reports to that effect are placed on record. So, at last learned APP closed the prosecution evidence.

16. As stated above nothing came on record against the accused No.2 Pravin Thorat, so his statement under Section 313 of the Cr.P.C. (Section 351 of the BNSS) is not recorded.

17. In short, the prosecution has failed to prove the guilt of the accused No.2 Pravin Thorat for the offences charged against him. So, all points are answered in the negative. In the result, the accused No.2 Pravin Thorat deserves to be acquitted. So, following is the order.

ORDER

1. The accused No.2 **Pravin Suresh Thorat** is hereby acquitted vide Section 235(1) of the Code of Criminal Procedure, 1973 of the offence punishable under Sections **341, 307, 504** read with Section **34** of the Indian Penal Code, 1860 and Section **4(25)** of the Indian Arms Act, 1959.

2. The accused No.2 Pravin Suresh Thorat is Under Trial Prisoner (UTP). The Superintendent of Police, Yerwada Jail, Pune is directed to release him forthwith in this crime if not required in any other case.
3. The accused No.2 is directed to furnish P.B. and S.B. of **Rs.10,000/-** (Rs. Fifteen Thousand only) towards compliance of Section 437(A) of the Code of Criminal Procedure, 1973 (Section 481 of the Bharatiya Nagarik Suraksha Sanhita, 2023).
4. The seized muddemal property i.e.
 - (a) Clothes being worthless, be destroyed after appeal period is over.
 - (b) Hero honda black coloured motorcycle bearing No. MH-12/AC- 6659 has already been handed over to the owner, namely Nitin Wilson Ingale on *Supurtnama*, dated 26/04/2001. He is at liberty to retain its possession forever subject to order into appeal
 - (c) Two Iron Swords and one Iron Chopper be sent to District Magistrate to dispose of as per rules.

(Dictated and pronounced in the open Court)

Pune.
Date : 27/08/2026.

sd/-
[Moreswar S. Kulkarni]
Additional Sessions Judge, Pune

ANNEXURE :-

PART- 'C'

**[Para 44(iii) of Chapter VI of Criminal Manual]
List of Prosecution / Defence / Court witnesses**

[A] Prosecution Witness :-

<u>Rank</u>	<u>Witness Name</u>	<u>Exh.No</u>	<u>Nature of witness</u>
1.	Gajanan Nathuram Jagade	50	Informant/victim
2.	Sachin Robinsingh Borde	52	Witness

[B] Defence Witness, if any :-

<u>Rank</u>	<u>Witness Name</u>	<u>Exh.No.</u>	<u>Nature of witness</u>
—	—	—	—

[C] Court Witness, if any :-

<u>Rank</u>	<u>Witness Name</u>	<u>Exh.No.</u>	<u>Nature of witness</u>
1.	—	—	—

List of Prosecution / Defence / Court Exh.s

[A] Prosecution Exh.s :-

<u>Sr.No.</u>	<u>Description</u>	<u>Exh. Number</u>
1.	Death certificate of the accused No.3 Pravin Ingale along with list	39

Documents admitted by defence :-

<u>Sr.No.</u>	<u>Description</u>	<u>Exh. Number</u>
1.	—	—

[B] Defence Exh.s :-

<u>Sr.No.</u>	<u>Description</u>	<u>Exh. Number</u>
1.	—	—

[C] Court Exh.s :-

<u>Sr.No.</u>	<u>Description</u>	<u>Exh. Number</u>
1.	Charge	42
2.	Plea of the accused No.2 Pravin Thorat	43

[D] Material Objects :-

<u>Sr.No.</u>	<u>Description</u>	<u>Article Number</u>
1.	—	—

CERTIFICATE

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

Name of the Steno	:-	Shri. D. L. Gudde Stenographer (Grade-I)
Name of the Court	:-	Moreshwar S. Kulkarni District Judge- 1 & Additional Sessions Judge, Pune.
Date of Order	:-	27/08/2026
Order checked & signed by presiding officer on	:-	28/08/2026
Order uploaded on	:-	28/08/2026.