

<u>CNR No.MHPU010146322016</u> 	Received on	:	11/11/2016		
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Sessions Case No.917/2016

Exh. No.18

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.917/2016)</u>				
	FIR No.92/2016 under Section 307, 143, 147, 148, 149, 323, 504 of IPC, 37(1)/135 of Bombay Police Act.				
Complainant	State of Maharashtra Through The Police Inspector, Dattawadi Police Station.				
REPRESENTED BY	Shri. Wadekar, A.PP.				
ACCUSED	Bharat @ Sunny Somnath Sonawane Age – 21 years, Occ. Nil, R/at 310, Ghorpadi Peth, Ramkrushna Hsg. Society No.2, Pune.				
REPRESENTED BY	<u>Shri Datta Shinde</u> – Advocate for accused				

Part 'B'

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

Date of Offence	:	13/03/2016
Date of FIR	:	14/03/2016
Date of Charge-sheet	:	02/06/2016
Date of Framing of Charges	:	23/11/2021
Date of Commencement of evidence	:	25/04/2023
Date on which Judgment is reserved	:	N. A.
Date of the Judgment	:	13/08/2026
Date of the Sentencing order, if any	:	Accused is 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.	Bharat @ Sunny Somnath Sonawane	14/3/16	18/6/16	307, 143, 147, 148, 149, 323, 504 of	Acquitted	–	–

				IPC, 37(1) /135 of Bomb ay Police Act.			
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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	Balu Janardan Gauda	Informant

B. DEFENCE WITNESSES, IF ANY:-

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

J U D G M E N T

(Delivered on 13/08/2026)

1. The accused stands prosecuted for committing offences punishable under Section 143, 147, 148, 307 read with Section 149, 323 read with Section 149, 504 read with Section 149, 427 read with Section 149 of Indian Penal Code, Section 4(25) of the Arms Act and Section 37(1)/135 of Bombay Police Act.

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

2. The complainant one Balu Gauda and the accused persons are residents of Ghorpadi area, near Parvati, Pune. The accused no.1 Bharat, deceased accused no.2 Dhiraj and the 3 juvenile accused involved in the case are also the residents of the same area. On 13/03/2016 at about 22.45 hrs in front of Parvati Darshan, Dambar Koti, Pune, the complainant's son Sahil had a tiff with accused Sunny Sonawane and deceased accused Dhiraj Pokle, over the reason of staring at each other. At that time, the complainant had intervened and dissuaded the accused and deceased co-accused Dhiraj Pokale from picking up a fight, and had sent them home. Enraged with the same, it is alleged, these 2 accused, along with their 3 juvenile accomplices launched a man hunt to trace complainant's son Sahil. They were armed with deadly weapons like koyata, small sword and a wooden bat. As they saw complainant at Dambar Koti, Parvati Darshan, it is alleged that accused Sunny Sonawane gave a deadly blow of Koyata on complainant's head. The co-accused also joined and started beating up the complainant with fist and kick blows. As complainant's wife and sister tried to intervene, the accused persons also beat them up. After seriously injuring the complainant, the accused persons left the place., While leaving the place, they shattered the windshield of the parked auto rickshaw nearby, and swirled their weapons in air, to unleash a reign of terror in the locality. The injured complainant was then rushed to police station, and from there, was referred for medical attention to Sassoon hospital. On the report of complainant, F.I.R. for above offences came to be registered, and the accused came to arrested. In

course of investigations, statements of witnesses were recorded and the weapons used in the crime were seized. As police found sufficient evidence, they charge-sheeted the accused persons for the above offences.

3. Upon receipt of case on committal, before the charge was framed, the accused no.2 Dhiraj Pokale was reported to be dead. The trial against him thus stood abated, and proceeded only against accused no.1 Sunny Sosnawane. He pleaded not guilty to the aforesaid charges. Following the same, the prosecution examined one witness, while accused did not enter any defence evidence.

6. 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 with other accused deceased Dhiraj Pokale along with juveniles in conflict with law, on 13/03/2016 at about 22.45 hrs, in front of Parvati Darshan, Dambar Koti, Pune, were the members of unlawful assembly and in prosecution of common object which was attempt to commit murder of son of complainant viz. Sahil Balu Gouda and thereby committed an offence p/u/sec.143 of the IPC ?	: In the Negative.
2.	Does the prosecution further prove that the accused on the above said time, with other accused deceased Dhiraj Pokale along with juveniles in conflict with law, were the members of unlawful assembly and in prosecution of aforesaid common	: In the negative.

	object, committed offence of rioting and thereby committed an offence p/u/sec.147 of the IPC ?	
3.	Does the prosecution further prove that the accused on the above said time, with other accused deceased Dhiraj Pokale along with juveniles in conflict with law, were the members of unlawful assembly and in prosecution of aforesaid common object, committed an offence of rioting and at that time were armed with deadly weapons viz. iron sickle, knife and wooden bat and thereby committed an offence p/u/sec.148 of the IPC ?	: In the Negative.
4.	Does the prosecution further prove that the accused with other accused deceased Dhiraj Pokale along with juveniles in conflict with law, were the members of unlawful assembly and in prosecution of aforesaid common object, did an act of assaulting son of complainant viz. Sahil Balu Gouda by means of iron sickle, knife and wooden bat with such intention and knowledge and under such circumstances that if by that act you have caused the death of son of complainant viz. Sahil Balu Gouda, you would have been guilty of committing murder of aforesaid injured witness and thereby committed an offence p/u/sec.307 read with 149 of the IPC ?	: In the Negative.
5.	Does the prosecution further prove that the accused with other accused deceased Dhiraj Pokale along with juveniles in conflict with law, were the members of unlawful assembly and in prosecution of common object, voluntarily caused hurt to son of	: In the negative.

	complainant viz. Sahil Balu Gauda, witness viz. Lalita Jagannath Anchan and Priya Baly by assaulting them with sickle, knife, wooden bat and kick and blows and and thereby committed an offence p/u/sec.323 r/w sec.149 of the IPC ?	
6.	Does the prosecution further prove that the accused with other accused deceased Dhiraj Pokale along with juveniles in conflict with law, were the members of unlawful assembly and in prosecution of common object, committed mischief by causing wrongful loss to the property i.e. broken the rickshaw parked in the surrounding area and thereby committed an offence p/u/sec.427 r/w sec.149 of the IPC ?	: In the negative.
7.	Does the prosecution further prove that the accused with other accused deceased Dhiraj Pokale along with juveniles in conflict with law, were the members of unlawful assembly and in prosecution of common object, intentionally insulted the son of complainant viz. Sahil Balu Gauda and witnesses by abusing them, thereby gave provocation intending or knowing it to be likely that such provocation will cause them to break public peace and thereby committed an offence p/u/sec.504 r/w sec.149 of the IPC ?	: In the negative.
8.	Does the prosecution further prove that the accused with other accused deceased Dhiraj Pokale along with juveniles in conflict with law, were the members of unlawful assembly and in prosecution of common object, in contravention of provisions of Arms Act, found in possession of deadly weapons viz. iron sickle, knife, without having	: In the negative.

	valid licence and thereby committed an offence u/sec.4 p/u/sec.25 of the Arms Act ?	
9.	Does the prosecution further prove that the accused with other accused deceased Dhiraj Pokale along with juveniles in conflict with law, were the members of unlawful assembly and in prosecution of common object, were found in possession of deadly weapons viz. iron sickle, knife, without having valid licence and thereby committed breach of order passed by the Commissioner of Police, duly promulgated u/sec.37(1) of Bombay Police Act, p/u/sec.135 of Bombay Police Act ?	: In the negative.
10.	What order ?	: As per final order.

REASONS

As to Point Nos.1 to 9 :-

7. The prosecution has examined injured complainant Balu Gauda as the sole witness.

8. It is the case of the prosecution that complainant Balu Gauda was assaulted by the accused and his cohorts, when he tried to intervene, the accused persons while they were chasing his son Sahil Gauda. In such course, the accused persons are alleged to have launched a murderous assault on the complainant by a deadly blow of Koyata on his head causing bleeding injuries.

9. In his evidence, however, PW-1 Balu Gauda denied any such course of events having taken place. For that matter, he even denies knowing the accused or the deceased co-accused. All that he deposed in his evidence is that some quarrel had taken place at the square. He just reached there to see what had happened.

10. PW-1 Balu Gauda was declared hostile by prosecution and extensively cross-examined. However, he categorically denies in his evidence, the fact of accused assaulting him with a Koyata and causing him serious bleeding injuries on his head. He even denies being admitted in hospital owing to such injuries. Despite vigorous cross-examination, nothing come in his evidence to suggest anything to the effect that the witness was indeed assaulted by the accused on his head with ah Koyata.

11. The other material witness cited to the incident is the wife of complainant PW-1 Balu Gauda. However, she is reported to be dead. No other witnesses turned up before the court on summons. The prosecution, thereupon, did not insist for examination of remaining witnesses. Rightly so, there was no point in summoning the remaining witnesses, when the material witness i.e. the injured complainant did not support the fact of accused assaulting him with a deadly weapon like Koyata.

12. Resultantly, therefore, the prosecution miserably failed to prove the guilt of the accused of the offences charged with. I, therefore, answer Point Nos.1 to 9 in the negative and pass following order.

<u>ORDER</u>	
1)	Accused Bharat @ Sunny Somnath Sonawane is acquitted under Section 235(1) of the Code of Criminal Procedure of committing offences under Section 143, 147, 148, 307 read with Section 149, 323 read with Section 149, 504 read with Section 149, 427 read with Section 149 of Indian Penal Code, Section 4(25) of the Arms Act and Section 37(1)/135 of Bombay Police Act.
2)	The accused is in Magisterial custody. He be released forthwith in the present case, if not required in any other case.
3)	The accused further to furnish under Section 437-A of the

	Code of Criminal Procedure, bond of Rs.15,000/- with one solvent surety or cash surety deposit of like amount.
4)	The seized <i>Koyata</i> and sword be sent to District Magistrate for destruction/disposal, according to law, after appeal period is over.
5)	Rest of the property being worthless, be destroyed after the appeal period is over.

Ordered accordingly.

(S.S. Kanthale)

Date:13/08/2026

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	:	13/08/2026
Judgment signed by P. O. on	:	13/08/2026
Judgment uploaded on	:	13/08/2026