

 MHPU-07000009-1993	Received On	12/07/1993
	Registered On	12/07/1993
	Decided On	09/07/2026
	Duration	32Y 11M 27Ds

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
RAILWAY COURT PUNE, AT PUNE.

(Presided over by N.J.Chavan)

REG. CRIMINAL CASE NO. 106/1993.

Exh. No. 58

The State of Maharashtra, Through Police Inspector, Govt. Railway Police Station, Pune, Dist. Pune	PROSECUTION
<i>V E R S U S</i>	
1. Kottam Raju Randhir Age :- 83 Years, Occ :- Nil, 2. Sanjeev Vyankappa Nara Age :- 63 Years, Occ :- Nil, 3. Ramrao Krishnarao Arunodayi Age :- 66 Years, Occ :- Nil, 4. Venu Krishayya Panati Age :- 56 Years, Occ :- Nil, 5. Ram Narayan Batulla Age :- 52 Years, Occ :- Nil, 6. Gangaraj Shankar Allam Age :- 50 Years, Occ :- Nil, 7. Yellaya Rajayya Bellam Age :- 50 Years, Occ :- Nil, 8. Pandulla Poshaya Gangaya Age :- 52 Years, Occ :- Nil,	ABSCONDING ACCUSED.

9. Babujane Shahbuddin Mohammed Age :- 60 Years, Occ :- Nil, 10. Raju Mangayya Thotha Age :- 52 Years, Occ :- Nil, 11. Krishna Appaya Valdu Age :- 50 Years, Occ :- Nil, 12. Sayalu Ramlu Gali Age :- 50 Years, Occ :- Nil, 13. Ramesh Danayya Bonda Age :- 53 Years, Occ :- Nil, All R/o : 168, M.L.A. Quarters, Hyderabad.	
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<u>OFFENCE :-</u>	<u>UNDER SEC. 143, SEC. 147, SEC. 148, SEC. 149, SEC. 323, SEC. 341, SEC. 427, SEC. 504 OF THE INDIAN PENAL CODE, 1860 & SEC. 147 & SEC. 174 of INDIAN RAILWAY ACT, 1989.</u>
<u>APPEARANCE:</u>	APP Smt. A. S. Kale, for the Prosecution.
	Ld. Adv. for the accused persons- S. A. Tamhane

1	Date of offence	09/05/1993
2	Date of FIR	09/05/1993
3	Date of charge-sheet	12/07/1993
4	Date of Framing of Charges	04/10/1993
5	Date of commencement of evidence	18/10/1993
6	Date on which judgment is reserved	-
7	Date of the Judgment	09/07/2026
8	Date of the Sentencing Order, if any	-

Rank of the Accused	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, Cr.P.C.
1.	Kottam Raju Randhir	09/05/1993	-	<u>UNDER SEC. 143, SEC. 147, SEC. 148, SEC. 149, SEC. 323, SEC. 341, SEC. 427, SEC. 504 OF THE</u>	Acquitted	-	-
2.	Sanjeev Vyankappa Nara	09/05/1993	-		Acquitted	-	-
3.	Ramrao Krishnarao Arunodayi	09/05/1993	-		Acquitted	-	-
4.	Venu Krishayya Panati	09/05/1993	-		Acquitted	-	-
5.	Ram Narayan Batulla	09/05/1993	-		Acquitted	-	-
6.	Gangaraj Shankar Allam	09/05/1993	-		Acquitted	-	-
7.	Yellaya Rajayya Bellam	09/05/1993	-		Acquitted	-	-
8.	Pandulla Poshaya Gangaya	09/05/1993	-		Acquitted	-	-

9.	Babujane Shahbuddin Mohammed	09/05/1993	-	<u>INDIAN PENAL CODE, 1860 & SEC. 147 & SEC. 174 of</u>	Acquitted	-	-
10.	Raju Mangayya Thotha	09/05/1993	-		Acquitted	-	-
11.	Krishna Appaya Valdu	09/05/1993	-		Acquitted	-	-
12.	Sayalu Ramlu Gali	09/05/1993	-		Acquitted	-	-
13.	Ramesh Danayya Bonda	09/05/1993	-	<u>INDIAN RAILWAY ACT, 1989</u>	Acquitted	-	-

3] LIST OF PROSECUTION WITNESSES

RANK	Name	Exh. Nos.	NATURE OF EVIDENCE
P.W.1	Dr. Vaynkatesh Shardchandra Ingle	20	Medical Officer
P.W.2	Rajesh Ramdas Bellampelly	22	Informant
P.W.3	Machindra Baburao Jagtap	24	Loco Pilot
P.W.4	Ratanbai Ramdas Bellampelly	26	Eye Witness
P.W.5	Bhiku Akaram Kale	27	Police Witness
P.W.6	Dnyaneshwar Shankarrao Dhokale	28	Police Witness
P.W.7	Rajaram Yemnappa Londe	29	Police Witness
P.W.8	Anuksha Shakaram Parkande	30	Police Witness
P.W.9	Subhash Sitaram Shinde	32	Police Witness

4] LIST OF PROSECUTION EXHIBITS

Sr.No.	Exh. Nos.	Description
1.	21	Injury Certificate
2.	21-A	Injury Certificate dated 09/05/1993

3.	23	Complaint
4.	33	Arrest Panchanama

Material Objects/ Muddemal :

Sr.No.	Material Object Number	Description
1	-	-

J U D G M E N T

(Delivered On 09/07/2026)

Accused persons are charged for the offence punishable under SEC. 143, SEC. 147, SEC. 148, SEC. 149, SEC. 323, SEC. 341, SEC. 427, SEC. 504 OF THE INDIAN PENAL CODE, 1860 & SEC. 147 & SEC. 174 of INDIAN RAILWAY ACT, 1989.

The prosecution story is summarized as under:-

2. The Complainant namely Rajesh Ramdas Bellampelly along with his family members and relatives came to Pune Railway Station on 09/05/1993 at about 04.45 pm to go to Hyderabad by Bombay – Hyderabad express train for his marriage ceremony at Hyderabad on 12/05/1993. He reserved two berths for himself and his family members and they were traveling in S/6 bogie bearing seat no's 26 to 30. They all came on platform no. 4 for the said train. Train arrived at about 04.45 pm. Complainant and his family members boarded the train however, some persons of procession had already occupied their seats. When requested those persons refused to vacate their seats. Out of them one person came near the Complainant and informed him that he is the leader of the said procession. After some time, he started abusing and beating the complainant by fists and kick blows. They also beat family members of the complainant. Between

the said scuffle, gold chain of mother of the complainant went missing. She also shouted from the window for the help. Thereafter, Police arrived at the spot and removed the accused persons. Meanwhile, train started but due to chain pulling it again stopped. The persons from the said procession went ahead of the train and restrained to go ahead.

3. After some time, Police persons took complainant and his family members to the Railway Police Station, Pune. Mother of the complainant sustained injuries on her hand, arm and leg. Complainant also suffered injuries. Thereafter, Police sent them for medical examination. After treatment, they again came to Police Station where they saw 10 to 12 persons from the said procession. Thereafter, Complainant lodged report against those person. Accordingly, crime bearing Cr. No. 71/1993 is registered against the accused persons.

4. After registration of crime investigation is carried out by the Government Railway Police Station, Pune. Statements of witnesses were recorded. As the sufficient evidence was gathered during investigation, charge-sheet is filed in the Court against accused persons on 12/07/1993.

5. During the course of trial charge is framed against accused persons at **Exh. 5**. The charge was read over and explain to them. Accused persons denied the charge and claimed to be tried as per law. Prosecution has examined 9 witnesses and brought on record certain documentary evidence to prove the charge against accused. As the accused persons are purposefully absconding since long and there is no prospect of arresting them in the near future, the statement of

accused persons under **Section 313** of Cr.P.C. is dispensed with to proceed with the case without further delay.

6. Heard Ld. APP Smt. A. S. Kale for Prosecution. She has prayed to pass appropriate order as per evidence. After perusing record of case, following points arise for my determination upon which I have recorded my findings for the reasons stated hereunder-

Sr. No.	POINTS FOR DETERMINATION	FINDINGS
1.	Does the prosecution prove that, on 09/05/1993 at about 10.45 p.m. at Pune Railway Station, accused persons were member of unlawful assembly having common object to beat the complainant and the witnesses and thereby committed an offence punishable under Sec. 143 of I.P.C., 1860?	In the Negative.
2.	Does the prosecution prove that, on above mentioned date, time and place accused persons were the members of unlawful assembly and in prosecution of common object of such assembly committed and offence of rioting which is punishable under Section 147 of the I.P.C., 1860?	In the Negative.
3.	Does the prosecution prove that, on above mentioned date, time and place accused persons were the members of unlawful assembly and were at the time armed with a deadly weapon and thereby committed an	

	offence punishable under Section 148 of the I.P.C., 1860?	In the Negative.
4.	Does the prosecution prove that, on above mentioned date, time and place accused persons were the members of unlawful assembly and in prosecution of common object to cause hurt to the Complainant and witnesses in prosecution of common object of the said assembly and thereby committed and offence punishable under Section 149 of the I.P.C., 1860?	In the Negative.
5.	Does the prosecution prove that, on above mentioned date, time and place accused persons were the members of unlawful assembly and in prosecution of common object of the said assembly to cause hurt to the Complainant and witnesses, wrongfully restrained the complainant and thereby committed an offence punishable under Section 341 of the I.P.C., 1860?	In the Negative.
6.	Does the prosecution prove that, on above mentioned date, time and place accused persons were the members of unlawful assembly and in prosecution of common object of the said assembly voluntarily caused hurt to the Complainant and his	In the Negative.

	mother and thereby committed an offence punishable under Section 323 of the I.P.C., 1860?	
7.	Does the prosecution prove that, on above mentioned date, time and place accused persons were the members of unlawful assembly and in prosecution of common object of the said assembly to cause hurt to the Complainant and witnesses, committed mischief causing loss and damage to the property and thereby committed an offence punishable under Section 427 of the I.P.C., 1860?	In the Negative.
8.	Does the prosecution prove that, on above mentioned date, time and place accused persons were the members of unlawful assembly and in prosecution of common object of the said assembly to cause hurt to the Complainant and witnesses, intentionally insulted the complainant and thereby gave provocation to him knowing it to be likely that such provocation will cause complainant to break public peace and thereby committed an offence punishable under Section 504 of the I.P.C., 1860?	In the Negative.

9.	Does the prosecution prove that, on above mentioned date, time and place accused persons were the members of unlawful assembly and in prosecution of common object of the said assembly to cause hurt to the Complainant and witnesses, entered upon the railway premises without lawful authority and refused to desist from such premises and thereby committed an offence punishable under Section 147 of the Railway Act, 1989?	In the Negative.
10.	Does the prosecution prove that, on above mentioned date, time and place accused persons were the members of unlawful assembly and in prosecution of common object of the said assembly to cause hurt to the Complainant and witnesses, obstructed the running train and rolling stock and thereby committed an offence punishable under Section 174 of the Railway Act, 1989?	In the Negative.
11	What order ?	As per final order

REASONS

7. Absconding accused persons are facing trial for the offence punishable under Sec. 143, Sec. 147, Sec. 148, Sec. 149, Sec. 323, Sec. 341, Sec. 427, Sec. 504 OF THE INDIAN PENAL CODE, 1860 & SEC. 147 & SEC. 174 of INDIAN RAILWAY ACT, 1989. To prove said offences against the accused, prosecution has examined 9 witnesses

and relied upon documentary evidence.

AS TO POINTS NOS. 1 to 10 :-

8. All the points are interconnected with each other hence answered together to avoid repetition. In order to prove the charge against accused persons prosecution must prove beyond reasonable doubt that the complainant namely Rajesh Ramdas Bellampelly along with his family members and relatives had come to Pune Railway Station on 09/05/1993 at about 04.45 pm to go to Hyderabad by Bombay – Hyderabad express train for his marriage ceremony at Hyderabad on 12/05/1993. Thereafter, they had reserved two berths in S/6 bogie bearing seat no's 26 to 30. At that time, accused persons were part of unlawful assembly and in their common object abused and beat the complainant and his mother by fists and kick blows causing injuries.

9. After going through the entire oral and documentary evidence of record, it appears that Medical Officer Vyankatesh issued injury certificates below Exh. 21 and 21-A after examining Ratanbai and Rajesh respectively. Injuries mentioned therein are proved in the evidence of Medical Officer. However, during cross-examination he admitted that, such injuries can happen if person falls on the hard surface.

10. Rajesh (PW-2) deposed as per the story of the prosecution. However, in the cross-examination he could not who had assaulted him. He could not tell who had restrained the running train.

11. Machhindra (PW-3) is the Loco Pilot of the train. He has not supported the prosecution case. He admitted that, he cannot identify the accused persons as there were 100 to 150 persons in front

of train. Ratanbai (PW-4) also corroborated with the evidence of Rajesh. During cross-examination she could not tell who had occupied their seats on the date of incidents. She could not tell who had assaulted them.

12. Bhiku (PW-5), Dnyaneshwar (PW-6), Rajaram (PW-7) and Anuksha (PW-8) are the Police Witnesses. They have aided the Police Inspector to control the procession at Pune Railway Station. However, Bhiku admitted that, none of the accused persons were arrested from bogie no. S-6. Dnyaneshwar deposed that, he cannot remember accused persons. Rajaram admitted that, he cannot tell the names of accused persons who were arrested at the time of incident. Anushka admitted that, she was not present at the spot at the time incident. She heard shouts of public when the train was stopped. She could not tell the names of accused persons.

13. Subhash (PW-9) is the panch witness. He submitted that, arrest panchanama Exh. 33 was executed before him, but he could not tell names of accused persons. He denied that, he is deposing falls on the say of Police. Apart from these witnesses prosecution did not examine any other witness to support their contentions. After recording of the evidence accused persons have absconded. Despite issuance of non-bailable warrants and proclamations, their presence could not be secured till date.

14. To bring home the guilt of accused persons it was necessary on the part of prosecution to prove that, complainant along with his family members and relatives had come to Pune Railway Station on 09/05/1993 at about 04.45 pm to go to Hyderabad by Bombay – Hyderabad express train for his marriage ceremony at

Hyderabad on 12/05/1993. Thereafter, they had reserved two berths in S/6 bogie bearing seat no's 26 to 30. At that time, accused persons were part of unlawful assembly and in their common object abused and beat the complainant and his mother by fists and kick blows causing injuries. None of the prosecution witnesses could tell the names of accused persons and identify them before the Court. Alleged offence is committed at the public place however, apart from these witnesses investigating officer could not examine any independent witness to support the case of prosecution. Prosecution has contended that, offence is committed at Pune Railway Station and there was huge rush of people who witnessed the alleged procession. However, none of the said witness have come before this Court who would identify accused persons and narrate the incident independently.

15. Apart from Complainant and his mother all other are Police witnesses who are naturally interested witnesses. Therefore, their oral testimonies are not sufficient to bring home guilt of accused persons. Importantly, prosecution has not proved the essential ingredients of alleged offences beyond reasonable doubt. Prosecution has also failed to secure presence of accused persons within reasonable time before this Court. This shows the conduct and willingness of the prosecution in punishing the accused persons. Importantly, essential ingredients of aforesaid charges are not proved beyond reasonable doubts by the prosecution against the accused persons. Therefore, in absence of any cogent, reliable and trustworthy evidence accused persons are liable to be acquitted from aforesaid offences. In view of such reasons, I answer point no. 1 to 10 in the negative and record my findings accordingly.

AS TO POINT NO. 11:-

16. The prosecution has failed to prove the case beyond reasonable doubt. There is no cogent, reliable, convincing and satisfactory evidence on record to believe the prosecution story to be true and probable. The accused persons are therefore entitled for benefit of doubt and deserves to be acquitted from all charges leveled against them. In the result, I pass following order :-

ORDER

1)	The absconding accused no. 1. Kottam Raju Randhir 2. Sanjeev Vyankappa Nara 3. Ramrao Krishnarao Arunodayi 4. Venu Krishayya Panati 5. Ram Narayan Batulla 6. Gangaraj Shankar Allam 7. Yellaya Rajayya Bellam 8. Pandulla Poshaya Gangaya 9. Babujane Shahbuddin Mohammed 10. Raju Mangayya Thotha 11. Krishna Appaya Valdu 12. Sayalu Ramlu Gali 13. Ramesh Danayya Bonda are acquitted from the offence punishable under Sec. 143, Sec. 147, Sec. 148, Sec. 149, Sec. 323, Sec. 341, Sec. 427, Sec. 504 OF THE INDIAN PENAL CODE, 1860 & SEC. 147 & SEC. 174 of INDIAN RAILWAY ACT, 1989 vide Section 248(1) of Cr.P.C.
2)	Bail bonds of accused persons if any, are canceled.
3)	Non-bailable warrants issued against accused persons are canceled.

(Judgment is dictated and pronounced in open court.)

Date : 09/07/2026
Place : Pune.

(N. J. Chavan)
Judicial Magistrate, F. C.,
Railway Court, Pune

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	:	R.R.Kshirsagar (Stenographer Grade III)
Name of the Court	:	N.J.Chavan Judicial Magistrate First Class Railway Court, Pune.
Date of Order	:	09/07/2026
Order Signed by P.O. on	:	09/07/2026
Order uploaded on	:	09/07/2026