

 CNR No.MHPU120008532023	Presented on	:	13-09-2023
	Registered On	:	14-09-2023
	Decided On	:	06-06-2026
	Duration	:	Y. M. D. 02 08 23

<u>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BHOR.</u> (Presided over by Smt. Meena W. Jadhav) <u>REGULAR CRIMINAL CASE NO.111/2023</u> Judgment dated 02nd June 2026. Exh. No. 60	
FIR No. 157/2023 Rajgad Police Station, U/s 324, 323, 504, 506 r/w 34 of Indian Penal Code.	
COMPLAINANT	State of Maharashtra Rajgad Police Station.
REPRESENTED BY	Adv. Shri. Y. P Pore Ass. Public Prosecutor
ACCUSED	1) Avinash Dinkar Karbhal Age :40 Yrs, Occ :Agriculture, 2) Dnyaneshwar Dinkar Karbhal Age : 44 Yrs, Occ : Agriculture, 3) Seema Avinash Karbhal Age :38 Yrs, Occ : Agriculture, 4) Surekha Dnyaneshwar Karbhal Age :34 Yrs, Occ : Agriculture, All R/at - Ingawali, Tal. Bhore, Dist. Pune
Advocate for Accused	Adv. Shri. V. J. Roman

PART – B**[Para 44(ii) of Chapter VI of Criminal Manual]**

Date of Offence	:-	06/04/2023
Date of F.I.R.	:-	07/04/2023

Date of filing of Charge-sheet	:-	14/09/2023
Date of Framing of Charges	:-	30/07/2024
Date of commencement of evidence	:-	30/01/2025
Date on which judgment is reserved	:-	04/06/2026
Date of the Judgment	:-	04/06/2026
Date of the Sentencing order, if any,	:-	Accused are acquitted.

Accused Details

Rank	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.	Avinash Dinkar Karbhal	29/10/2020	29/10/2020	Sec. 324, 323, 504, 506 r/w 34 of Indian Penal Code	Acquitted	NA	NA
2.	Dnyaneshwar Dinkar Karbhal	29/10/2020	29/10/2020		Acquitted	NA	NA
3.	Seema Avinash Karbhal	29/10/2020	29/10/2020		Acquitted	NA	NA
4.	Surekha Dnyaneshwar Karbhal	29/10/2020	29/10/2020		Acquitted	NA	NA

PART – C**[Para 44(iii) of Chapter VI of Criminal Manual]****A] LIST OF PROSECUTION/DEFENCE/COURT WITNESSES.****Prosecution :**

RANK	Name of the witness	Nature of Evidence	Exh. No.
PW.1	Ananda Dinkar Karbhal	Informant	27
PW.2	Dilip Baburao Algude	Panch Witness	29
PW.3	Krushnabai Ananda Karbhal	Witness	33
PW.4	Aditi Ananda Karbhal	Witness	36
PW.5	Ganesh Bapurao Ladkat	Investigating Officer	40
PW.6	Dr. Lingeshwar Shivajirao Berule	Medical Officer	53

B] LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS.**PROSECUTION EXHIBITS :-**

Sr.No.	Exh. No.	Nature of Document
1.	P-28/PW1	Report
2.	P-29/PW1	F.I.R.
3.	P-30/PW2	Spot Panchnama
4.	P-41 to 43 /PW5	Notices to all accused person u/s 41(A) of Cr.P.C.
5.	P-44 to 47/PW5	Arrest forms of accused No. 1 to 4 respectively.
6.	P-48/PW5	Seizure Panchnama
7.	P-49/PW5	Muddemal Receipt
8.	P-54 to 56 /PW6	MLC certificates of accused No. 1 to 4 respectively.

C] COURT EXHIBITS:- NIL**J U D G M E N T****(Delivered On 06/06/2026)**

The accused persons are facing trial for the offences punishable under sections 324, 323, 504, 506 r/w 34 of the Indian

Penal Code. The prosecution came to be launched on the statement of Aananda Dinkar Karbhal given in Rajgad Police station, on 07/04/2023.

Prosecution story in a nutshell is as under :

2. On 06.04.2023 at about 4:00 p.m., the informant and his wife Krushnabai were working in the agricultural land situated behind their house at village Ingawali, Taluka Bhor. At that time, accused Avinash Dinkar Karbhal, Dnyaneshwar Dinkar Karbhal, Surekha Dnyaneshwar Karbhal and Seema Avinash Karbhal came to the said place and questioned the informant as to why he had come to the said field and told him not to enter the field. It is alleged that they abused the informant and thereafter accused Avinash pushed him. It is further the case of the prosecution that when the informant's wife Krushnabai intervened to pacify the quarrel, she was also pushed and all the accused assaulted the informant and his wife by kicks and fist blows. On hearing the commotion, the informant's daughter Aditi came to the spot to intervene.

3. It is alleged that accused Surekha pushed Aditi and accused Dnyaneshwar assaulted her by means of an aluminium crutch on her back and waist, thereby causing injuries to her. The accused also allegedly abused and threatened the informant and his family members. Thereafter, the informant, his wife and daughter approached Kikvi Police Outpost for lodging a report. However, they were referred for medical examination and treatment. After obtaining treatment at Sub-District Hospital,

Bhor. Accordingly, the report came to be registered vide crime No.157/2023.

4. The in-charge of police station Rajgad, Bhor got recorded the report. The Investigating Officer Police Naik Shri. Ganesh Bapurao Ladkat during the course of investigation recorded statements of witnesses, prepared spot & seizure panchnamas, collected medical evidence and filed charge-sheet after completion of investigation.

5. The charge is came to be framed against the accused vide Exh.26/1 for the offences punishable u/s 324, 323, 504, 506 r/w 34 of Indian Penal Code. Its particulars were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried. Thereafter, During the trial, prosecution has examined in all seven witnesses. Finding incriminating evidence against the accused Nos. 1 to 4, their statement u/s. 313 of the Code of Criminal Procedure is came to be recorded at Exh.58. The defence of accused persons are of total denial and false implication.

6. Heard Learned APP Shri. Pore for the State and Learned Advocate Shri. Roman for the accused persons. The points for determination along with findings for the reasons to follow are as under :-

Sr. No.	Points	Findings
01	Is it proved by the prosecution that, on	In Negative.

	06/04/2023 at about 04.00 pm at In the field behind the house where the complainant resides, mouje Ingawali Tal. Bhore, Dist. Pune you accused in furtherance of your common intention voluntarily caused hurt to informant and witnesses by means of dangerous weapon i.e. crutch which is an instrument which is used as a weapon of offence is likely to cause death and thereby committed an offence punishable under Section 324 r/w 34 of the Indian Penal Code?	
02	Is it proved by the prosecution that, on aforesaid date, time and place, you accused in furtherance of your common intention voluntarily caused hurt to said informant and witnesses by hand and thereby committed an offence punishable under Section 323 r/w 34 of the Indian Penal Code?	In Negative.
03	Is it proved by the prosecution that, on aforesaid date, time and place you accused in furtherance of your common intention, intentionally insulted the informant and witnesses by using filthy words with intent to provoke them to cause breach of public peace or commit any other offence and thereby committed an offence punishable under section 504 r/w 34 of the Indian Penal Code?	In Negative.

04	Is it proved by the prosecution that, on aforesaid date, time and place you accused in furtherance of your common intention, threatened the informant and witnesses with intent to cause alarm to them and thereby committed an offence punishable under section 506 r/w 34 of Indian Penal Code?	In Negative.
05.	What Order?	As per final order.

ADMITTED FACTS

- i) The relationship between the parties.
- ii) Dispute regarding farm property between the parties.

ARGUMENT OF PARTIES

7. Heard both parties. Learned A.P.P. argued that to prove the alleged charge, there is evidence of informant and eye-witnesses his wife Krushnabai and daughter Aditi. Informant deposed about the assault by kick-fist blows, same is corroborated by witness Krushnabai. There is also evidence of medical officer supporting the evidence of informant. He further argued that there is direct evidence under section 60 of the Indian Evidence Act, which is corroborative evidence. Learned A.P.P. lastly submitted that above mentioned evidence clearly established the allegation beyond reasonable doubt.

8. On the other hand, advocate for the accused argued that independent witnesses are not examined by the prosecution. Thereafter, there is difference in evidence of informant and witness Krushnabai about spot of incident and actual occurrence of incident so also their evidence about the incident is also different from the case of prosecution. Furthermore, the seized alleged Under Arm Crutches is not shown to the informant and other witnesses. In such scenario, evidence produced by prosecution is not reliable and does not prove the case beyond reasonable doubt. Lastly, he prayed acquittal of accused.

9. The Ld. APP further relied upon following case laws -

i) **The Hon'ble Supreme Court of India in *Shahaja @ Shahajan Ismail Mohd. Shaikh Vs. State of Maharashtra* [2022 LiveLaw (SC) 596].**

ii) **The Hon'ble Supreme Court of India in *Motiram Padu Joshi & Ors. Vs. State of Maharashtra* [AIR 2018 SC 3245].**

iii) **The Hon'ble Bombay High Court in *Maruti Kisan Raut Vs. State of Maharashtra* [2006 All MR Cri 3104].**

CONCEPT OF PROOF BEYOND REASONABLE DOUBT

10. Even if, the core fundamental concept of Criminal Jurisprudence is the innocence of the accused, but law does not contemplates proof of case with mathematical precision but same must be beyond reasonable doubt.

REASONS FOR FINDINGS**AS TO POINT NOS. 1 and 2:-**

11. Point Nos.1 and 2 are interlinked to each other, hence, for the sake of brevity I discuss them at once. The prosecution examined P.W.2 Dilip. He deposed that in his presence, police prepared spot panchnama. This witness identified said panchnama, so also his signature on it and stated that contents therein are true and correct. He further deposed that he signed a paper written a year ago. Further he identified his signature on the seizure panchnama, but denied its contents. During cross-examination he clarified that he never went to the spot of incident. In regard the cross-examination, this witness has not remained firm on his evidence about both the panchnamas. At the same time investigating Officer also deposed that he prepared Spot Panchanama in the presence of panch witness, he also identified signature on the Spot Panchanama and seizure panchnama and also admitted contents therein as true and correct. During the cross-examination of this witnesses, nothing came on record so as to disbelieve his evidence in respect of Spot Panchanama. So I hold that prosecution proved Spot Panchanama and seizure panchnama.

12. Thereafter, there is evidence of medical officer. He deposed that while on duty, on 07.04.2023 he examined informant Ananda, Krushnabai and Aditi and found injuries as mentioned in M.L.C.. During cross-examination this witness remained firm on his evidence about examination of informant

and issuance of M.L.C.. Hence, I accept his evidence in respect of M.L.C. and I hold medical legal certificate as proved.

13. It is case of the prosecution that on the day of incident accused No. 2 beat Aditi by Under Arm Crutches, and accused No.1, 3 and 4 beat him by fist-kick blows. Informant Ananda deposed that accused No.1 to 4 came suddenly and beatun up them over a farm dispute. Thereafter, his daughter Aditi on the sound of the fight came from outside the house, and due to beatun up by Dnyaneshwar, she became unconscious. Thereafter they went to the Kikvi outpost. Police sent them to civil hospital. Thereafter he lodged report. P.W.3 Krushnabai is the wife of informant and she deposed on the same line of the informant.

14. P.W. 4 Aditi is the daughter of the informant. She deposed that on the day of incident, while she was washing dishes at home, she heard a fight, so she went outside. At that time Avinash Karbhal was beating her parents by kiks and blows. Then she went to intervain them, at that time Dnyaneshwar hit her with Under Arm crutches and knocked her down. Then, Surekha Karbhal and seema Karbhal sat on her back, so she fell unconscious. Then she was taken to Doctor Mhaske where she admitted. Then, the next day they came to the Bhor Government hospital.

15. The investigation officer P.W. 6 G. B. Ladkat deposed that, he prepared spot panchanama and seizure panchanama. During cross-examination he clarified that accused and informant are related to each other and they have dispute between them over farm property. He further deposed that he did not recorded statements of nearby farmers of the spot.

16. Except the above witness, the prosecution has not examined any other witnesses. If we consider the above evidence of informant and eye witness i.e. injured Krushnabai and Aditi along with prosecution case, it is seen that as per the prosecution case accused No. 2 beat Aditi by Under Arm Crutches but informant and P.W.3 Krushnabai nowhere stated this thing. As per the evidence of Aditi accused No.3 and 4 sat on back of Aditi, this thing also not stated by the informant and P.W.3. It shows that there is difference in evidence and in prosecution case about alleged beating.

17. As per the prosecution case, accused No.2 Dnyaneshwar beat Aditi with the Article Under Arm Crutches, which is seized by the investigation officer from the accused No.2 Dnyaneshwar. To the sheer surprise, prosecution has not shown the seized Article Under Arm Crutches to the informant and eye witnesses P.W.3 so also P.W.4 Aditi. So also, P.W.6 Medical officer flatly admitted in the cross-examination that in MLC certificate assault was caused with the Under Arm Crutches is not mentioned and injury of Abrasion could be caused by fall

down. As it is seen and also admitted fact that the accused No.2 Dnyaneshwar is disabled person and used the Article Under Arm Crutches. It is also seen that he can not stand without Under Arm Crutches. So, prosecution must have proved that accused No.2 Dnyaneshwar has been beaten Aditi by his Under Arm Crutches. So also, if there is seized Article on the record, it must have shown to the witnesses, but the prosecution has not shown it to the witnesses, best reason known to prosecution. These things creates a cloud of suspicion over the case of prosecution.

18. Apart from this, informant and P.W.3 deposed that their daughter Aditi became unconscious due to beatun up by accused No.2, this thing is not mentioned in the report. As per the prosecution case, after the incident informant went to the Kikvi outpost for lodging the complaint and police sent them to with medical yadi to the Bhore Sub-District hospital. If we considered the evidence of P.W.4 Aditi, she deposed that after the incident, she has admitted to Mhaske Docter and to the next day they came at Bhore government hospital. These things not stated by informant and P.W.3 in their evidence. So also, P.W.3 admitted in cross-examination that no documentary evidence was provided to the police regarding the visit to private hospital. From above evidence, there remains a doubt whether informant and injured were went to the Kikvi outpost after the incident and police sent them to the Bhore Sub-District hospital for treatment.

19. Furthermore, P.W.6 deposed that he gave remark of complaints of vertigo with history of head injury and advised city scan and neurologist opinion. But informant and injured P.W.4 Aditi nowhere stated about the injury of head on her person. So also, in cross-examination P.W.6 clarified that he did not found head injury on the person of patient Aditi.

20. Learned A.P.P. argued that evidence of informant about injuries is corroborated by medical certificate so also by oral evidence of medical officer. I perused record. It is true that oral evidence of informant about injuries is corroborated by oral evidence of medical officer so also by M.L.C., but to prove the charge against the accused prosecution has to prove that said injuries were caused by accused persons. As mentioned above there are many discrepancies in the evidence of informant, his wife Krushnabai and daughter Aditi, so also their evidence is different from the prosecution case. So I do not accept their evidence as trustworthy.

21. Apart from this, as per the prosecution case, incident occurred on dated 06/04/2023 at about 04 pm, but the report came to be lodged on 07/04/2023 at about 15.51 hours, it means report has been lodged eleven hours late, so also, prosecution has not given any explanation for this. It also creates doubts about the occurrence of incident. The informant and P.W. 3 admitted in cross-examination that there is dispute between them regarding the farm property. He also clarified that

he filed suit of partition against his father. After above discussion it can be summarized that oral evidence of informant, his wife and daughter is supported by the oral evidence of independent witnesses. But prosecution failed to record evidence of independent witnesses in relation to incident. In such scenario, I do not find evidence of informant, his wife and daughter along with medical officer sufficient to hold that accused persons caused injuries to them.

22. As per the say of Ld. APP, no doubt court cannot travel on the minor discrepancies. But minor discrepancies should be natural memory laps or normal variations in the testimony of the witnesses do not destroy the credibility of witnesses. Taken in to consideration the whole testimony of witnesses, they strike at the core of incident in regard time, place and fundamental manner in which the crime occurred as above discussed.

23. Moreover, I have gone through the citations filed by prosecution. The facts in these citations and facts in case in hand are different. So with due respect, I state that, these citations are not applicable here. It is settled position of law that benefit of doubt has to be given to accused. Hence, in view of above mentioned findings, I hold that prosecution failed to prove beyond reasonable doubt that accused persons caused grievous injury to informant and other witnesses. Hence, I answer to point No.1 & 2 in negative.

AS TO POINT NO. 3 & 4 :-

24. It is case of prosecution that, accused abused and gave threatening to informant and other witnesses. I perused oral evidence before court. Neither informant nor any other witnesses deposed that accused abused or gave threatening to them. After perusal of evidence I found that there is no evidence regarding abusing and threatening given by accused. All above circumstances create doubt about the prosecution case. Accordingly, I answer to point Nos.3 & 4 in negative.

AS TO POINT NO.5 :-

25. I have answered point No.1 to 4 in negative and held that prosecution failed to prove that accused persons voluntarily caused hurt to the informant and other witnesses by means of Under Arm Crutches or by fist-kick blows, insulted them and gave death threatening. Hence, accused are entitled to be acquitted. Accordingly, I pass following order.

: ORDER :

- 1] The accused No.1- Avinash Dinkar Karbhal, accused No. 2 Dnyaneshwar Dinkar Karbhal, accused No. 3 Seema Avinash Karbhal and accused No. 4 Surekha Dnyaneshwar Karbhal are acquitted vide sec.248(1) of Code of Criminal Procedure from the offences punishable under section u/s 324, 323, 504, 506 r/w 34 of Indian Penal Code.
- 2] The bail bonds of accused stands cancelled.

- 3] The seized muddemal i.e. Underarm Crutches being worthless be destroyed as per rules after period of appeal u/s.457(1) of Cr. P.C.
- 4] The accused No.1 to 4 are directed to furnish fresh bail bonds i.e. PR bond of Rs.25,000/- (In words Rs. Twenty Five Thousand Only) each and one surety in like amount each in compliance of section 437-A of Code of Criminal Procedure.

Dictated and Pronounced in open court.

Place- Bhore, Pune
Date :06-06-2026

[Smt. Meena V. Jadhav]
Jt. C.J.J.D. & J.M. F. C.
Bhor, Pune

CERTIFICATE

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

Name of the Court	:- Hon'ble Smt. Meena V. Jadhav Jt.C.J.J.D. & J.M.F.C., Bhore, Pune
Name of the Steno	:- M. S. Kondhare L.G.
Date of Order	:- 06-06-2026
Signed by P.O.	:- 06-06-2026
Order uploaded on	:- 06-06-2026