



ORDER BELOW EXH.18 IN SESSIONS CASE NO.03/2022

(State Vs. Jagannath & Ors)

Introduction :-

01. The present matter arises on the application filed by the accused persons seeking discharge from all offences leveled against them in Sessions Case No.3/2022. The accused contend that they were wrongly implicated under various sections of the Indian Penal Code and the Maharashtra Police Act, alleging bias, fabrication of medical evidence, and suppression of material facts, including pending civil disputes.

02. The State, on the other hand, has opposed the discharge application, asserting that sufficient prima facie evidence exists against the accused and that offences under Sections 307, 326, 353, 147, 148, 149, 504, 506, 427 IPC, Section 37(1)(d)/135 of the Police Act, and Section 333 IPC are made out.

Factual Background :-

03. On 16/12/2021, the complainant surveyor Ajit Raghunath Redkar, along with staff, witnesses, and police personnel on security duty, were conducting a government survey of a plot in Koletywad under the jurisdiction of Shri Ambaji Borkar. The accused persons allegedly arrived at the site with wooden sticks and firewood tied with embers, obstructed the survey, assaulted the witnesses, and threatened them with death. One accused, Kashinath Thakur, struck Bhaskar Phadke

on the shoulder, causing grievous injury.

04. Additionally, the accused threw stones and destroyed survey equipment, obstructing lawful government work and threatening the lives of the witnesses. Accordingly, the FIR was registered under Sections 307, 326, 353, 147, 148, 149, 504, 506, 427 IPC, and Section 3/1/D/135 of the Maharashtra Police Act.

05. Upon completion of the investigation, sufficient evidence was found against the accused, and charges were framed under Sections 307, 326, 353, 147, 149, 504, 506, 427 IPC, Section 37(1)(d)/135 of the Police Act, and Section 333 IPC.

Submissions of the Accused :-

06. The accused contend that :- Sections 307 and 326 IPC were wrongly applied. Medical certificates were allegedly fabricated or coerced, issued by a private doctor not qualified as an MBBS graduate. Civil disputes over the land were pending, and these were allegedly suppressed in the FIR and charge-sheet.

07. The accused have suffered mental, social, and economic loss due to wrongful implication. They seek discharge from all offences and interim stay of proceedings pending determination of their discharge application.

Say of the State / Government :-

08. Upon examination of the FIR, statements of witnesses, and investigation reports, it is clear that on

16/12/2021, the accused, acting in concert, obstructed a lawful survey, assaulted witnesses, caused grievous injuries, and damaged property. Prima facie offences under Sections 307, 326, 353, 147, 148, 149, 504, 506, 427 IPC, Section 37(1)(d)/135 of the Maharashtra Police Act, and Section 333 IPC are made out.

09. The State submits that sufficient evidence exists to proceed to trial and that the discharge application is devoid of merit.

Points for Determination :-

Sr.No.	Points	Findings
1.	Whether the allegations and evidence prima facie disclose the commission of offences under the IPC and the Maharashtra Police Act ?	...Yes.
2.	Whether there is sufficient ground to discharge the accused at this stage ?	...No.
3.	What order ?	As per final order.

REASONS

Discussion and Analysis :-

10. At the stage of discharge under Section 227 of the Cr.PC, the Court is required to consider whether there exists

sufficient prima facie evidence against the accused such that a trial is justified. The Court does not enter into a detailed inquiry into the truth or falsity of the allegations; the enquiry is limited to whether the allegations, if assumed to be true, disclose offences under the law.

11. Upon careful perusal of the FIR, charge-sheet, witness statements, and other materials on record, the following observations are relevant :-

Collective Obstruction and Assault :- It is evident from the statements of the surveyor and witnesses that the accused collectively arrived at the survey site with weapons, including sticks and burning firewood, and actively obstructed the lawful government survey. One of the accused, Kashinath Thakur, inflicted grievous injury to a witness, Bhaskar Phadke. This establishes prima facie commission of offences under Sections 353 (assault on public servant), 147, 148, 149 (rioting), 504, 506 (criminal intimidation), and 427 IPC (mischief causing damage).

Intent to Cause Harm :- The FIR and witness testimony clearly indicate that the accused intended to intimidate and physically harm the surveyor and other witnesses. The deliberate throwing of embers, assault with sticks, and throwing of stones point to a premeditated action to commit grievous hurt and obstruct public duty.

Medical Evidence :- Although the accused allege fabrication of medical certificates, the materials on record, including reports from Primary Health Center, corroborate the injuries sustained.

Prima facie, this supports the charges under Sections 326 IPC (voluntarily causing grievous hurt) and 333 IPC (voluntarily causing hurt to public servant). Allegations of bias or coercion, at this stage, are unsubstantiated and speculative.

Civil Disputes Do Not Excuse Criminal Conduct :- The accused contend that civil disputes over the land justify their actions. It is well-settled in law that pending civil litigation cannot absolve a person from criminal liability when criminal acts such as assault, rioting, and obstruction of public servants are committed. The motive relating to land disputes is relevant to the trial but does not negate prima facie criminal liability.

Prima Facie Case Established :- Considering the totality of facts, the FIR, investigation, and charge-sheet, there exists a clear prima facie case against the accused under Sections 353, 147, 148, 149, 504, 506, 427 IPC, Section 37(1)(d)/135 of the Maharashtra Police Act, and Section 333 IPC. The allegations are not frivolous or vague, and the Court finds no compelling reason to discharge the accused at this stage.

Scope of Discharge Application :- The Court notes that the discharge application is premature, as the issues raised, including alleged fabrication of documents, bias in investigation, and pendency of civil disputes, are matters that can only be fully appreciated during trial. At this stage, the Court is to assess prima facie evidence, not to resolve complex factual disputes.

Conclusion and Order :-

12. In view of the above, it is clear that the accused have

failed to make out any ground for discharge, and prima facie offences are clearly made out. The application for discharge is, therefore, rejected. The Court orders as follows.

ORDER

1. The discharge application filed by the accused is rejected.
2. The accused shall face trial under Sections 353, 147, 148, 149, 504, 506, 427 IPC, Section 37(1)(d)/135 of the Maharashtra Police Act, and Section 333 IPC.
3. Interim relief prayed by the accused is denied, and the trial shall proceed expeditiously.
4. The Court records shall be furnished to the learned Prosecutor for necessary proceedings.
5. The application is accordingly disposed of.

Alibag,

Date:- 29/11/2025.

(S.D.Bhagat)

Additional Sessions Judge,
Raigad-Alibag.