



MHRG010011992023	 	Presented on	: 10/08/2023
		Registered on	: 10/08/2023
		Decided on	: 30/03/2026
		Duration	: Y M D 02 07 20

Spl.(Disability) Case No. 34/2023

Exhibit No.: 51/A

<p><u>IN THE COURT OF SESSIONS JUDGE, RAIGAD, AT: ALIBAG.</u> Presided Over by R. D. Sawant, Special Judge</p> <p>[Date of the Judgment - 30/03/2026] [Spl.(Disability) Case No. 34/2023]</p>	
<p>(Details of FIR/Crime and Police Station)</p> <p>FIR No. 135/2023, Revdanda Police Station u/sec. 324, 504, 506 of Indian Penal Code and u/sec.92(a) & 92(b) of The Rights of Persons with Disabilities Act, 2016.</p>	
COMPLAINANT	The State of Maharashtra, Through the PSO, Revdanda Police Station.
REPRESENTED BY	Smt. S. R. Dhumal, Ld. APP for the State
Accused	Krushna Ganpat Patil, Age :- 70 years, Occu.:- Agriculture, R/o : Bapale, Tal-Alibag, Dist- Raigad
REPRESENTED BY	Ld. Adv. Shri. Nitesh Vahalkar for Accused

Date of Offence	30.05.2023
Date of FIR	31.05.2023
Date of Charge-sheet	10.08.2023
Date of Framing of Charges	08.11.2023
Date of commencement of evidence	02.07.2025
Date on which judgment is reserved	30.03.2026
Date of the Judgment	30.03.2026
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 Sec. 428Cr.PC.
1.	Krushna Ganpat Patil	--	--	u/sec. 324, 504, 506 of IPC and u/sec. 92(a) & 92(b) of The Rights of Persons with Disabilities Act, 2016	Acquitted	--	--

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	Santosh Dattaram Patil (Exh. 14)	Informant
PW-2	Anant Balaram Patil (Exh. 23)	Panch witness of Spot Panchnama
PW-3	Devyani Sanjay Patil (Exh. 25)	Eye Witness
PW-4	Dr. Rakesh Yadav (Exh.35)	Medical Officer attached to Revdanda PHC

PW-5	Dr. Monika Sudhir Singh (Exh.40)	Medical Officer attached to Civil Hospital, Alibag.
PW-6	Police Naik - Ranjit Kedarnath Roge (Exh.42)	Investigating Officer

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	Bindita Baburao Patil	Sarpanch

C. Court Witness, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1		NIL

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**A. Prosecution :**

Sr. No.	Exhibit Number	Description
1	PW - 1 Exh. 15 Exh. 16 Exh. 17 Exh. 18 Exh. 19	Disability certificate of informant Report/Complaint Printed FIR Letter dated 23/02/2023 addressed by Asstt. Block Development Officer to Gramsevak Reminder letter dated 27/06/2023 by Asstt. Block Development Officer to Gramsevak
2	PW - 2 Exh. 24	Spot Panchanama with rough sketch
3	PW - 3 Exh.D-26	The copy of the proceeding Book and resolution 108/3 (Exhibited in Cross-examination)
4	PW - 4 Exh. 36 Exh. 37 Exh. 38A Exh. 39A	Letter dated 30/05/2023 by which patient was referred to PHC, Revdanda by HC Rathod. Injury Certificate Certified copy of the entry No.930 Certified copy of MLC case paper
5	PW - 5 Exh. 41	Injury Certificate

6	PW - 6	Exh. 43 Exh. 44	Three photographs Letter dated 08/06/2023 by which made correspondence with Group Grampanchayat Chinchoti for CCTV footage.
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B. Defence :

Sr. No.	Exhibit Number	Description
		NIL

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1	Exh. 6	Charge
2	Exh. 7	Plea/statement of Accused
3	Exh. 45	Evidence Close Pursis of Prosecution
4	Exh. 46	Statement of Accused u/sec. 313 of Cr. P.C.
5	Exh. 49	Evidence Close Pursis filed by accused
6	Exh. 50	Written notes of Arguments filed by ld. Advocate for accused.

D. Material Objects :

Sr. No.	Material Object Number	Description
1	Article-A	Application dated 06/09/2020 made by informant with Grampanchayat Chinchoti

J U D G M E N T
(Delivered on 30/03/2026)

Accused Krushna Ganpat Patil is tried for the offences punishable u/sec. 324, 504, 506 of Indian Penal Code (in short IPC) and u/sec. 92(a) & 92(b) of The Rights of Persons with Disabilities Act 2016, registered with Revdanda Police Station,

vide crime No. 135/2023.

02. In short the prosecution case is as under,

(a) PW 1 Santosh Patil is informant. He and his wife resides in his house situated in village Chinchoti. He runs stall in the said house. He is physically handicapped due to polio in his childhood and he suffers with 82% physical disability. Disability certificate is issued to him by Medical authority Raigad-Maharashtra.

(b) On 06/09/2020 he applied to Chinchoti Grampanchayat for land near his residential house, to construct toilet. Since there was no response from the Grampanchayat, he made correspondence with Block Development Officer, Panchayat Samiti Alibag, Zilla Parishad Raigad, District Officer etc in writing. Still there was no response from Chinchoti Grampanchayat.

(c) On 30/05/2023 Gramsevak of Village Chinchoti in writing informed him to attend Chinchoti Grampanchayat meeting. Accordingly on 30.05.2023 he alongwith his wife Lata attended the Grampanchayat meeting at about 12.00 noon. In the said meeting, Sarpanch Bindita Patil, Deputy Sarpanch Ganesh Patil, member Krushna Ganpat Patil, member Devyani Sanjay Patil and other members were present. There was discussion on his letter for permission to construct the toilet. One Naresh Jagannath Patil neighbourer of Santosh Patil objected the same. At that time member Krushna Patil got up and gave elbow blow on his chest and flank and pushed him from the chair saying “ माकडा हलकटा लंगडया तुला जागा मिळणार नाही, तुला कुठे जायचे असेल तेथे

जा, मी अपंगफापंग मानत नाही". There by the accused teased him on his disability and insulted him. When the complainant tried to rise from the chair he purposely put his leg on the left foot of informant and pressed heavily, therefore his sandal was broken. Then when he tried to rise Krushna Patil slapped him and asked him to go away and threatened to kill him. His wife rescued him. Said incident happened in presence of Gramsevak, Sarpanch and Grampanchayat Members.

(d) Informant has further stated that though the accused is knowing that informant is physically handicapped accused intentionally insulted him on the count of his disability with intent to intimidate him. It is further stated that accused voluntarily caused hurt to the informant and gave provocation and provoked him to break the public peace. Accused committed an offence of criminal intimidation by giving threats to the informant to kill, intentionally insulted or intimidated the complainant with intent to humiliate him with his disability, assaulted the complainant with fist blows, put his leg on the disable leg of complainant with intent to dishonour him and thereby committed an offence punishable u/sec. 324, 504, 506 of IPC and u/sec.92(a) & 92(b) of The Rights of Persons with Disabilities Act, 2016. Crime no. 135/2023 was registered against accused for the abovesaid offences.

(e) Informant was referred to Revdanda Primary Health Center. Then he was further referred to Civil Hospital, Alibag for CT Scan of brain.

(f) Investigation of said crime was entrusted to Police

Naik Shri. Ranjit K. Roge. During investigation he visited the spot and prepared spot panchnama in presence of two panchas and drawn rough sketch of the spot. He has taken the photographs at the time of spot panchnama. He recorded the statements of witnesses. He collected the injury certificates of informant from PHC Revdanda and Civil Hospital Alibag. Investigating Officer further collected the proceeding book of Grampanchayat. After completion of investigation, due to complicity of accused, he filed charge-sheet against accused.

03. Charge at Exh.6 was framed against accused on 08.11.2023 u/sec. 324, 504 & 506 of IPC and u/sec. 92(a) & 92(b) of the Right of Persons with Disabilities Act, 2016. The same was read over and explained to accused in vernacular. He pleaded not guilty to the said charge and claimed to be tried.

04. In order to establish the charge against Accused, prosecution examined 6 witnesses.

05. After completion of the evidence of the prosecution witnesses, the statement of Accused u/sec. 313(1)(b) of Cr.P.C. came to be recorded. The defence of Accused is that Informant attacked him and he is falsely implicated. Accused did not examine himself on oath. Accused examined Smt. Bindita Baburao Patil at Exh. 48 as DW 1 and closed his evidence vide pursis at Exh. 49.

06. Heard Ld. A.P.P. Smt. Dhumal for State and Adv. Nitesh Vahalkar for Accused. Perused evidence and written notes

of arguments filed on record.

07. After hearing the submissions made by both parties and perusing records, following point arise for my consideration and I record my findings on the said points for the reasons stated by me hereinafter :

Sr. No.	Points	Findings
1.	Does prosecution prove that on 30.05.2023 at about 12.00 noon, in Grampanchayat office Chinchoti, at- Phanaspur, Tal- Alibag, Dist- Raigad accused voluntarily caused hurt to the complainant Santosh D. Patil with fist blows and by putting your leg on his leg and thereby committed an offence punishable u/sec. 324 of Indian Penal Code ?	... Not proved
2.	Does prosecution prove that, accused intentionally insulted the complainant by saying “Makada, Halkata, Langadya” and thereby gave provocation to him, intending or knowing it to be likely that such provocation would cause the said complainant to break public peace and thereby committed an offence punishable u/sec. 504 of Indian Penal Code ?	... Not proved
3.	Does prosecution prove that, accused committed an offence of criminal intimidation by giving threats to the complainant to kill and thereby committed an offence punishable u/sec. 506 of Indian Penal Code ?	... Not proved
4.	Does prosecution prove that, accused during the meeting at Chinchoti Grampanchayat in presence of Sarpanch, Deputy-sarpanch and other members of Grampanchayat, intentionally insulted or intimidated the	

	complainant with intent to humiliate him with his disability and thereby committed an offence punishable u/sec.92(a)of The Rights of persons with Disabilities Act, 2016 ?	... Not proved
5.	Does prosecution prove that, accused during the meeting at Chinchoti Grampanchayat in presence of Sarpanch, Deputy-sarpanch and other members of Grampanchayat, assaulted the complainant with fist blows and put your leg on his disabled leg with intent to dishonour him or outrage the modesty and thereby committed an offence punishable u/sec. 92(b) of The Rights of persons with Disabilities Act, 2016 ?	... Not proved
6.	What order ?	As per final order.

REASONS

As to Point No. 1 to 5:-

08. Ld. A.P. P. Smt. Dhumal submitted that the prosecution in order to prove the guilt of accused examined 6 witnesses and produced on record disability certificate of injured/informant, Grampanchayat meeting proceeding book of the relevant date and injury certificates. She further submits that the alleged incident took place in the Chinchoti Grampanchayat meeting. Informant himself is injured in the incident. The incident is eye witnessed by PW3. The spot is proved by examining PW 2. The injury of injured/informant is proved by examining PW4 Dr. Rakesh Yadav and PW5 Dr. Monika Singh. The version of informant is corroborated by the eye witness and the injury certificate. Accused knowing well that the informant is physically disabled. Accused intentionally insulted and

humiliated the informant on his disability and that the informant given fist blows and the accused took his leg on his disabled leg with intent to dishonour him and thereby the prosecution has proved all the charges against accused beyond reasonable doubt. Hence accused be convicted of the offences charged.

09. Ld. Adv. Shri. Vahalkar for accused drawn my attention to Sec. 324, 504 and 506 of IPC and Sec. 92(a) and 92(b) of the Rights of Persons with Disabilities Act, 2016. He submitted that the disability of the informant is not in question. He submitted that the accused had no criminal intent to insult the informant who is disabled person. He was merely presenting his perspective in the meeting in his capacity as a member. He submitted that the prosecution has failed to prove the charges against accused beyond reasonable doubt. He submitted that informant fell down on his leg while trying to save himself therefore accused be acquitted. It is the informant who has thrown the sandal towards the direction of public servants including the accused herein to deter or prevent the public servant from discharging their duties and to save himself the informant Santosh Patil has lodged the false FIR on imaginary story against the accused herein.

10. PW 1 informant Santosh Patil has deposed as per the FIR. He has deposed that accused Krushna Ganpat Patil with elbow blow assaulted on his lower chest and and flank abusing him on his disability and insulted and humiliated him. When he tried to rise accused put his leg on his feet and thereupon while

he and his wife started going, accused asked to leave otherwise he will be killed. Then he went to Revdanda Police Station. Revdanda Police referred him to PHC Revdanda. At Revdanda PHC he was medically examined and referred to Civil Hospital, Alibag for CT Scan of his brain. After the CT Scan, informant lodged report on which crime came to be registered against the accused for the abovesaid offences. Disability certificate is produced by him at Exh.15. FIR , letter dated 23/02/2023 and reminder letter dated 27/06/2023 addressed by Assistant Block Development Officer to Gramsevak are produced and proved in evidence.

11. PW1 in his cross-examination candidly admitted that the land on which he intended to construct the toilet is not owned by him, it is Gavthan Land. This witness has further admitted that he has not stated to the police that while he was trying to get up he was again pushed and he has stated so in his supplementary statement.

12. PW 2 Anant Balaram Patil, the spot panch has candidly admitted that he is not eye-witness to the incident happened in the Grampanchayat meeting hall. This witness is working as clerk in the said Grampanchayat and know the topography of the Grampanchayat building well and the sketch was drawn at the spot in his presence. This witness has candidly admitted that the incident took place on 30.05.2023 and spot panchnama at Exh.24 was drawn on 08.06.2023. The spot panchaname is not in dispute.

13. PW 3 Devayani Sanjay Patil, the member of Chinchoti Grampanchayat is alleged to be the eye witness. She has deposed that on 30.05.2023 at about 11.00 a.m. there was monthly meeting. In the said meeting, Santosh Dattaram Patil and his wife as also accused Krushna Ganpat Patil were present. Santosh Patil had applied for space for constructing the toilet. Three members of the Grampanchayat gave him the permission accordingly. Santosh Patil is disabled person and he requires help of others for commuting. Informant has shop surrounded by residential locality and school and therefore for construction of toilet, he required permission. She further deposed that since the said land was in Gavthan, there was no question of objection from anyone. She has further deposed that Krushna Patil of village Bapale, the member of Chinchoti Group Grampanchayat who is accused herein opposed. Thereupon informant Santosh Patil got annoyed and asked him when he is from other village why he is opposing him. Thereupon accused Krushna Patil abused him on his disability. She has further stated that Santosh Patil while getting up, lost the balance and fell down. Before falling on the ground to have assistance, he catchhold the shirt of Accused. Accused Krushna Patil instead of helping him, pushed him and while Santosh Patil was falling down, leg of Krushna Patil fall upon disabled leg of Santosh Patil. Then since Santosh Patil was not able to wear the sandal, he left the sandal there itself and left the spot with his wife.

14. In her cross-examination, this witness has

categorically admitted that accused is from different political party than her and informant Santosh Patil is from her village. Ld. Adv. Vahalkar confronted this witness with resolution no. 108/3 and copy of proceeding book at page no. 26/1 of meeting dt. 30.05.2023, the same has been marked as Exh. D-26. This witness in her cross-examination stated that, her statement was recorded by police on 08.06.2023 and she has stated to the police that, assistance is required to Santosh Patil while commuting and that, Santosh Patil has shop and it is surrounded by residential houses and the school. She has further stated that three of the members of Grampanchayat allowed Santosh Patil to construct the toilet and the said contents do not appear in her police statement and she has stated the above said contents for the first time in the court. This witness has further candidly admitted that, in her statement there is no mention that, Santosh Patil while getting up lost the balance and therefore caught hold the shirt of Krushna Patil. She has further deposed that, she told the police that Krushna Patil did not help him to stand and push him. However the said contents also do not appear in her police statement so also she has also admitted that she has not stated in police statement that leg of accused fell on the leg of Santosh Patil and she has stated so for the first time before the Court.

15. Ld. Advocate Vahalkar submitted that there are material improvements and omissions in the version of PW1 informant and PW3 Devyani who is alleged eye witness. She has

improved her version before the Court and she has candidly admitted so in the evidence before the Court and material improvement casts doubt upon the credibility of this witness and it is sufficient to reject her testimony.

16. If the evidence of PW1 informant and PW3 Devyani get together, it is amply clear that informant lost his balance while getting up and in an attempt to hold the shirt of the accused, fell down and received injury. It is also evident from the cross-examination of PW4 Dr. Rakesh Yadav that the injury mentioned in the injury certificate at Exh.37, may be caused by falling down on head. Further PW5 Dr. Monika Singh has deposed that CT scan done in the Civil Hospital, Alibag do not show the evidence of any physical injury to the injured and the injury mentioned in the injury certificate at Exh.41 is possible by self falling on head. Hence in the light of the evidence of PW4 and PW5 as also in view of the minutes of the Grampanchayat meeting produced at Exh.D26, the evidence of PW3 do not inspire confidence of this Court more particularly when this witness has admitted in her cross-examination that she is from different political party and from different village than that of accused, PW1 and PW3 are from the same village and therefore I find substance in the arguments of Advocate Vahalkar that PW3 is interested witness and she has deposed with intent to falsely implicate the accused. Even if it is accepted that the accused foot landed on the informants foot, and it is read along with the minutes of the proceeding of Grampanchayat meeting, which are

produced at Exh.D26, the reasonable doubt is created in the mind of the Court that it was accidental fall and not intentional assault.

17. Alleged utterances by accused, with intent to intimidate, intentional insult of the informant on his disability and the assault on the informant with fist blows and by putting leg on his disabled leg are not proved by the prosecution and therefore I find no substance in the argument of Ld. A.P.P. Smt. Dhumal. Moreover the CCTV footage though available is not produced before the Court and it works to the advantage of the accused as contended by Advocate Vahalkar. Further DW1 Bindita who was Sarpanch at the relevant time has deposed as per the minutes of the Grampanchayat meeting proceeding on the relevant date and therefore this corroborate version of the accused in his defence.

18. In light of the testimony of PW3, it becomes evident that this testimony is motivated by political animosity. An attempt is being made to assist the prosecution by tendering a testimony that is entirely distinct from and appears to be an improvised version of the statement originally recorded by the police. The oral deposition of the witness stands in contradiction to the documentary evidence i.e. Exh. D-26 Proceedings Book. This fact alone is sufficient to the acquittal of the accused.

19. PW6 IO Roge is formal witness and he has deposed as to the investigation done by him. There is no independent

corroboration to the version of informant. Medical certificate also do not support the prosecution case. Hence his evidence is also of no use to prosecution to prove the guilt of accused.

20. Absence of CCTV Footage (Negative Evidence): The investigating officer admitted that they had requested CCTV footage, but it was not obtained. Had CCTV footage been available, the falsity of the complainant's claims-specifically the 'sandal-throwing' incident- would have been captured on camera. The absence of such evidence works to the advantage of the accused.

21. The sarpanch (DW1) has explicitly stated under oath that "it was Santosh Patil (the complainant) who grabbed Krishna Patil's (the accused) collar, and he himself fell down." Furthermore, the complainant removed his sandal, hurled it in the direction of the sarpanch and the other members, and stormed out of the meeting. This evidence shows the informant was the aggressor. Moreover I find substance in the argument of Advocate Vahalkar that the complainant has leveled this false accusation against the accused partly to exact revenge of the humiliation and the fall resulting from his own misconduct, as Naresh Patil happens to be a friend of the accused.

22. 'Documentary evidence' is considered superior to oral evidence. The sarpanch has deposed exactly as the event is recorded in the government records. This makes the complainant's story completely false.

23. Misuse of disability and allegations of abuse denied: During cross-examination, the sarpanch explicitly denied that the accused had verbally abused the complainant on account of their disability. Had the accused indeed hurled insults during the public meeting, such an incident would have been recorded in the proceedings, or the accused would have been restrained. On the contrary, it has emerged that it was the complainant who displayed aggressive behaviour.

24. In view of the abovesaid discussion I held that the prosecution has failed to prove its case beyond reasonable doubt. The accused has successfully shown that accused fell while trying to save himself from falling down and received injuries. Therefore the benefit of doubt deserves to be granted in favour of Accused. Hence, I answer point No.1 to 5 accordingly in negative.

As to point No.6

25. In view of discussion above, I proceed to pass the following order.

:: ORDER ::

1. Accused Krushna Ganpat Patil is hereby acquitted under Section 235(1) of the Code of Criminal Procedure of the offences punishable u/sec. 324, 504, 506 of Indian Penal Code and u/sec.92(a) & 92(b) of The Rights of Persons with Disabilities Act, 2016.
2. Bail bond of accused stand cancelled, he be set at liberty.

3. Accused shall furnish surety of Rs. 15,000/- and personal bond of like amount, in compliance of the provisions of section 437A of the Code of Criminal Procedure.
4. No order as to Muddemal since no muddemal is filed before the Court.

(Dictated and pronounced in open court)

Alibag
Dt.30/03/2026.

sd/-
(R. D. Sawant)
Special Judge, Raigad-Alibag.

CERTIFICATE

I affirm that, the contents of this P.D.F file order are same, word to word, as per the original order.

Name of Stenographer : Smt. S. S. Puro (Grade- I)

Court : Principal District Court,
Raigad-Alibag.

Date of Order/Judgment : 30.03.2026

Order/judgment signed by
the Presiding Officer on : 04.04.2026

Order/judgment uploaded on: 04.04.2026

