

MHRG110007772018



Presented On : 15.09.2018
Registered On : 15.09.2018
Decided On : 17.04.2026
Duration : 07 Y/ 07 M/ 02 Days

(PART - "A")

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,

MANGAON, DISTRICT : RAIGAD

(Presied over by Smt. A. P. Manav)

Date:- 17/04/2026

R.C.C.No. 96/2018

EXHIBIT NO. 64

CNR NO. MHRG110007772018

[Mangaon Police Station Crime No. 15/2018

PROSECUTION :- The State of Maharashtra,
Though, Tala Police Station,
Tal.Tala , Dist.Raigad

REPRESENTED BY :- Assistant Public Prosecution Smt. J.S.Kulkarni

-Versus-

ACCUSED :-

1. **Moreshwar Pandurang Andhare**
Age 37 years, Occ.,
2. **Avinash Mahadev Rane**
Age 36 years, Occ.,
3. **Praful Shantaram Renose**
Age 29 years, Occ.,

4. Nilesh Pandurang More

Age 40 years, Occ.,

r/o.Mahure,

Tal.Tala, Dist.Raigad

REPRESENTED BY :- Advocate Shri. R.J. Pandhare

(PART - "B")

Date of Offence	31.03.2018
Date of FIR	01.04.2018
Date of Charge-sheet	15.09.2018
Date of Commencement of evidence	07.12.2018
Date of which judgment is reserved	17.04.2026
Date of Judgment	17.04.2026
Date of Sentencing Order, If any	--

Accused Details

Rank of Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or Convicted	Sentence Imposed	Period of set off
1	Moreshwar Pandurang Andhare	02.04.2018	17.04.2018	324, 323, 504, 506 r/w. 34 of I.P.C.	acquitted	No	No
2	Avinash Mahadev Rane	02.04.2018	17.04.2018	324, 323, 504, 506 r/w. 34 of I.P.C.	acquitted	No	No

3	Praful Shantara m Renose	02.04.20 18	17.04.20 18	324, 323, 504, 506 r/w. 34 of I.P.C.	acquitted	No	No
4	Nilesh Pandurang More	02.04.20 18	17.04.20 18	324, 323, 504, 506 r/w. 34 of I.P.C.	acquitted	No	No

(PART - "C")

List of Prosecution Witnesses.

Rank	Name	Nature of Evidence	Exhibit Number
PW.1	Ajay Eknath Jadhav	Informant	20
PW.2	Kamlakar Shankar Mangale	Panch Witness	22
PW.3	Aadesh Kashinath Rane	Witness	32
PW.4	Arun Anant Chavan	Witness	33
PW.5	Samir Ashok Jadhav	Witness	34
PW.6	Dinesh Pandurang Shinde	Investigating Officer	38
PW.7	Dr. Amol Rajaram Birvatkar	Medical Officer	45

Evidence is not adduced by accused. Further no evidence from Court witnesses.

List of Prosecution/Defence/Court Exhibits.

A.Prosecution

Sr.No.	Exhibit Number	Description
1.	21	Complaint
2.	23	Panchnama
3.	39	Receipt

4.	40	Medical Certificate
5.	41	Us 65-B of Indian Evidence ACt
6.	46	Letter

D. Material Objects

Sr.No.	Material Object Number	Description
1.	Article A	Wooden Stick

JUDGMENT
(Delivered on 17/04/2026)

The accused are facing trial for the offences punishable under section 324, 323, 504, 506 r/w. 34 of the Indian Penal Code (hereinafter referred as IPC for the sake of brevity).

Facts of the prosecution case are as under :

2. Ajay Eknath Jadhav is the informant in the present case. On 31.03.2018 informant along with his friends namely Aadesh Rane, Sameer Jadhav, Arun chavan went to Kolad at about 08.30 PM. and returned back to village Mahoor at about 10.00 PM. At that time near to the name plate of village accused No.1 to 4 standing there. Accused saw the informant. Accused No.1 assaulted to informant by stick on left side of his head and accused No.2 bite on middle finger of right hand of informant. Other accused abused and intimidated to the informant. Friends of informant tried to resolve the quarrel, at that time accused assaulted them by fists and abused and intimidated to them. Informant went to the Police Patil of Mahoor village and there after lodged the complaint at

police station.

3. On the basis of complaint lodged by informant, offence was registered at Tala Police Station by Crime No.15/2018 for the offences punishable under section 324, 323, 504,506 r/w section 34 of IPC. D.P Shinde Police constable has investigated the offense. During investigation, the investigating officer visited the spot of incident and prepared spot panchnama, seized the stick and prepared seizure panchnama and recorded the statements of witnesses. He also obtained injury certificate of injured. After completion of investigation, Investigation officer filed charge sheet against the accused persons.

4. My learned predecessor has framed charge at Exh. 13 against accused persons for the offences punishable under section 324, 323, 504, 506 r/w section 34 of IPC. The charge was read over and explained to the accused in vernacular. All accused denied the guilt and claimed trial vide Exh.14 to 17.

5. The incriminating circumstances brought on record were pointed out to the accused and their statement under section 313 of Criminal Procedure Code are recorded vide Exh.55 to 58. The accused have taken the defence of total denial and false implication.

6. Following points arise for my determination and I record my findings for the reasons stated below.

Sr.No	POINTS	FINDINGS
1.	Does prosecution prove that on 31.03.2018 at about 10.00 p.m. At Mahure, Tq. Tala Dist. Raigad-Alibag, accused persons, in furtherance of their common intention, accused No.1 voluntarily caused hurt to informant's by means of stick, which is the instrument used as weapons of the offence likely to cause death and thereby committed an offence punishable under section 324 of IPC?	In the negative.
2	Does prosecution prove that, on above said date, time and place all accused in furtherance of their common intention, caused hurt to informant and thereby committed an offence punishable u/s 323 read with section 34 of the Indian Penal Code?	In the negative.
3.	Does prosecution prove that on aforesaid date, time and place, accused persons, in furtherance of their common intention, intentionally insulted and gave provocation to said informant intending that such provocation would cause them to break public peace and thereby committed an offence punishable u/s 504 read with section 34 of the Indian Penal Code?	In the negative.
4	Does prosecution prove that on aforesaid date, time and place, accused persons, in furtherance of their common	

	intention, committed criminal intimidation by threatening informant to kill and thereby committed an offence punishable u/s 506 read with section 34 of the Indian Penal Code??	In the negative.
5.	What order?	As per final order.

REASONS

AS TO POINT NO.1 and 2 :

7. The Ld. APP on behalf of state argued that, there are no omissions and contradictions in the evidence of informant and eye witnesses. Defence has not created any doubt in prosecution case prosecution witness evidence can not be discarded merely on the ground of being closely related to the informant. Also, their evidence has a ring of truth, is cogent, credible and trustworthy and it should be relied upon. Also, their evidence is unshaken in the cross examination. Prosecution evidence is remained unchallenged.

8. The evidence of informant and eyewitness can not be discarded on merely considering the possibilities of causing those injuries expressed by medical officer. It's only opinion regarding such questions. Therefore only on the possibilities prosecution evidence can not be brushed aside. The prosecution evidence on record is consistent and corroborated in material particulars. Prosecution proved it's case beyond all reasonable doubt. Hence prayed for conviction of accused.

9. On the contrary Ld. Counsel of accused argued that, all the witnesses examined by the prosecution are interested, related witnesses and deposed according to say informant. There are several contradictions in the version of these witnesses. Informant lodged false complaint against accused due to previous quarrel and political rivalry. As such the version of prosecution witnesses is not reliable and they have filed false proceedings against accused person. Also the version of prosecution witnesses is not consistent and there are so many discrepancies in prosecution evidence. Seizure and spot panchnama is doubtful. Medical officer had not stated name of informant, so medical certificate is also doubtful. As such, the prosecution has failed to prove the guilt of accused beyond reasonable doubt and accused persons needs to be acquitted.

10. According to prosecution on 31.03.2018 at about 10.00 PM. at Mahure village, accused assaulted to informant by stick. In order to prove the date, time and place prosecution examined informant and witnesses. Informant Ajay (P.W.1) deposed that on 31.03.2018 he along with his friends namely Aadesh Rane, Sameer Jadhav, Arun Chavan went to Kolad at about 08.30 PM. and returned to his village at about 10.00 PM and at that time accused No.1 to 4 were standing near to the nameplate of village. Aadesh (P.W.3) deposed that on 30.03.2018 he along with informant Ajay(P.W.1), Arun (P.W.4) and Aadesh (P.W.3) returned to mahure village at 10:00 to 10:15 PM. and incident took place at nameplate of village. On considering the oral evidence, Informant Ajay (P.W.1) and Sameer (P.W.5) deposed, incident took place on 31.3.2018, on the contrary Arun (P.W.4) and Aadesh (P.W.3) deposed that incident took place on 30.3.2018.

However, the complaint at Exh. 21 clears that incident took place on 31.03.2018 at about 10:00 P.M. and incident took place at name plate of their village. The testimony of Ajay (P.W.1) and Sameer (P.W.5) corroborated by the complaint at Exh. 21. Therefore, the prosecution proves the date and time of offence on record.

11. Panch witness Kamlakar (P.W.2) proved the spot cum seizure Panchnama at Exh. 23. Kamlakar (P.W.2) deposed that spot of incident was near to name plate of village. In cross-examination Kamlakar (P.W.2) admitted that he is police since 1993, so he frequently went to police station. He also admitted that informant was present at spot prior to him and there were 2 to 3 persons present along with informant but he not acquainted with them. Kamlakar (P.W.2) admitted that wood like Article 'A' are found in village. Kamlakar (P.W.2) candidly admitted that he is acquainted with informant since childhood and has good relation with informant.

12. The spot panchanama at Exh.23, also reflects that, the spot at nameplate of Mahure village. Therefore, considering the testimonies of informant and other witnesses, coupled with spot panchnama, clearly establishes the spot of offence. Therefore, the date, time and spot of offence is well established by prosecution. However, the admissions of panch witness Kamalakar (P.W.2) needs to be relied cautiously by weighing other evidence on record.

13. Now coming towards the actual incident, for the proof of offence

under section 324 of Indian penal code the injury plays an important role. The said injury must be the out come of intended act. In order to prove the guilt of accused, prosecution has examined informant Ajay (P.W.1) at Exh. 20. Informant Ajay (P.W.1) deposed that on 31.03.2018 informant returned to his village at about 10.00 P.M., at that time accused No.1 to 4 were standing near to the nameplate of village. By keeping the anger in mind of previous quarrel took place before one year ago with informant, accused no.1 assaulted to informant by stick on left side of head and bite the middle finger of right hand of informant. Informant Ajay (P.W.1) deposed that other accused assaulted to him by fists and abused him. Friends of informant were resolving the quarrel at that time accused also assaulted to them. Thereafter informant informed the quarrel to police patil of village and lodged complaint against accused at Exh.21.

14. In cross-examination informant was unable to deposed the time when he reached to the police station and hospital. Informant Ajay (P.W.1) admitted that sticks like article A can be found in were in the village. Except this nothing brought on record to dent his testimony.

15. Ajay (P.W.1), being the informant as well as an injured witness, occupies a pivotal position in the prosecution case. Testimony of informant shows that there was prior enmity between him and accused No.1, which provides a motive for the occurrence. At the same time, such admitted enmity requires the Court to scrutinize his evidence with caution.

16. The version of informant Ajay (P.W.1) finds place in the, which was recorded on the basis of his narration. The FIR thus lends contemporaneous support to his testimony. The version of PW.1 in Court is broadly consistent with the contents of the complaint (Exh.21). The role attributed to accused No.1 and participation of other accused is reflected in both. This consistency strengthens the prosecution case, as the complaint is the earliest version given by the informant. However, it is an admitted fact that the complaint was lodged at about 03:45 AM, several hours after the incident. Though such delay is not fatal in all cases, it assumes significance where prior enmity exists, as in the present case, thereby necessitating cautious appreciation of the prosecution evidence.

17. The testimony of Ajay (P.W.1) appears natural and consistent to the extent that an assault took place. His presence at the scene cannot be doubted, as he himself sustained injuries. The law is well settled that the evidence of an injured witness carries great weight and ordinarily should not be discarded unless there are strong reasons to do so. In the present case, despite lengthy cross-examination, nothing material has been elicited to discredit his version regarding the assault. However, considering the previous enmity between Informant Ajay (P.W.1) and accused no.1 and certain aspects of his evidence the testimony of informant can not be accepted without any corroboration. Thus, while his testimony is reliable to prove the occurrence of assault, it requires corroboration regarding other ingredients of offence with circumstances on record.

18. Another witness Aadesh (P.W.3) deposed that on 30.03.2018 he, Sameer Jadhav, Ajay Jadhav, Arun Chavan went to the Kolad at about 08.30 P.M. and returned at about 10.30 P.M. Aadesh (P.W.3) further deposed that accused No.1 assaulted to informant near to the nameplate of village. Accused and informant have dispute since long. Aadesh (P.W.3) deposed that accused No.1 has assaulted to informant by stick on left side of head. Accused No.1 also bite on right middle finger of right hand of informant. Aadesh (P.W.3) deposed that when they were resolving the quarrel at that time accused assaulted to them by fists. Aadesh (P.W.3) admitted in cross-examination on 31.03.2018 due to the Hanumant Jayanti peoples were present at late night. He further deposed that, there are two political groups in their village and accused no.1 belongs to Rashtravadi-Congress and so many times members of Rashtravadi-Congress were elected. Aadesh (P.W.3) also admitted that sticks like article A are easily available in the village.

19. Aadesh (P.W.3) has supported the prosecution case and has deposed that accused No.1 assaulted the informant with a stick and bit his finger, while others assaulted with fists. His testimony substantially corroborates the version of PW.1. However, in cross-examination, Aadesh (P.W.3) has admitted that there was a festival in the village and presence of peoples for festival. The testimony also shows the existence of political rivalry in the village. These admissions are significant as they indicate that independent witnesses were available but not examined. Aadesh (P.W.3) is also friend of informant Ajay (P.W.1). Therefore, the evidence of Aadesh (P.W.3) though consistent to the extent of assault by accused

no. 1 to informant, appears to be not wholly reliable and needs independent corroboration.

20. The Third witnesses Arun (P.W.4) deposed that on 30.03.2018 at about 10.00 P.M., accused and his friend restrained to them. Accused No.1 and informant have quarrel since long. Accused No.1 assaulted to informant by stick on the left side of head and bite on middle finger of right hand of informant. In cross-examination, Arun (P.W.4) admitted that informant is his best friend and informant called him for deposition. Arun (P.W.4) has also deposed in line with the prosecution case and has attributed a specific role to accused No.1. However, in his cross-examination, he has admitted that the informant is his best friend and that he was called by the informant to give evidence. This admission clearly shows that he is a highly related witness. His evidence, therefore, requires careful scrutiny. Though his version supports the prosecution, the possibility of bias cannot be ruled out. His testimony does not inspire the same degree of confidence as that of an independent witness. Hence, it would be unsafe to rely upon his evidence without corroboration.

21. Sameer (P.W.5) supported the prosecution case and deposed that accused No.1 assaulted to informant by stick. In cross-examination Sameer admitted that informant is his friend and stick like article A are easily for in the village. Sameer (P.W.5) has also supported the prosecution case by stating that accused No.1 assaulted the informant with a stick. His evidence is consistent with that of PW.1 and other witnesses. However, like other eyewitnesses, he has

admitted that he is a friend of the informant. Thus, Sameer (P.W.5) is also an related witness. His testimony does not materially improve the prosecution case but only reiterates what has already been stated by informant (P.W.5) and Aadshesh (P.W.3.). Therefore, his evidence is corroborative in nature and must be evaluated along with the overall evidence on record.

22. On considering overall Prosecution evidence, all witnesses consistently deposed that accused no. 1 assaulted to informant Ajay (P.W.1) by stick. Ajay (P.W.1) the injured witness, has categorically deposed that accused No.1 assaulted him on the head with a stick and also bite his finger. His evidence inspires confidence to the extent of occurrence of assault, as he himself sustained injuries and his presence at the spot is natural. His testimony is corroborated by Aadshesh (P.W.3), Arun (P.W.4), and Sameer (P.W.5), who have consistently stated that accused No.1 assaulted the informant. Though these witnesses are friends of Informant (P.W.1), but according to prosecution case incident took place at the time when informant went to village with these friends. So their evidence cannot be discarded solely on that ground. Their version is consistent on the material aspect of assault by accused No.1. However, these witnesses have not deposed names and role or specific overt act of other each accused.

23. Ajay (P.W.1) deposed that other accused scuffled with him. Informant Ajay (P.W.1) also not deposed specific role of accused no. 2 to 4 and their over act. The oral evidence also not reflects the specific overt act of accused no. 2 to 4 while causing assault to informant. Informant Ajay (P.W.1)also deposed that

accused had scuffled with his friends and assaulted. Neither informant deposed which accused assaulted to whom and it's manner. The statement is general that accused assaulted them. Aadesh (P.W.3) deposed that when they tried to resolve quarrel, accused no. 2 and 4 scuffled with them. He also not stated which accused assaulted to him and others as well as the body part where he sustained any kind of pain. Therefore, the evidence of Aadesh (P.W.3) is also not material to prove the guilt of accused no. 2 to 4.

24. Arun (P.W.4) and Sameer (P.W.5) also deposed that when they tried to resolve the quarrel at that time they sustained assault. Arun (P.W.4) neither stated names of accused who were present with accused no. 1 and what was their specific over act. The statement is general that while resolving quarrel they sustained assault. Further Arun (P.W.4) not stated where he had sustained injury or how accused assaulted him. Informant Ajay (P.W.1) stated that accused no. 1 to 4 were standing there and the friends with him when tried to resolve quarrel accused also abused and assaulted them. Informant also not stated which accused assaulted his friend and the manner of assault as well as injuries sustained by his friends. The evidence of prosecution witness is not consistent as to the assault by accused no. 2 to 4. The manner of assault by accused no.2 to 4 is not clearly established on record. There is no consistency in manner and specific overt act of accused no. 2 to 4. Therefore, the prosecution evidence requires detail scrutiny with other circumstances as to ingredients of offence.

25. The prosecution alleges use of a stick. So as to consider whether the

alleged stick is a deadly weapon or used as deadly weapon. According to prosecution case, Accused no.1 assaulted to to informant by stick. Ajay (P.W.1) has deposed that, accused assaulted by stick at Article 'A'. Panch witness Kamlakar (P.W.2) also deposed that stick at Article 'A' was lying at 5 to 6 foot,inside of Road. However, Aadesh(P.W.3), Arun (P.W.4) and Sameer (P.W.5) deposed that accused no.1 assaulted to informant by a Firewood (लाकूड फाटा). There is difference in the nature of stick and Firewood. So there is inconsistency in the oral evidence as to the nature of weapon. Further the oral evidence does not show that the stick was used in a manner likely to cause death or grievous hurt. The witnesses have not described the weapon in detail nor its manner of use indicating dangerousness. The width and length is not brought on record. The oral evidence is insufficient to classify the stick as a dangerous weapon within the meaning of law.

26. Further perusal of medical certificate of informant Ajay (P.W.1), reflects the remark that injuries caused to informant are might be possible by hard object. It means the medical officer has opined that very low possibility that injuries found on informant are caused by hard object. In such circumstances prosecution has to forward the stick to medical officer for opinion whether injuries found on informant was possible by stick at article 'A'. However the stick was not referred to medical officer for query report that injuries found on the body of witness are possible by that stick. Thus, the documentary evidence does not conclusively connect the seized article with the injuries sustained by the

informant. Moreover, both oral and documentary evidence reveal that such sticks are commonly available in the village and forest. The injury certificates do not specify that the injuries were caused by such stick, nor do they indicate any special characteristics of the weapon. This creates a gap in the prosecution case insofar as proving use of a dangerous weapon is concerned. Therefore, prosecution has failed to prove the nature of alleged stick and use of same as a deadly weapon beyond reasonable doubt. Hence, one of the essential ingredient for attracting the offence punishable under section 324 of Indian Penal Code is not proved on record.

27. To corroborate the medical evidence with oral evidence on record, prosecution examined Dr. Birvatkar (P.W.7). Dr. Birvatkar (P.W.7) deposed that on 01.04.2017 he examined four patient on examination of Eknath Jadhav he found CLW over scalp and contusion and abrasion over right hand. Dr. Birvatkar (P.W.7) deposed that he found abrasion over right neck and left chick of Sameer Jadhav. He also found abrasion over the left hand of Aadesh Rane. Dr. Biravatkar (P.W.7) deposed that the word P.M. was wrongly mentioned in the place of A.M. He issued certificate at Exh. 47 to 50. He deposed that all injuries on above patient were accused by hard and blunt object. In cross-examination Dr. Biravatkar admitted that when patient brought for examination to the government hospital the time is to be mentioned in the register. Dr. Biravatkar (P.W.7) admitted that he has not mentioned the exact description of weapon on the certificate at Exh. 47 to 50.

28. On considering the oral testimony of medical officer, he examined to

Ekanath Jadhav, whereas name of informant is Ajay Ekanath Jadhav. However, the medical certificate, at Exh. 47 shows the name of Informant Ajay (P.W.1). Therefore, this discrepancy is not material to affect the core of prosecution case. The medical certificate at Exh. 47, shows that, Ajay (P.W.1) sustained contused lacerated wound over scalp, in 24 hours and in simple in nature. The medical certificate at Exh. 47, shows the history of assault by wooden stick, inspite of this Dr. Biravatkar (P.W.7) expressed opinion that weapon used for injuries might be hard object.

29. The oral testimony of Ajay (PW.1) is materially corroborated by the medical evidence in the form of injury certificates (Exhs.47), proved through Dr. Biravatkar (P.W.7). The injury certificate of Ajay (PW.1) shows a contused lacerated wound on the scalp, which is consistent with his version of being assaulted on the head.

30. The Prosecution witnesses Aadesh (P.W.3), Arun (P.W.4) and Samir (P.W.5) have neither deposed that they had sustained injuries or body parts nor that they went to hospital for treatment. In such circumstances, the testimony of Medical officer and Medical certificates at Exh. 48 to 50 shows that Aadesh (P.W.3) and Arun (P.W.4) had sustained injuries but not corroborated with oral evidence of Aadesh (P.W.3), Arun (P.W.4) and Samir (P.W.5). Therefore, prosecution failed to prove that the injured witnesses Aadesh (P.W.3), Arun (P.W.4) and Samir (P.W.5) sustained injuries at the time of incident.

31. Further, certain infirmities are noticed in the documentary medical evidence. The doctor has admitted that the time mentioned in the certificates was incorrectly stated as “PM” instead of “AM”. Further, the certificates do not contain specific description of the weapon. These discrepancies do not completely demolish the prosecution case but do reduce the precision and reliability of the medical evidence to some extent. The medical evidence on record is consistent with head injury of informant but other material particulars are not corroborated

32. Further it was argued on behalf accused that there is delay in lodging FIR. According to prosecution incident took place at 10:00PM. The complaint of informant recorded at 3:57 A.M. On 01/04/2018. Informant Ajay(p.w.1) has not deposed the time when he went to police station and hospital. So this 6 hours delay is not explained by informant. However, delay is not so long. FIR in this Crime No. 15/2018 was registered on 01/04/2018 at about 12:42. The complaint of complainant recorded in police station at 03:57 A.M. and prior to complaint FIR of this crime is registered. Prosecution has not stated that oral information of incident was received or informant stated to police at relevant time. Investigating officer admitted that informant has lodged the complaint on 01.04.2018 at about 03.45 A.M and he had not went to the hospital towards injured. Therefore, it seems that FIR of present crime is registered prior to the complaint, which creates doubt about the incident.

33. All prosecution witness Ajay (P.W.1) as well as Aadesh (P.W.3), Arun

(P.W.4) and Samir (P.W.5) have deposed that there was a previous quarrel between accused no. 1 and informant and the dispute was running since very long. So, it was brought on record that there was previous enmity between accused no. 1 and informant. Prosecution evidence also shows that the accused no. 1 belongs to a political party in their village. In such circumstances evidence of Informant Ajay (P.W.1) requires corroboration by independent witness. However, as above discussed prosecution has examined only the friends of informant. Moreover the panch witness Kamlakar (P.W.2) also the related witness.

34. Prosecution witnesses admitted that on the day of incident there was programme of Hanumant Jayanti and peoples were present. Further the incident took place on the road side. D.P. Shinde investigating officer (P.W.6) in cross-examination admitted that the spot of incident was crowded and on the day of incident there was programme of Hanumant Jayanti. In cross-examination I.O. deposed that police patil Sneha Salavi contacted him through mobile phone at about 11.00 P.M. Investigating officer admitted that the copy of station diary is not attached with charge sheet. In such circumstances, prosecution has not examined the police patil Sneha Salavi in support of their case, inspite of availability. Moreover, there was program of jayanti and so many people were present, inspite of the same no independent witness has been examined despite the place being crowd. These factors create doubt regarding alleged incident and no evidence of independent witness brought on record to corroborate the testimony of informant in view of previous enmity. Therefore, in such

circumstances though the prosecution evidence that accused no. 1 assaulted to informant by stick is consistently deposed, the other factors creates doubt on its credibility.

35. Having the survey of the totality of the evidence on record, it is not safe to rely only on the testimony of informant in view of aforesaid background of inconsistencies on record. In present case, though the prosecution witnesses deposed according to prosecution case, the medical evidence and version of witness were doubtful. The eye witness being the friends of informant were came for deposition on the say of informant. The nature and use of deadly weapon is not proved on record. There is inconsistency regarding weapon. The alleged incident occurred at road side and peoples were present for celebration of jayanti. In spite of this no independent witness or evidence brought on record to corroborate prosecution evidence. Medical evidence is not consistent with oral evidence on record. further delay and inconsistency in lodging report is not explained by prosecution. So in view of above circumstances delay in lodging report is fatal to the prosecution case. In such circumstances, the prosecution failed to prove beyond reasonable doubt that the accused no.1 assaulted informant Ajay (P.W.1) by stick as well as by fists and kick blows to other witnesses. The prosecution failed to prove that the injury of the informant is caused by the accused. The prosecution has failed to establish beyond reasonable doubt, the precise role of each accused without exaggeration, use of a specific dangerous weapon and corroboration from neutral witnesses.

36. It is cardinal principle of criminal law that to base conviction, evidence adduced by the prosecution must be unbiased, unexaggerated and sufficient to inspire confidence in the mind of the Court. The prosecution must prove its case beyond reasonable doubt, and where two views are possible, the one favourable to the accused must be adopted. In the result, on considering the previous enmity, inconsistencies in evidence and absence of independent witness, I am of the considered view that prosecution has failed to establish guilt of accused beyond reasonable doubt. It is trite law that in case of even single doubt, benefit must be extended in favour of the accused. This is the fit case to give benefit of the doubt to accused person. In the result, I answer point no.1 and 2 in the negative.

AS TO POINT NO.3 AND 4 :

37. These points are interlinked to each other and to avoid repetition of evidence and facts they are take together for discussion.

38. To attract section 504 and 506 of IPC, the insulting words and threatening words must clearly come on record. Though there are allegations of threat, provocation and criminal intimidation against the accused, no strict proof has been adduced in this context. The standard of proof of threat and criminal intimidation with a view to cause injury to a person or his reputation or property is different if considered in relation to section 324 of IPC. Therefore merely the proof of the assault and beating at the instance of accused would not suffice to hold the accused guilty under section 504 and 506 of IPC. The informant stated

that accused abused him but he has not mentioned the same, what were the abuse and its nature which provoked him to break the public peace. The basic ingredient of offence is not proved on record. There is no iota of evidence to show that in which abusive language the accused insulted the informant Ajay (P.W.1) which provoked them to break the public peace and intimidated. Hence, I hold that the prosecution failed to prove the charges under these heads against the accused. Hence, I answer the point No.3 and 4 in the negative.

AS TO POINT NO.5 :

39. In the view of the answer to the point no. 1 to 4 in the negative, accused no. 1 to 4 deserves to be acquitted. Moreover the seized muddemal property one Wooden Stick being worthless be destroyed after appeal period is over. In the result, I find that the following order would meet the ends of justice:

ORDER

01. Accused are hereby acquitted for offences punishable under sections 324, 323, 504, 506 r/w. 34 of the Indian Penal Code, 1860 vide section 248(1) of the Code of Criminal Procedure, 1973.
02. Bail bonds of accused stand cancelled.
03. The seized muddemal property one Wooden Stick being worthless

be destroyed after appeal period is over.

04. They shall execute bail bond with bond of sureties of Rs. 15,000/- each to appear before Hon'ble Appellate Court as and when such court issues notice in respect of any appeal or petition filed against this judgment and such bail bond shall be remain in force for six months as per section 437-A of Code of Criminal Procedure.

(Pronounced in open Court.)

Mangaon.
Date : 17.04.2026.

[Smt.A.B.Sontakke(Smt.A.PManav)]
Judicial Magistrate First Class,
Mangaon.

CERTIFICATE

I affirm that the contents of this PDF file are same as per original.

Name of Stenographer :- A.V.Chavan, Stenographer

Name of the Court :- Smt. A.P.Manav,
Civil Judge Jr. Dn.,&J.M.F.C.,
Mangaon. Tal:-Mangaon.

Date of decision :- 17.04.2026

Order signed by P.O. on :- 17.04.2026

Order uploaded on :- 17.04.2026