

RCC 93/2023
State Vs. Prakash
Judgment

MHRG140005112023 	Presented on	13.04.2023
	Registered on	13.04.2023
	Decided on	03.07.2026
	Duration	YY – MM – DD 03 – 02 – 20

PART 'A'

(Title Page of Judgment)

<u>IN THE COURT OF C.J.J.D. AND J.M.F.C. AT URAN,</u> <u>TQ- URAN, DIST. RAIGAD</u> - Present :- Santosh P. Wankhade, J.M.F.C. Date : 03.07.2026 R.C.C. No- 93/2023 Exh. No- 49/B		
(Crime No. 18/2023, U/Sec. 384, 341, 504, 506 of the Indian Penal Code of Police Station, Nhavasheva, Tq- Uran, Dist. Raigad).		
Prosecution	:-	STATE OF MAHARASHTRA Through P.S.O. Nhavasheva Police

RCC 93/2023
State Vs. Prakash
Judgment

			Station, Tal. Uran, Dist. Raigad.
Represented By	:-		Shri. P. B. Deshmane Learned A.P.P. for the State
Accused	:-		1. Shri. Prakash Narayan Mhatre. Age: 49, Occupation : Service R/o Funde, Tal. Uran, Dist. Raigad.
Represented By	:-		Adv. Shri. Sushant Gharat, Learned Advocates for accused

PART 'B'

Date of Offence	:-	19.01.2023
Date of F.I.R.	:-	19.01.2023

RCC 93/2023
State Vs. Prakash
Judgment

Date of Charge-sheet	:-	13.04.2023
Date of framing of Charges	:-	03.08.2024
Date of commencement of Evidence	:-	03.09.2024
Date on which Judgment is reserved	:-	--
Date of the Judgment	:-	03.07.2026
Date of the sentencing order, If any	:-	--

Accused Details

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 the purpose of Section 428
1.	Prakash Narayan Mhatre	--	02.07.2024	Section 384, 341, 504, 506 of the IPC	acquitted	No	---

RCC 93/2023
State Vs. Prakash
Judgment

PART 'C'

List of Prosecution/Defence/Court Witnesses

A. Prosecution :-

RANK	NAME	NATURE OF EVIDENCE
PW-1	Mahesh Narayan Koli (Exh-11)	Informant
PW-2	Sutej Subhash Patil (Exh-13)	Spot Panch
PW-3	Ratankumar Shivpujan Gupta (Exh-28)	Witness
PW-4	Mohommad Khairul Sheikh (Exh-31)	Witness
PW-5	Prakash Suresh Borse (Exh-33)	I.O.

B. Defence Witnesses, if any :-

RANK	NAME	NATURE OF EVIDENCE
----	---	---

C. Court Witnesses, if any :-

RANK	NAME	NATURE OF
-------------	-------------	------------------

RCC 93/2023
State Vs. Prakash
Judgment

		EVIDENCE
---	---	---

List of Prosecution/Defence/Court Exhibits

A. Prosecution's Exhibits:-

Sr.No.	Exhibit Number	Description
1.	Exhibit- 12 / PW-1	Report
2.	Exhibit- 14 / PW - 2	Spot Panchnama
3.	Exhibit-34/ PW- 5	Copy of notice given to the accused
4.	Exhibit-35/PW-5	Acknowledgment of notice
5.	Exhibit- 36 / PW-5	Report (Accused not arrested)
6.	Exhibit- 37 / PW – 5	Supplementary statement of informant
7.	Exhibit- 38/ PW - 5	Charge-sheet intimation letter

B. Defence's Exhibits :-

RCC 93/2023
State Vs. Prakash
Judgment

Sr.No.	Exhibit Number	Description
---	---	---

-

C. Court's Exhibits :-

Sr.No.	Exhibit Number	Description
---	---	---

D. Material Objects :-

Sr.No.	Material Object Number	Description
---	---	---

J U D G M E N T

(Delivered on this 3rd Day of July, 2026)

1. This is a criminal proceeding instituted by the State of Maharashtra through the Nhavasheva Police Station against the accused, Prakash Narayan Mhatre, for committing offences punishable under Sections 341, 384, 504, and 506 of the Indian Penal Code (hereinafter referred to as 'IPC').

BRIEF FACTS OF THE PROSECUTION CASE:

2. The informant, Mahesh Narayan Koli (PW-1), is employed as the General Manager (Project) at Meher Foundation Private Limited, an infrastructure and construction firm. The company was awarded a contract by Bharat Petroleum Corporation Limited (BPCL) for 'B448 OSBL piling & civil/structural work' at JNPT, Nhavasheva, Bendkhal, Bokadvira, and Funde. The construction work commenced on January 1, 2023. About thirty laborers were working at the Funde site under Site Incharge Dilip Kumar Pandey. On January 19, 2023, at approximately 09:30 AM, while the informant was at the Bendkhal office, Dilip Kumar Pandey called and informed him that the accused, Prakash Narayan Mhatre, a resident of Funde, had obstructed the site work, abused the workers, and forced them to halt construction. Upon receiving this information, PW-1 proceeded to the site, where he found the accused threatening the workers to stop construction. On being questioned by PW-1, the accused declared that since he is a local resident of Funde, he must be awarded the contract for supplying construction materials (gravel, metal, and sand) to the site, failing which he would not permit the construction to proceed. When the informant refused, the accused allegedly obstructed the daily activities, used abusive language, and threatened the workers. On the basis of these allegations, PW-1 filed a written complaint (Exh. 12) at the Nhavasheva Police Station, on which basis C.R. No. 18/2023 was registered for offences under Sections 341, 504, and 506 of the IPC.

RCC 93/2023
State Vs. Prakash
Judgment

3. The investigation was handed over to Police Havaldar Prakash Suresh Borse (PW-5). The Investigating Officer visited the spot, prepared the Spot Panchanama (Exh. 14) in the presence of panch witnesses, recorded the statements of witnesses, and issued a Notice under Section 41A of the Cr.P.C. (Exh. 34) to the accused. During the investigation, on January 24, 2023, the informant gave a supplementary statement (Exh. 37), asserting that the accused's forced demand for a material supply contract constituted extortion, leading to the addition of Section 384 of the IPC. After completing the investigation, the charge-sheet was submitted before this Court.

4. The accused appeared before this Court. After hearing both sides, a formal charge was framed at Exh. 7 for the offences punishable under Sections 341, 384, 504, and 506 of the IPC. The charge was read over and explained to the accused in Marathi, to which he pleaded not guilty and claimed to be tried. The defense of the accused is one of total denial and false implication, asserting that the company was illegally destroying protected mangrove ('Tivra') trees at the site, which led to legitimate environmental protests by the local villagers and the Sarpanch. The accused contends that the company filed this false criminal case to suppress these legal complaints.

5. To adjudicate this matter, the following points arise for determination, along with my findings thereon for the reasons discussed below:

RCC 93/2023
State Vs. Prakash
Judgment

Sr. No.	POINTS	FINDINGS
01.	Whether the prosecution proves beyond reasonable doubt that on January 19, 2023, at about 09:00 AM, at the BPCL site near Funde, the accused wrongfully restrained the workers of Meher Foundation Pvt. Ltd. from proceeding in a direction they had a right to proceed, committing an offence under Section 341 of the IPC?	In the Negative
02.	Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time, and place, the accused intentionally insulted the informant and company employees with intent to provoke them to break public peace, committing an offence under Section 504 of the IPC?	In the Negative
03.	Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time, and place, the accused criminally intimidated the informant and company employees by threatening them with injury to their limbs with intent to cause alarm, committing an offence under Section 506 of the IPC?	In the Negative

RCC 93/2023
State Vs. Prakash
Judgment

04.	Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time, and place, the accused committed or attempted to commit extortion by demanding a material supply contract through intimidation, committing an offence under Section 384 of the IPC?	In the Negative
05.	What order?	As per final Order

REASONS

AS TO POINT NO-1 TO 5:-

6. To prove its case, the prosecution examined five witnesses and relied on several exhibited documents. I shall analyze the oral and documentary evidence sequentially.

7. PW-1 deposed at Exh. 11. In his examination-in-chief, he repeated the narrative of the written complaint (Exh. 12), stating that the site incharge, Dilip Kumar Pandey, informed him by phone of the accused's actions, prompting him to visit the site, where the accused demanded the material supply contract, abused the employees, and

RCC 93/2023
State Vs. Prakash
Judgment

stopped the work. However, in his extensive cross-examination, major discrepancies emerged. PW-1 admitted that he did not submit any documentary evidence to the police proving his employment status or the specific contract of Meher Foundation. Crucially, PW-1 conceded that he did not see the initial incident of obstruction, as he was at the Bendkhal office, which is 5 kilometers away, and arrived at the spot only 30 to 60 minutes after receiving the phone call. Crucially, PW-1 admitted in his cross-examination that there were protected 'Tivra' (mangrove) trees near the construction site. While he denied direct knowledge of written complaints filed by the village Sarpanch and local residents with the Tehsildar and Forest Range Officer regarding the illegal cutting of these trees, his denial appeared highly evasive. He further admitted that no employee attendance registers or structural shift records were supplied to the police to show which workers were allegedly restrained.

8. PW-2, examined at Exh. 13, is a Civil Engineer who signed the Spot Panchanama (Exh. 14). In his examination-in-chief, he supported the panchanama, asserting that the informant showed the spot where construction equipment was parked. In his cross-examination, PW-2 admitted that he was an employee of Meher Foundation Pvt. Ltd. at the relevant time and had known PW-1 for several months. This admission completely demolishes his status as an independent, neutral panch witness. Under the law, a panch witness must be independent and disconnected from the parties. An employee

RCC 93/2023
State Vs. Prakash
Judgment

of the complainant company acting as a panch makes the Spot Panchanama highly suspect. He also admitted that the spot was adjacent to a busy public transit road near Funde village and confirmed the presence of mangrove trees in the surrounding area, though he denied that the company was cutting them down.

9. PW-3, a Junior Site Incharge, deposed at Exh. 28. He claimed to have witnessed the accused demanding the material supply work on January 19, 2023, at 09:00 AM, and threatening to break their limbs if the work was not stopped. In his cross-examination, PW-3 made a fatal admission that completely corroborates the defense's theory. He explicitly admitted: 'It is true that the villagers had filed a complaint against our company with the Tehsildar on account of cutting mangrove trees.' This admission establishes beyond any doubt that there was an ongoing, serious environmental dispute between the local villagers of Funde and the complainant's company regarding the destruction of protected mangroves. PW-3 also admitted that the accused was accompanied by 7 to 8 other villagers.

10. PW-4, examined at Exh. 31, was working as a drilling machine operator at the site. He stated in his examination-in-chief that the accused arrived at 09:00 AM and told them in Marathi to stop work. Crucially, PW-4 admitted: 'Since I am a Hindi speaker, I did not fully understand what else he spoke.' He stated that the accused was talking to the site manager demanding material supply work. His

RCC 93/2023
State Vs. Prakash
Judgment

testimony does not prove any specific abuses (Section 504) or criminal intimidation (Section 506) directed at him or other workers, nor does it establish wrongful restraint, as he merely observed a verbal discussion regarding material supply.

11. PW-5, the Investigating Officer, deposed at Exh. 33. He detailed the steps of the investigation, including recording the supplementary statement of the informant (Exh. 37) five days after the incident, on January 24, 2023, to add Section 384 of the IPC. In his cross-examination, PW-5 admitted that his investigation revealed the spot of the incident was directly adjacent to a public road frequented by villagers. He admitted: 'I have not recorded the statement of any independent witness or local resident of Funde village, other than the employees of Meher Foundation.' He also conceded that he did not investigate whether the villagers had filed complaints with the Tehsildar or Forest Range Officer regarding the cutting of protected mangrove trees.

12. The first major issue in the prosecution's case is the absolute lack of independent public witnesses. The alleged incident occurred in broad daylight, at 09:00 AM, near a public road close to Funde village, where multiple villagers were present. Despite this, the police chose to examine only the employees of Meher Foundation Pvt. Ltd. It is a settled principle of criminal jurisprudence that while the testimony of interested or employed witnesses is not automatically

RCC 93/2023
State Vs. Prakash
Judgment

discarded, it must be scrutinized with extreme caution, especially when there is an underlying hostility or dispute. In the present case, the defense has successfully established that Meher Foundation was cutting protected mangrove trees ('Tivra') for their civil works, which provoked legal complaints from the village Sarpanch and local residents to the revenue and forest authorities. The admission of PW-3 in his cross-examination regarding this complaint is highly significant. It reveals a strong, plausible motive for the company to concoct a false case against the accused, who is a local resident, to deter the villagers from objecting to their illegal environmental activities.

13. The essential ingredients of extortion under Section 383 of the IPC are: (i) intentionally putting a person in fear of injury, and (ii) thereby dishonestly inducing that person to deliver any property or valuable security. In the present case, there was absolutely no delivery of any property. Furthermore, the demand for a commercial supply contract or a business opportunity by a local resident, even if persistent, does not satisfy the legal definition of 'dishonest inducement to deliver property' under Section 383 of the IPC. The learned counsel for the accused has rightly relied on the decision of the Hon'ble Bombay High Court in '**Sheikh Mujid Vs. State of Maharashtra**' (**Cri. Application No. 506 of 2017**), wherein it was held that a demand for local business or contract, in the absence of putting a person in fear of injury to deliver property, does not constitute extortion. Additionally, Section 384 was added as an afterthought via a supplementary

statement (Exh. 37) on January 24, 2023, five days after the registration of the FIR. There is no plausible explanation for why this allegation of extortion was completely missing from the detailed first information report (Exh. 12) registered on January 19, 2023. This delay and subsequent addition point towards active deliberation and legal concoction to make the offense non-bailable, which directly attracts the ratio of the Hon'ble Supreme Court in '**Thulia Kali Vs. State of Tamil Nadu**' (1972) 3 SCC 393, emphasizing that unexplained delay in introducing grave allegations is fatal to the prosecution.

14. To constitute wrongful restraint under Section 339 of the IPC, there must be voluntary obstruction of a person so as to prevent that person from proceeding in any direction in which he has a right to proceed. In this case, the allegation is that the accused stopped the construction work of the company. Stopping or protesting against illegal construction or environmental damage on public/village land does not equate to the physical restraint of any individual. None of the witnesses (PW-1, PW-3, or PW-4) deposed that they were physically prevented from moving in any direction. The protest was directed against the machinery and the corporate work, not against the physical liberty of the individuals. Hence, Section 341 is completely inapplicable.

15. For an offence under Section 504, there must be intentional insult of such a nature that it gives provocation to break the public peace. Vague, general allegations of 'abusing' without specifying

RCC 93/2023
State Vs. Prakash
Judgment

the exact abusive words used are insufficient to sustain a conviction. Neither the FIR nor the oral depositions of PW-1, PW-3, or PW-4 specify the exact words of abuse. Similarly, for Section 506, the threat must be real and must cause alarm in the mind of the victim. The allegations of threatening to 'break hands and legs' are highly stereotyped and general. In a heated public protest regarding environmental destruction, such verbal altercations are common and do not amount to criminal intimidation unless they are shown to have caused real, actionable alarm, which is missing here.

16. On a cumulative assessment of the entire evidence, the prosecution's case is marred by material omissions, the active suppression of the environmental dispute, the reliance on highly interested and dependent corporate employees as both eye and panch witnesses, the unexplained delay of five days in adding the extortion charge, and the total lack of independent public corroboration. The defense has raised a highly probable and substantiated defense of false implication due to local environmental protests against mangrove destruction. Thus, the prosecution has miserably failed to prove the guilt of the accused beyond all reasonable doubt. The accused is entitled to a clean acquittal. Therefore, I answered Point No- 1 to 4 in negative and for the answer of Point No-5 proceed to pass the following order.

ORDER

- (I) The accused, **Prakash Narayan Mhatre**, is hereby acquitted of the offences punishable under Sections 341, 384, 504, and 506 of the Indian Penal Code, 1860, as per Section 248(1) of the Code of Criminal Procedure, 1973.
- (ii) The bail bonds and surety bonds of the accused stand cancelled, and they are set at liberty.
- (iii) The accused shall execute a personal bond of Rs. 15,000/- and a surety of like amount under Section 437A of the Cr.P.C. to appear before the Appellate Court as and when notice is issued.

(Judgment is pronounced in open court)

Uran,
Date – 03.07.2026

S. P. Wankhade
Judicial Magistrate F. C. Uran
Court No. 1

RCC 93/2023
State Vs. Prakash
Judgment

CERTIFICATE

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer : Rasika P. Mhatre
Name of Court : CJJD & J. M.F. C., Uran
(Court No.1)
Date : 03/07/2026
Judgment/order signed
by the Presiding Officer on : 03/07/2026
Judgment/Order uploaded on : 03/07/2026
