


*RCC No-190/2022
State Vs Prasad
Judgment*

MHRG140010302022 	Presented on	28.06.2021
	Registered on	28.06.2021
	Decided on	16.03.2026
	Duration	YY – MM – DD 04 – 08 - 18

PART 'A'

(Title Page of Judgment)

IN THE COURT OF C.J.J.D. AND J.M.F.C. AT URAN,

TQ- URAN, DIST. RAIGAD

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Present :- Santosh P. Wankhade, J.M.F.C.

Date : 16/03/2026

R.C.C. No- 190/2022

Exh. No- 61

**(Crime No. 26/2020, U/Sec. 435 and 427 of the Indian Penal Code
of Police Station, Mora Sagari, Tq- Uran, Dist. Raigad).**

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Prosecution	:-	STATE OF MAHARASHTRA Through P.S.O. Mora Sagari Police Station, Tal. Uran, Dist. Raigad.
Represented By	:-	Smt. Shital Pawar Learned A.P.P. for the State
Accused	:-	Shri. Prasad Satish Pandit. Age: 30, Occupation : Labour R/o house no.925 A, behind Bhawara Masjid, Bhavara Mora, Tal. Uran, Dist. Raigad.
Represented By	:-	Shri. Yogesh Gangan, Learned Advocates for accused

PART 'B'

Date of Offence	:-	17.11.2020
Date of F.I.R.	:-	17.11.2020

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Date of Charge-sheet	:-	28.06.2021
Date of framing of Charges	:-	05.08.2022
Date of commencement of Evidence	:-	23.09.2024
Date on which Judgment is reserved	:-	16.03.2026
Date of the Judgment	:-	16.03.2026
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

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1.	Prasad Satish Pandit	23.03.2021	23.03.2021	Section 435 and 427 of the IPC	Acquitted	No	---
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PART 'C'

List of Prosecution/Defence/Court Witnesses

A. Prosecution :-

RANK	NAME	NATURE OF EVIDENCE
PW-1	Ganesh Babudas Adhikari (Exh-14)	Informant
PW-2	Vikrant Babudas Adhikari (Exh-16)	Panch witness
PW-3	Dinesh Shankar Dhawade (Exh-19)	Panch witness
PW-4	Subhash Gajappa Jana (Exh-28)	Witness
PW-5	Munir Salim Khan (Exh-29)	Witness
PW-6	Dnyaneshwar Dhanu Rathod (Exh-36)	Witness
PW-7	Vinay Krushna Tiwari (Exh-37)	Witness
PW-8	Raghu Kalu Mali (Exh-38)	Witness

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PW-9	Mainuddin Khaja Shaikh (Exh-39)	Witness
PW-10	Bhushan Dipak Raut (Exh-49)	Police witness
PW-11	Vishal Krushna Koli (Exh-50)	Witness
PW-12	Rajendra Laxman Barge (Exh-54)	P.S.O.
PW-13	Purshottam Ajabrao Deshmukh (Exh-55)	Investigating Officer

B. Defence Witnesses, if any :-

RANK	NAME	NATURE OF EVIDENCE
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C. Court Witnesses, if any :-

RANK	NAME	NATURE OF EVIDENCE
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List of Prosecution/Defence/Court Exhibits

A. Prosecution's Exhibits:-

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Sr.No.	Exhibit Number	Description
1.	Exhibit-15 / PW – 1	Information report
2.	Exhibit- 17 / PW - 2	Spot Panchnama
3.	Exhibit-20/ PW- 3	Nivedan Panchnama
4.	Exhibit-21/PW-3	Spot Panchnama
5.	Exhibit- 56 / PW-13	Muddemal receipt
6.	Exhibit- 57 / PW – 13	Letter sent to Kalina Laboratory
7.	Exhibit- 58/ PW - 13	Letter dated 23.03.2021

B. Defence's Exhibits :-

Sr.No.	Exhibit Number	Description
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C. Court's Exhibits :-

Sr.No.	Exhibit Number	Description
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D. Material Objects :-

Sr.No.	Material Object Number	Description
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J U D G M E N T

(Delivered on this 16th Day of March, 2026)

1. The accused is facing trial for the commission of an offence punishable under Section 435 and 427 of the Indian Penal Code.

The case of the prosecution in brief, is as under :-

2. The informant Ganesh Babudas Adhikari (PW-1) resides at Mangirdev Zopadpatti, Uran. On 16.11.2020, at about 19:30 hours, he parked his Honda Activa scooter bearing No. MH-46-BS-4016 in the open space in front of the house of Afzal Iqbal Hussain and Munir Salim Khan. Other residents had also parked their two-wheelers in the said open space. On 17.11.2020 at about 03:30 hours, while the

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informant was sleeping, one Vaibhav Chavan knocked on his door and informed him that his motorcycle had caught fire. The informant rushed out and saw that his scooter along with 7 to 8 other two-wheelers parked nearby were fully engulfed in flames. The vehicles belonged to various residents, including the informant, Munir Salim Khan, Prabhu Mali, Subhash Jana, Dnyaneshwar Rathod, and others. The total loss estimated was Rs. 1,62,000/-. The informant suspected that some unknown person had intentionally set the vehicles on fire using an inflammable substance.

3. Based on the informant's report (Exh-15), Crime No. 26/2020 was registered at Mora Sagari Police Station. API Shri P.A. Deshmukh (PW-13) conducted the investigation, visited the spot, drew the spot panchanama, and seized the burnt remains. During the investigation, it was revealed that the accused Prasad Pandit committed the offence. The accused was arrested, and allegedly, a discovery panchanama under Section 27 of the Indian Evidence Act was drawn. After completion of the investigation, a charge sheet was filed.

4. The charge was framed against the accused at Exh- 8. The accused pleaded not guilty and claimed to be tried. His defense is of total denial and false implication.

5. To bring home the guilt of the accused, the prosecution

examined in all 13 witnesses. After the prosecution closed its evidence via Pursis (Exh-59), the statement of the accused under Section 313 of the Code of Criminal Procedure (Cr.P.C.) was recorded at Exh-60. The accused did not examine any defense witness.

6. I have heard the arguments of the Learned APP and the Learned Defense Counsel. The Learned APP argued that the testimonies of the victims, along with the discovery panchanama, sufficiently prove the guilt of the accused. Per contra, the defense counsel argued that there is no direct evidence, none of the witnesses saw the accused setting the fire, and the alleged discovery under Section 27 is legally flawed and fabricated.

7. Upon the material on record, the following points arise for my determination, and I record my findings thereon for the reasons discussed below:

Sr. No.	POINTS	FINDINGS
01.	Does the prosecution prove beyond reasonable doubt that on the intervening night of 16.11.2020 and 17.11.2020, between 00:01 hours and 03:30 hours, at Mangirdev Zopadpatti, Uran, the accused committed mischief by setting fire to eight two-wheelers, intending to cause damage	In the Negative.

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	exceeding Rs. 100/-?	
02.	Does the prosecution prove beyond reasonable doubt that the accused committed mischief and thereby caused loss or damage to the extent of fifty rupees or upwards?	In the Negative.
03.	What order?	The accused is acquitted

REASONS

AS TO POINT NO.- 1 and 2 :-

8. Both points are interconnected and hence taken up together for discussion to avoid repetition. The prosecution heavily relies on the testimonies of the vehicle owners and the Investigating Officer.

9. PW-1 Ganesh Adhikari (Informant), PW-4 Subhash Jana, PW-5 Munir Khan, PW-6 Dnyaneshwar Rathod, PW-8 Raghu Mali, and PW-9 Mainuddin Sheikh are all victims whose two-wheelers were burnt in the incident. Upon careful perusal of their testimonies, it is evident that none of them witnessed the incident. They were all informed about

the fire by third parties or woke up due to the commotion. They rushed to the spot and saw their vehicles burning. In their cross-examinations, all these witnesses unequivocally admitted that they do not know who set the fire and that they did not see the accused committing the act. Thus, while their evidence proves the 'factum of the incident' (i.e., the vehicles were indeed burnt), it completely fails to establish the 'identity of the culprit'.

10. To connect the accused to the crime, the prosecution relies on circumstantial evidence, primarily the discovery panchanama under Section 27 of the Indian Evidence Act. PW-3 Dinesh Dhavade is the panch witness to the memorandum and discovery panchanama (Exh-20 & 21). He deposed that on 23.03.2021, the accused confessed and led the police to the spot where the incident took place. PW-10 Bhushan Raut is the police driver who drove them to the spot. PW-13 API Deshmukh (IO) also deposed regarding this discovery.

11. The law regarding Section 27 of the Evidence Act is well settled. For a discovery to be admissible, the fact discovered must be 'distinctly' discovered in consequence of the information received from the accused, and it must be a fact not previously known to the police. In the present case, the incident occurred on 17.11.2020. PW-13 (IO) explicitly admitted in his cross-examination that he had already visited the exact same spot on 17.11.2020 and had prepared the spot

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panchanama (Exh-17). Since the exact location of the burnt vehicles was already known to the Investigating Officer four months prior to the arrest of the accused, the accused showing the very same spot on 23.03.2021 does not amount to a valid "discovery" under Section 27 of the Evidence Act. It is a mere farce and holds no evidentiary value.

12. Furthermore, the prosecution examined PW-7 Vinay Tiwari and PW-11 Vishal Koli. PW-7 testified about an unrelated incident in October 2020 where the accused allegedly damaged his motorcycle tank. PW-11 testified about his car tires being burnt on 22/23.11.2020, and that he heard the accused did it. These testimonies regarding alleged past bad acts of the accused are irrelevant to the present crime and hit by Section 54 of the Indian Evidence Act. Hearsay evidence cannot form the basis of a conviction.

13. Lastly, while PW-13 stated that he sent the burnt remains to the Kalina Forensic Laboratory, no Chemical Analyzer (C.A.) report has been placed on record or proved to definitively show that an inflammable substance was used to intentionally set the fire. The IO himself admitted that vehicles can catch fire due to short circuits in batteries and wiring.

14. In criminal jurisprudence, the burden of proof lies entirely on the prosecution to prove the guilt of the accused beyond all

reasonable doubt. The chain of circumstantial evidence must be complete and point unerringly to the guilt of the accused. In the present case, there is absolutely no legally admissible evidence linking the accused to the burning of the motorcycles. The prosecution has miserably failed to prove the charges. Therefore, the accused is entitled to the benefit of the doubt. Hence, I answer Points 1 and 2 in the negative.

AS TO POINT 3:

15. In light of the findings on Points 1 and 2, the accused is liable to be acquitted. Hence, I proceed to pass the following order:

ORDER

1. The accused, **Prasad Satish Pandit**, is hereby acquitted under Section 248(1) of the Code of Criminal Procedure for the offences punishable under Sections 435 and 427 of the Indian Penal Code.
2. The bail bonds and surety bonds of the accused stand cancelled. He shall execute a P.B. and S.B. of Rs. 15,000/- under Section 437-A of Cr.P.C., valid for a period of six months.
3. The seized property (burnt remains of the vehicles), being worthless, shall be destroyed after the appeal period is over.

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(Judgment is pronounced in open court)

Date : 16-03-2026

(Shri. S. P. Wankhade)

C.J.J.D. & J.M.F.C. Uran,

Tq- Uran, Dist- Raigad.