

 MHRG150002352023	Received on : 11.04.2023 Registered on : 11.04.2023 Decided on : 18.04.2026 Duration : YY/MM/DD 03 00 07 Exhibit No. : (39/A)
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Part "A"

	<i>IN THE COURT OF SESSIONS, MANGAON, DIST RAIGAD</i> Presided over by : M. K. Patil, Additional Sessions Judge, Mangaon (Date of Judgment: 18.04.2026) Sessions Case No.29/2023
	Crime No. : 189/202015 Police Station : Roha Police Station.
PROSECUTION / COMPLAINANT	State of Maharashtra, Through Officer-in-charge of Roha Police Station Tal. Roha, Dist.Raigad
REPRESENTED BY	Shri. Mahakal, Additional Public Prosecutor.
ACCUSED	Suryakant Ramji Waghmare, Aged 51 years, Occ. Agriculturists, Both R/o. Nidi @ Ashtami, Tal.Roha, Dist. Raigad.
REPRESENTED BY	Shri. S. N. Sanap Advocate.

Part "B"

Date of Offence	12.10.2015.
Date of F.I.R.	12.10.2015.
Date of Charge-sheet	11.04.2023.
Date of framing of Charge	16.01.2024.
Date of commencement of evidence	23.12.2025.
Date of which Judgment is reserved	10.04.2026.
Date of the Judgment	18.04.2026.
Date of the Sentencing Order, if any	Nil

Accused Details

Rank of Accused	Name of accused	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
1.	Suryakant Ramji Waghmare	12.10.2015.	12.10.2015.	U/s.353, 332, 504, 506, 427 of IPC.	Acquitted.	--	--

:: JUDGMENT ::

(Delivered on 18.04.2026)

The accused is prosecuted for offences punishable u/s.353, 332, 504, 506 & 427 of Indian Penal Code 1860 (in short "IPC").

Prosecution Case in brief is as under :

2) In the year 2015 Informant Vijay Nandu Pawar(PW2) was working as a lineman in M.S.C.D.C.L. department in Medha branch. He was assigned with work of

transformer maintenance, repairing work on electricity poll, recovery of electricity dues in the village Nidi and other villages under Medha branch. On 12.10.2015, he along with his colleague Nitin Balu Khevra(PW6) and Vijay Dattatray Pawar(PW5) went to the Nidi village for installing bulbs on street poles. Accused was member of Grampanchayat. He accompanied with informant and his colleague to instruct them where to installed bulbs. Accused instructed them to installed bulb only at street pole and not under anyone's house(पाक्याखाली). Hence, informant removed bulb installed under Anish Patil's house(पाक्याखाली). When said Anish Patil question informant on whose instruction he has removed said bulb, informant told him name of accused. Accused being enraged asked informant why did informant had told his name to Anish Patil and caught hold collar of his shirt and tore left side pocket of shirt. At that time informant's colleague Vijay Dattatray Pawar(PW5) intervened and rescued informant. Thereafter, accused ran for assaulting informant's colleague Nitin Balu Khevda(PW6) by picking stick. Vijay Dattatray Pawar(PW5) again restrained accused and told him to keep calm. At that time accused abused informant. When informant alongwith his colleague leaving that place, accused came behind them by picking stone to assault them. At that time accused threatened them to kill if they came again in his village and also threatened them to do their naked parade with the help of women group in the village. Informant reported incident to his

senior on mobile phone and thereafter went to the police station and lodge report. On the basis of said report, C. R. No.189/2015 came to be registered against accused for offences punishable under Section 353, 332, 504, 506 & 427 of IPC.

3) Police Constable Sandip Desai(PW9) carried out investigation. He seized shirt of informant under seizure panchanama(Exh.13) and took muddemal receipt(Exh.33). He visited spot alongwith two panch witnesses and carried out spot panchanama(Exh.34) in their presence. He recorded statement of witnesses Vijay Dattatray Pawar(PW5), Nitin Balu Khevra(PW6), Ramesh Subhsah Vaykar(PW4) as per their say. He issued letter dt.15.10.2015(Exh.24) to the Engineer MSCDCL company Roha for obtaining extract of attendance register of informant and his colleagues. Accordingly, he received attendance book extract(Exh.24/1) and attendance sheet(Exh.25). He also collected medical certificate(Exh.26) of informant. In the investigation it was transpired to him that accused committed alleged offence and there was sufficient material to proceed against them. Hence Officer-in-charge of Roha Police station filed charge-sheet against accused for offences punishable u/s.353, 332, 504, 506 & 427 of IPC, before Ld. JMFC, Roha.

4) The trial was initially conducted before Ld. JMFC, Roha. Where Prosecution has examined total six witnesses. By notification, offence u/s.353 of IPC was classified as triable by

Sessions Court. Hence Ld. JMFC, Roha, committed case u/s.209 to this Court by complying with procedure u/s.207 of Cr. P. C. alongwith entire evidence.

5) My Ld. Predecessor framed Charges (Exh.07) of offence punishable u/s.353, 332, 504, 506 & 427 of IPC against the accused. The accused pleaded(Exh.08) not guilty and claimed to be tried. Ld. Advocate for accused has filed pursis(Exh.10) for continuing and reading evidence recorded before Ld. JMFC, Roha. In addition, prosecution has examined three witnesses before this Court. Thereafter, Prosecution closed its evidence by filing evidence closing pursis(Exh.36).

6) The statement(Exh.37) of accused u/s.313(1)(b) of Code of Criminal Procedure Code, was recorded. Wherein accused denied incriminating circumstances and claimed false implication because he had filed complaint against informant and witnesses in respect of installation of illegal electricity connection by taking money.

7) Ld. APP Shri. Mahakal argued for prosecution. It is submitted that FIR has been promptly lodged after incident. There are two eye witnesses along with informant. They deposed as per their statement and corroborated testimony of informant. There is no omission or contradiction in the testimony of prosecution witnesses. Defence admitted presence of accused on the spot. Defence fails to elicit anything material to disbelieve testimony of the witnesses. Though, Anish Patil,

was not examined as witness by recording his statement, it is not fatal to the prosecution case. Defence admitted medical certificate of informant and thereby admitted history of assault. Though, injury is not mentioned in medical certificate, it is not necessary to prove charge of offence u/s.353 of IPC. Under seizure panchnama(Exh.13), left side pocket torn shirt was seized. Spot was proved by investigation officer. Accused admitted informant and his colleagues are public servant and were on duty at the relevant time. In addition, prosecution brought on record extract of attendance register(Exh.24) of informant. Investigation officer has stated that, independent witnesses are not found, hence not examined. There is no reason for false implication of the accused. Ld. APP in support of his contention relied on following judgments.

(i) Nana alias Dnyaneshwar s/o Mahadeo Gohate & Anr. State of Maharashtra, 2004 ALL MR (Cri) 1605.

(ii) Devi Singh Vs. State of M.P, (1993) CriLJ 1301 : (1993) EcrC 449.

8) Ld. Advocate Shri. S. N. Sanap submitted that, in the report(Exh.16) informant stated that incident occurred at Anish Patil house after removal of bulb from street pole near his house. However, in the spot panchnama informant shown spot in front of one Laxmi Waghmare's house. Besides, in whole spot panchnama(Exh.34) and map alongwith it, Anish Patil house and pole near his was not appearing. The basis of alleged

incident was not there in spot panchnama. The spot panchnama itself contradicted testimony of informant and alleged eye witnesses. There is contradiction in respect of sequence of incident. Investigation officer not recorded statement of independent witnesses though as per prosecution witnesses villagers were present at that time. Further, not recorded statement of Anish Patil and Laxmi Waghmare, even though prosecution alleged incident occurred in front of their house. The independent witnesses were not found to the investigation officer when he went for recording their statement is not plausible explanation because he admitted that said persons are permanent resident of the village. Investigation officer have not made any attempt to record statement of independent witness when alleged incident occurred in village in presence of villagers. There is no evidence in respect of informant has been assigned work of Nidi Village. The extract of attendance register(Exh.24) is not in prescribed format and it is not certified copy of original as provided in Indian Evidence Act 1872. All witnesses deposed that accused caught hold collar of the informant, but no one told how left side pocket was tear. Hence, false and fabricated evidence was brought by Prosecution. Both the eye witnesses are colleague of informant and are interested witnesses. It is undisputed fact that accused has filed complaints against them in respect of illegally installing electricity connection to some villagers. Hence, informant and colleague lodged false case against accused. Prosecution not proved

charges beyond reasonable doubt. Hence, prayed for acquittal of the accused.

9) After considering evidence on record and rival contention following points arise for determination and my findings thereon are as under;

Sr. No.	POINTS	FINDINGS
1.	Does the prosecution proved that, on 12.10.2015 at around Nidi Village, Tal. Roha, Dist. Raigad, accused used criminal force to the informant, Vijay Nandu Pawar, public servant in execution of his duty as such public servant and prevented him from discharging his duty and thereby committed offence punishable u/s.353 of the IPC ?	No.
2.	Does the prosecution proved that, on aforesaid date, time and place in the course of same transaction accused voluntarily caused hurt to informant, public while he was discharging his duties as such public servant and thereby committed offence punishable u/s.332 of the IPC ?	No.

3.	Does the prosecution proved that, on aforesaid date, time and place in the course of same transaction, accused intentionally insulted informant and thereby gave provocation to informant intending that such provocation would cause him to break the public peace and thereby committed offence punishable u/s.504 of the IPC ?	No.
4.	Does the prosecution proved that, on aforesaid date, time and place in the course of same transaction, accused committed criminal intimidation by threatening informant to kill and thereby committed offence punishable u/s.506 of the IPC?	No.
5.	Does the prosecution proved that, accused committed mischief by causing loss to belonging to informant by tearing his shirt worth of Rs.50/- or upward and thereby committed offence punishable u/s.427 of the IPC?	No.
6.	What order?	As per final Order.

REASONS FOR THE FINDINGS

10) Prosecution in order to prove charges against the accused examined total nine witnesses. Prabhakar Deoji Gaikar(PW1) is a panch witness of seizure panchnama(Exh.13) of shirt. Informant Vijay Nandu Pawar(PW2) and his colleague Vijay Dattatray Pawar(PW5) and Nitin Balu Khevara(PW6) are the eye witnesses. Anish Narayan Patil(PW3) panch witness for spot panchnama(Exh.34) did not support prosecution., Ramesh Vaykar(PW4) who send informant for discharging duty at Nidi Village. Satish Janrao Wankhede(PW7) is Add. Executive Engineer of MSEDCL, proved extract of attendance register. Kashinath Kamal Mhatre(PW8) is SHO. Sandip Harishchandra Desai(PW9) is investigation officer.

As to point no.1

11) To prove charges u/s. 353 of IPC, prosecution must prove that, (i) on relevant date informant was public servant, (ii) he was discharging his public duty, (iii) accused used criminal force with intent to prevent him from discharging his duty and thereby prevented him from discharging his duty.

12) Informant(PW1) deposed that, on 12.10.2015 at around 11.45 am he along with his colleague staff Vijay Dattatrey Pawar(PW5) and Nitin Khevara(PW6) went to the village Nidi for installing bulbs on street poles. Informant on instruction of accused removed bulb from Anish Patil(PW3) the

house (पाक्याखाली) and installed it on street pole. On inquiry by Anish Patil, informant told him he has removed it on instruction of accused. At that time accused being enraged asked informant, why informant has said his name to Anish Patil. Thereafter, accused caught hold shirt collar of informant and tore its left side pocket and two buttons. Accused also abused informant. Informant's colleague Vijay Dattatrey Pawar(PW5) trying to convince him, but accused took stick in his hand and ran for assaulting Nitin Khevara(PW6). At that time Vijay Dattatrey Pawar(PW5) caught accused. While they were leaving from the spot, accused came behind them for assaulting by picking stone in his hand and also threatened to kill them if they came again in the village and will paraded them naked through women committee of the village.

13) Vijay Dattatrey Pawar(PW5) and Nitin Khevara(PW6) deposed in consonance with informant and corroborated his testimony in respect of allegations of caught hold informant shirt's collar, tore left side pocket and buttons, abused and threatening by accused.

14) It appears that Ld. Advocate for accused during cross examination of informant admitted that, informant(PW2) was public servant and was discharging his duty of installation of bulbs in Nidhi village. Further, admitted presence of informant, Vijay Dattatrey Pawar(PW5), Nitin Khevara(PW6) and accused on the spot. However, it appears that as per prosecution case

alleged incident occurred near house of Anish Patil(PW3) after removal of bulb at his house, even though informant(PW2) shown spot to the panch witnesses and investigation officer in front of one Laxmi Waghmare's house. Further, on perusal of spot panchnama it appears that, informant shown spot in front of Laxmi Waghmare's house and alleged electricity pole was standing in front of one Tukaram Waghmare's house. It is pertinent to note that Anish Patil's house was not shown in the spot panchnama(Exh.34) and map attached with it. In addition, informant in his cross examination at para no.7 again said that incident occurred on south side of Anish Patil's house. The location described by the informant in his testimony is inconsistent with the spot shown in the spot panchnama(Exh.34). This creates doubt regarding actual place of occurrence which is foundation of the prosecution case.

15) The report(Exh.16) and spot panchnama(Exh.34) was carried on the same day, but there is discrepancy as regards spot narrated by informant in report(Exh.16) and actual spot shown in the spot panchnama(Exh.34). There is no any supplementary statement of informant on record clarifying said discrepancy. Informant reiterated same spot in his deposition and cross-examination spot panchnama is corroboratory evidence and accurate spot adds credibility to the testimony of prosecution witnesses. Apart from that, broken buttons of informant shirt, alleged stick and stone picked by informant were not recovered from the spot, even though spot panchnama

was carried on the same day after few hours of the alleged incident. Thus circumstantial evidence did not corroborate testimony of witnesses.

16) Informant's colleague are the only eye witnesses to the incident, even though alleged incident occurred in the village and number of people gathered to watch alleged incident. Ld. APP submitted that, non-examination of independent witnesses is not always fatal to the prosecution, when testimony of other witnesses is credible. In support of contention relied on **Nana alias Dnyaneshwar s/o Mahadeo Gohate & Anr. State of Maharashtra, 2004 ALL MR (Cri) 1605**. However, in the said judgment it was observed that, the law of prudence requires that evidence of relatives person is to be scrutinize with cautions and circumspection. In the present case it appears that though villagers were gathered at the time of alleged incident, investigation officer has not recorded their statements and there is no plausible explanation in respect of it. Further, there are complaints made by accused and his wife against informant and witnesses in respect of illegal electricity supply to some villagers by taking money. Besides, there is discrepancy in respect of spot of incident, which did not corroborate prosecution case. Hence, corroboration by independent witness is necessary in this case.

17) The explanation offered by investigation officer that when he visited spot, he did not find any independent witness is

not plausible explanation, because investigation officer himself admitted that said people are permanent resident of village. Besides, there are houses in front of alleged spot but, statements of residents of said hearsay was not recorded. Overall, it appears that investigation officer has not verified from the villager's occurrence of alleged incident and solely relied on the statement of informant and his colleague. Ld. APP submitted that, as accused was Grampanchayat member and his wife was Dy. Sarpanch of the Grampanchayat, there was terror of accused in the village. Hence, villagers not came for giving statement against them. However, from investigation it does not appear investigation officer has made any attempt to record statements of the villagers. Thus, reason is not plausible. It is duty of investigation officer to carry out true investigation and submit report accordingly.

18) Ld. APP submitted that prompt report(Exh.16) has been filed after incident and there is no reason for false implication. Per contra, Ld. Advocate for accused submitted that, accused and his wife were member of Grampanchayat at that time and had filed complaints against informant and his colleague for illegally supplying electricity to some villagers by taking money of accused. Hence, false case has been lodged against accused. The defence of accused cannot be totally ignored, when prosecution witnesses admitted accused and his wife were Grampanchayat member and had filed complaints against them.

19) Anish Patil(PW3) would be a crucial witness for prosecution, because as per prosecution case alleged incident occurred after removal of bulb near his house and when informant told his name to accused. However, investigation officer has not recorded his statement as witness and took him as panch witness for spot panchnama. Ld. APP submitted that, non-recording of statement of Anish Patil(PW3) as witness is not fatal to the prosecution, because other eye witnesses corroborated testimony of informant. It is pertinent to note that, though alleged incident occurred in public place except informant and his colleague, no other independent witnesses to the incident. It is true that accused can be convicted on the sole testimony of informant, but sole testimony should be reliable and shall inspire confidence. In the present case circumstantial evidence is not corroborating testimony of informant. In addition, investigation officer has not recorded statement of independent witnesses though available. It add doubt about occurrence of incident. Further, nothing incriminating was seized from the spot. Besides, there was nothing to show how left side shirt pocket was torn. The alleged torn buttons of shirt, stick and stone were not seized from the spot. Thus, all these circumstances raised serious doubt to about testimony of informant and his colleague. Hence, testimony of informant and his colleague is not sufficient to convict accused.

20) Ld. APP submitted that, accused has admitted injury certificate(Exh.26), and thereby admitted history of assault

mentioned in it. However, history of assault is not opinion of the doctor who clinically examined patient but mentioned as per narration of patient. Besides, there are no external injuries found on the body of informant as per injury certificate(Exh.26). Ld. APP submitted that, to prove charges u/s.353 of IPC proving injuries is not mandatory. In support of his contention he relied on **Devi Singh Vs. State of M.P., (1993) CriLJ 1301 : (1993) EcrC 449**. The submission of Ld. APP is true, however while considering over all evidence, injuries not found on body of informant cannot be ignored. The allegations that by holding collar of shirt, pocket and buttons were torn. Considering the alleged force used by accused, some contusion on body must have been emerged.

21) Ld. Advocate for accused raised defence that, extract of attendance register(Exh.24) is not as per law provided for certified copies. However, Ld Advocate for accused in cross examination admitted extract (Exh.24) is of Medha Office. Once defence admitted extract(Exh.24) is from Medha office, wherein attendance of employee is marked and extract is sign by concerned officer, who deposed before the Court that it is issued from original register, then mere non-mentioning words “certified copy” does not diminish its evidentiary vale. In cross examination Ld. Advocate for accused has admitted presence of informant on the spot. Thereafter, raising defence that there is no evidence in respect of informant went to the Nidi village for discharging duty is not tenable.

22) Thus, prosecution evidence suffers from material contradiction regarding place of occurrence, non-examination of material witness Anish Patil(PW3) and absence of independent witnesses, despite alleged incident occurred in public place. These deficiencies create reasonable doubt about prosecution case. Thus, I answer point no. 1 to 5 in the negative.

As to point no.6:

23) It is settled law that, Prosecution has to prove its case beyond reasonable doubt and suspicion however strong cannot substitute proof. Further, benefit of doubt go to the accused and presumption of innocence always with the accused. Considering aforesaid deficiencies, accused entitled to be acquitted. In the peculiar facts and circumstances of this case, I find that there is no need for grant of compensation to the victim. The seized muddemal shirt being worthless be destroyed after appeal period is over. The existing bail bond of the accused stand canceled and his surety is discharged. Accused shall comply with provisions of section 437-A of Cr.PC by executing bonds of Rs.25,000/- with one surety in the like amount to appear before higher court in case appeal is preferred by Prosecution against this judgment. The said bond initially valid for six months.

Hence, I proceed to pass the following order :

ORDER

1. The accused **Suryakant Ramji Waghmare** is hereby acquitted under section 235(1) of the Code of Criminal Procedure, for the offence punishable under Section 353, 332, 504, 506 & 427 of the Indian Penal Code, 1860.
2. The existing Bail bond of accused stand cancelled and his surety is discharged.
3. As per section 437-A of Code of Criminal Procedure the accused shall execute bail bond of Rs.25,000/- with one surety of like amount to appear before the higher Court in case appeal is prefer by State against this judgment.
4. Muddemal shirt being worthless be destroyed after appeal period is over.
5. The judgment be intimated to the District Magistrate as per provision of section 365 of Cr.P.C.

(Dictated and pronounced in open Court)

Sd/-

Mangaon.

(M. K. Patil)

Date: 18.04.2026.

Add. Sessions Judge, Mangaon.

APPENDIX**Part "C"****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	Prabhakar Deoji Gaikar	Panch witness
PW-2	Vijay Nandu Pawar	Informant
PW-3	Anish Narayan Patil	Panch witness
PW-4	Ramesh Subhash Vaykar	Other witness
PW-5	Vijay Dattatray Pawar	Eye witness
PW-6	Nitin Balu Khevra	Eye witness
PW-7	Satish Janrao Wankhede	Other witness
PW-8	Kashinath Kamal Mhatre	Other witness
PW-9	Sandip Harishchandra Desai	Investigating Officer

B. Defence Witnesses, if any:

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

C. Court Witnesses, if any:

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

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

Sr. No.	Exhibit Number	Description
1]	Exh.P-13/PW-1	Seizure Panchanama
2]	Exh.P-16/PW-2	Report
3]	Exh.P-17/PW-2	Printed F.I.R.
4]	Exh.P-18/PW-2	Reference letter for medical treatment
5]	Exh.P-24/PW-4	Attendance sheet
6]	Exh.P-25/PW-7	Letter dt.16.10.2025 for obtaining attendance extract
7]	Exh.P-33/PW-9	Muddemal receipt
8]	Exh.P-34/PW-9	Spot panchanama
9]	Exh.P-35/PW-9	Label on sealed envelop of shirt

B. Defence:

Sr. No.	Exhibit Number	Description
1)	Nil	Nil

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1)	Nil	Nil

D. Material Objects :

Sr.No.	Material Object Number	Description
1)	MO-A	Shirt

Sd/-

Mangaon.

(M. K. Patil)

Date: 18.04.2026.

Add. Sessions Judge, Mangaon.

शेरा

मी शपथेवर सांगतो की, या पी.डी.एफ. आदेश फाईल मधील मजकूर हा मुळ आदेशातील मजकुराशी शब्द न शब्द सारखा आहे.

लघुलेखकाचे नाव	::	श्री. प्रशांत अशोक रहाटे, (श्रेणी - ३)
न्यायालयाचे नाव	::	जिल्हा न्यायाधीश-२ तथा अतिरीक्त सत्र न्यायाधीश, माणगांव.
न्यायनिर्णयाचा मजकूर सांगितल्याचा दिनांक	::	१८.०४.२०२६.
न्यायनिर्णय टंकलिखित केल्याचा दिनांक	::	१८.०४.२०२६.
न्यायनिर्णय स्वाक्षरीत केल्याची दिनांक	::	१८.०४.२०२६.
न्यायनिर्णय अपलोड केल्याची दिनांक	::	१८.०४.२०२६.