

MHRT040003502022



Received on : 01.10.2022

Registered on : 01.10.2022

Decided on : 23.03.2026

Duration : Ys. Ms. Ds.  
03 05 22**Exh.28****Form No.XXXII****Part 'A'****(Title Page of Judgment)****[Para 44(i) of Chapter VI of Criminal Manual]**

<b>IN THE COURT OF ADDITIONAL SESSIONS JUDGE AT - KHED, DISTRICT - RATNAGIRI [ Present: V. G. Patil ] [Date of the Judgment: - 23<sup>rd</sup> March, 2026] [ Sessions Case No. 35/2022]</b>	
	FIR (CR) No.29/2020, offence punishable under Sec.353 of Indian Penal Code 1860 (Hereinafter referred as I.P.C.) and Sec. 110 read with Sec. 117 of the Maharashtra Police Act, 1951. Police Station: Mandangad Police Station
COMPLAINANT (PROSECUTION)	<b>State of Maharashtra</b> through Mandangad Police Station
REPRESENTED BY	APP Mrs. M. M. Jadkar
ACCUSED	<b>Iqbal Umar Mukadam</b> Age: 61 years, Occu.: - Business, R/o. Mandivali, House No.131, Sawantwadi, Tal. Dapoli, Dist. Ratnagiri.
REPRESENTED BY	Mr. S. K. Khopkar, Advocate

**Part 'B'**  
**[Para 44(ii) of Chapter VI of Criminal Manual]**

Date of Offence	10.06.2020
Date of FIR	11.06.2020
Date of Chargesheet	08.02.2021
Date of Framing of Charges	19.11.2025
Date of commencement of evidence	06.01.2026
Date on which judgment is reserved	-----
Date of the Judgment	23.03.2026
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 purpose of Section 428 Cr.PC.
1	<b>Iqbal Umar Mukadam</b>	Anticipatory Bail	08.07.2020	S. 353 of the I.P.C., 1860, S.110 r.w. S.117 of Maharashtra Police Act	Acquitted	N.A.	N.A.

**J U D G M E N T**

(Delivered on the 23<sup>rd</sup> March, 2026)

The accused is prosecuted for the offence punishable under Section 353 of Indian Penal Code 1860 (Hereinafter referred

as I.P.C.) and Section 110 read with Section 117 of the Maharashtra Police Act, 1951.

2. The prosecution's case is that the informant, namely Daulat Ramchandra Bhosale, stated that he was residing at Mandangad along with his family and was posted there as a Range Forest Officer (RFO) for the last two years. At the relevant time, the Government had not provided any office building for the Range Forest Department at Mandangad. Therefore, since October 2019, the office was being operated from Datar Complex, Dapoli Phata, Bhingloli, Taluka Mandangad, District Ratnagiri. At that time, the informant along with Forest Guard Anant Mantre and Siddheshwar Gaikwad were working in the said office. During the period of Cyclone "Nisarg", which occurred on 2<sup>nd</sup> June 2020, they were engaged in disaster management work at Mandangad under the guidance of Executive Magistrate.

3. On 10<sup>th</sup> June 2020, they were performing disaster management duties from 9:00 a.m. to 8:15 p.m., along with Forest Guard Shri. Mantre. At that time, the accused Iqbal Umar Mukadam, resident of Mandiwali, Taluka Dapoli, who is a saw-mill businessman, came to the office and started abusing the informant in filthy language. He created a commotion and threatened the informant so as to cause a breach of peace. The accused further told the informant that Bhosale should not work there and should not sit in that office. By doing so, the accused obstructed the informant in the discharge of his official duties and attempted to compel him to stop the government work. The said incident was

witnessed by Forest Guard Anant Mantre. Therefore, on 11<sup>th</sup> June 2020, the informant went to the police station and lodged a report against the accused. On the basis of the report lodged by the informant, the police registered the crime for offences punishable under Sections 353 of the Indian Penal Code, 1860 and Section 110 read with Section 117 of Maharashtra Police Act.

4. On the basis of report Crime no.29/2020 came to be registered against accused. A.P.I. Sushant Varale carried out investigation. During investigation he prepared spot panchanama, recorded statements of material witnesses, issued letters for assessment extract, collect copy of identity card of witnesses. In the investigation, it was transpired that accused have committed the offence as mentioned above. Therefore, charge-sheet came to be filed against accused.

5. After compliance of provision of Section 207 of the Code of Criminal Procedure (hereinafter referred as Cr.P.C) Learned Judicial Magistrate First Class, Dapoli has committed the case to this Court being alleged offence is exclusively triable by the Court of Session.

6. The Court has Framed charge (Exhibit 8) for the offence punishable under Sections 353 of the Indian Penal Code, 1860 and Section 110 read with Section 117 of Maharashtra Police Act. The charge was read over and explained to accused in Vernacular. He pleaded not guilty and claimed to be tried.

7. The prosecution examined in four witnesses mentioned

in Part 'C' of the Judgment. The prosecution kept its reliance on the documents mentioned in part 'C' of the Judgment. The Learned Public Prosecutor closed the prosecution evidence by filing pursis (Exhibit 26).

8. Statement of the accused was recorded under Section 313 of Cr. P. C. (Exhibit 27). Defence of the accused can be gathered from cross examination conducted on their behalf and statement under section 313 of Cr.P.C. is of total denial and false implication.

9. Considering the matter before the court, following points arise for my determination and I have recorded my finding thereon for the reasons given below :

<b>Sr.</b>	<b><u>POINTS</u></b>	<b><u>FINDINGS</u></b>
------------	----------------------	------------------------

**No.**

1 Whether the prosecution proves that on 10.06.2020 at about 20.45 hrs. at Datar Complex, the accused voluntarily obstructed, assaulted or used criminal force against the informant while he was lawfully discharging his official duties, with intent to deter or prevent him from performing such duties and thereby committing an offence punishable under Section 353 of the Indian Penal Code?

No.

2 Whether the prosecution proves that on

the aforesaid date, time and place, accused behaved in a disorderly, indecent and obstructive manner in a public place, thereby causing nuisance and annoyance and thereby contravened Section 110 which is punishable under Section 117 of the Maharashtra Police Act, 1951?

No.

3 What order?

Accused is  
Acquitted.

### **REASONS:**

#### **Summary of Evidence:-**

10. To prove alleged offences, the informant Daulat Bhosale (PW1) (Exhibit-13), deposed that during the period from 2018 to 2020 he was working in the Mandangad Forest Range. The Government had not provided any office premises for the said range and therefore in the year 2019 the office was started in a rented premises at Datar Complex. There were two forest beats under the range and two forest guards were working under his supervision in beat, namely Anant Mantre and Siddheshwar Gaikwad. On 02<sup>nd</sup> June 2020, there was an alert regarding the expected Nisarga Cyclone, and they were working under the guidance of the Tahsildar, Mandangad. The informant, Tahasildar, P.I. Bankot, and the forest guards were engaged in shifting the villagers from Village Vilas to safer places in view of the anticipated cyclone on 03<sup>rd</sup> June 2020.

11. Informant further deposed that due to the said cyclone

on 03<sup>rd</sup> June 2020, many trees were uprooted and the road from Mandangad to the Velas was blocked. There was widespread destruction due to the cyclone and several VIPs visited the affected area. Therefore, as per the instructions of the Tahsildar, they were continuously working and attending to the visiting VIPs. Such work continued till 10<sup>th</sup> June 2020. According to the informant, on 10<sup>th</sup> June 2020 electricity supply was restored in the entire taluka. Thereafter they reopened the office and verified whether any official records had been damaged due to the cyclone. They worked throughout the day. As part of their official duties, they were required to issue passes to the saw-mill businessmen and therefore on 10<sup>th</sup> June 2020 he continued working till late night. At about 8:30 p.m. to 8:45 p.m., the accused, who is a saw-mill businessman, came to the office and insisted on issuance of a pass immediately. When the informant informed him that the work would be done as per procedure, the accused allegedly started abusing him, used insulting language and told him that “you are not deserving to sit here, close the office and go away.”

**12.** The informant further deposed that due to the behaviour of the accused he could not continue his work at that time. Forest Guard Mantre was present in the office. Apprehending that the accused might cause damage to the office, they temporarily closed the office and left the place. Thereafter the accused also went away. Subsequently, the informant reopened the office and started distributing the passes. However, some commotion occurred outside the office and therefore he lodged a report (Exhibit P-14/PW1), on the basis of which the printed FIR

(Exhibit P-15/PW1) came to be registered against the accused. The informant also showed the spot of the incident to the police and provided a photocopy of his identity card (Exhibit P-16/PW1). In his cross-examination, he admitted that no movement register is maintained in their office. He further admitted that he and the accused were acquainted with each other and that they used to meet outside the office in connection with their work. The suggestions put to him on behalf of the accused were denied by him.

**13.** Anant Mantre (PW2) (Exhibit-17) has supported the informant on material particulars regarding the absence of a government office building and that the forest office was functioning in rented premises. He deposed that on 02<sup>nd</sup> June 2020 they had received intimation regarding the Nisarg Cyclone and were engaged in related official work. On 10<sup>th</sup> June 2020, while he was present in the office along with the informant Daulat Bhosale, the accused Iqbal Mukadam came to the office and told “Bhosale, you should not work here, not sit here”. According to the witness, the accused was speaking in a threatening manner. Therefore, they locked the office and proceeded to the Police Station where a report was lodged against the accused. The witness has produced a copy of his identity card, which is marked at Exhibit P-18/PW2. He also identified the accused Iqbal Mukadam before the Court. During cross-examination, he admitted that he is serving as a Forest Guard in the Forest Department and that they are required to maintain a daily movement register. He further admitted that no documentary evidence has been produced to show that the office

was functioning in the Datar complex in rented premises. The remaining suggestions put to him were denied.

**14.** Nitesh Shirke, (PW3) (Exhibit-19), deposed that in the year 2020 he was serving as a Postman at Mandangad. On 11<sup>th</sup> June 2020, he received a phone call from his senior informing him about a dispute that had occurred at the Forest Office situated at Dapoli Phata and directing him to attend the spot as a panch witness. His senior also instructed him to co-operate with the police as required. Accordingly, he, along with Anant Jadhav, proceeded to the spot. When they reached the place, the forest officers and police personnel were present there. The spot was situated at Datar Complex, Dapoli Phata. The police showed them the office premises. Inside the office, the cupboards and other articles were found in proper condition. The police then prepared the spot panchnama and obtained his signature on it. The said panchnama is produced at Exhibit P-20/PW3. In the cross-examination, he admitted that he had not received any written order directing him to act as a panch witness. He also admitted that he had not obtained prior permission from his senior to leave his office for attending the said panchnama. The remaining material suggestions put to him were denied.

**15.** Sushant Varale (PW4) (Exhibit-23), deposed that on 11<sup>th</sup> June 2020 he was entrusted with the investigation of C.R. No. 19/2020 registered under Section 353 of the I.P.C. and Section 110 read with Section 117 of the Maharashtra Police Act. During the course of investigation, he prepared the spot panchnama (Exhibit

P-20/PW3) and recorded the statements of material witnesses. The FIR in the present case was recorded by Shri R. L. Pawar who is now dead. He also collected the photocopy of the identity card of Anant Mantre, which is produced at Exhibit P-18/PW2. He further deposed that he obtained the assessment extract of the property where the office was situated, which is produced at Exhibit P-25/PW4. Upon completion of the investigation, it transpired that the accused had approached the informant and stated to him, “Bhosale, you should not sit here and you should not work in this office,” and that he had shouted at and abused the informant. Therefore, charge-sheet came to be filed against the accused. In the cross-examination, it was suggested to him to produce documentary evidence regarding the existence of the office at Datar Complex. In response, the Investigating Officer stated that he had obtained only the assessment extract of the property and no other document. The remaining material suggestions in the cross-examination were denied by him.

**Point No.1:-**

16. In order to prove an offence under Section 353 of the Indian Penal Code, the prosecution is required to establish beyond reasonable doubt that the accused assaulted or used criminal force against the informant, who was a public servant, while he was acting in the discharge of his official duties, and that such assault or use of criminal force was with the intention to prevent or deter him from discharging his duty as a public servant.

17. Considering the case of the prosecution and the

evidence on record, it appears that this is not a case where the prosecution has alleged that the accused physically assaulted the informant. There is no allegation of any beating or physical obstruction while the informant was performing his public duty. The allegation against the accused is that he stated that “you are not deserving to sit here, close the office and go away.” The question therefore arises whether such statement of the accused would attract the offence punishable under Section 353 of the Indian Penal Code.

**18.** It is pertinent to note that Section 351 of the Indian Penal Code defines “assault”. As per the said provision, whoever makes any gesture or preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that criminal force is about to be used against him, is said to commit assault. The explanation to the said provision specifically states that mere words do not amount to assault; however, the words used by a person may give such meaning to his gestures or preparation as may make them amount to assault.

**19.** In the present case, except the words allegedly uttered by the accused, there is no act or conduct suggesting any gesture or preparation indicating the use of criminal force or assault. There is no reliable evidence to show that the accused obstructed the informant in the discharge of his public duty. On the contrary, it has come in the evidence that the accused had not even entered the office premises and he was standing outside. Therefore, in my

considered opinion, the alleged words attributed to the accused, without any accompanying act, are not sufficient to attract the ingredients of Section 353 of the Indian Penal Code.

**20.** It is further pertinent to note that during the course of evidence, the prosecution has failed to produce any reliable documentary evidence to establish that the spot where the incident allegedly occurred was being used as an office of the Forest Department. Though a spot panchanama was prepared by police, no document has been produced to show that the said premises at Datar Complex were taken on rent by the department for running the office. There is also no documentary evidence to establish that at the relevant time the forest department had no government office and therefore the office was being run from the said premises.

**21.** In the absence of such evidence, it becomes doubtful whether at the relevant time the informant and the Forest Guard were actually working in a public office as a public servant and whether the accused entered the said office and obstructed them in the discharge of their public duty.

**22.** Normally, official duties are performed during office hours in the daytime. However, in the present case, the alleged incident is stated to have occurred at about 8.30 p.m. This circumstance also creates doubt as to whether the informant and Forest Guard Mantre were really performing official duties at that time.

**23.** The prosecution has also failed to produce any record to show that at the relevant time there was an alert regarding Cyclone Nisarga and that the informant and his colleagues were working under the guidance of the Executive Magistrate in that connection. No official from the Revenue Department has been examined to establish that the Forest Department office was functioning in the premises at Datar Complex, Dapoli, at the relevant time and working relevant to cyclone. These circumstances create reasonable doubt about the prosecution story.

**24.** It has also come on record that the informant and the accused were acquainted with each other prior to the incident. There is a possibility that they may have had interactions outside official work and some dispute might have arisen between them as argued by defence. In the absence of documentary evidence regarding the existence of the office at Datar Complex, the official timing of the office and the absence of the accused in the office premises, the prosecution case becomes doubtful.

**25.** Moreover, the alleged incident took place on 10<sup>th</sup> June 2020, whereas the First Information Report was lodged on the next day, i.e., 11<sup>th</sup> June 2020. No satisfactory explanation for this delay has been offered. Further, several statements made by the informant Bhosale during his evidence were not stated before the police while lodging the report. Though it is not necessary to reproduce each and every omission, it appears that the testimony of the informant contains improvements on various material aspects.

**26.** In addition, merely uttering words would not amount to use of criminal force or assault upon a public servant. There is also no reliable evidence on record to establish that at the relevant time the informant and Forest Guard were actually acting in the discharge of their public duties. In view of the above discussion, the allegations made by the prosecution appear doubtful and the evidence led by the prosecution does not inspire confidence. Therefore, the accused is entitled to the benefit of doubt in respect of the alleged offences under section 353 of I.P.C. Hence, I answer point no.1 in negative.

**Point no.2:-**

**27.** To prove this point, the prosecution was required to establish that at the relevant time the accused behaved in a disorderly, indecent, or obstructive manner in a public place, thereby causing nuisance or annoyance and thus contravening Section 110, which is punishable under Section 117 of the Maharashtra Police Act, 1951.

**28.** As discussed in the reasons recorded while deciding Point No. 1, the alleged act of the accused has not been proved beyond reasonable doubt. The evidence adduced by the prosecution does not inspire confidence against the accused. The reasons assigned while appreciating the evidence under the above point are equally applicable to the present point. Even there is no reliable independent witness proving breach of public peace, annoyance or nuisance at public place. Moreover, this aspect has not been seriously emphasized by the prosecution. Therefore, I

find that there is no satisfactory evidence on record to establish this point. Consequently, the accused is entitled to the benefit of doubt. Hence, I answer Point No. 2 in the negative.

**Point No.3:-**

**29.** In view of negative findings recorded on Points no. 1 and 2 the accused is entitled to acquittal of the offences alleged against him. Accordingly, Point No. 3 is answered as under:

**ORDER**

1. Accused Iqbal Umar Mukadam is hereby acquitted of the offences punishable under Section 353 of Indian Penal Code, 1860 and Section 110 read with Section 117 of Maharashtra Police Act, 1951, under Section 235(1) of the Code of Criminal Procedure, 1973.
2. The bail bonds furnished by the accused stand cancelled.
3. The accused shall furnish personal bond and surety bond of Rs.15,000/- (Rupees Fifteen Thousand only) under Section 437-A of the Code of Criminal Procedure, 1973, which shall remain in force for a period of six months from the date of this judgment and order.

(Pronounced in open Court.)

Khed.  
Date :23.03.2026

sd/-  
( V. G. Patil )  
Additional Sessions Judge, Khed,  
Tal. Khed, Dist. Ratnagiri.

<b>Part 'C'</b> <b>[Para 44(iii) of Chapter VI of Criminal Manual]</b> <b>LIST OF PROSECUTION/DEFENCE/COURT WITNESSES</b>		
<b>A. Prosecution :</b>		
<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
PW1	Daulat Ramchandra Bhosale	Informant
PW2	Anant Namdev Mantre	Witness
PW3	Nitesh Ramchandra Shirke	Panch Witness
PW4	Shushant Madhukar Varale	Investigating Officer

**B. Defence Witnesses, if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
1.	NIL	NIL

**C. Court Witnesses, if any :**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
-------------	-------------	--

1.	NIL	NIL
----	-----	-----

### LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

#### A. Prosecution:

Sr.No.	Exhibit Number	Description
1.	Exh.P-14 /PW1	Report
2.	Exh.P-15/PW1	Printed F.I.R.
3.	Exh.P-16/PW1	Colour Xerox copy of identity card of D. R. Bhosale
4.	Exh.P-18/PW2	Colour Xerox copy of identity card Anant Namdev Mantre
5.	Exh.P-20/PW3	Spot Panchnama
6.	Exh.P-24/PW4	Letter dated 25.09.2020 issued to Gramsevak, Grampanchayat Bhingaloli regarding assessment extract
7.	Exh.P-25/PW4	Assessment extract

#### B. Defence :

Sr.No.	Exhibit Number	Description
1.	NIL	NIL

#### C. Court Exhibits :

Sr.No.	Exhibit Number	Description
1.	NIL	NIL

**D. Material Objects :**

<b>Sr.No.</b>	<b>Exhibit Number</b>	<b>Description</b>
1.	NIL	NIL

Khed.  
Date :23.03.2026

sd/-  
( V. G. Patil )  
Additional Sessions Judge, Khed,  
Tal. Khed, Dist. Ratnagiri.

**CERTIFICATE**

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

Name of the Stenographer	S.K.Inamdar
Name of the Court	District Judge-2 and Addl. Sessions Judge, Khed, Dist. Ratnagiri.
Date of Pronouncement	23.03.2026
Judgment/order Signed On	23.03.2026
Judgment/order Uploaded On	24.03.2026