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Form No. XXXII**Part 'A'**

(Para 44(i) of Chapter VI of Criminal Manual)

<u>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, LANJA.</u> <i>Before S. R. Joshi, Judicial Magistrate First Class, Lanja.</i> <u>R.C.C. No. 22/2019</u> <u>Exhibit No. 62</u>	
	Lanja Police Station C. R. No. 16/2019 Under Sections 325, 324, 323, 504 and 506 of the Indian Penal Code, 1860.
Prosecution	The State of Maharashtra, Through Officer-in-charge of Lanja Police Station, Lanja, Taluka-Lanja, District- Ratnagiri
Represented by	Ld. A.P.P. Mr. S. S. Valvi Ld. Spl. A.P.P. Ms. P. J. Pawar
Accused	Madhukar Krishna Jadhav, Age: 42, Occu.: Agriculturist, Residing at : Roon Kosamwadi, Taluka Lanja, District Ratnagiri.
Represented by	Ld. Adv. Mr. Y. R. Patkar.

Part 'B'

(Para 44(ii) of Chapter VI of Criminal Manual)

Date of offence	-	07/01/2019
Date of filing First Information Report	-	14/02/2019
Date of Charge-sheet	-	23/05/2019
Date of Framing Charges	-	21/12/2019
Date of commencement of evidence	-	14/06/2024
The date on which Judgment is reserved	-	23/02/2026
Date of the Judgment	-	23/03/2026
Date of the sentencing order, if any	-	23/03/2026

Accused Details

Rank of the Accused	1
Name of the accused	Madhukar Krishna Jadhav
Date of Arrest	15/02/2019
Date of release on bail	15/02/2019
Offences charged with	Sections 325, 324, 323, 504 and 506 of the Indian Penal Code, 1860.
Whether acquitted or convicted	Convicted of the offences punishable under Sections 323, 504 and 506 of the Indian Penal Code and Acquitted of the offences punishable under Sections 325 and 324 of the Indian Penal Code.
Sentence Imposed	As per final order.
Period of detention undergone during trial for purpose of Section 428, Cr.P.C.	N. A.

JUDGMENT

(Delivered in open court on 23.03.2026)

The accused is charged with offences punishable under Sections 325, 324, 323, 504 and 506 of the Indian Penal Code, 1860 (Hereinafter referred to as "I.P.C." for the sake of brevity).

02] Brief facts of the prosecution's case:

On 07/01/2019, at about 9.00 a.m. at Mouje Roon, Dhangarwadi, Taluka Lanja, District Ratnagiri, the

informant was going to his property No. 267(1) at Dhangarwada and was talking with Jana Zore, accused Madhukar Jadhav came there back to the informant and assaulted him below right side of right eye by hand. Because of this assault, right tooth of above side of the informant was broken. He had suffered injury to his tooth. At that time, the accused assaulted the informant on his left hand by wooden stick and also abused the informant. Accused threatened the informant of killing him. The informant had suffered injuries on left hand and his right eye. Hence, prosecution filed the case.

- 03] The informant filed an FIR against the accused. Police station officer, Lanja has registered crime no. 16 of 2019 for offences punishable under Sections 325, 324, 323, 504 and 506 of the Indian Penal Code,1860. After a thorough investigation, Investigating Officer filed a charge-sheet.
- 04] My Ld. Predecessor framed charge against the accused for offences punishable under Sections 325, 324, 323, 504 and 506 of the Indian Penal Code,1860 at Exh. 09. The charge was read over and explained to the accused in vernacular. The accused pleaded not guilty and claimed to be tried, vide his statement at Exh.10.
- 05] The statement of the accused was recorded under Section 313 (1) (b) of *the Criminal Procedure Code, 1973* (Hereinafter referred to as *Cr.P.C.* for brevity) at Exh. 52. The defence of the accused is of total denial and that of false implication in the said crime.
- 06] Heard Ld. A.P.P. Mr. S. S. Valvi for State and Ld. Advocate Mr. Y. R. Patkar for the accused. Gone through the

record minutely. The following points arise for my determination to which I record my findings along-with reasons thereon:

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
1.	Whether the prosecution proves that, on 07/01/2019 at 09.00 a.m., at Mouje Roon Dhangarwadi, near the house of Prakash Gore, Tal. Lanja, Dist. Ratnagiri, the accused voluntarily caused grievous hurt to the informant Namdev Krushnaji Paradkar by assaulting him below his right eye and on the right side of his face, as a result of which one upper tooth on the right side was broken and thereby committed an offence punishable under Section 325 of the I.P.C.?	No.
2.	Whether the prosecution proves that, on the above-mentioned date, time and place, the accused voluntarily caused hurt to the informant by means of a stick on his left hand, right hand, left hand palm, pelvic bone, left knee and thereby committed an offence punishable under Section 324 of the I.P.C.?	No.
3	Whether the prosecution proves that, on the above-mentioned date, time and place, the accused voluntarily caused hurt to the informant and thereby committed an offence punishable under Section 323 of the I.P.C.?	Yes.

4	Whether the prosecution proves that, on the above-mentioned date, time and place, the accused intentionally insulted the informant by abusing him in filthy language like ‘मादरचोद, फोद्रीच्या, आयझवाडया’ and gave provocation to him intending or knowing it to be likely that such provocation would cause him to break the public peace and thereby committed an offence punishable under Section 504 of the I.P.C.?	Yes.
5	Whether the prosecution proves that, on the above-mentioned date, time and place, the accused committed criminal intimidation by threatening the informant with injury to him by saying, ‘तुला वरती पोचवला नाही तर जाधव याची औलाद नाही’ and ‘तू परत धनगरवाडयावर येवून दाखव, तुझ्या तंगड्या तोडून टाकीन’, and thereby committed an offence punishable under Section 506 of the I.P.C.?	Yes.
6.	What order?	As per final order.

REASONS

07] In order to bring home guilt of the accused, the prosecution has examined total ten witnesses. These are Vijay Janu Zore as P.W. 1 (Exh. 19), Abid Ali Abdul Aziz Kazi as P.W. 2 (Exh.21), Namdev Krushnaji Paradkar as P.W.3 (Exh.22), Prakash Baburao Gore as P.W. 4 (Exh. 24), Suresh Baburao Gore as P.W. 5 (Exh. 25), Janu Namu Zore as P.W. 6 (Exh. 26), Dr. Kranti Manikrao Dikle as P.W. 7 (Exh. 30), Dr. Rajveer Kirankumar

Chinoy as P.W. 8 (Exh. 48), Dr. Samyak Vikas Mulkutkar as P.W.9 (Exh.49) and Dilip Shantaram Pawar as P.W.10 (Exh. 51). The prosecution relied on documents viz. spot panchnama (Exh. P-3/PW.2), map (Exh. P-4/PW.2), N.C.R. No. 09/2019 (Exh. P-5/PW.3), statement of the informant dtd. 14/02/2019 (Exh. P-6/PW.3), Injury Certificate (Exh. P-9/PW.7), Muddemal Receipt (Exh. P-10/PW.10), Arrest Panchnama (Exh. P-11/PW.10).

AS TO POINTS NO. 1 AND 2:

08] The present case is of an offences punishable under Sections 325, 324, 323, 504 and 506 of IPC. Out of it, in respect of first two points are of Sections 325 and 324 of IPC, taking into consideration title of these two Sections, Section 325 as 'Voluntarily causing grievous hurt' and Section 324 as 'Voluntarily causing hurt by dangerous weapons', ingredients of these Sections should be considered, while discussing them.

09] In the present case, it is the contention of the prosecution that on 07/01/2019, at mentioned time and place, accused assaulted the informant below his right eye and thereby caused grievous hurt to him and also, accused assaulted the informant on his both hands and waist by wooden stick and thereby caused hurt, which is by dangerous weapon, i.e. stick. Now, in this regard, perused all record in present case minutely. In this case, the prosecution has examined total 10 witnesses. The prosecution has examined P.W. 1, 4, 5 and 6 at Exh. 19, 24, 25 and 26 respectively. Perusal of there depositions show that they have not supported the prosecution case. It is to be noted here that the panchnama and map were proved by PW.2 Abid Ali Abdul Aziz Kazi. He is a panch witness in this case and the prosecution

examined him at Exh. 21. However, minute perusal of his deposition (Exh. 21) shows that the panchnama and map (Exh. P-3/P.W.2) and (Exh. P-4/P.W.2) respectively, proved by this witness are of dated 14/02/2019. On the contrary, the case of prosecution is of date 07/01/2019 at 9 a.m.. This is a big contradiction in this case. It is a lacuna on the part of investigation machinery.

10] Here, on minute perusal of all record in this case, it appears that the prosecution examined original informant Namdev Krushnaji Paradkar at Exh. 22 as P.W. 3. He has deposed all incidences occurred on alleged date. This witness has proved one N.C.R., lodged by him, dated 07/01/2019 (Exh. P-5/P.W.3) and also his Vardijabab, dated 14/02/2019 (Exh. P-6/P.W.3). Now, after perusing these both documents and deposition of P.W.3, it is observed that the incidence of assault and abuse to the informant is of date 07/01/2019 and on the same date, he has lodged N. C. R. against the accused for offences punishable under Sections 323, 504 and 506 of IPC. After that, the informant went to Mumbai for medical treatment and he has filed case against accused on 14/02/2019 for offences punishable under Sections 325, 324, 323, 504 and 506 of IPC.

11] Now, considering all above discussion, first question was raised in mind that if alleged incidence was occurred on 07/01/2019 and the informant has lodged N. C. R. about it against accused and as per informant's contentions, the accused has assaulted him by stick, then why such mention of stick is not in said N.C.R., dated 07/01/2019 (Exh. P-5/P.W.3)? This document on record (Exh. P-5/P.W.3) clearly shows assault and abuse by accused by hand on face and eye of the informant, of

offences punishable under Sections 323, 504, 506 of IPC. The informant deposed that he has diagnosed with fracture at his hand, when he has taken medical treatment at Hinduja Hospital, Mumbai.

12] This contention of informant is taken into consideration, then also the important question here is if incidence occurred on 07/01/2019, then why the informant has not mentioned 'assault to him by stick' on the same day? It is necessarily to be mentioned if such assault to the informant by stick. However, said mention of 'Assault by stick' is in the Vardijabab of the informant, dated 14/02/2019. Furthermore, the prosecution has examined total three Medical witnesses in this case. Out of them, P.W.7 is a Medical Officer in 2019 at Rural Hospital, Lanja. She was examined at Exh. 30 and she has proved Injury Certificate, issued by her, dated 07/01/2019 (Exh. P-9/P.W.7). Said Injury Certificate (Exh. P-9/P.W.7) shows three types of Injury as 'Contusion, Contusion and Abrasion' and nature of injury as 'Simple'. Said deposition of P.W. 7 and Injury Certificate issued by her are material documents in present case.

13] The prosecution has examined two more Medical witnesses at Exh. 48 and Exh. 49. These witnesses are Doctors at Hinduja Hospital, Mumbai, who checked and medically treated the informant, when he went to said hospital for medical treatment. P.W. 8 Dr. Rajveer Kirankumar Chinoy (Exh. 48) contended in his deposition that 'As per his record, he has history of assault. The name of patient is Mr. Namdev Paradkar. He had injury to left arm, X-ray shows small fracture at proximal falands base at left thumb. The age of injury was 3 days. The injury was

grievous in nature'. However, such nature of injury as 'Grievous' has not mentioned in Injury Certificate, issued by P.W.7 (Exh. P-9/P.W.7). The X-ray report or any other medical document showing such 'Grievous injury' is not on record. In such situation, it can be said that the nature of injury, caused to the informant on alleged date is 'Simple'. Further, P.W. 9 has deposed in his cross-examination that 'I have not made any record of weapon or property by which assault was made because the patient had not told me about weapon or property'.

- 14] Thus, considering all above discussion, it is clear that the informant has not mentioned 'assault to him by stick' in N.C.R., dated 07/01/2019 and also the nature of injury to the informant was 'Simple' and not 'Grievous'. In this respect, N.C.R. lodged by informant against accused, dated 07/01/2019 (Exh. P-5/P.W.3) and Injury Certificate issued by P.W.7 on same date (Exh. P-9/P.W.7) are material and important documents. If this is so, then how the case against accused for offences punishable under Sections 325 and 324 can be made out? As said supra., the ingredients of these Sections as 'Voluntarily causing grievous hurt' and 'Voluntarily causing hurt by dangerous weapon' necessarily to be proved in order to establish case under these Sections. In present case, P.W.10, who is I.O. of this case contended in his cross-examination that 'हे म्हणणे खरे आहे की, दि. ०७/०१/२०१९ रोजी फिर्यादीने दिलेल्या तक्रारीची नोंद दखलपात्र गुन्हा म्हणुन झालेली नाही. दि. ०७/०१/२०१९ रोजी फिर्यादी फिर्याद देण्यास थांबले नाही म्हणुन त्यादिवशी त्यांच्या तक्रारीची नोंद दखलपात्र अशी झाली नव्हती. फिर्यादीने दि.

१४/०२/२०१९ रोजी पुर्वी दि. ०७/०१/२०१९ रोजी एकमेव तक्रार केलेली आहे. या केसमध्ये दि. ०७/०१/२०१९ रोजीची दाखल तक्रारी व्यतीरीक्त कोणतीही तक्रार मला आढळली नाही. हे म्हणणे खरे आहे की सदर तक्रारीमध्ये फिर्यादीला काठीने अथवा कोणत्याही शस्त्राने मारहाण झाल्याबाबत उल्लेख नाही.'. If all above discussion is considered, it can be said that the prosecution could not prove the case for offences punishable under Sections 325 and 324 of IPC. Had it been assault to the informant by wooden stick, then he has to mention it in his first complaint, dated 07/01/2019. Such mention of 'stick' in later complaint, dated 14/02/2019 is suspicious, when the incidence, mentioned in second complaint is of date 07/01/2019. Seizure panchnama of stick on record is of 15/02/2019. There is much delay in date of alleged incident and seizure panchnama. In such circumstances and considering all above discussion, it can be said that the prosecution failed to establish it's case in respect of offences punishable under Sections 325 and 324 of IPC. Hence, I answer these points no. 1 and 2 in negative.

AS TO POINTS NO. 3, 4 and 5:

15] Above points No. 3, 4 and 5 are inter-linked with each other. In order to avoid repetition of facts and evidence, I discuss them together. As discussed supra., the case of prosecution is of assault and abuse of the informant on 07/01/2019. It is true that the prosecution could not establish it's case for offences punishable under Sections 325 and 324 of IPC. However, considering all record in this case, it can be said that some incidence of assault and abuse was happened on 07/01/2019. In order to establish such incidence of assault and abuse, deposition

of P.W.3, i.e. of original informant Namdev Krushnaji Paradkar at Exh. 22 and N.C.R. lodged by him immediately after alleged incidence, on 07/01/2019 are sufficient evidence. This N.C.R. is on record at Exh. P-5/PW.3. Further, the medical evidence, i.e. deposition of P.W.7 and Injury Certificate issued by P.W.7 (Exh. P-9/PW.7) is corroborating with evidence of informant – P.W.3. Said Injury Certificate at Exh. P-9/PW.7 dated 07/01/2019 shows nature of injury to the informant as ‘Simple’.

16] The deposition of P.W. 10 at Exh. 51 is also supportive to the contentions of informant of alleged evidence. It is true that there is some discrepancy about complaints, i.e. of 07/01/2019 and of 14/02/2019, however, because of this only reason, the evidence of P.W. 3, 10 and other evidence on record can not be discarded. P.W. 10, who is I.O. in this case, deposed in examination-in-chief as ‘दि. ०७/०१/२०१९ रोजी फिर्यादी यांचे घरासमोर अंगणाच्या बाहेर उभे राहून आरोपी मधुकर कृष्णा जाधव हा शिवीगाळ करत होता. दि. ०७/०१/२०१९ रोजी फिर्यादी व आरोपी हे धनगरवाडी येथे भेटले. तेथे त्यांच्यात वाद झाला त्यावरून आरोपी यांनी फिर्यादी यांच्या उजव्या गालावर हाताने ठोसा मारून दात पाडला व उजव्या व डाव्या हातावर काठीने मारून डाव्या हाताच्या अंगठयाजवळ मार दिला असे सांगितले.’.

17] In respect of Section 504 and 506 of IPC, some specific words of abuse should be come on record. In this regard, deposition of P.W. 3 at Exh. 22 is a material one. P.W. 3 has deposed in his examination-in-chief that ‘दि. ०६/०१/२०१९ रोजी

मधुकर जाधव हे माझ्या अंगणाच्या बाहेरच्या गडग्याच्या समोर सकाळी ८.१५ ते ८.३० वाजताचे दरम्यान येवून मला अर्वाच्च शब्दात मादरचोद, फोदरीच्या, आयझवाडया व हरामखोर अशा शिव्या घातल्या. त्यावेळी त्यांनी ' तू माझी पाईप लिकेज केलीस त्यामुळे तू धनगरवाडयावर जमिनीत आलास तर तूझ्या तंगडया तोडून टाकीन' अशी धमकी दिली. ०७/०१/२०१९ रोजी मी दक्षिणेकडे गाडी चालू करून निघून जात असताना माझी गाडी ओढून मला जीवे मारण्याची धमकी देवून म्हणाले की, 'जर तू वरच्या बाजूला गेलास तर मी तुला वरती पोहोचवीन नाहीतर मी जाधव नावाची औलाद नाही.'. These specific mention of words is sufficient to establish case under Sections 504 and 506 of IPC. In this case, an informant is the victim. In such circumstances, his depository statement and specific words of abuse are reliable and trustworthy one.

18] Thus, considering all above discussion, when medical evidence on record is corroborating with original informant's case, it is sufficient for the prosecution to prove it's case beyond reasonable doubt. Hence, considering all record and discussion. Hence, I answer these points No. 3, 4 and 5 in affirmative.

AS TO POINT NO. 6:

19] Ld. A.P.P relied on the following case laws-

1. Neeraj Sharma Vs. State of Chhattisgarh, Criminal Appeal No. 1420 of 2019.
2. Chandrakant Krishna Jadhav (State of Maharashtra) Vs. Chandrakant Krishna Jadhav, 2013 CJ(Bom) 2819.
3. Dharamveer And Ors. Vs. State of U.P., Criminal Appeal No. 1348 of 2004.

4. Wasudeo S/O. Chhotelal @ Ramchandra Yadav Vs. State of Maharashtra, 2010 ALL MR (Cri) 673.

Perused case laws minutely.

20] In criminal cases, the prosecution has to prove it's case beyond reasonable doubt. In present case, even if the prosecution could not establish it's case for offences punishable under Section 325 and 324 of IPC, however, it established it's case for offences punishable under Sections 323, 504 and 506 of IPC. The depositions of witnesses corroborating with medical evidence are sufficient to prove it. I have discussed in detail earlier.

21] Judgment is paused to hear on quantum of sentence.

Date: 23.03.2026
Lanja.

(S. R. Joshi)
Judicial Magistrate First Class,
Lanja.

22] Heard Ld. A.P.P. Mr. S. S. Valvi and the accused in person and Ld. Advocate Mr. Y. R. Patkar on behalf of the accused. Ld. A.P.P. submitted that the informant is an aged person. He has suffered physical and mental injuries because of assault by accused. Hence, he prayed for maximum punishment to the accused. On the other hand, Ld. Advocate on behalf of accused submitted for minimum punishment and also, prayed for benefit Probation of Offenders Act to the accused.

23] In this case, the informant is the victim. He has suffered physical and mental injuries because of act of assault and abuse of accused. Considering whole record and all above discussion, I

pass following order :

ORDER

1. Accused **Madhukar Krishna Jadhav** is convicted of an offence punishable under Sections 323 of the Indian Penal Code, 1860 vide Section 248(2) of the Code of Criminal Procedure, 1973 and sentenced to suffer simple imprisonment for two months and to pay fine of Rs. 500/- (Rupees Five Hundred only), in default to suffer simple imprisonment for three days, for an offence punishable under Section 323 of the Indian Penal Code, 1860.
2. Accused **Madhukar Krishna Jadhav** is convicted of an offence punishable under Sections 504 of the Indian Penal Code, 1860 vide Section 248(2) of the Code of Criminal Procedure, 1973 and sentenced to suffer simple imprisonment for two months and to pay fine of Rs. 500/- (Rupees Five Hundred only), in default to suffer simple imprisonment for three days, for an offence punishable under Section 504 of the Indian Penal Code, 1860.
3. Accused **Madhukar Krishna Jadhav** is convicted of an offence punishable under Sections 506 of the Indian Penal Code, 1860 vide Section 248(2) of the Code of Criminal Procedure, 1973 and sentenced to suffer simple imprisonment for two months and to pay fine of Rs. 500/- (Rupees Five Hundred only), in default to suffer simple imprisonment for three days, for an offence punishable under Section 506 of the Indian Penal Code, 1860.
4. Accused **Madhukar Krishna Jadhav** is acquitted of the

offences punishable under Sections 325 and 324 of the Indian Penal Code, 1860 vide Section 248(1) of the Code of Criminal Procedure, 1973.

5. Accused shall undergo the sentence concurrently.
6. The accused shall surrender his bail bonds.
7. The seized muddemal i.e. MO-1 one stick (एक जंगली काठी तिची लांबी ३ फुट ४ सेमी असून तिला ४ पेरे) be destroyed as per rules after the expiry of the appeal period.
8. Copy of this judgment shall be given to the accused, free of cost.

(Dictated and pronounce in open Court.)

Date: 23.03.2026
Lanja.

(S. R. Joshi)
Judicial Magistrate First Class,
Lanja.

APPENDIX-I**Part 'C'**

(Para 44(iii) of Chapter VI of Criminal Manual)

List Of Witnesses**A. Prosecution:**

Rank	Name	Nature of Evidence	Exhibit
PW1	Vijay Janu Zore	Panch witness to spot panchnama	19
PW2	Abid Ali Abdul Aziz Kazi	Panch witness to spot panchnama	21
PW3	Namdev Krushnaji Paradkar	Informant	22
PW4	Prakash Baburao Gore	Panch witness to seizure panchnama	24
PW5	Suresh Baburao Gore	Panch witness to seizure panchnama	25
PW6	Janu Namu Zore	Witness	26
PW7	Dr. Kranti Manikrao Dikle	Medical Officer	30
PW8	Dr. Rajveer Kirankumar Chinoy	Medical Officer	48
PW9	Dr. Samyak Vikas Mulkutkar	Medical Officer	49
PW10	Dilip Shantaram Pawar	Investigating Officer	51

B. Defence Witness, if any:

Rank	Name	Nature of Evidence	Exhibit
NIL.			

C. Court witness, if any:

Rank	Name	Nature of Evidence	Exhibit
NIL.			

List of Document**A. Prosecution**

Serial No.	Exhibit number	Description
1.	P-1/PW1	Signature on spot panchnama
2.	P-2/PW1	Signature on map of the spot of incident

3.	P-3/PW2	Spot panchnama
4.	P-4/PW2	Map of the spot of incident
5.	P-5/PW3	N.C.R. No. 09/2019
6.	P-6/PW3	Statement of the informant dtd. 14/02/2019.
7.	P-7/PW4	Signature on seizure panchnama
8.	P-8/PW5	Signature on seizure panchnama
9.	P-9/PW7	Injury Certificate of informant
10.	P-10/PW10	Muddemal receipts
11.	P-11/PW10	Arrest panchnama

B. Defence:

Serial No.	Exhibit number	Description
NIL.		

C. Court exhibits:

Serial No.	Exhibit number	Description
NIL		

D. Material Objects: Muddemal Articles

Serial No.	Material Object number	Description	Proved by
1	MO 1	One stick (एक जंगली काठी तिची लांबी ३ फुट ४ सेटी मिटर असून तिला ४ पेरे)	PW3

Date: 23.03.2026
Lanja.

(S. R. Joshi)
Judicial Magistrate First Class,
Lanja.

<u>CERTIFICATE</u>		
Judgment/Order in :- Judgment in R.C.C. 22/2019		
I affirm that the contents of this pdf file Judgment/ Order are same word as per original Judgment.		
Name of Stenographer	:-	S. D. Chavan
Court Name	:-	The Court of Civil Judge (J.D.) & Judicial Magistrate F.C., Lanja
Date of decision	:-	23/03/2026
Judgment/Order Signed by P.O. on	:-	23/03/2026
Judgment/Order uploaded on	:-	23/03/2026