

CNRNO. MHSIo10008322021	Received on: 14-12-2021 Registered on: 14-12-2021 Decided on : 10-06-2026 Duration : 4Y 5M 27D
	Exh 68

Form No. XXXII ¹

Part 'A'

(Title Page of Judgment)

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

IN THE COURT OF SESSION SESSIONS DIVISION, SINDHUDURG AT: OROS

**[Presided over by Dr Sudhiir M Deshpande]
PRINCIPAL DISTRICT & SESSIONS JUDGE,
SINDHUDURG.**

[Date of the Judgment: 10-06-2026]

[Session Case No.62/2021]

FIR (CR) No. 28/2021 Dated 10.08.2021
for the offence punishable u/s 307, 323, 504, 506 r/w 34
of the Indian Penal Code, 1860.

COMPLAINANT (PROSECUTION)	The State of Maharashtra Police Station, Achara
REPRESENTED BY	Mr S A Rane, Ld Public Prosecutor (PP)
ACCUSED	1. Vijay Babaji Ghadigaonkar Age 60 years. 2. Asmita Vijay Ghadigaonkar Age 52 years. 3. Aniket Vijay Ghadigaonkar Age 30 years. All R/o. Aadavali, Ghadiwadi, Tal. Malvan, Dist. Sindhudurg
REPRESENTED BY	Mr U B Kulkarni, Ld Adv for the accused

¹ As per the notification Dtd. 14/7/2022 of the Hon'ble High Court of Judicature at Bombay.

Part 'B'

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

Date of Offence	10.08.2021
Date of FIR (Complaint)	10.08.2021
Date of Charge-sheet	02.12.2021
Date of Framing of Charge	19.01.2022
Date of commencement of Evidence	14.01.2026
The date on which Judgment was reserved	06.06.2026
Date of the Judgment	10.06.2026
Date of the Sentencing Order, if any	N/A

Accused Details

The rank of the Accused	Name of the Accused	Date of Arrest	Date of Release on Bail
1.	2.	3.	4.
A1	Vijay Babaji Ghadigaonkar	11.08.2021	01.09.2021
A2	Asmita Vijay Ghadigaonkar	11.08.2021	01.09.2021
A3	Aniket Vijay Ghadigaonkar	11.08.2021	01.09.2021

Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428
5.	6.	7.	8.
U/s 307, 323, 504, 506 r/w 34 IPC	Acquitted	N/A	21 Days
U/s 307, 323, 504, 506 r/w 34 IPC	Acquitted	N/A	21 Days
U/s 307, 323, 504, 506 r/w 34 IPC	Acquitted	N/A	21 Days

JUDGMENT

(Declared on 10th day of June, 2026)

The accused are facing trial for the offences punishable under Sections 307, 323, 504, and 506 r/w 34 IPC of the Indian Penal Code, 1860 (IPC).

2] The prosecution case, as emerging from the FIR and the evidence of the informant Smita @ Karuna Ghadigaonkar, is that she was residing in the house of accused Vijay Babaji Ghadigaonkar, claiming to be his second wife on the strength of a marriage certificate allegedly obtained on 05.11.2019. According to her, Vijay had been harassing her for about one and a half years prior to the incident. She alleged that on the night of 09.08.2021, Vijay told his first wife Asmita that she should “adjust” the informant or else he would do something by the next morning. On 10.08.2021 at about 5.05 a.m., while she was sleeping, Vijay allegedly sat on her, held both her hands, directed Asmita to bring a pillow and pressed it on her mouth, and thereafter instructed his son Aniket to press the pillow harder when she raised shouts for help. She claims that she resisted, turned her face sideways, and continued shouting, whereupon daughter-in-law Aditi intervened and requested that she should not be killed. Taking advantage of the arrival of a relative at the house, she escaped and ran to the house of her cousin Satish Advalkar, to whom she immediately narrated the incident. Thereafter, on the advice of her brothers, she approached

the police station and lodged the FIR, alleging that all three accused had attempted to kill her by suffocation with a pillow and had also abused and threatened her.

3] Investigation was done. Police report under section 173 CrPC came to be filed. Ld ADPP opened the prosecution. Charge Exh 5 came to be framed for the offences punishable under Sections 307, 323, 504, and 506 r/w 34 IPC by the then Presiding Judge on 19.01.2022. Accused pleaded not guilty. Hence, he was subjected to trial for the aforesaid offences.

4] After the closure of prosecution evidence examination of accused was conducted vide section 313 CrPC in which the accused maintained that the case is false. The accused did not offer defence evidence or defence witness/es.

5] Heard.

6] Mr S. A. Rane, learned Public Prosecutor, submitted that the prosecution has adduced sufficient evidence to establish the guilt of the accused beyond reasonable doubt. He contended that the FIR (Exh. P-2) lends support to the prosecution case and that the defence has failed to produce any evidence to substantiate its contention that accused No.1 was suffering from a physical disability rendering him incapable of sitting on the floor or pressing a pillow against the informant's mouth. According to him, the said defence is therefore not worthy

of acceptance. He further argued that no suggestion regarding the alleged disability of accused No.1 was put to PW-5 and PW-8, though such confrontation was available to the defence. It was submitted that the evidence of PW-4, though based on what was narrated to him by the informant immediately after the incident, provides corroboration to the testimony of PW-2. Learned PP pointed out that nothing material could be elicited in the cross-examination of PW-4 to discredit his evidence. He submitted that the testimony of the informant is reliable and inspires confidence, and that there is no reason to discard it. According to him, the evidence on record establishes the common intention of all three accused, the panchanamas have been duly proved, and the medical certificate (Exh. P-9) corroborates the prosecution case. He further contended that for an offence under Section 307 of the IPC, the intention of the accused assumes greater significance than the nature of the injuries sustained. On these grounds, he urged that the prosecution has successfully proved its case against all three accused and that they deserve to be convicted.

7] Mr Kulkarni, learned advocate for the accused, submits that the prosecution has failed to prove any offence and that the entire story put forward by the informant is a concoction. He would argue that despite her subsequent marriage, the informant continued to describe herself as “Smita Ghadigaonkar” and concealed her new surname, thereby demonstrating her lack of candour and affecting her credibility. According to him, although

numerous houses were situated in the immediate vicinity and the informant claimed that she had shouted loudly for help, the prosecution failed to examine any independent witness from the locality. Referring to the evidence of the Investigating Officer and the admissions elicited in paragraphs 20 and 21 of the informant's cross-examination, he contended that the presence of nearby residents made the absence of independent corroboration highly significant.

8] Learned defence advocate further submits that the informant was fully aware of the serious ailment suffered by accused No.1 Vijay and had admitted having seen his medical records, yet she gave evasive answers regarding the extent of his disability. He would argue that her testimony attempted to portray Vijay as physically capable of carrying out the alleged act, despite evidence suggesting otherwise. He also contended that throughout her evidence, the informant sought to project herself as Vijay's wife, but this claim stood exposed when photographs relating to her subsequent marriage and child (Exhs. P-5 and P-6) were put to her. According to the defence, her real motive was to secure a share in Vijay's property.

9] It was further argued that the alleged marriage between the informant and Vijay has not been proved. PW-7 Ganesh Bakre did not support the prosecution's version regarding the issuance of the marriage certificate, and PW-8 Jivaji Ghadigaonkar also failed to support the

alleged marriage. The prosecution, therefore, failed to establish that Vijay had taken the informant to Bakre Guruji or that he had driven her there as alleged.

10] Mr Kulkarni also points out material inconsistencies in the prosecution case regarding the incident itself. According to him, the FIR attributes the act of pressing the pillow to accused No.2, whereas in her substantive evidence the informant alleged that accused No.1 pressed the pillow on her mouth. This, according to the defence, is a major contradiction going to the root of the prosecution case. He would argue that if such a traumatic incident had actually occurred, the informant's account would have been consistent and free from such discrepancies.

11] Referring to the medical evidence of PW-6, learned advocate submits that the injuries noted in MLC Exh. P-9 were simple abrasions and that the Medical Officer specifically stated that such injuries were not possible by mere hands and required a hard and blunt object. He would argue that the injuries were wholly inconsistent with the prosecution theory of suffocation by a pillow and that there was no serious injury suggestive of an attempt to murder.

12] With regard to PW-4 Satish Advalkar, advocate submits that he is an interested witness being related to the informant and admittedly bore a grudge against Vijay because Vijay had lodged a complaint against him

concerning damage caused by his cattle. His evidence, therefore, could not be treated as impartial. The defence further points out that PW-4 professed ignorance about the informant's subsequent husband and child despite being a close relative, thereby affecting his credibility.

13] Learned advocate also highlights the delay of approximately twelve hours in lodging the FIR, contending that the delay remained unexplained by the Investigating Officer. He further challenges the reliability of the spot panchanama by pointing out that the panchanama referred to House No. 61, whereas the defence case is that Vijay's house bears No. 61A. According to him, this discrepancy casts serious doubt on whether the panchanama was actually conducted at the relevant place.

14] Finally, Mr Kulkarni submits that both the spot panchanama and seizure panchanama are unreliable. Although there were two panchanamas and four panch witnesses, the Investigating Officer admitted circumstances suggesting procedural irregularities, including the absence of corresponding vehicle movement entries in the logbook. According to the defence, this creates a serious doubt as to whether the police had in fact visited the spot for preparation of the panchanamas. On the cumulative assessment of these circumstances, learned advocate would contend that the prosecution has failed to establish its case beyond reasonable doubt and that all the accused are entitled to acquittal.

15] Upon consideration of the charge, the evidence on record, and the submissions advanced by the Learned Public Prosecutor as well as the defence advocate, the following points arise for determination. My findings on these points, together with the reasons therefor, are discussed in the succeeding part of this judgment.

POINTS

FINDINGS

- | | |
|---|-----|
| 1. Whether the prosecution proves that on 10.08.2021 at about 5:10 am at village Aadavali, Ghadiwadi, Tal Malvan, accused No. 1 to 3 in furtherance of their common intention, pressed the mouth of informant Smita Vijay Ghadigaonkar by pillow by holding her both hands, while she was sleeping with such intention or knowledge, and under such circumstances that, if they by that act caused death, they would be guilty of murder and thereby committed an offence punishable under Section 307 read with Section 34 of Indian Penal Code? | No. |
| 2. Whether the prosecution proves that, on the same date, time and place accused No. 1 to 3 in furtherance of their common intention, voluntarily caused hurt to informant Smita Vijay Ghadigaonkar and thereby committed an offence punishable under Section 323 read with Section 34 of Indian Penal Code? | No. |
| 3. Whether the prosecution proves that, on the same date, time and place accused No. 1 to 3 in furtherance of their common intention, intentionally insulted to informant Smita Vijay Ghadigaonkar in abusive language | No. |

and, thereby gave provocation to her intending or knowing it to be likely that such provocation would cause her to break public peace or to commit any other offence and, thereby committed an offence punishable under Section 504 read with Section 34 of Indian Penal Code?

4. Whether the prosecution proves that, on the same date, time and place accused No. 1 to 3 in furtherance of their common intention, committed criminal intimidation by giving threats to informant Smita Vijay Ghadigaonkar with intent to cause her alarm and, hereby committed an offence punishable under Section 504 read with Section 506 of Indian Penal Code?

No.

5. What Order?

All three
accused
acquitted.

REASONS

As to point No. 1

16] The principal question for determination is whether the prosecution has succeeded in proving beyond reasonable doubt that the accused committed an offence punishable under Section 307 of the Indian Penal Code. It is well settled that for attracting Section 307 IPC, the prosecution must establish not merely the commission of an assault but also the requisite intention or knowledge that, had death been caused by the act, the offence would have amounted to murder. Though the nature of injuries is not always decisive, the intention of the accused has to be

gathered from the weapon or means employed, the nature of the attack, the part of the body targeted, the injuries caused and the surrounding circumstances.

17] In the present case, the prosecution principally relies upon the testimony of PW-2, the informant. According to her, accused No.1 Vijay sat on her lap, held both her hands, directed accused No.2 Asmita to bring a pillow and thereafter pressed the pillow on her mouth. She further alleged that accused No.3 Aniket joined the assault and was instructed to press the pillow harder. However, during cross-examination, PW-2 admitted that several important facts narrated before the Court, including Vijay flashing a torch on her eyes, sitting on her lap, asking Asmita to bring a pillow, the intervention of Aditi, the arrival of Prabhakar and her jumping into Satish's house, were not mentioned in the FIR. These omissions relate directly to the manner in which the alleged offence was committed and therefore materially affect the reliability of her version.

18] The defence has also pointed out a significant inconsistency regarding the actual assailant. According to the defence, the FIR attributes the act of pressing the pillow to accused No. 2, whereas in her substantive evidence before the Court, PW-2 deposed that accused No.1 pressed the pillow on her mouth. This discrepancy pertains to the core act constituting the alleged attempt to murder and cannot be lightly ignored. The prosecution case substantially rests upon the testimony of PW-2, and

therefore such inconsistencies assume considerable importance.

19] The Court further finds that despite the alleged incident occurring in a densely populated locality, no independent witness has been examined to corroborate the prosecution case. PW-2 herself admitted that several houses were situated nearby and that she had shouted loudly for help. The Investigating Officer also admitted that the locality was densely inhabited. Yet no independent resident from the neighbourhood was examined. The absence of such corroboration assumes significance in a case where the prosecution relies predominantly upon the testimony of the informant.

20] The evidence of PW-4 Satish Advalkar does not materially improve the prosecution case. PW-4 admittedly is not an eyewitness to the occurrence and his evidence is based entirely on what was narrated to him by PW-2 after the alleged incident. His testimony is therefore hearsay insofar as the occurrence itself is concerned. Further, PW-4 admitted that accused No.1 had previously lodged a complaint against him regarding damage caused by his cattle and that his opinion about Vijay had deteriorated thereafter. Consequently, his evidence cannot be treated as wholly independent.

21] The prosecution also relied upon the evidence of PW-5 Prabhakar Ghadigaonkar, whose arrival, according to PW-2, interrupted the assault and enabled

her escape. However, PW-5 did not support the prosecution case and denied hearing cries, ringing the bell, seeing the informant in a frightened condition or witnessing any of the circumstances attributed to him by the prosecution. He was declared hostile. Thus, an important circumstance relied upon by the informant remains uncorroborated.

22] The medical evidence also does not fully support the prosecution version. PW-6 found only four abrasions on the person of the informant, all of which were simple in nature. No injury indicative of suffocation, obstruction of breathing, respiratory distress or any life-threatening consequence was noticed. Significantly, PW-6 stated that the injuries found on the informant were not possible by simple hands and required a hard and blunt object. The prosecution case, however, is that a pillow was pressed on the informant's mouth. The medical evidence, therefore, does not wholly support the manner of assault alleged by the prosecution.

23] Another circumstance creating doubt is the evidence regarding the physical condition of accused No.1. During cross-examination, PW-2 admitted knowledge that Vijay had suffered a serious ailment and had undergone prolonged treatment. She further admitted having seen his medical records and medicines. The Investigating Officer also admitted that he had not investigated whether accused No.1 was suffering from GBS or whether he was incapable of sitting on the floor or moving normally.

Although the defence has not adduced independent evidence regarding the ailment, the omission of the investigation to verify such a material aspect leaves a gap in the prosecution case.

24] The surrounding circumstances also do not conclusively establish the intention or knowledge necessary for constituting an offence under Section 307 IPC. The alleged instrument used was a household pillow. No grievous injury or life-threatening injury was caused. The prosecution has not established the duration for which the pillow was allegedly pressed, nor has it proved any consequence ordinarily associated with a genuine attempt to cause death by suffocation. The evidence rather indicates that the informant was continuously shouting, resisting and ultimately escaped without sustaining any serious injury.

25] The delay in lodging the FIR is another circumstance which cannot be ignored. The Investigating Officer admitted that there was delay in lodging the FIR and further admitted that he had not recorded any statement explaining such delay. Though delay by itself may not be fatal, in a case resting substantially on the testimony of the informant, the circumstance requires careful scrutiny.

26] Upon an overall appreciation of the evidence, the Court finds that material omissions and inconsistencies in the testimony of PW-2, absence of

independent corroboration, hostility of PW-5, the limited evidentiary value of PW-4's testimony, the inconclusive medical evidence and the surrounding circumstances collectively create a reasonable doubt regarding the prosecution version. While the evidence may indicate the possibility of a quarrel or minor assault resulting in simple abrasions, it falls short of proving beyond reasonable doubt/s that the accused acted with the intention or knowledge requisite for the commission of an offence punishable under Section 307 IPC. Consequently, the essential ingredients of Section 307 IPC are not established and the accused are entitled to the benefit of doubt in respect of that charge.

27] Hence, I answer point No. 1 in the negative.

As to point No. 2

28] The next question that arises for consideration is whether the prosecution has succeeded in proving the offence punishable under Section 323 read with Section 34 of the Indian Penal Code. To bring home a charge under Section 323 IPC, the prosecution is required to establish beyond reasonable doubt that the accused voluntarily caused hurt to the victim. Mere proof that the victim sustained certain injuries is not sufficient. The prosecution must further prove by reliable and cogent evidence that such injuries were caused by the accused and that they were voluntarily inflicted.

29] In the present case, the prosecution principally relies upon the testimony of PW-2, the informant. According to her, accused No. 1 held her hands, accused No. 2 brought a pillow and accused No. 1 pressed the pillow on her mouth. However, the evidence of PW-2 is not free from doubt. During cross-examination, she admitted that several important facts narrated before the Court, including the torchlight episode, Vijay sitting on her lap, the direction to bring a pillow, the intervention of Aditi, the arrival of Prabhakar and her jumping into Satish's house, were not stated in the FIR. These omissions pertain to material aspects of the occurrence and materially affect the credibility of her version. The defence has also highlighted inconsistencies regarding the role played by the accused in the alleged assault, thereby creating doubt about the exact manner in which the incident occurred.

30] The prosecution has failed to examine any independent witness despite the admitted fact that the locality was densely populated. PW-2 herself admitted that several houses were situated nearby and that she had raised loud shouts for help. The Investigating Officer also admitted that the area was densely inhabited. Nevertheless, no independent resident from the vicinity was examined to corroborate the alleged assault. In the facts of the present case, such omission assumes significance and weakens the prosecution case.

31] The evidence of PW-4 Satish Advalkar does not materially advance the prosecution case. PW-4 is not an

eyewitness to the alleged assault and his testimony is based entirely upon what was narrated to him by PW-2 after the incident. His evidence is therefore hearsay insofar as the occurrence itself is concerned. Moreover, PW-4 admitted that accused No.1 had previously lodged a complaint against him regarding damage caused by his cattle and that his opinion about Vijay had deteriorated thereafter. Consequently, his testimony cannot be treated as wholly independent corroboration of the prosecution case.

32] The prosecution also did not derive any support from PW-5 Prabhakar Ghadigaonkar, who was projected as an important witness. PW-5 denied hearing cries, denied witnessing any disturbance and denied the circumstances attributed to him by the prosecution. He was declared hostile. Thus, an important witness who could have provided independent corroboration failed to support the prosecution case.

33] The medical evidence also does not satisfactorily connect the accused with the injuries found on the informant. PW-6 found four abrasions on the person of PW-2 and opined that all the injuries were simple in nature. Significantly, the Medical Officer specifically stated that the injuries were not possible by simple hands and required a hard and blunt object. The prosecution case, however, is that the accused held the informant and pressed a pillow on her mouth. No hard or blunt object is alleged to have been used during the

incident. Thus, the medical evidence does not fully support the prosecution version regarding the manner in which the injuries were allegedly caused. The prosecution has also failed to establish which accused caused which particular injury or how the abrasions found on the body of the informant were connected to the acts attributed to the accused.

34] The Court further finds that the prosecution has not produced any reliable independent evidence establishing participation of all three accused in causing hurt. The allegation of common intention rests substantially on the interested testimony of PW-2. In the absence of satisfactory corroboration, it would be unsafe to hold that the prosecution has proved the charge under Section 323 read with Section 34 IPC beyond reasonable doubt.

35] The deficiencies in the investigation also cannot be ignored. The Investigating Officer admitted that there was delay in lodging the FIR and further admitted that no statement explaining the delay was recorded. Questions were also raised during trial regarding the correctness of the spot panchanama and the identification of the house where the incident allegedly occurred. Though each circumstance by itself may not be decisive, their cumulative effect creates doubt regarding the prosecution version.

36] On an overall appreciation of the evidence, this

Court finds that the prosecution has succeeded only in proving that the informant had sustained certain simple abrasions. However, it has failed to prove beyond reasonable doubt that those injuries were voluntarily caused by the accused or any of the three accused. The testimony of PW-2 suffers from material omissions and inconsistencies; no independent witness supports the prosecution case; PW-4 is merely a hearsay witness; PW-5 has not supported the prosecution; and the medical evidence does not satisfactorily corroborate the manner of assault alleged by the prosecution. In these circumstances, the prosecution has failed to establish the ingredients of Section 323 IPC beyond reasonable doubt. The accused are therefore entitled to the benefit of doubt and deserve acquittal of the charge punishable under Section 323 read with Section 34 of the Indian Penal Code.

37] Hence, I answer point No. 2 in the negative.

As to points No. 3 and 4

38] The next question that arises for consideration is whether the prosecution has succeeded in proving the offences punishable under Sections 504 and 506 read with Section 34 of the Indian Penal Code. To establish an offence under Section 504 IPC, the prosecution must prove that the accused intentionally insulted the victim with the intention or knowledge that such provocation was likely to cause the victim to break the public peace or commit any other offence. Similarly, to establish an

offence under Section 506 IPC, the prosecution must prove that the accused communicated a threat of injury to the victim with the intention of causing alarm. Mere use of abusive language or existence of a quarrel is not sufficient to attract these provisions unless all the statutory ingredients are proved beyond reasonable doubt.

39] Upon scrutiny of the evidence on record, this Court finds that the prosecution has failed to establish the essential ingredients of Section 504 IPC. The evidence of PW-2, who is the principal witness of the prosecution, is primarily directed towards the allegation that the accused attempted to suffocate her by pressing a pillow on her mouth. Though she stated that accused No. 2 and 3 abused her when she ran towards the house of PW-4 Satish Advalkar, she has not disclosed the actual words allegedly used by the accused. The prosecution has therefore failed to place before the Court the precise words constituting the alleged insult. In the absence of such particulars, it is not possible for the Court to ascertain whether the alleged words amounted to intentional insult within the meaning of Section 504 IPC. More importantly, there is absolutely no evidence to show that the alleged abuses were intended to provoke the informant to break the public peace or commit any offence. Thus, one of the essential ingredients of Section 504 IPC remains wholly unproved.

40] The evidence of PW-4 also does not advance the prosecution case in this regard. PW-4 merely stated that accused Nos. 2 and 3 had come near his house and

that there was some exchange between them and the informant. He has not deposed about any specific abusive words used by the accused. His evidence, therefore, does not provide any independent corroboration regarding the allegation of intentional insult. PW-5, who could have been an independent witness, has not supported the prosecution case at all. Furthermore, despite the admitted fact that several houses were situated in the immediate vicinity, no independent resident of the locality was examined to support the allegation of abuses. Consequently, the allegation under Section 504 IPC remains vague, uncorroborated and unsupported by satisfactory evidence.

41] The prosecution has equally failed to establish the offence punishable under Section 506 IPC. A careful reading of the substantive evidence of PW-2 shows that she has not attributed any specific threat to any of the accused. No exact words of intimidation have been brought on record. There is no evidence regarding the nature of the alleged threat, the person who allegedly uttered it, or the circumstances in which such threat was communicated. Most importantly, the prosecution has not established that any such threat was intended to cause alarm to the informant or that it actually caused alarm within the meaning of Section 506 IPC. Mere allegations that the accused threatened the informant, without disclosure of the contents of the threat and proof of the intention behind it, are insufficient to constitute criminal intimidation.

42] The Court also finds that there is no independent corroboration regarding the allegation of criminal intimidation. PW-4 is not an eyewitness to any threat and his evidence is confined to what was allegedly narrated to him by the informant. PW-5 has not supported the prosecution. No independent witness from the locality has been examined. The prosecution case regarding criminal intimidation therefore rests solely on vague and general allegations made by PW-2.

43] The evidence of PW-2 has already been found to contain several omissions and improvements relating to material aspects of the occurrence. In such circumstances, her testimony requires cautious scrutiny. When the allegations regarding abuses and threats are themselves lacking in particulars and remain uncorroborated by independent evidence, it would be unsafe to base a conviction solely on such testimony.

44] It is a settled principle of criminal jurisprudence that suspicion, however strong, cannot take the place of proof. It is equally well settled that where two views are possible on the evidence, the view favourable to the accused must be adopted. In the present case, the prosecution has failed to prove the exact words constituting intentional insult, has failed to establish the intention to provoke breach of peace, has failed to prove any specific threat intended to cause alarm, and has failed to produce reliable corroborative evidence in support of

these allegations.

45] Accordingly, this Court is of the considered opinion that the prosecution has failed to establish beyond reasonable doubt the essential ingredients of the offences punishable under Sections 504 and 506 read with Section 34 of the Indian Penal Code. The accused are therefore entitled to the benefit of doubt and deserve to be acquitted of the said charges. Hence, I answer points No. 3 and 4 in the negative.

As to point No. 5

46] Upon an overall appreciation of the oral and documentary evidence, this Court finds that the prosecution has failed to prove beyond reasonable doubt that the accused committed the offences punishable under Sections 307, 323, 504 and 506 read with Section 34 of the Indian Penal Code. The evidence on record suffers from material omissions, inconsistencies and lack of independent corroboration, and therefore does not inspire confidence sufficient to sustain a conviction. The accused are consequently entitled to the benefit of doubt. Accordingly, all the accused deserve to be acquitted of all the charges framed against them.

ORDER

1. The accused No. 1 Vijay Babaji Ghadigaonkar, No. 2 Asmita Vijay Ghadigaonkar and No. 3 Aniket Vijay Ghadigaonkar are hereby acquitted of the offences punishable under sections 307, 323, 504, and 506 r/w 34 of the Indian Penal Code, 1860.

2. Their bail bond stands cancelled. The sureties are discharged.
3. The muddemal property, if any, shall be dealt with in accordance with the law after one year.
4. All accused shall furnish bail vide Sec. 437-A of CrPC (PB and SB of ₹15,000/-), which shall remain in force for six months from the date of this judgment and order.
5. A copy of this judgement be sent **immediately** by email to the District Magistrate, Sindhudurg, for doing the needful as mandated by the Hon'ble High Court of Judicature at Bombay vide *Ranjana Shantilal Suryawanshi v. Jaiprakash Tulshiram Gupta etc.* 2 dated 16 July 2020.
6. Concerned clerk to file the delivery report of the above email immediately, which shall be kept in the case file after endorsement of the undersigned.
7. The case stands disposed of in the above terms.

Dictated and pronounced in open court.

Sd/-
(Dr Sudhiir M Deshpande)
Sessions Judge
Sindhudurg at Oros.

Part 'C'

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

List of Prosecution/ Defence/ Court Witnesses

A. Prosecution:

RANK	Exh No	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	36	Deepak Mahadeo Mungade	Panch witness
PW2	40	Smita Vijay Ghadigaonkar	Informant.
PW3	48	Jagannath Kanhoji Joshi	Panch
PW4	51	Satish Vasant Advalkar	Witness
PW5	52	Prabhakar Rajaram Ghadigaonkar	Witness
PW6	55	Dr Shamrao Baburao Jadhav	Medical Officer
PW7	56	Ganesh Dattatray Bakre	Witness
PW8	57	Jivaji Sakharam Ghadigaonkar	Witness
PW9	60	Kuldip Sambhaji Patil	Investigating Officer
PW10	63	Sachin Sonappa Chavan	Investigating Officer

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	Nil	Nil

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	Nil	Nil

List of Prosecution / Defence / Court Exhibits

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exh P-1/PW1	Spot panchnama dated 11.08.21
2	Exh P-2/PW2	FIR dated 10.08.2021
3	Exh P-3/PW2	Printed FIR
4	Exh P-4/PW2	Marriage Certificate dated 05.11.2019
5	Exh P-5/PW2	Photograph

6	Exh P-6/PW2	Photograph
7	Exh P-7/PW3	Seizure panchanama of clothes of accused dated 11.08.2021
8	Exh P-8/PW3	Seizure panchanama of clothes of informant
9	Exh P-9/PW6	Medical Certificate of Smita Vijay Ghadigaonkar
10	Exh P-10/PW6	Medical Certificate of Vijay Babaji Ghadigaonkar
11	Exh P-11/PW6	Medical Certificate of Aniket Vijay Ghadigaonkar
12	Exh P-12/PW9	Letter to JMFC Malwan bearing outward No. 1650/2021, dtd. 01.11.2021
13	Exh P-13/PW9	Letter to Medical Officer, PHC Achara bearing outward No. 1651/2021, dtd. 01.11.2021
14	Exh. P-14/PW10	Muddemal receipt
15	Exh. P-15/PW10	Arrest panchanama of accused No. 1
16	Exh. P-16/PW10	Arrest panchanama of accused No. 2
17	Exh. P-17/PW10	Arrest panchanama of accused No. 3
18	Exh. P-18/PW 10	Letter dated 10.08.2021 addressed to Medical Officer, PHC Achara.
19	Exh. P-19/PW 10	Portion marked A in the statement of Prabhakar Rajaram Ghadigaonkar.
20	Exh. P-20/PW 10	Portion marked A in the statement of Jivaji Sakharam Ghadigaonkar.
21	Exh. P-21/PW 10	Portion marked A in the statement of Ganesh Dattaray Bakare.
22	Exh. P-22/PW 10	The 65B certificate pertaining to the photographs at the time of

		spot panchanama and clothe seizure panchanama.
23	Exh. P-23/PW 10	Letter dated 14.08.2021 to Sarpanch, Gram Panchayat Kirlos.
24	Exh. P-24/PW 10	The certificate dated 17.08.2021 given by Kirlos Gram Panchayat.

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-1/PW1	Pillow
2	MO-2/PW2	Yellow Gown
3	MO-3/PW3	White banian
4	MO-4/PW3	Grey track pant
5	MO-5/PW3	Blue Sari
6	MO-6/PW3	Yellow blouse
7	MO-7/PW3	Yellow T-shirt
8	MO-8/PW3	Blue Track Pant

Sd/-

(Dr Sudhiir M Deshpande)Sessions Judge
Sindhudurg at Oros

All concerned to act upon the digitally signed uploaded copy of this order, the printout of which can be verified from the official website of this court. In this regard, attention of all concerned is invited to the authority of the Hon'ble High Court of Bombay (Bench at Aurangabad) ***Shital Krushna Dhake v. Krushna Dhake***, MANU/MH0285/2018.

Certificate

“I affirm that the contents of this P.D.F. file Judgment / Order are the same word-for-word as per the original Judgment / Order.”

Name of the affirming Steno	: Mr S D Parulekar English Grade I Stenographer
Name of the Court	: Sessions Judge, Sindhudurg at Oros (Dr Sudhiir M Deshpande)
Date of pronouncement	: 10.06.2026
Signed by the Presiding Officer	: 10.06.2026
on	
Uploaded on	: 10.06.2026