



Presented on : 28 03 2022
Registered on : 28 03 2022
Decided on : 17 04 2026
Duration : 04 00 20
Yrs. Ms. Ds.

CNR No. MHSI09-000119-2022

Regular Criminal Case No.17/2022

Exhibit No. 86

	<p style="text-align: center;"><u>In the Court of</u> <u>Judicial Magistrate First Class, Deogad</u> (Presided over by Shrikant S.Pachandi) (Date of Judgment 17/04/2026)</p>
	<p>Details of FIR/Crime No :- 16/2022 Crime :- Offence Punishable u/s.323, 324, 452, 504, 506 r/w. 34 of the Indian Penal Code Police Station :- Deogad</p>
Prosecution	State of Maharashtra Through Police Station Officer, Police Station Deogad, Tal. Deogad, Dist. Sindhudurg
Represented by	Learned APP for the State Shri.M.G. Kaldate
Accused	1] Anand Kashinath Tamhankar Age- 40 years, Occupation – Pvt. Service 2] Arun Kashinath Tamhankar Age- 36 years, Occupation – Pvt. Service 3] Sarita Kashinath Tamhankar Age- 60 years, Occupation – Household

1.	Anand Kashinath Tamhankar	Nil	13/ 10/ 2022	Section 323, 324, 452, 504, 506 r/w.	Acquitted	Nil	Nil
2.	Arun Kashinath Tamhankar	Nil	13/ 10/ 2022	34 of the I.P.C.	Acquitted	Nil	Nil
3.	Sarita Kashinath Tamhankar	Nil	13/ 10/ 2022	Section 323, 324, 452, 504, 506 r/w.	Acquitted	Nil	Nil
4.	Kashinath Dhondu Tamhankar	Nil	13/ 10/ 2022	34 of the I.P.C.	Acquitted	Nil	Nil

Part C**(Para 44 (iii) of Chapter VI of Criminal Manual)****LIST OF PROSECUTION/ DEFENCE /COURT WITNESSES****A. Prosecution :**

Rank	Name	Nature of Evidence
1.	Sanjana Rajendra Tamhankar	Informant
2.	Deepak Sambhaji Kadam	Panch
3.	Rajendra Raghunath Tamhankar	Eye witness
4.	Vedika Rajendra Tamhankar	Eye Witness
5.	Imran Razak Khan Satvilkar	Witness
6.	Balkrishna Dhondu Tamhankar	Panch
7.	Dr.Sandip Sitaram Bhagat	Medical Officer
8.	Prashant Parshuram Jadhav	Investigation Officer

B. Defence Witnesses, if any :

Rank	Name	Nature of Evidence
Nil.	Nil	Nil

C. Court Witnesses, if any :

Rank	Name	Nature of Evidence
Nil	Nil	Nil

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

Sr. No.	Exhibit Number	Description
1.	PW-1, Exh. 28	First Information Report
2.	PW-2, Exh. 33	Signature on Panchanama
3.	PW-5, Exh. 46	Signature on Panchanama
4.	PW-6, Exh. 50	Panchanama
5.	PW-7, Exh. 55, 56	Medical Certificates
6.	PW-8, Exh. 67 to 70	Notices
7.	PW-8, Exh.71	Muddemal Receipt
8.	PW-8, Exh.72	Letter

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.	Article 'A'	Wooden stick

J U D G M E N T

(Delivered on this 17/04/2026)

Accused No.1 to 4 stand prosecuted for the offence punishable under Section 323, 324, 452, 504, 506 r/w. 34 of the Indian Penal Code, 1860 (For the sake of brevity, the Indian Penal Code, 1860 is hereinafter referred as "I.P.C.")

The factual matrix of the prosecution case is as under-

2. The complainant, Sanjana Tamhankar (PW-1), resides with her husband Rajendra (PW-3) and daughters. 15-year land dispute exists between her family and the accused who are their neighbors. On 26/02/2022, at 08:30 AM, a dispute arose regarding fencing near a cowshed. It is alleged that Accused Nos.1 and 2 armed with wooden sticks, along with Accused Nos.3 and 4, entered the complainant's porch i.e. padvi. They allegedly abused the family of complainant, struck the door, and assaulted PW-1, PW-3, and the mother-in-law of complainant namely Sampati.

3. On the basis of this incident, the victim Sanjana Tamhankar lodged report in Deogad Police Station on 26/02/2022. Accordingly, Cr. No.16/2022 came to be registered for offence punishable u/s. 323, 324, 452, 504, 506 r/w. 34 of I.P.C.

4. Investigation is handed over to P.H.C. P.P.Jadhav. During the investigation, the investigation officer visited the spot

and prepared spot panchanama. Took photographs of the spot. Given notices to the accused No.1 to 4. Seized wooden sticks from the spot and prepared a seizure panchanama. Obtained muddemal receipt. Recorded the statements of witnesses. Obtained certificate u/s.65-B of the Indian Evidence Act, Letter given to Gramsevak. Obtained Medical Certificates of the injured persons. After completion of investigation, filed the charge sheet against the accused No.1 to 4 for offence punishable under section 323, 324, 452, 504, 506 r/w. 34 of Indian penal code.

5. My learned predecessor framed charge against accused No.1 to 4 at Exh.9. The charge was read over and explained to accused No.1 to 4 in their vernacular. The accused No.1 to 4 pleaded not guilty and claimed to be tried. Hence, the trial.

6. To substantiate the charge, prosecution have examined a total of eight witnesses. Also, prosecution have relied upon documentary evidence on record. By filing pursis below Exh.75, prosecution have closed their evidence. The incriminating circumstances against accused No.1 to 4 came on record were pointed out to the accused No.1 to 4. Statements under section 313 of Criminal Procedure Code were recorded at Exh.77 to 80. The accused No.1 to 4 have taken the defence of total denial and false implication.

7. Heard learned A.P.P. Shri.M.G.Kaldate for the State and learned Advocate Shri.K.K.Marathe for accused No.1 to 4. From the case of prosecution, evidence on record and arguments

of both the Advocates, the following points arose for my consideration and I have recorded my findings thereon for the reasons stated below :-

Sr. no.	Points	Decisions
1.	Whether the prosecution proves that on 26/02/2022 at about 8.30 a.m. at Rahateshwar, Tal. Deogad, accused no. 3 along with accused No.1, 2 and 4 in furtherance of their common intention, assaulted the complainants mother in law by hitting her with hands and kicking and thereby committed an offence punishable under Section 323 r/w 34 of the I.P.C. ?	No.
2.	Whether the prosecution proves that, on above said date, time and place, the accused No.1 along with accused no. 2 to 4, in furtherance of their common intention, assaulted the complainant and her husband with a wooden stick, and voluntarily caused simple hurt to the informant and informant's husband and thereby committed an offence punishable under Section 324 r.w. 34 of the I.P.C.?	No.

3. Whether the prosecution proves that, on above said date, time and place, the accused No.1 along with accused no. 2 to 4, in furtherance of their common intention, committed house trespass in : No. the house of informant having made preparation for causing hurt or assault to the informant and thereby committed an offence punishable under Section 452 r.w. 34 of the I.P.C. ?
4. Whether the prosecution proves that, on above said date, time and place, the accused No.1 to 4, in furtherance of their common intention, insulted the informant and informant's husband and : No. thereby gave them provocation intending that such provocation will cause them to break the public peace and thereby committed an offence punishable under Section 504 r.w. 34 of the I.P.C. ?
5. Whether the prosecution proves that, on above said date, time and place, the accused No.1 to 4, in furtherance of their common intention, committed criminal : No. intimidation by threatening the informant

and witnesses to kill them with intent to cause alarm to them and committed an offence punishable under Section 506 r.w. 34 of the I.P.C.?

6. What order ? : As per final order.

REASONS

As to Point No.1 and 2 :-

8. To prove offences under Sections 323 and 324 r/w 34 of the I.P.C., the prosecution must establish that the accused in the furtherance of their common intention caused bodily pain, disease, or infirmity to the victims, supported by medical evidence and witness testimony, specifically identifying the weapon used for Section 324 of I.P.C.

9. To prove the incident, prosecution have examined informant Sanjana Tamhankar as P.W.1 at Exh.27. It is deposed by informant that on dated 26 February 2022 at about 8:30 a.m. the incident took place at her house. At that time accused started Abusing them. They were shouted that come out of house we will show you. When informant asked them about what happen they started abusing and heated by wooden stick on the door. Wooden stick hits on the hands of informant. Hence informant shouted, at the time her husband came from house. Accused scuffled with him and accused Anand hits husband of the informant with the

wooden stick. At that time Kashinath Tamhankar and Arun tamhankar pulled husband of informant and teared his pant. Then mother in law of informant and her children came from house. Sarita Tamhankar draged mother in law of informant by hairs and beats her. Then informant went to the police station Devgad and registered complaint against accused persons which is at Exh 28.

10. Advocate for Accused No.1 to 4 Shree K.K.Marathe Cross examined the informant. In her cross examination informant admitted that on the day of incident, in the morning scuffle took place between informant family and accused family regarding wooden fencing and Accused threatened to lodge police complaint against them. Further informant admitted that they have not brought mother in law to the hospital.

11. P.W.2 Rajendra Tamhankar stated that he reside with his wife and children. The incident occurred on February 26, 2022, at 8:30 a.m. It took place in front of his house at Rahateshwar Gadhitamhane. At that time, they were all at home. Between 8:30 a.m., Kashinath, Anand, Arun, and Sarita Tamhankar all came into the courtyard of his house, were threatening him to come outside, and were verbally abusing him. When his wife asked Anand Tamhankar what he was doing, Anand Tamhankar pushed her out with a wooden stick. Rajendra PW2 then came out and told the accused to do whatever they wanted to do through legal means. At that time, Anand Tamhankar struck his right wrist and the fingers of his left hand with the staff. Following this, Anand and Arun pulled him out

and assaulted him with their fists. When his mother came to rescue him, Sarita Tamhankar pulled her aside and assaulted her by grabbing her hair and hand. Arun and Anand held him down and told Kashinath to beat him. Consequently, Kashinath struck him on the leg with a staff. Frightened, he went inside the house and locked the door. Then, Anand kicked the door, causing it to open. Anand then slapped him. After that, Kashinath Tamhankar came, struck the staff on the ground, and left while shouting abuses. Then witness, along with his wife, went to the police station, where his wife filed a complaint regarding the incident.

12. In his cross examination witness admitted that at the time of incident he had observed three sticks. However those three sticks are not visible in the court today nor do they wear any specific identification marks.

13. Pw 4 Vedika Tamhankar stated that she resides with her family, i.e. her parents, and her two sisters. On February 26, 2022, at 8:30 AM, they were all inside the house. She was asleep. At that time, Anand Tamhankar came outside their house and began verbally abusing them, saying, "Come outside, I will show you." Following this, Anand's brother, Arun Tamhankar, arrived there. They struck their door with a wooden stick. The door was slightly open. When her mother asked them what they were doing, Anand Tamhankar struck both of her mother's hands with the wood. Then, her father came outside. Anand Tamhankar forcibly pulled her father out by his hands. When her mother went to ask them again, he also dragged her mother out of the

house and threw her down. Both Anand and Arun were beating her father. Subsequently, Kashinath Tamhankar and Sarita Tamhankar arrived from behind. Kashinath, Sarita, and Anand Tamhankar, all three of them, were beating her father with sticks. Then, her grandmother came out of the house. Sarita Tamhankar pulled her hair and beat her with her hands. When witness went to rescue them, Sarita and Arun pushed her. Her father's right hand was injured and bleeding, and the fingers of his left hand were swollen. Her mother's hand was also swollen. After verbally abusing and assaulting them, the accused left. Following this, her mother and father went to the police station and filed a complaint.

14. In her cross examination she admitted that, the tearing down of cowshed's pins that morning was the main reason for that complaint. Further she admitted that Police held discussion inside her home with her parents regarding who should be selected as witness. Further she admitted that her father personally asked by Krishna Tamhankar and Imran Satholekar whether they should be willing to serve as witness in this case and that after they expressed their willingness, her father instructed that their names be formally recorded as witness.

15. To prove the injuries of victims, prosecution have examined Dr. Sandeep Bhagat as P.W.7. He deposed that on dated 26/02/2022 he was working as medical officer at Deogad. On that day he examined Sanjamna Tamhankar and Rajendra Tamhankar and issued Medico Legal certificate which is at Exh.

55 and 56. In his cross examination he admitted that, the injuries mentioned in Exh.55 and 56 are not always possible due to the sticks shown to him.

16. From the cross examination of the complainant and her daughter it becomes evident that, there was a dispute between the complainant family and accused family regarding fencing of cowshed. Further, it reveals that, in order to establish the overall sequence of events, the prosecution have examined three eye witnesses. One is the complainant herself, second is her husband and third is her daughter. All supporting witnesses are from the same family. Hence in the backdrop of long standing dispute between complainant family and accused, as laid down by Hon'ble Supreme court of India in *cantena* of Judgments, their evidence must be carefully scrutinized.

17. Regarding the place of the incident, P.W.1 Sanjana claims that incident took place in the house, where as P.W.2 Rajendra states that, incident took place in front of the house. In a criminal trial, the spot of the incident is not mere a technicality, but a substantive fact. Further P.W.1 Sanjana stated that, she stepped out of the house and asked accused what was happening, in response, accused verbally abused her and struck the door with a wooden stick. The wooden stick struck her hand, causing her to cry out, at which point her husband, Rajendra, came out of the house. Rajendra stated that when his wife asked Anand Tamhankar what he was doing, Anand Tamhankar struck her hand with the stick and shoved her outside.

18. This creates a significant doubt. If Sanjana was already outside, the husbands claim that, she was pushed outside after being hit becomes logically inconsistent. Furthermore, if P.W.3 only came out hearing the screams, she could not have been an eye witness to the exact moment the stick hit informants hand or the alleged push that happened prior to her arrival. These are not minor wear and tear contradictions, they suggest that, the witness are providing an improved and tutored version of event. The primary question before this court is whether the testimony of the family members are consistent and reliable enough to sustain a conviction, especially in the absence of support from independent witness.

19. In a criminal trial, the seizure of weapons is a vital link to connect the accused to the alleged crime. Based on the testimony of the panch witness, P.W.2 Deepak Sambhaji Kadam, there is a complete breakdown in the prosecution's chain of evidence regarding the recovery of the weapons. The prosecution asserts that sticks were seized on 27/02/2022 under a valid *panchnama*. The witness i.e. P.W.2 Deepak Sambhaji Kadam examined to prove this recovery has failed to support the prosecution's narrative. In his examination-in-chief, P.W.2 categorically stated that he was unaware of the contents of the *panchnama* he signed. More damagingly, during his cross-examination, he refused to acknowledge that any such sticks were seized by the police in his presence. In the absence of a credible independent witness to the seizure, the mere production of wooden sticks in Court carries no evidentiary value. This

creates a significant gap in the chain of custody and raises the possibility that the weapons were planted, especially given the complainant's admission that the sticks resembled wood from their own cowshed fencing.

20. P.W.1 Sanjana, P.W.3, Rajendra and P.W.4 Vedika have provided a vivid account of accused No.3, Sarita Tamhankar dragging Sampati a elderly woman from complainant family by her hair and physically assaulting her. However, the prosecution is failed to place any medical evidence on record to substantiate these claim. P.W.1 Sanjana in her cross examination admitted that despite the police suggestion she never taken to a hospital. In the absence of an injury certificate, or any medical testimony the oral claims of hair pulling and dragging remains mere allegation. The combination of inconsistent testimony of eye witness, a failed seizer of weapons, and total lack of medical corroboration for the alleged assault on the elderly woman creates a reasonable doubt. Hence in the light of the above discussion I answer Point No. 1 and 2 in the negative.

As to Point No. 3 :-

21. The prosecution has sought to bring home the guilt of the accused under Section 452 of the I.P.C., which necessitates proof of 'House-trespass' as defined under Section 442 of I.P.C. The essence of this offence is the unauthorized entry into a human dwelling. However, the evidence on record presents a fragmented and contradictory picture regarding the location of the incident. P.W.1 Sanjana testified that she 'stepped out' of the

house to confront the accused, thereby placing herself in the open courtyard before any physical contact occurred. In sharp contrast, P.W.3 Rajendra testified that the accused Anand struck P.W.1 and 'shoved her outside' from within the house.

22. This inconsistency is fatal to the charge of house-trespass. If the Complainant was already outside, as per her own version, the theory of the accused entering the house to push her out becomes logically untenable. Furthermore, the Investigating Officer P.W.5 admitted that P.W.3's claim regarding the 'kicking open of the door' was a significant omission in his previous police statement, amounting to a material improvement during trial. In a shared family vicinity where a fencing dispute was admittedly ongoing in the courtyard, and where the star witnesses cannot agree whether the altercation took place inside the four walls or in the open court yard i.e. angann, the benefit of doubt must accrue to the accused. Consequently, the prosecution has failed to establish the foundational ingredient of 'entry into a dwelling,' and the charge under Section 452 of I.P.C. must fail. Hence I answer Point No. 3 in the negative.

As to Point No. 4 and 5 :-

23. The prosecution has further charged the accused with intentional insult under Section 504 of I.P.C. and criminal intimidation under Section 506 of I.P.C. To sustain a conviction under Section 504 of I.P.C, it must be proved that the accused offered such an insult that gave the victims a provocation intended to cause them to break the public peace. In the present

case, while P.W.1, P.W.3, and P.W.4 generically alleged that the accused used 'foul language' and 'abused' them, they failed to testify to the specific words or nature of the insults used. In a long-standing land dispute, mere verbal altercations or the exchange of hot words during a row over a fence do not automatically satisfy the ingredients of Section 504 of I.P.C. unless the intent to provoke a breach of peace is manifest.

24. Regarding Section 506 of I.P.C., the prosecution must prove that the accused threatened the victims with injury to their person or property with the intent to cause alarm. Although the witnesses claimed they were 'threatened with life,' such claims are uncorroborated by any independent source, as the only neutral witness, P.W.2, remained silent on this aspect. Given that P.W.3 is a Kotwal with professional proximity to the police, and considering the admitted 15-year-old animosity, the possibility that these sections were added as standard embellishments to a property dispute cannot be dismissed. Since the 'alarm' caused to the victims has not been established through consistent and specific evidence, the essential ingredients of both Sections 504 and 506 of I.P.C. remain unproven. Hence I answer Point No.4 and 5 in the negative.

As to Point No.6 :-

25. Thus, In the light of the above discussion, I answer 'Point No.1 to 5' in the negative and in answer 'Point No.6' pass following order.

ORDER

1. The accused No.1 Anand Kashinath Tamhankar, accused No.2 Arun Kashinath Tamhankar, accused No.3 Sarita Kashinath Tamhankar and accused No.4 Kashinath Dhondu Tamhankar are acquitted for offence punishable under section 323, 324, 452, 504, 506 r/w. 34 of the Indian Penal Code vide section 248(1) of the Criminal Procedure Code.
2. The seized muddemal i.e. two wooden sticks as per the description in column 14 of charge-sheet are worthless, hence, be destroyed after the appeal period is over.
3. The bail bonds furnished by the accused No.1 to 4 are extended for further period of six months in view of Section 437-A of the Code of Criminal Procedure, 1973.

(Dictated and pronounced in open Court).

Date :17/04/2026

(Shrikant S. Pachandi)
Judicial Magistrate, First Class,
Deogad