



Presented on : 26.08.2022
Registered on: 29.08.2022
Decided on : 09.07.2026
Duration : 03-Y 10-M 10-DS
Exh. No.123

PART - "A"
(Title Page of Judgment)

IN THE COURT OF
ADDITIONAL SESSIONS JUDGE, ISLAMPUR. AT : ISLAMPUR.

Presided over by : Shri. D. H. Keluskar,
Addl. Sessions Judge, Islampur.

Sessions Case No.: 70/2022
Crime No.: 225/2019

Complainant / : State of Maharashtra,
Prosecution Through, Police Inspector,
Police Station, Islampur,
Dist. Sangli

Represented By : Ld. Adv. Shri. R. S. Patil
A.P.P. for the State

Accused : 1. Aakash @ Babalu Sanjay Dange,
Age - 23 Yrs., Occu: Agriculturist,
2. Sanjay Bapuso Dange,
Age - 55 yrs., Occu: Service
3. Sagar @ Lala Tanaji Dange,
Age - 26 yrs., Occu: Agriculturist
4. Vilas Ramchandra Devkate,
(Dead)
5. Sou. Nita Jayvant Devkate,
Age - 25 yrs., Occu: Service,
6. Sou. Rajeshri alias Shaila Sanjay Dange,
Age - 50 yrs., Occu: Housewife,
7. Jayvant Vilas Devkate,
Age - 30 yrs., Occu: Service

8. Amit Sanjay Dange,
Age - 26 yrs., Occu: Service,
Accused Nos.1 to 3, 5, 6, 8
R/o. Rajmata Jijau Nagar, Islampur,
Accused No.7 R/o. Borgaon,
Taluka: Walwa, District: Sangli.

Represented By : Ld. Adv. Shri. C. R. Patil

PART - "B"

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

Date of offence	:	23.03.2019
Date of FIR	:	23.03.2019
Date of Charge-sheet	:	30.08.2019
Date of Framing of Charges	:	25.06.2024
Date of commencement of evidence	:	02.07.2025
Date on which Judgment is reserved	:	--
Date of the Judgment.	:	09.07.2026
Date of the Sentencing Order, if any	:	--

Accused Details

Rank of the accused	Name of the accused	Date of arrest	Date of Release on bail	Offence charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 428 of Cr.PC.
1.	Aakash @ Babalu Sanjay Dange,	25.03. 19	25.03.19	S. 143, 149, 148,	Acquitted	--	--

2.	Sanjay Bapuso Dange	25.03.19	25.03.19	341, 323 r./w. 149 of IPC	Acquitted	--	--
3.	Sagar @ Lala Tanaji Dange	25.03.19	25.03.19		Acquitted	--	--
4.	Dead	--	--			--	--
5.	Sou. Nita Jayvant Devkate,	25.03.19	25.03.19		Acquitted	--	--
6.	Sou. Shaila Sanjay Dange	25.03.19	25.03.19		Acquitted	--	--
7.	Jayvant Vilas Devkate	25.03.19	25.03.19		Acquitted	--	--
8.	Amit Sanjay Dange	10.07.19	25.03.19		Acquitted	--	--

PART - "C"**[Para 44 (iii) of Chapter VI of Criminal Manual]****LIST OF PROSECUTION / DEFENCE / COURT WITNESSES:****A. Prosecution:**

<u>Rank</u>	<u>Exh. No.</u>	<u>Name</u>	<u>Nature of Evidence</u>
P.W.1	62	Sandip Bhagwat Shinde	Informant
P.W.2	66	Parashuram Birappa Koli	Eye Witness
P.W.3	70	Akshay Sopan Mane	Panch Witness
P.W.4	71	Dilip Nathuram Gholap	Panch Witness
P.W.5	77	Dr. Ashok Baburao Shinde	Medical Officer
P.W.6	81	Satish Maruti Mali	Investigating Officer

B. Defence:

<u>Rank</u>	<u>Exh. No.</u>	<u>Name</u>	<u>Nature of Evidence</u>
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C. Court :

<u>Rank</u>	<u>Exh. No.</u>	<u>Name</u>	<u>Nature of Evidence</u>
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LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**A. Prosecution:**

<u>S.No</u>	<u>Exh. No.</u>	<u>Description</u>
1.	P1/63	Complaint.
2.	P5/77	Medicolegal Certificate
3.	P6/82 to 89	Arrest Panchanamas of accused
4.	P6/90	Seizure Panchnama of pipe, stone, brick and rope.
5.	P6/91	Muddemal Receipt
6.	P6/92 to 94	Letters given to Sub District Hospital, Islampur
7.	P6/95	8-A Extract of spot of incident.
8.	P6/98	Electricity Bill

B. Defence:

<u>S.No</u>	<u>Exh. No.</u>	<u>Description</u>
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C. Court :

<u>S.No</u>	<u>Exh. No.</u>	<u>Description</u>
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Material Objects :

Sr.No.	Material Object Number	Description
1.	Article 'A'	Plastic Pipe
2.	Article 'B'	Stone
3.	Article 'C'	Pice of Brick
4.	Article 'D'	Rope

**Charge: Offence Punishable Under
Sections 143, 149,148, 341, 323 r./w. 149
of Indian Penal Code.**

J U D G M E N T

(Delivered on 09.07.2026)

Accused are prosecuted by State through Islampur Police Station for the offence punishable under Sections 143, 149,148, 341, 323 r./w. 149 of the Indian Penal Code (in short 'IPC').

In brief facts of prosecution case is stated as below:

02. Informant Sandip Bhagwat Shinde (PW. No. 1) lodged complaint with Islampur Police Station, stating that he was residing with his family at village Borgaon. He knows accused Vilas Devkate, Jaywant Devkate and Nita Devkate. On 23.03.2019, he received phone call from the mother of accused Nita Devkate, informing him that the dispute between them would be settled. Accordingly, at about 3.00 p.m., he went to the house of accused situated at Dange Vasti,

Islampur. Upon reaching there, accused Aakash @ Babalu Sanjay Dange and Sanjay Bapuso Dange assaulted him with plastic pipe. Accused Vilas Devkate, Jaywant Devkate and Amol Devkate abused him and assaulted him by fist and kick blows. When he stated that he had photographs of his marriage with Nita, accused allegedly became enraged, tied him with a rope and again assaulted him by fist and kick blows as well as by stones and bricks. Thereafter he went to Islampur Police Station. Police referred him to Government Hospital, Islampur, from where he was referred to Civil Hospital, Sangli for further treatment. While he was admitted in Civil Hospital, Sangli, police recorded his statement.

03. On the basis of his report Crime No.225/2019 was registered u/s. 143, 147, 148, 341, 323 r/w. 149 of the I.P.C against the accused.

04. The present crime was investigated by API Shri. S. M. Mali (PW 6). During investigation, he visited the spot of incident and prepared spot panchnama and recorded statement of injured in the hospital. He arrested the accused, recorded statements of witnesses, carried out panchnama, collected documents from Medical Officer. Investigation culminated in filing of charge-sheet.

05. After hearing prosecutions and accused my learned Predecessor has framed charge (Exh.35) against accused. They have pleaded not guilty and claimed to be tried. To prove the charge prosecution has examined in all 6 witness as stated in part 'C' of the judgment. The prosecution also relied upon documentary evidence.

06. Heard learned Additional Public Prosecutor Shri. R. S. Patil for the State and the learned advocate Shri. C. R. Patil for accused.

07. Following points arose for my determination. My findings thereon, followed by reasons, thereof, are as under.

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether prosecution proves that, on 23.03.2019, at about 03.30 hours at Dange mala Islampur, accused Nos. 1 to 8 were members of unlawful assembly, the common object of which was to beat the informant ?	No
2.	Whether prosecution proves that, on the above mentioned date, time and place accused Nos. 1 to 8 were members of an unlawful assembly and in prosecution of the common object of said assembly to beat the complainant and thereby committed an offence of rioting ?	No
3.	Whether prosecution proves that, on the above mentioned date, time and place accused Nos. 1 to 8 were members of unlawful assembly and were at that time armed with plastic pipe, stone and bricks which are deadly weapons and are used as weapons of offence was likely to cause death ?	No

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
4.	Whether prosecution proves that, on the above mentioned date, time and place accused Nos. 1 to 8 by forming unlawful assembly wrongly restrained the complainant ?	No
5.	Whether prosecution proves that, on the above mentioned date, time and place accused Nos. 1 to 8 voluntarily caused hurt to complainant by plastic pipe, pelting stones and bricks ?	No
6.	What order ?	: As per final order.

REASONS

Submission of Advocates:

08. Learned APP submitted that the evidence on record establishes that the accused persons, on account of marriage with the daughter of Accused Neeta assaulted to the informant and caused injuries. He submitted that, prosecution has adduced direct evidence. He, therefore, contended that the prosecution has successfully proved the charges against the accused beyond reasonable doubt and prayed for conviction of the accused persons.

09. Per contra, learned advocate for accused submitted that the accused have been falsely implicated. There is delay of 26 hours in lodging FIR, which is not properly explained by the prosecution. It

is further submitted that no specific overt act has been attributed to accused Nos.5 and 6. He further argued that, the present crime has been registered as a counterblast to the F.I.R. lodged by accused against the informant. The prosecution has not explained the injuries on the body of accused persons. It is, therefore, argued that, in absence of reliable corroborative evidence and in view of the unexplained delay in lodging the F.I.R., the prosecution has failed to prove the charges beyond reasonable doubt. Hence, he prayed for acquittal of the accused.

As to Point Nos. 1 to 5 :

Point Nos.1 to 5 are interlinked, so to avoid repetition Point Nos. 1 to 5 are discussed together.

10. In order to bring home the guilt of the accused, prosecution has examined six witnesses. P.W. No.1 Sandip Bhagwat Shinde is the injured informant, P.W. No.2 Parushuram Koli is eye-witness, P.W.3 Akshay Mane and P.W. 4 Dilip Gholap are panch witnesses, P.W. No.5 Dr. Ashok Shinde is the Medical Officer, and P.W. No.6 Satish Mali is the Investigating Officer.

11. P.W.1 Sandip Shinde deposed that, on 23.03.2019 he received phone call of mother of Neeta Devkate. He told that they will settle the quarrel amicably. Thereafter, at about 3.00 p.m. he went to the house of accused person at Dange Vasti. In their house accused No.1 Babalu Dange and accused No.2 Sanjay Dange assaulted him by plastic pipe. Vilas Devkate, accused No.4 Jaywant

Devkate, accused No.6 Shaila Dange and accused No.8 Amol Devkate abused him and beat by fist and kick. They all assaulted him and tied him by rope and assaulted him by fist, kick blows, stone and brick. Thereafter, he went in police station and police referred him to Civil Hospital, he further referred to Civil Hospital, Sangli where police recorded his statement.

12. The said witness did not state any specific allegation against accused Nos.3, 5 and 6. Accused No.4 Vilas Ramchandra Devkate died during trial. So, the case is abated against him. He has made general allegations against accused that, they assaulted him by fist and kick and accused Nos.1 and 2 assaulted him by plastic pipe. During his cross-examination he stated that, he has not told police from which mobile number accused No.6 mother of Neeta called him and at the time of incident Parshuram Koli was with him. He further admitted that, accused Neeta made complaint against him and in respect of same incident accused Jayvant also filed case against him. At the time of incident Jayvant was injured. He denied the suggestion that, he went to the house of accused to tell them to withdraw the cases filed against him and they refused, therefore he assaulted Jayvant by Scythe. He shown unawareness about the injuries sustained by accused No.7, Jayvant.

13. PW.2 Parashuram Koli deposed that the incident occurred on 23.03.2019. On that day, while he was in his field, Sandip Shinde came to him and informed him that they had to go to Dange Mala, Islampur. Accordingly, they proceeded to the house of accused at Dange Mala. According to him, Babalu Dange, Lala Dange, Sanjay

Dange, Vilas Devkate, the son of Vilas Devkate, Nita Devkate and her mother were present there. He further deposed that, accused persons started assaulting Sandip Shinde. Babalu Dange allegedly assaulted Sandip with a plastic pipe. At that time, Sandip was stating that he and Nita had solemnized their marriage. Thereafter, accused allegedly tied Sandip's hands and legs with a rope and further assaulted him with stones and bricks. After the incident, he accompanied Sandip to the Police Station and Sandip was thereafter referred to treatment. During his cross-examination, P.W.2 admitted that he used to perform work as directed by Sandip. He further admitted that prior to 25.03.2019, he did not know the names of the accused persons and, except Jayvant and Nita, he was not acquainted with the other accused at the time of incident. He also admitted that a criminal case had been registered against him, Sandip, Dadaso and Sangram on the allegation that they had assaulted Jayvant Devkate. and that Jayvant Devkate had sustained injuries in the said incident. He also shown unawareness about how Jayvant had sustained injuries.

14. P.W.5 Dr. Ashok Shinde, Medical Officer, deposed that on 23.03.2019, patient Sandip Shinde was referred to him by Islampur Police Station for medical examination. Upon examination, he noticed swelling over the right side of the face, swelling below the left eye, black marks over the back, redness of both eyes and blackening of the face. He treated the patient and issued the medical certificate. During cross-examination, the Medical Officer admitted that if a person is assaulted with a pipe, corresponding impact marks would ordinarily be found on the body, and that no such marks were noticed on the

body of the patient. He further stated that redness of the eyes may occur due to various reasons and that if an injured person falls to the ground while attempting to save himself from an assault, he may sustain injuries of the nature found on the patient. The Injury Certificate is proved and exhibited from the evidence of this witness.

15. PW.3 Akash Mane and PW.4 Dilip Gholap, the panch witnesses, did not support the prosecution case. They deposed that on 25.03.2019, while they were proceeding on the road, police stopped them and obtained their signatures on the panchanama. They denied that the alleged weapons were seized from the accused in their presence. Despite their cross-examination by the learned APP, nothing material could be elicited to support the prosecution case.

16. PW.6 Satish Maruti Mali, the Investigating Officer, has deposed regarding the manner in which he conducted the investigation. His evidence is formal in nature and pertains to the investigation carried out by him. The panchnama is exhibited in his evidence. During cross-examination it has come on record that, he had not found call record between informant and accused No.6. There was also no record about marriage between informant and accused No.5 Neeta. Accused No.7 Jayvant lodged complaint u/s.307 of I.P.C. against PW.1, PW.2 and others, but he shown unawareness about contents in it. He admitted that, there are also no allegations against accused No.8 Amit Dange in F.I.R.

17. Learned Defence Counsel relied upon decision in **State of Maharashtra Vs. Prabhakar Sampat Songire & Ors. [2004 ALL MR**

(Cri.) 1517] wherein it has been held that, 'when prosecution has failed to explain how accused sustained injury on his body'. In that case the inference can be drawn that, the witnesses are not disclosing the true fact and they are suppressing the fact from the Court. Therefore, the conviction can not be based on the testimony of said witnesses.

18. In the present case accused Nos.1, 2 and 7, Jayvant sustained injuries on their body and in that respect P.W.1 and P.W.2 nothing stated. They have shown unawareness about the injuries sustained by accused No.7, Jayvant. Even Investigating Officer has not taken any effort to verify that how accused No.7 Jayvant sustained injuries. It is true that P.W.1 sustained injury of simple in nature on his body. Some incident is happened there. In F.I.R. or in-substantive evidence P.W.1 not stated any overact by accused No.5 and 6. There was no reason to implicate the said persons in the crime. It shows that, informant has not stated full truth and suppressing how accused No.7 sustained injury. It has also came on record that, there is previous enmity between informant and accused persons. Therefore, possibility of false implication cannot be ruled out. P.W.1 and P.W.2 not disclosed true fact how accused No.7 Jayvant sustained injury. Therefore, their testimony is not sufficient to convict the accused. Therefore, accused are liable to be acquitted by giving benefit of doubt. Hence, I answer **Point Nos.1 to 5 'in the negative'**.

19. As point Nos. 1 to 5 are answered 'in the negative' accused are entitled for acquittal. Hence, in the result of point No.6,

following order is passed:-

ORDER

1. Accused No.1 Aakash @ Babalu Sanjay Dange, No.2 Sanjay Bapuso Dange, No.3 Sagar @ Lala Tanaji Dange, No.5 Sou. Nita Jayvant Devkate, No.6 Sou. Rajeshri alias Shaila Sanjay Dange, No.7 Jayvant Vilas Devkate and No.8 Amit Sanjay Dange are hereby acquitted of the offence punishable under Sections 143, 149, 148, 341, 323 r/w. 149 of Indian Penal Code vide Section 235(1) of the Code of Criminal Procedure.
2. The bail bonds of the accused stand cancelled.
3. Accused to comply with Section 437-A of the Code of Criminal Procedure 1973, by executing PR. bond of Rs.15,000/- (Rs. Fifteen thousand only) each and furnishing surety in like amount assuring their appearance in appeal against the judgment, if any.
4. Seized Muddemal article Nos.1 to 4 i.e. plastic pipe, stone, brick and rope being worthless be destroyed after the appeal period is over.

(Directly dictated and pronounced in open court.)

Islampur.
Date : 09.07.2026

(D. H. Keluskar),
Addl. Sessions Judge, Islampur

C E R T I F I C A T E

I affirm that, the contents of this PDF File Order are same, word to word, as per the original order.

Name of Stenographer	: J. S. Bobade, Stenographer Grade - I
Name of Court	: District Judge - 1 and Additional Sessions Judge, Islampur
Date of Order	: 09.07.2026
Judgment / order signed by the Presiding Officer	: 09.07.2026
Order uploaded on	: 09.07.2026