

CNR No. MH0010029742025



Received on 26/09/2025
Registered on 04/10/2025
Decided on 10/07/2026
Duration 00 09 14
Ys. Ms. Ds.

Form No.XXXII

Part 'A'

[Para No.44 (i) of Chapter VI of Criminal Manual.

**IN THE COURT OF ADHOC DISTRICT JUDGE-3 AND ADDITIONAL
SESSION JUDGE, SOLAPUR AT SOLAPUR.**

(Presided over by S. D. Gawade)

(J. O. Code No. MH00473)

Sessions Case No. 236/2025

Exh.No. 36

**Details of FIR, Crime and
Police Station.**

C.R.No. 243 of 2025 for the offence
punishable under Section 109, 115(2),
351(2), 324(4)/(5) read with Section
3(5) of the Bharatiya Naya Sanhita,
2023.
Police Station - Vijapur Naka, Solapur.

Prosecution

The State of Maharashtra,
Through, Vijapur Naka Police Station,
Solapur.

Represented by

A.PP. Shri. A. M. Gore.

Accused

1. Harish Gurunath Patil,
Age : 55 years, Occ.: Agriculturist,
R/o. 85, Krushna Bag, Near Renuka
Nagri, Jule Solapur.
2. Vikas Harish Patil,
Age : 25 years, Occ.:Agriculturist, R/o.
85, Krushna Bag, Near Renuka Nagri,
Jule Solapur.

Represented by

Advocate Shri. S. K. Shaikh for the
accused Nos.1 and 2.

Part "B" :

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

Date of Offence. 08.06.2025
 Date of FIR 09.06.2025
 Date of Charge-sheet. 04.10.2025
 Date of Framing of Charge. 04.12.2025
 Date of Commencement of Evidence. 03.07.2026
 Date of which, Judgment is reserved. ---
 Date of the Judgment. 10.07.2026
 Date of Sentencing Order, if any. Not applicable.

Accused Details

Rank of the accused	Name of accused	Date of Arrest	Date of released on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of Section 428 of Cr.PC.
1)	Harish Gurunath Patil,	11/06/2025	20/06/2025	U/s. 109, 115(2), 351(2), 324(4) (5), 3(5) of the B.N.S.	Accused is acquitted.	Not applicable.	Not applicable.
2)	Vikas Harish Patil,	11/06/2025	20/06/2025	U/s. 109, 115(2), 351(2), 324(4) (5), 3(5) of the B.N.S.	Accused is acquitted.	Not applicable.	Not applicable

Part 'C'

[Appended to the Judgment]

J U D G M E N T

(Pronounced on 10th July, 2026)

The accused No. 1 and 2 are facing trial for having committed offences punishable under Sections 109,115(2),351(2), 324(4)/(5) read with Section 3(5) the Bharatiya Nyaya Sanhita (BNS), 2023.

2. Brief facts of the prosecution case are that, the informant, Vinod Suresh Patil (PW-1), is the nephew of accused No. 1 (Harish) and the cousin of accused No. 2 (Vikas). A civil dispute regarding joint family agricultural land was pending between them. The informant had recently undergone a liver transplant and required money for medical expenses. The informant lodged a report in Vijapur Naka Police Station on 09.06.2025 alleging that on 08.06.2025 at about 05.00 PM, the informant called accused No. 2 demanding his share of the money. When the accused gave evasive answers, the informant visited their house at Krishna Bagh, Solapur. It is alleged that an altercation ensued, during which accused No. 2 began assaulting the informant. Despite the informant pleading that he had undergone a liver transplant and any physical trauma could prove fatal, accused No. 2 kicked him in the stomach, causing him to fall and vomit.

3. It is further alleged that accused No. 1 arrived shortly after and joined the assault, loudly declaring an intent to kill the informant. Both accused allegedly delivered kicks and blows to his stomach, back, and hands. When the informant tried to call his wife, accused No. 1 snatched his mobile phone and smashed it on the floor. The informant managed to escape, called his wife through a neighbor's phone, and was admitted to Ashwini Hospital, where his report was recorded.

4. On the basis of the report Vijapur Naka Police Station registered Crime No. 243/2025 against the accused Nos.1 and 2 and handed over the investigation to the Investigating Officer P.I. Sushant Varale. He received the report, and medical papers of the informant. He recorded the statements of witnesses and prepared spot panchnama (Exh.19), seized the shirt and broken mobile phone of the informant under seizure

panchnama (Exh.20 and 21). After completion of investigation, as there was sufficient evidence against the accused, he filed a charge-sheet before the Judicial Magistrate First Class Court No.2 Solapur.

5. After filing of the chargesheet the case was registered as RCC No. 1456-2025. Learned Judicial Magistrate First Class, Court No.2 Solapur took cognizance of the offence and after due compliance with Section 230 of the Bhartiya Nagrik Suraksha Sanhita, 2023 found that the offence registered against the accused are triable by the Court of Sessions. Therefore, the case came to be committed under Section 232 of Bhartiya Nagrik Suraksha Sanhita, 2023 to the Court of Sessions, Solapur and subsequently it is made over to this Court for the trial.

6. To prove the guilt of the accused, the prosecution has examined three witnesses. The accused admitted certain documents from the chargesheet. Thereafter the prosecution closed its evidence by filing pursis (Exh.33).

7. Oral as well as documentary evidence produced by the prosecution is shown in Part-C appended to the Judgment, as directed in a para-44(iii) of the Criminal Manual.

8. Statements (Exhs 34 & 35) of the accused No. 1 and 2 are recorded under Section 351 of Bhartiya Nagrik Suraksha Sanhita, 2023. The accused No.1 and 2 did not lead any defence evidence. The defence of the accused is of total denial and false implication out of civil dispute.

9. After hearing learned A.P.P. Shri. A. M. Gore and learned Advocate for the accused Shri. S. K. Shaikh and after going through the record, following points arise for my determination and I have recorded my findings thereon with reasons as under;

Sr. No.	Points	Findings
(1)	Does the prosecution prove that, the accused Nos.1 and 2 on 08.06.2025 between 17.40 to 19.00 hours at Renuka Nagari, Jule Solapur, Solapur in furtherance of their common intention assaulted the informant Vinod Suresh Patil, who had undergone liver transplant surgery, with kick blows causing him hurt to his lips, right elbow, back with 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 109 read with 3(5) of Bharatiya Naya Sanhita (BNS), 2023 ?	... In the Negative.
(2)	Does the prosecution prove that, on the aforesaid date, time and place the accused Nos.1 and 2 in furtherance of their common intention assaulted and voluntarily caused hurt to the informant Vinod Suresh Patil and thereby committed an offence punishable under Section 115(2) read with Section 3(5) of Bharatiya Naya Sanhita (BNS), 2023 ?	... In the Negative.
(3)	Does the prosecution prove that, on the aforesaid date, time and place the accused Nos.1 and 2 in furtherance of their common intention committed criminal intimidation by threatening to kill the informant Vinod Suresh Patil and thereby committed an offence punishable under Section 351(2) read with Section 3(5) of Bharatiya Naya Sanhita (BNS), 2023 ?	In the Negative.
(4)	Does the prosecution prove that, on the aforesaid date, time and place the accused Nos.1 and 2 in furtherance of their common	In the Negative.

intention committed mischief by braking Samsang S20 mobile phone of the informant Vinod Suresh Patil causing worgnful loss or damage to the amount of Rs.20,000/- and more and thereby committed an offence under Section 324(4)/(5) read with Section 3(5) of Bharatiya Naya Sanhita (BNS), 2023 ?

(5) What order ?

... The accused are acquitted.

REASONS

AS TO POINTS NO. 1 TO 3;

10. The points No. 1 to 4 are interlinked with each other. Therefore common findings are recorded thereon to avoid repetition and for brevity.

11. The entire case of the prosecution rests on the testimony of the injured informant. However, informant has completely turned hostile during his evidence before the Court. While he admitted to the relationship with the accused, the property dispute, and the fact that he was admitted to the hospital, he flatly denied the physical assault. The informant explicitly testified that the accused did not assault him, did not kick him in the stomach, and did not break his mobile phone. He also denied the contents of the report (Exhibit 16), stating it was not recorded as per his say.

12. During cross-examination by the defense, informant admitted that he compromised the matter out of court because the accused are his close

relatives. Further cementing the fact that he has deliberately stepped away from the prosecution's initial narrative.

13. The prosecution heavily relied on the statements of the informant (Exhibit 17) and his wife, Shreya Patil, recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) by the Judicial Magistrate. It is a well-settled principle of law that a statement recorded by a Magistrate under Section 183 of the BNSS is not substantive evidence. It can only be used to corroborate the testimony of the maker if they testify in support of it, or to contradict them if they resile from it during the trial.

14. In his statement (Exh. 17) under Section 183, the informant stated that there was merely a "verbal altercation" with his uncle, which caused stress on his liver, leading to vomiting. He admitted he filed the police report purely out of anger. When confronted with this statement in court, the informant admitted to its contents. Similarly, the Section 183 statement of his wife, Shreya Patil, merely states that her husband was vomiting and that there was a verbal altercation with the uncle. She did not mention any physical assault. The prosecution has not examined the informant's wife Shreya Patil as she was not willing to support the prosecution.

15. Because the maker of the statement, the informant has disowned the physical assault in court, and his Section 183 statement actively contradicts the FIR by reducing the incident to a mere verbal fight, these statements completely demolish the prosecution's charge of attempt to

murder. The wife's statement further corroborates the defense's position that no physical violence occurred. Moreover, there is nothing in the evidence of the informant and other prosecution witnesses regarding voluntarily caused hurt to the informant, commission of criminal intimidation and mischief by the accused persons.

16. Shri. Anand PW-2 only deposed that the informant called him from an unknown number to speak to his wife. This only proves a phone call was made, it does not prove the assault or the snatching of the mobile phone. Shri Varale PI (PW-3) is the Investigating Officer. The evidence of an Investigating Officer regarding the steps taken during the investigation cannot act as a substitute for substantive eyewitness testimony regarding the actual commission of the crime.

17. The defense admitted several documents under Section 330 of the BNSS, including the Spot Panchnama (Exh. 19), Clothes Seizure Panchnama (Exh. 20), Mobile Seizure Panchnama (Exh. 21), MLC case paper (Exh. 22), and Medical Certificate (Exh. 23). Admission of a document under Section 330 of the BNSS merely dispenses with the *formal proof* of the document i.e., the prosecution does not need to examine the doctor or the panch witnesses to prove the signature and execution. However, admitting the document does not automatically prove the truth of its contents or establish the guilt of the accused.

18. The Medical Certificate (Exh. 23) and MLC (Exh. 22) are admitted on record, establishing that the informant suffered medical distress and was treated. However the prosecution must still prove the *nexus* between

the act of the accused and the injuries. Since the injured victim himself has testified on oath that his medical distress (vomiting) was due to stress following a verbal argument and not due to kicks and blows by the accused, the admitted medical documents cannot be read in isolation to convict the accused. Likewise, the admitted seizure panchnamas holds no evidentiary weight when the victim denies that his clothes were soiled due to an assault or that his phone was broken by the accused.

19. Criminal jurisprudence dictates that the burden of proving guilt beyond a reasonable doubt lies entirely on the prosecution. In the present case, the star witness and injured victim has turned hostile, directly refuting the main allegations of assault and criminal intent. The statements under Section 183 of the BNSS, rather than aiding the prosecution, confirm that the FIR was a product of anger over a verbal dispute. The admitted documentary evidence cannot bridge the fatal gap left by the lack of substantive oral evidence. Consequently, there is absolutely no evidence on record to hold the accused guilty of the offences charged. Therefore, I answer points No. 1 to 4 in the negative.

AS TO POINT NO.5 :-

20. The prosecution has failed to prove that, the accused Nos.1 and 2 on 05.06.2025 at about 17.40 to 19.00 hours in their house have committed an offence punishable under Section 109, 115(2), 351(2), 324(4)/(5) read with Section 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023. On the contrary, the accused have made out their reasonable and probable defence. Therefore, the accused are entitled to acquittal. The

informant did not support the prosecution and turned hostile. Therefore, it is not necessary to send the copy of this judgment to the District Magistrate, Solapur, as required under Section 435 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Considering all above aspects in answer to point No.5, I pass the following order;

ORDER

- 1) The accused Nos.1 and 2 are acquitted of the offence punishable under Section 109, 115(2), 351(2), 324(4)/(5) read with Section 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 vide Section 258(1) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.
- 2) Their bail bonds are cancelled and sureties are discharged.
- 3) After the appeal period is over;
 1. Muddemal clothes be destroyed.
 2. Muddemal Samsang Mobile phone (broken) be returned to the informant namely Vinod Suresh Patil.
- 4) The accused Nos.1 and 2 shall furnish personal bond of Rs.15,000/- (Rupees Fifteen Thousand) each and surety of like amount, binding themselves to appear before the Appellate Court, as and when required, vide Section 481 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.
(Dictated and pronounced in open court.)

(Sunil D. Gawade)

Ad-hoc District Judge – 3 &

Date :- 10th July, 2026

Additional Sessions Judge, Solapur.

J.O. Code No. MH00473

Part “C”

Para 44 (iii) of Chapter VI of Criminal Manual

List of Prosecution/Defence/Court Witnesses.

A. Prosecution Witnesses.

Rank	Exh. No.	Name	Nature of Evidence
------	----------	------	--------------------

PW-1	15	Vinod Suresh Patil.	Informant
PW-2	18	Anand Mahadev Padnurkar	Witness
PW-3	27	Sushant Madhukar Varale	Investigating Officer

B. Defence Witnesses.

Rank	Name	Nature of Evidence
	Nil	Nil

C. Court Witnesses.

Rank	Name	Nature of Evidence
	Nil	Nil

List of Prosecution / Defence / Court Exhibits.**A. Prosecution**

Sr. No.	Exhibit Numbers	Description
1.	16	Signature of PW 1 Vinod Suresh Patil in the written complaint.
2.	17	Statement under Section 183 of the B.N.S. of informant Vinod Suresh Patil.
3.	19	Crime Details Form / Spot Panchnama.
4.	20	Seizure Panchnama dated 10.06.2025.
5.	21	Seizure Panchnama dated 11.06.2025.
6.	22	Information of MLC to Police Station.
7.	23	Medico Legal Certificate of the informant issued by Dr. Shantanu A. Gunjotikar.
8.	24.	Office copy of letter dated 11.06.2025 issued by Senior Police Station, Vijapur Naka Police Station to Deputy Commissioner of Police / Crime and Nodal Officer.

9.	25	Office copy of letter dated 16.06.2025 issued to Deputy Director, Mini Forensic Science Laboratory, Solapur.
10.	28	Written complaint.
11.	29	First Information Report.
12.	30	Arrest Panchnama of the accused Harish Gurunath Patil.
13.	31	Arrest Panchnama of the accused Vikas Harish Patil.
14.	32	Statement under Section 183 of the B.N.S. of witness Sou. Shreya Vinod Patil.
15.	A to E	Contents of the underline portion in written complaint.

B. Defence.

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

C. Court Exhibits.

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

D. Material Objects.

Sr. No.	Exhibit Number	Description
1.	Article - A	Shirt.
2.	Article - B	Samsang Company Smart Mobile phone IMEI No. 35446011262456104 and 354461112645102.

(Sunil D. Gawade)

Ad-hoc District Judge – 3 &
Additional Sessions Judge, Solapur.
J.O. Code No. MH00473.

Date :- 10th July, 2026

CERTIFICATE

I affirm that the contents of this PDF file Judgment are same word to word as per the original Judgment.

- | | | |
|-----|---|---|
| (a) | Name of the Stenographer | : Shri. Narayankar P. S., Stenographer (Grade-I) |
| (b) | Court | : Ad-hoc District Judge – 3 & Additional Sessions Judge, Solapur. |
| (c) | Date of Judgment | : 10 /07/2026 |
| (d) | Judgment signed by the Presiding Officer on | : 10/07/2026 |
| (e) | Judgment uploaded on | : 10/07/2026 |