

MHSO190027142022



Date of Institution :- 17/12/2022
 Date of Registration :- 17/12/2022
 Date of Decision :- 02/05/2026
 Duration :- Year Months Days
 03 04 15

REGULAR CRIMINAL CASE NO.462/2022**EXH.**

From No. XXXII Part 'A'
(Title Page of Judgment)
(Para 44 (i) of Chapter VI of Criminal Manual)

	<u>IN THE COURT OF JUDICIAL MAGISTRATE, FIRST CLASS, MOHOL, TAL.MOHOL, DIST. SOLAPUR. PRESIDED OVER: S.V. MUNDE (02/05/2026) (R.C.C.No.462/2022)</u>	
	Crime No.259/2022 for the offence punishable under Section 354(B), 324, 323, 504, 506 r/w 34 of the Indian Penal Code. Police Station, Kamati.	
Prosecution	:	The State of Maharashtra, Through Officer-In-Charge, Police Station, Kamati, Tal. Mohol, Dist: Solapur.
Represented by	:	Mrs. Kasture - Gadhave Ld. A. P. P. for the State.
Accused	:	1] Sangita Sajjan Pawar, Age: 50 years, Occupation: Household & Agricultural, 2] Swapnil Sajjan Pawar, Age: 31 years, Occupation: Agricultural, Both R/o. Kothale, Tal. Mohol, Dist. Solapur.
Represented by	:	Mr. S. D. Lale, Ld. Adv. for the Accused.

Part 'B'
(Para 44 (ii) of Chapter VI of Criminal Manual)

Date of Offence	05/11/2022
Date of FIR	06/11/2022
Date of Charge-sheet	17/12/2022
Date of framing of Charges	15/05/2023
Date of commencement of evidence	11/12/2023
Date on which judgment is reserved	02/05/2026
Date of the Judgment	02/05/2026
Date of the Sentencing order, if any	As per final order.

Accused Details

Rank of the Accused	Name of the Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for Section 428, Cr. P.C
01.	Sangita Sajjan Pawar,	---	---	Sec. 324, 354(B), 323, 504, 506 r/w 34 of the I.P.C.	Acquitted	As per the final order.	--
02.	Swapnil Sajjan Pawar	----	---				--

J U D G M E N T**(Decided on 02nd May, 2026)**

Accused No. 1 and 2 were charge-sheeted for the offence punishable under Section 324, 354(B), 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860. (Here-in-after referred to as 'I.P.C.'). In the present case, considering the nature of the allegations and in order to protect the identity of the informant, her name is not being disclosed and she is hereinafter referred to as "XYZ," in consonance with the settled principles relating to protection of identity as recognized under Section 228A of the Indian Penal Code, 1860.

Brief Facts of the Prosecution Case:-

02] It is alleged that on 05/11/2022 at around 10:00 a.m., the informant was sitting in front of her house and talking with her husband. At that time, Sangita Sajjan Pawar (A-1) was seen laughing at her. When the informant questioned her about the reason for laughing, Sangita abused her and remarked that the informant's daughter had eloped with her son, further taunting her about her reputation among relatives. When the informant objected and asked why her daughter was being brought into the conversation, Sangita again abused her and assaulted her with a stick. Thereafter, Swapnil Sajjan Pawar (A-2) arrived at the spot abused the informant and pulled her saree and blouse, causing her humiliation and outrage to modesty. When questioned about his actions, Swapnil (A-2) struck the informant on her back with a nearby cane and threatened to kill her.

03] It is further alleged that after the quarrel was resolved with the help of her husband, the informant called her sister, Jayashree Narayan Deokar, residing at Isabavi, Pandharpur, and informed her about the incident. Her sister came to her house and thereafter both of them went to Kamati Police Station. The police officer issued a medical yadi, following which the informant went the Primary Health Center at Kamati, Mohol and then returned to lodge the complaint.

04] At the strength of the report, Crime No. 259/2022 was registered against the accused for the aforesaid offences. During the course of investigation, the Investigating Officer recorded the statements of witnesses. He prepared the spot and seizure panchanamas in the presence of panch witnesses and seized a sugarcane, saree and blouse from the place of incident. He also obtained the medical certificate of the informant. Upon completion of the investigation, a charge-sheet came to be filed against the accused.

05] Upon filing of the charge sheet, the charge against the accused was framed at Exh. 07/C for the offences punishable under Sections 324, 354(B), 323, 504, and 506 read with Section 34 of the Indian Penal Code, 1860. The pleas of the accused were recorded at Exhs. 08 & 09. The accused denied the charges and claimed to be tried.

06] During the course of trial, the prosecution examined five witnesses, including the informant, eye-witnesses, panch witnesses, the Investigating Officer, and the Medical Officer. After completion of the prosecution evidence, the statements of the accused under Section 313(1)(b) of the Criminal Procedure Code were recorded at Exhs. 27 and 28.

07] After hearing the parties, the Court proceeded to determine the following points for determination along with the findings and reasons thereon are as follows:

No.	Points for determination	Findings
01.	Whether the prosecution proves that on 05/11/2022 at about 10:00 a.m., the accused, in furtherance of their common	No ...

	intention voluntarily caused hurt to the informant by means of a cane and thereby committed an offence punishable under Section 324 read with Section 34 of the Indian Penal Code?	
02.	Whether the prosecution proves that the accused used criminal force against the informant and tried to disrobe her by pulling her saree and blouse with the intention of outraging her modesty and thereby committed an offence punishable under Section 354-B read with Section 34 of the Indian Penal Code?	No ...
03.	Whether the prosecution proves that the accused voluntarily caused simple hurt to the informant and thereby committed an offence punishable under Section 323 read with Section 34 of the Indian Penal Code?	No ...
04	Whether the prosecution proves that the accused intentionally insulted the informant and provoked her knowing that such provocation would cause a breach of peace and thereby committed an offence punishable under Section 504 read with Section 34 of the Indian Penal Code?	No ...
05	Whether the prosecution proves that the accused criminally intimidated the informant by threatening to kill her and thereby committing an offence punishable under Section 506 read with Section 34 of the Indian Penal Code?	No ...
06	What Order ?	As per final order.

:- REASONS :-

Arguments on behalf of the Prosecution :-

08] It is argued by APP that the accused in furtherance of their common intention the accused voluntarily caused hurt by striking the informant with a sugarcane, which resulted in physical injury. Further, by pulling her saree and

blouse, the accused attempted to disrobe the informant and outrage her modesty. The informant's testimony regarding the torn saree and blouse was relied upon to show both mental humiliation and deliberate intent. Additionally, the accused allegedly insulted, provoked, and threatened the informant. Lastly, the prosecution prayed for conviction as per law.

Arguments on behalf of the Defence :-

09] It is argued that the prosecution failed to prove the charges beyond reasonable doubt. Alleged act of hitting the informant with a sugarcane was not proved. Recovery of sugarcane is not proved. The panch witnesses to the seizure of the clothes were not examined and the clothes remained with the informant for over 24 hours raising doubts as to authenticity. Prior enmity between the parties suggested that the allegations could be motivated by personal animosity. Considering these inconsistencies, lacunae, and the lack of credible evidence, the defence argued that the accused are entitled to the benefit of doubt.

As to Points No.1 & 3 :- (Voluntarily Causing Hurt)

10] In order to bring home the guilt of the accused for the offences punishable under Sections 324 and 323 read with Section 34 of the Indian Penal Code, the prosecution is required to prove that the accused voluntarily caused hurt to the informant. It must further be proved that such hurt was caused by means of a weapon and in the present case a sugarcane is alleged to have been used as a dangerous weapon. Additionally, the prosecution must prove that the act was committed intentionally or with the knowledge that it was likely to cause hurt and that both the accused acted in furtherance of their common intention.

11] It is alleged that the accused in furtherance of their common intention voluntarily caused hurt to the informant by means of a sugarcane resulting in simple injuries. In order to prove these allegations, the prosecution examined the informant XYZ, who deposed that on 05/11/2022 at about 10:00 a.m., the incident occurred when she was sitting in front of her house along with her husband. At that time, Sangita (A-1), while passing by was laughing at them.

When the informant questioned her as to why she was laughing, Sangita (A-1) replied that the informant's daughter had eloped with her son and taunted her regarding her reputation among relatives. When the informant objected to bringing up her daughter in the conversation, Sangita (A-1) abused and assaulted her by fist and blows.

12] It is further deposed that Swapnil (A-2) came to the spot abused her and assaulted her with a sugarcane on her back. The quarrel was then resolved by her husband, Mohan Pawar (PW-2). The sugarcane (Article A) was identified by the informant in Court as the same used in the assault.

13] In cross-examination, the informant deposed that her daughter had eloped and married with Prashant Kashid, who is the son of the sister of Sangita (A-1). She expressed that the accused had assisted in the marriage and that she was annoyed with them for that reason. She further deposed that their land had been given to the accused on a crop-share basis under which one-third share was to be given to her. She admitted that there was a dispute between them regarding the said land. She also admitted that sugarcane is commonly grown in village Kothale and is easily available.

14] It is argued on behalf of the accused that no specific role of the informant's husband is mentioned in the incident and it is highly improbable that he would remain silent during such an occurrence. He did not sustain any injury. It is also argued that there is no explanation as to how accused No. 2 reached the spot. It is further submitted that there are material contradictions between the statement of the informant under Section 164 of the Code of Criminal Procedure and her deposition before the Court. Additionally, it is contended that there existed prior enmity between the parties, therefore, the sole testimony of the informant cannot be relied upon.

15] It is evident from the testimony of the informant that the alleged incident occurred on 05/11/2022 at about 10:00 a.m. in front of her house when both she and her husband were present. She has specifically attributed roles to each of the

accused. However, in cross-examination, she admitted that relations between her and the accused were strained on account of the marriage of her daughter and a civil dispute regarding land. In the statement under section 164 of the CRPC, there are some improvements in relation to the place of injuries. In view of these aspects, it is evident that although her testimony supports the prosecution case to the extent of the alleged assault it would not be safe to rely on her sole testimony without corroboration from other evidence such as spot, medical, and other material evidence. Hence, the further evidence of the prosecution is required to be considered.

16] Mohan Pawar (PW-2) deposed that on the day of the incident, he was sitting with the informant in front of their house. He supported the version of the informant regarding the incident. In cross-examination, he stated that he was not aware of the marriage of his daughter. He admitted that Prashant Kashid is the son of the sister of Sangita (A-1). He denied having strained relations or any civil dispute with the accused. He further admitted that there is no direct road from the western side of their land to access the land of the accused, and that access is possible through the northern side. He also stated that he attempted to restrain Swapnil (A-2) during the incident.

17] It is argued on behalf of the accused that although this witness claims to have intervened and resolved the quarrel, he did not sustain any injury, which renders his testimony doubtful. It is further contended that his statement regarding restraining the accused is not supported by the informant, thereby creating inconsistency. Hence, his testimony is unreliable.

18] It is evident that this witness is husband of the informant and claims to have tried to resolve the quarrel. However, it is significant that he did not sustain any injury despite alleging intervention. In the ordinary course of human conduct it appears improbable that a husband would remain unhurt while his wife is being assaulted. Therefore, his testimony is not entirely free from doubt. However, it cannot be discarded in toto and may be considered with the other cogent evidence,

if available. Hence, the further evidence of the prosecution is required to be considered.

19] Dr. Mahadev Harkud (PW-5) deposed that upon examination of the informant on 05/11/2022, he found injuries described as blunt trauma on the right lower back, left upper back, left palm, and occipital region of the head. He opined that such injuries could be caused by a sugarcane in the course of an assault. In cross-examination, he could not state the exact age of the injuries but denied the possibility that such injuries could be caused while working in a sugarcane field.

20] It is evident that the evidence of this witness is material with regard to the nature and possible cause of injuries. His testimony corroborates the version of the informant to the extent that the injuries could have been caused by a sugarcane. However, his evidence does not establish the specific role of the accused in causing those injuries. Hence, the further evidence of the prosecution is required to be considered.

21] Dattatray Pawar (PW-3), a panch witness deposed that on 06/11/2022, he was called by the police for conducting a spot panchnama at Gat No. 76 in front of the informant's tin shed. He deposed that a sugarcane was found lying there and was seized by the police in his presence. In cross-examination, he admitted that no written notice was issued to him for the panchnama. He had no other work at the police station on that day and that no sketch map was prepared in his presence on the spot. He further deposed that he had not actually seen anything significant at the spot.

22] It is evident that this witness accompanied the police for the spot panchnama conducted in front of the informant's house. While he deposed about the procedure, the prosecution failed to prove the seizure of the sugarcane effectively, as the said article was not shown to him during his evidence. Therefore, although the place of the incident is proved, the recovery of the alleged

weapon is not satisfactorily proved. Hence, the further evidence of the prosecution is required to be considered.

23] Upon a comprehensive evaluation of the prosecution evidence on the aspect of assault, it emerges that the informant has attributed specific roles to each of the accused alleging that Sangita (A-1) assaulted her by fist blows, while Swapnil (A-2) assaulted her with a sugarcane on her back. The testimony of Mohan Pawar (PW-2), who is shown as an eyewitness which broadly supports the version of the informant. However, certain material contradictions and improbabilities arise from the evidence of prosecution. There is inconsistency between the testimonies of the informant and her husband regarding previous enmity with the accused on the marriage of their daughter and the alleged civil dispute over agricultural land. This contradiction assumes significance as it indicates the possibility of animosity which may affect the credibility of their testimony.

24] It is further evident that in the ordinary course of human conduct, it is improbable that the husband of the informant who was present at the spot would remain a passive spectator while his wife was being assaulted with a sugarcane. Although he claims that he tried to intervene, he did not sustain any injury. Considering that the Medical Officer has deposed that the informant sustained multiple injuries on vital parts such as the back, head, and palm, it raises a reasonable doubt as to why no injury was caused to the informant's husband during the alleged intervention.

25] It has also come in the evidence of the panch witness Dattatray Pawar (PW-3) that a sugarcane was seized from the spot during the preparation of the spot panchnama. However, the alleged muddemal sugarcane was not shown to the panch witness during the course of his deposition. This omission creates a serious doubt in the prosecution case. In the absence of proper proof of seizure and identification, it becomes doubtful whether the sugarcane was actually recovered from the spot of the incident or whether it was connected with the alleged assault.

26] It is further evident that since the offence under Section 324 of the Indian Penal Code requires proof that hurt was caused by a dangerous weapon or means, the failure to establish the use and recovery of the alleged weapon assumes critical importance. Moreover, the procedural safeguards relating to seizure and panchnama have not been satisfactorily complied with thereby cast doubt on the evidentiary value of such recovery.

27] As per the case of prosecution the accused shared common intention to assault the informant. However, mere presence at the spot or participation in a quarrel is not sufficient to prove common intention unless there is clear and cogent evidence of a prior meeting of minds to commit the alleged act. The evidence on record does not disclose any such prior concert between the accused and the incident seen to have arisen out of a sudden quarrel.

28] It is alleged that a sugarcane was used in the assault, under the facts and circumstances of the case such an object cannot be construed as a “dangerous weapon” within the meaning of section 324 of the IPC. A sugarcane is an agricultural produce commonly available in rural areas and in the absence of evidence to show that it was used in a manner likely to cause death or grievous hurt, it would not fall within the category of a dangerous weapon. Consequently, the essential ingredients of Sections 324 and 323 read with Section 34 of the Indian Penal Code remain unproved. Hence, Points No.1 and 3 are answered in the Negative.

As to Point No. 2 :- (Assault & Use of Criminal Force)

29] In order to bring home the guilt of the accused for the offence punishable under Section 354-B read with Section 34 of the Indian Penal Code, the prosecution must prove that the accused assaulted or used criminal force against the informant, and that such act was committed with the intention of disrobing her or compelling her to be naked. It must be specifically proved that the act of pulling the saree and blouse was not accidental or trivial, but was done deliberately with

the requisite intention to outrage her modesty. Lastly, the prosecution must prove that the accused acted in furtherance of their common intention.

30] It is alleged by the prosecution that the accused, in furtherance of their common intention, used criminal force and tried to disrobe the informant by pulling her saree and blouse with the intention to outrage her modesty. The informant, XYZ, deposed that Swapnil (A-2) tore her saree and blouse, which caused her humiliation. She identified the seized saree and blouse during the course of her evidence. Mohan Pawar (PW-2) deposed in line with the informant. It is significant to note that at the time of the incident, the age of the informant was 65 years. Sangita (A-1) is the mother of Swapnil (A-2). It would be highly improbable that the son, in the presence of his mother, would try to disrobe such an elderly lady. Furthermore, panch Dattatray Pawar (PW-3) did not depose anything about the seizure of the saree and blouse. I.O. Baburao Dudhe (PW-4) deposed that on 07/11/2022 the informant's clothes were seized. However, no seizure panch of the clothes was examined by the prosecution. Even if it is assumed that the spot panchnama was prepared on 06/11/2022 and the seizure of clothes was effected on 07/11/2022, it leaves room for doubt, as after the date of the incident, the clothes remained with the informant for more than 24 hours.

31] It is evident that there was previous enmity between the accused and the informant, as observed in the findings hereinabove. In the report at Exh. 15, the informant stated that the accused pulled her saree and blouse, which were torn thereafter. This statement clearly shows that there was no intention on the part of the accused to disrobe the informant, as alleged by the prosecution. In her testimony, the informant only deposed that the accused tore her saree and blouse; it was not stated that the saree and blouse were torn at the time of pulling. Considering the testimony of the informant, it is not proved that the accused had the common intention of disrobing her. Furthermore, the seizure of clothes has not been proved by the prosecution. Therefore, the alleged act of the accused of disrobing the informant is not proved. Hence, Point No. 2 is answered in the Negative.

As to Points No. 4 & 5: - (Intentional Insult & Criminal Intimidation)

32] In order to bring home the guilt of the accused for the offences punishable under Sections 504 and 506 of the Indian Penal Code, the prosecution is required to prove beyond reasonable doubt that the accused intentionally insulted the informant with an intention to provoke breach of peace and also criminally intimidated her by giving threats, in furtherance of their common intention. Therefore, it is necessary to carefully scrutinise and appreciate the oral as well as documentary evidence adduced by the prosecution to ascertain whether the charges against the accused are proved.

33] Upon careful perusal of the First Information Report as well as the testimony of the informant and other prosecution witnesses, it appears that the prosecution has not brought on record the specific words allegedly uttered by the accused constituting the alleged insult or threat. The evidence of the informant and the other witnesses is absolutely silent regarding the exact words spoken by the accused and the nature of the alleged threats.

34] In order to attract the offence under Section 504 of the Indian Penal Code, it must be shown that the accused intentionally insulted the informant in such a manner as to provoke her to break the public peace. Similarly, for the offence under Section 506 of the Indian Penal Code, the prosecution must prove that the accused extended a specific threat with an intention to cause alarm to the informant.

35] In view of the aforesaid discussion and in the absence of any specific evidence regarding the words uttered by the accused or the nature of the alleged intimidation, it cannot be ascertained whether the alleged act of the accused was of such a nature as to provoke breach of peace or to cause alarm to the informant. Hence, the prosecution has failed to prove the said charges against the accused beyond reasonable doubt. As a result, Points No.4 and 5 are answered in the Negative.

As to Point No.6 :-

36] In view of the foregoing findings and appreciation of evidence, this Court is of the considered view that the prosecution has failed to prove its case against the accused beyond reasonable doubt. The evidence suffers from material inconsistencies and does not satisfactorily prove the essential ingredients of the alleged offence. Consequently, the accused are entitled to the benefit of doubt. Hence, I proceed to pass the following order:

ORDER

01. Accused Sangita Sajjan Pawar (A-1) and Swapnil Sajjan Pawar (A-2) are hereby acquitted of the offences punishable under Sections 324, 354-B, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, under Section 248(1) of the Code of Criminal Procedure, 1973.
02. The bail bonds of the accused stand cancelled.
03. The muddemal property bearing sugarcane and clothes (saree and blouse), being worthless, shall be disposed of in accordance with the rules after the expiry of the appeal period.
04. The accused are directed to furnish a personal bond in the sum of Rs. 15,000/- each, along with one surety of the like amount, in compliance with the provisions of Section 437-A of the Code of Criminal Procedure, 1973, to appear before the appellate court as and when required in the event of an appeal.

(Dictated and pronounced in the open court.)

Date :- 02/05/2026

(S.V. Munde),
Judicial Magistrate, First Class,
Mohol.

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

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, PANCH WITNESSES, OTHER WITNESS)
PW1	Subhadra Mohan Pawar (Exh.14)	Informant
PW2	Mohan Tukaram Pawar (Exh.17)	Witness.
PW3	Dattatray Baburao Pawar (Exh.18)	Panch
PW4	Bapurao Ambadas Dudhe (Exh.23)	Investigation Officer
PW5	Dr. Mahadev Mallinath Harkud (Exh.26)	Medical officer.

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, PANCH WITNESSES, OTHER WITNESS)
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C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, PANCH WITNESSES, OTHER WITNESS)
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution.**

Sr. No.	Exhibit Number	Description
1.	Exh.15	Complaint

2.	Exh.16	FIR
3.	Exh.19 & 24	Seizure / Spot Panchnama
4.	Exh.27	MLC

B. Defence Exhibits:

Sr. No.	Exhibit Number	Description
01.	Not Examined	N. A

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
01.	Exh.07	Charge
02.	Exh. 8 & 9	Plea of Accused.
03.	Exh.27 & 28	313 statement of Accused

D. Material Objects:

Sr. No.	Material Object Number	Description
01	Article A	Sugarcane
02	Article B	Saree
03	Article C	Blouse

Date:- 02/05/2026

(S.V. Munde)
Judicial Magistrate First Class,
Mohol.

CERTIFICATE

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

Name of Stenographer - III	: Sapana A. Madgundi
Court	: J.M.F.C., Court No. 2, Mohol
Date	: 02/05/2026
Judgment signed by the Presiding Officer	: 02/05/2026
Judgment Uploaded on	: 02/05/2026