

R. C. C. NO. 168/2022

State Vs. Shankar Shinde & ors. (Judgment)

MHSO200009212022 	Presented on	:	22/04/2022		
	Registered on	:	25/04/2022		
	Decided on	:	30/03/2026		
	Duration	:	03 Y	11 M	08 D

PART 'A'

IN THE COURT OF JUDICIAL MAGISTRATE,
FIRST CLASS, TAL-SANGOLA, DISTRICT - SOLAPUR

(Presided over by Smt. A.A.Patil)

R. C. C. NO. 168/2022.

Exh.No. 87

Details of FIR	:	Crime No. 171/2022, Sangola Police Station, Sangola.
Prosecution	:	State Of Maharashtra
Represented By	:	Ld. A.P.P. Shri. A.B. Nalavade
Accused	:	1. Shankar Dagadu Shinde Age-48 yrs., Occ. Labour, 2. Sanjay Shankar Shinde Age- 25 yrs., Occ. Labour, 3. Maruti Shankar Shinde Age- 27 yrs., Occ. Labour Accused No. 1 to 3 R/o. Akaluj Road Mahud Bu., Tq. Sangola, Dist. Solapur, State – Maharashtra, 4. Raosaheb Maruti Shinde Age- 27 yrs., Occ. Labour,

		5. Laxman Maruti Shinde Age- 28 yrs., Occu. Labour, 6. Tayappa Bapu Shinde Age 37 yrs., Occu. Labour Accused No. 4 to 6 R/o. Dharmgaon Road, Tq. Mangalwedha, Dist.Solapur, State- Maharashtra.
Represented By	:	Ld. Adv. Shri. R.D. Suryawanshi

PART 'B'

Date of Offence	:	12/02/2022
Date of FIR	:	17/02/2022
Date of Charge sheet	:	22/02/2022
Date of framing of Charges	:	02/01/2023
Date of commencement of evidence	:	05/08/2024
Date on which judgment is reserved	:	30/03/2026
Date of the Sentencing Order, if any	:	30/03/2026

Accused Details :-

Rank	Name	Date of Arrest	Date of Released on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 468 of BNSS, 2023
1.	Shankar Dagadu Shinde	Notice given on 25/02/2022	02/01/2023	Section 143, 147, 148, 324, 323, 341,	Acquittal	NA	NA

				504, 506 r.w. 149 of The Indian Penal Code.			
2.	Sanjay Shankar Shinde	Notice given on 25/02/202 2	02/01/202 3	—,—	Acquittal	NA	NA
3.	Maruti Shankar Shinde	Notice given on 25/02/202 2	02/01/202 3	—,—	Acquittal	NA	NA
4.	Raosaheb Maruti Shinde	Notice given on 25/02/202 2	02/01/202 3	—,—	Acquittal	NA	NA
5.	Laxman Maruti Shinde	Notice given on 25/02/202 2	02/01/202 3	—,—	Acquittal	NA	NA
6.	Tayappa Bapu Shinde	Notice given on 25/02/202 2	02/01/202 3	—,—	Acquittal	NA	NA

PART - 'C'**LIST OF WITNESSES:-****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE
PW - 1	Shankar Tayappa Waghmode	Informant
PW - 2	Maruti Shankar Waghmode	witness
PW - 3	Shantabai Shankar Waghmode	witness
PW - 4	Gotya Rama Waghmode	witness
PW - 5	Durgabai Gotya Waghmode	witness

PW - 6	Prabhakar Mahadev Kamble	Panch
PW- 7	Khandu Digambar Khandare	Panch
PW- 8	Daryappa Kalappa Devanagaonkar	Panch
PW -9	Dr. Uttam Appa Phule	Medical Officer
Pw-10	Dr. Sachin Laxman Gavali	Private Doctor
PW-11	Kedarnath Gangadhar Bharamshetti	Investigating Officer

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
DW1	Nil	Nil

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
CW1	Nil	Nil

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

Sr. No.	Exh. No.	Description
1.	43	First information report
2.	57	Signature on Sr.No. 1 Of Panchnama
3.	62	Signature on Sr.No.1 Of seizure Panchnama
4.	64	Signature on Sr.No.2 Of seizure Panchnama
5.	67 to 69	Medico Legal Certificate
6.	72	Prescription

7.	77	Panchnama
8.	78	Hospital letter
9.	79	Seizure Panchnama

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.	Exhibit Number	Description
1.	Article "A"	One wooden stick
2.	Article "B"	One iron rod
3.	-	Passion Pro Motorcycle No. MH-14-DD-8129.

-: JUDGMENT :-*(Delivered on : 30/03/2026)*

01. Accused No.1 to 6 are prosecuted for offences punishable under section 143, 147, 148, 324, 323, 341, 504 & 506 r.w. 149 of The Indian Penal Code, 1860.

Brief facts of the prosecution's case are as under:-

02. The informant Shankar Tayappa Waghmode stated that his son Maruti Shankar Waghmode is married to the daughter of Raosaheb Maruti Shinde resident of Mangalvedha. Approximately eight days prior to the incident his daughter-in-law Rani had gone to her parental home. On 12/02/2022 the informant along with his wife and son went to Mangalvedha to bring her back. Upon their arrival a minor dispute took place between the informant's son and his daughter-in-law. Thereafter, while they were returning from Mangalvedha towards Paniv via Akluj Road and passing through village Mahud at about 4:00 p.m. and upon reaching near the locality known as "Vaiduwasti" the accused namely Shankar Dagdu Shinde, Sanjay Shankar Shinde, and Maruti Shankar Shinde wrongfully restrained them.

03. Shortly thereafter Raosaheb Maruti Shinde, Laxman Maruti Shinde and Tayappa Bapu Shinde arrived at the spot of the incident on a Passion Pro motorcycle bearing Registration No. MH-14-DD-8129. Upon their arrival the accused persons started verbally abusing the informant and his family members and questioned them as to why they were taking Rani back with them. During the course of the incident accused Laxman Maruti Shinde assaulted the informant's wife by striking her hand with a stick and accused Raosaheb Maruti Shinde assaulted the informant's son by hitting him on the shin of his left leg with an iron rod. Thereafter, the accused namely Shankar Dagdu Shinde, Sanjay Shankar Shinde, Maruti Shankar Shinde, and Tayappa Bapu Shinde further assaulted the informant and his family members by fists and kicks while

continuing to hurl abuses. Subsequently, the informant lodged an F.I.R. against all the accused persons at Sangola Police Station.

04. On the basis of the report lodged by the informant, Crime No. 171/2022 came to be registered against the accused persons. The investigation of the said offence was carried out by the Investigating Officer Shri K. G. Bharamshetty. Upon completion of the investigation he filed a charge-sheet against the accused before the Court.

05. My learned predecessor framed charge against accused Nos. 1 to 6 vide Exhibit 24 for the offences punishable under Sections 143, 147, 148, 324, 323, 341, 504 & 506 read with section 149 of the Indian Penal Code, 1860. The contents of the charge were read over and explained to accused Nos. 1 to 6 in the vernacular language. They pleaded not guilty and claimed to be tried.

06. To prove guilt of accused, prosecution has examined in all 11 witnesses. Statement of the accused No. 1 to 6 under section 313 of The Code of Criminal Procedure is recorded at Exhibit No. 81 to 86. Defense of the accused is a total denial and false implication in the crime.

07. I have heard arguments of the Ld. A.P.P. for the State. He submitted that informant has proved alleged incident. Charges against accused has been proved. Witnesses supported to the prosecution's case. M.L.C. has been duly proved. Hence prosecution has proved charge against accused beyond the reasonable doubts.

Therefore, maximum punishment be given to the accused.

08. Heard Ld. Advocate for accused. He submitted that, medical evidence and ocular evidence is not corroborated. There are contradictions about the statement of informant and the witnesses. Recovery panchanama not duly proved. Prosecution has examined only interested witnesses. Prosecution failed to examine any independent witnesses. The allegations against accused are not made out. He further argued that informant lodged this F.I.R. after thought. There is unexplained delay of 5 days in lodging FIR. Hence all allegations against accused are false in nature. Therefore, he prayed for acquittal of the accused.

09. Following are the points arises for my determination along with my findings thereon for the reasons thereof as under:

Sr.No.	POINTS	FINDINGS
1.	Does the prosecution prove that, on 12/02/2022 at about 4.00 P.M. at Mahud - Akaluj Road accused persons in furtherance of their common object became member of unlawful assembly and thereby committed an offence punishable under section 143 of The Indian Penal Code?	In the negative.
2.	Does the prosecution prove that, on the aforesaid date, time and place accused persons in prosecution of their common	In the negative.

	object formed unlawful assembly and used force and thereby committed an offence punishable under section 147 of The Indian Penal Code?	
3.	Does the prosecution prove that, on the aforesaid date, time and place accused persons were member of unlawful assembly and in prosecution of their common object of such assembly viz. assaulted the informant and witnesses and thereby committed an offence of rioting with deadly weapon such as iron rod and wooden stick and thereby committed an offence punishable under section 148 of The Indian Penal Code?	In the negative.
4.	Does the prosecution prove that, on the aforesaid date, time and place accused persons being members of unlawful assembly, voluntarily caused hurt to informant and witnesses by means of iron rod and stick used as weapon of offence and thereby committed an offence punishable under section 324 r.w. 149 of The Indian Penal Code?	In the negative.
5.	Does the prosecution prove that, on the aforesaid date, time and place accused	In the

	persons being member of unlawful assembly, voluntarily caused hurt to the informant and witnesses by kicks and fists blow and thereby committed an offence punishable under section 323 r.w.149 of The Indian Penal Code?	negative.
6.	Does the prosecution prove that, on the aforesaid date, time and place accused persons being member of unlawful assembly voluntarily obstructs informant and witnesses from proceeding to their direction in which they have right to proceed and thereby committed an offence punishable under section 341 r.w. 149 of The Indian Penal Code?	In the negative.
7.	Does the prosecution prove that, on the aforesaid date, time and placed accused being members of unlawful assembly intentionally insulted the informant and witnesses and thereby gave provocation intending or knowing it likely that such provocation will cause them to break the public peace and thereby committed an offence punishable under section 504 r.w. 149 of The Indian Penal Code?	In the negative.
8.	Does the prosecution prove that on the	In the

	aforesaid date, time and place accused persons being member of unlawful assembly threatened the informant and witnesses to cause death and thereby committed an offence punishable under section 506 r.w. 149 of The Indian Penal Code?	negative.
9.	What order?	As per final order.

:: REASONS ::

As point No. 1 to 8 are interlinked with each other I prefer to discuss it under one common caption.

10. In criminal trial burden is on prosecution to prove charges against accused beyond shadow of reasonable doubt. In view of said burden to prove charges levelled against accused prosecution has relied upon testimonies of as much as 11 witnesses. However informant being star witness of prosecution it would be appropriate to discuss him at beginning. It is the case of prosecution that the informant Shankar (PW-1) living with his son Maruti, wife Shantabai and his daughter-in-law namely Rani. Informant deposed that, on 12/02/2022 he along with his son and wife went to Mangalvedha to bring back his daughter-in-law. At Mangalvedha Raosaheb had an altercation with Shantabai. Thereafter, while returning from Mangalvedha informant and his family were intercepted on Mahud Akluj road by a group of six accused persons

namely Raosaheb Shinde, Laxman Shinde, Dagdu Shinde and Tayappa Shinde. From which the Accused Raosaheb assaulted the informant's son with an iron rod causing an injury to the left shin of his leg.

11. He further deposed that, accused Laxman assaulted his wife on her left arm with a stick. Accused Dagadu Shinde and his son assaulted informant with kicks and fists blows. Thereafter they went to Police Station the police referred them to the Government Hospital for medical treatment. Subsequently, they proceeded to a private hospital located on Jawala Road for further treatment. PW-1 admits the contents of F.I.R at Exhibit No. 43 to be true and correct. He also identified the one stick and one iron rod which was given Article 'A' & 'B' which were used by accused person for committing assault.

12. During cross-examination PW-1 admitted that in his earlier statement he had stated that his daughter-in-law Rani is the daughter of Raosaheb Maruti Shinde. However, in his supplementary statement he stated that she is in fact the sister of Raosaheb Maruti Shinde thereby creating a material inconsistency. He further admitted that due to a quarrel between his son and Rani she had left her matrimonial home and gone to her parental house. Thereafter they had gone to bring back Rani to Kharsundi. PW-1 also admitted that Article 'A' and Article 'B' are commonly available and can be easily procured from anywhere. He deposed that at the relevant time they were traveling on the Mahud-Karad Road between 4:00 p.m. to 4:30 p.m. He denied the suggestion that he had

lodged the complaint due to animosity arising out of a previous dispute. He denied all other adverse suggestions put to him in cross-examination.

13. Upon careful scrutiny of the evidence of informant(PW-1), it emerges that his testimony is not wholly reliable and suffers from material inconsistencies and admissions affecting his credibility. PW-1 has made contradictory statements regarding the relationship of his daughter-in-law Rani with accused Raosaheb Maruti Shinde. In his earlier statement, he stated that Rani is the daughter of Raosaheb Maruti Shinde. However, in his supplementary statement he stated that she is the sister of Raosaheb Maruti Shinde. This inconsistency goes to the root of the prosecution case as it creates serious doubt regarding the genesis of the dispute and the relationship between the parties. PW-1 has admitted that there was a quarrel between his son and Rani due to which she had left her matrimonial home and gone to her parental house. This admission probabalizes the defence contention that there existed prior discord between the parties and suggests a possibility of exaggeration or false implication. Moreover, PW-1 has admitted that Article 'A' and Article 'B' alleged to have been used in the assault are ordinary articles which can be easily procured from anywhere. In view of the above admissions and contradictions, the testimony of PW-1 does not appear to be wholly trustworthy.

14. Coming to the testimony of Maruti Shankar Waghmode (PW-2) who is son of informant. It has come in his evidence that the alleged incident occurred in the year 2022. He along with his parent

had gone to Mangalwedha to bring back his wife. While they were returning along with his wife at Mahud road accused Shankar Dagadu Shinde, Sanjay Dagadu Shinde, Maruti Dagadu Shinde, Laxman Maruti Shinde, Raosaheb Maruti Shinde and Tayappa Shinde restrained them and assaulted. He further deposed that, Raosaheb Shinde assaulted on his left knee by using iron rod and Laxman Shinde assaulted his mother on her left arm with stick. Thereafter, they went to police station. Later on taken treatment from Government Rural Hospital. Subsequently, they went to private hospital. Thereafter, they lodged complaint against accused. The said witness identified article A & B.

15. PW-2 admitted that he was unaware of the exact cause of the dispute. Though as per the M.L.C. he sustained an injury on his ear. But he did not stated anything relevant as per his site injuries. He further categorically denied all other adverse suggestions put to him during cross-examination.

16. Prosecution has examined Shantabai (PW-3) who is wife of informant. It has come in her evidence that, incident took place in the year 2022. She deposed that, they had gone to Mangalwedha to bring back her daughter-in-law. At the time of returning, accused namely Laxman Shinde assaulted on her left hand with a stick. PW-3 further deposed that accused Raosaheb Shinde assaulted Maruti on his left leg with an iron rod. All other accused assaulted all of them. Thereafter PW3 deposed that after the incident they went to Government hospital and from there they proceeded to a private hospital. Later on they filed the complaint before police station.

PW-3 identified Article A & B during her examination of chief.

17. Thus, her testimony establishes the occurrence of an assault and attributes specific roles to two accused persons. However, the general and vague allegations against the other accused diminish the evidentiary value of her testimony to that extent. Being an interested witness, her evidence requires corroboration from independent evidence particularly on material particulars such as the manner of assault injuries sustained and the role of each accused. Moreover, she did not disclose that accused were wrongfully restrained all of them.

18. In the cross-examination of PW-3, it transpires that she has denied the suggestion that her daughter-in-law had gone to her parental home due to PW-2, thereby attempting to negate any internal family discord as the genesis of the incident. However, such denial does not by itself positively establish the prosecution case regarding motive.

19. PW-3 has stated that at the time of the incident they were travelling in a four-wheeler vehicle to bring back their daughter-in-law which is consistent with her version in examination-in-chief and lends some continuity to her narrative regarding the circumstances leading to the occurrence. She has also reiterated the identification of Articles A and B. However, mere identification in the absence of proper seizure, chain of custody or corroborative evidence linking the articles to the crime carries limited evidentiary value.

20. Prosecution examined Gotya Rama Waghmode (PW-4). He deposed that the incident occurred on 12.02.2022 at Mahud–Akluj Road and has stated that he, along with his wife and Maruti Waghmode and his parents, had gone to bring back Maruti's wife. He has attributed the assault to accused Laxman, Tayappa, and Raosaheb, and further stated that in all six accused persons were involved. He also claims that he and his wife intervened to pacify the quarrel. His version further indicates that thereafter the informant went to Sangola and lodged the FIR.

21. However, in cross-examination PW-4 has admitted that the incident arose out of a dispute between husband and wife, which introduces a different dimension to the genesis of the occurrence and weakens the prosecution's case to the extent that the motive appears to be a domestic discord rather than a unilateral assault.

22. More importantly, a material contradiction emerges when his testimony is compared with that of PW-1 to PW-3. While PW-4 deposed that he and his wife had accompanied the others and even intervened in the quarrel PW-1 to PW-3 have consistently stated that only they had gone to Mangalwedha to bring back Rani. This omission of the presence of PW-4 and his wife in the testimonies of earlier witnesses creates a serious doubt regarding his presence at the spot. The improvement in his version and the contradiction with prior witnesses render his testimony unreliable. Although he has denied other adverse suggestions in cross-examination, the aforesaid material discrepancies significantly diminish the probative value of

his evidence. Thus, on careful scrutiny, the testimony of PW-4 appears doubtful.

23. Durgabai (PW-5) has deposed that the incident occurred on 12.02.2022 at Mahud–Akluj Road and has broadly supported the prosecution case to the extent that six persons assaulted the informant and his family members. However, her testimony reveals a significant infirmity as much as she could not recall the names of two of the accused and identified only four, namely Shankar, Raosaheb, Maruti, and Laxman. This inability to fully identify all the accused weakens the prosecution case regarding the participation of each accused.

24. She has further stated that Shantabai sustained injuries in the altercation and that she along with her husband was travelling from Kamti towards Akluj at the relevant time. According to her both she and PW-4 intervened and succeeded in pacifying the quarrel.

25. However, when her testimony is read in conjunction with that of PW-1 to PW-3 a material inconsistency emerges. The earlier witnesses have not referred to the presence or intervention of PW-4 and PW-5 at the scene of occurrence. This omission creates a doubt about their presence at the spot and renders their version suspect.

26. Moreover, her evidence is general in nature attributing an omnibus role to the accused persons without specifying individual

overt acts, except broadly naming some of them. Such generalized allegations reduce the evidentiary value of her testimony. Though she has denied all adverse suggestions in cross-examination such denial does not cure the inherent deficiencies and contradictions in her evidence.

27. Insofar as spot panch Prabhakar Mahadev Kamble (PW-6) and seizure panch Khandu Digambar Khandare (PW-7), Daryappa Kalappa Devangaonkar (PW-8) are concerned, they resiled from their earlier statement. Therefore, prosecution was granted permission to cross-examine them. But they could not supported the prosecution. These witnesses not stated anything useful to the prosecution.

28. The effect of such panch witnesses is that the prosecution loses independent corroboration in respect of the spot of occurrence and the alleged seizure of articles. Consequently, the evidentiary value of the panchnamas becomes doubtful, particularly when not otherwise proved through reliable and cogent evidence.

29. Medical Officer (PW-9) has deposed that on 17.02.2022 he examined three injured persons, namely Shantabai Shankar Waghmode, Shankar Tayappa Waghmode (informant) and Maruti Shankar Waghmode. Significantly, he found no visible injury on the person of the informant. As regards Shantabai he noticed a contusion which he opined to be simple in nature. In respect of Maruti he found an injury on the left crus region and an abrasion on the inner side of the ear pinna both of which were also opined to be

simple in nature.

30. He has further opined that all the injuries were caused by a hard and blunt object and were more than 24 hours old. Though he stated that such injuries might be possible by assault with Articles A and B such opinion is only of a general nature and does not conclusively connect the alleged weapons with the injuries.

31. During cross-examination certain material aspects emerge which create doubt about the prosecution case. Firstly, PW-9 admitted that there is scrawling on the medical certificates (Exh. 67 to 69) which casts doubt on the authenticity and reliability of the medical record. Secondly, there appears to be a discrepancy between the ocular and medical evidence. PW-2 has stated that he sustained an injury on the knee of his left leg. However, the medical certificate at Exh. 69 does not record any such injury. This inconsistency goes to the root of the prosecution case and affects its credibility.

32. Further, the injuries being simple in nature and the absence of any injury on the informant weaken the allegation of a serious assault. The doctor has denied other suggestions but such denial does not cure the inconsistencies and deficiencies noted above. Thus the medical evidence instead of corroborating the prosecution version creates doubt due to inconsistencies and absence of expected injuries.

33. Coming to the testimony of Dr. Sachin Laxman Gavali (PW-10) who is private doctor in Disha Hospital, Sangola. He

deposed that on 14.02.2022, Shantabai Shankar Waghmode approached him with complaints of wrist swelling and pain. Upon examination, he advised an X-ray and subsequently issued the report. However, in cross-examination he has categorically admitted that there was no fracture detected and he has suggested her pain killer tablets.

34. More importantly he has conceded that such injuries could also be possible in the event of a fall from a motorcycle. This admission assumes significance as it provides an alternative explanation for the injuries sustained by the victim thereby weakening the prosecution's case that the injuries were necessarily the result of an assault by the accused. Thus, the medical evidence of PW-10 does not conclusively support the prosecution version.

35. On appreciation of the evidence of the Investigating Officer (PW-11) Kedarnath Gangadhar Bharamshetty it is apparent that his testimony is primarily formal in nature relating to the steps undertaken during the course of investigation.

36. PW-11 has deposed that the crime was registered on 17/02/2022 & also informant has given supplementary statement on dated 18/02/2022 at Sangola Police Station and the investigation was entrusted to him. He has stated that the informant showed him the spot of incident pursuant to which he visited the spot and conducted the spot panchnama and seizure panchnama in the presence of panch witnesses. He further deposed that Articles A and B were seized from the spot and that a motorcycle bearing No. MH-14-DD-8129

(Passion Pro) was also seized from the custody of accused Raosaheb Maruti Shinde on 25/02/2022. He has also stated that he recorded statements of witnesses, collected medical papers, arrested the accused, and, upon completion of investigation, filed the charge-sheet. He has admitted the contents of the spot panchnama and seizure panchnama, which are exhibited at Exhs. 77 and 79.

37. However, the evidentiary value of his testimony is substantially diluted in view of the fact that the panch witnesses (PW-6 to PW-8) have not supported the prosecution case. Consequently, the spot panchnama and seizure panchnamas, though formally proved through the Investigating Officer lacks independent corroboration and become doubtful. Thus, while PW-11 has proved the procedural aspects of the investigation his testimony does not materially advance the prosecution case on core issues. On the contrary, in light of panch witnesses and lack of corroboration the investigation appears to suffer from deficiencies thereby weakening the overall prosecution case.

38. Insofar as the cross-examination of the Investigating Officer (PW-11) is concerned it has come on record that during the course of investigation he recorded statements of witnesses who were relatives of the informant.

39. This admission assumes significance in the appreciation of evidence as it indicates that the prosecution case is predominantly based on interested and related witnesses, with no independent witnesses examined to corroborate the version of the incident. In

criminal jurisprudence while the evidence of related witnesses cannot be discarded solely on that ground it nevertheless requires careful scrutiny and reliable corroboration on material particulars.

40. In the present case the absence of independent witnesses coupled with the fact that even the panch witnesses have not supported the prosecution casts a shadow on the fairness and thoroughness of the investigation. It gives rise to a reasonable inference that the investigation was not conducted in a manner to secure unbiased and independent evidence. Hence, it creates doubts on prosecution case.

To Sum up :-

41. It is pertinent to note that though the spot of incident was on road i.e Mahud-Akluj road usually a crowded place surprisingly for the reasons best known to the investigating Officer they did not examine any independent eye witness. Furthermore, it reveals from the evidence of Shankar (PW-1) that firstly after the incident took place they went to the police station then to hospital. However, Shanatabai (PW-3) deposed that firstly they had gone to Civil Hospital then to the private hospital later on to the police station. The statement of Shanatabai is in contrary to that of informant. Thus, credibility of the star witness stands impeached.

42. Moreover, Gotya Rama Waghmode (PW-4) has deposed that he accompanied the informant to bring back the informant's daughter-in-law. However, material contradictions are found in the testimonies of PW-1 to PW-3. Subsequently, none of

the witnesses supported the prosecution's case or narrated a version consistent with the informant's deposition. Further, Durgabai (PW-5) deposed that accused Laxaman assaulted the informant, Shantabai and Maruti. However, according to the testimony of informant accused Raosaheb assaulted only Maruti thereby creating an inconsistency. Therefore, in such a case it becomes the paramount duty of the Court to carefully and cautiously scrutinize the evidence on record. The panch Prabhakar (PW-6), Pancha Khandu (PW-7) & seizure Panch Daryappa (PW-8) are not supported the case of prosecution. These Witnesses not stated anything useful to the prosecution. However, Medical officer(PW-9) also stated that age of injury is more that 24 hours and the site of injury is not on the left side of both patients. If the prosecution says the injury was caused at a particular time but medical evidence shows it is older than 24 hours this creates a material inconsistency. Moreover, it raises doubt whether the injury was caused in the alleged incident at all or not. He further admitted that the nature of the injuries is such that they could also be sustained in a fall from a motorcycle, thereby rendering the prosecution version doubtful.

43. However, as per the story of prosecution accused proceeded in their common object and composed unlawful assembly. Thereby wrongfully restrained informant and his family. Subsequently, accused were assaulted and abused informant and his family. However, mere presence of the accused at the spot is not sufficient unless it is proved that they were actuated by such common object. In the present case after careful scrutiny of the evidence on record it emerges that, the prosecution has failed to

prove the essential ingredients of unlawful assembly. The prosecution failed to attribute any specific overt act to the accused showing intentional restraint. Moreover, it is incumbent upon the prosecution to establish that accused voluntarily caused hurt to the informant and his family, in respect of section 324 of The Indian Penal Code, that such hurt was caused by means of Article A & B.

44. Moreover, prosecution failed to examine any independent witnesses other than interested witnesses. The non-examination of crucial witnesses creates great doubts in the prosecution's version which makes it absolutely incredible.

45. The Ld. Advocate for the accused stated that all witnesses are relatives of informant. It is now well settled that the evidence of the witness cannot be discarded merely on the ground that he is a related witness if otherwise the same is found credible. The witness could be a relative but that does not mean to reject his statement in totality. In such circumstances, it is the paramount duty of the Court to scrutinize the evidence of an interested witness in a careful manner. If upon such evaluation the testimony of the sole interested witness is found to be reliable and worthy of credence the same cannot be rejected solely on the ground of the witness being interested. It is worth mentioning here that Durgabai (PW-5) being a relative of informant did not reveal the name of two accused out of six accused. However, the evidence of informant (PW-1) is inconsistent with his previous statement before police. It creates doubt on the prosecution case.

46. Insofar as the spot panch, Prabhakar(PW-6), the seizure panch Khandu (PW-7) and Daryappa(PW-8) are concerned they resiled from their earlier statements. Consequently, the prosecution was permitted to cross-examine them. However, they did not support the prosecution case and failed to depose anything useful in favour of the prosecution.

47. The Investigating Officer (PW-11) has failed to state anything as to how he arrived at the conclusion that accused Nos. 1 to 6 had committed the alleged offence. However, the spot panchnama was conducted after an unexplained delay of five days from the date of the incident, which casts doubt on the prosecution case. The Investigating Officer has clearly admitted the existence of prior enmity between the parties. When the panch witnesses have not supported the prosecution and there is no independent corroboration and the panchnama proved only through the Investigating Officer, becomes doubtful and unsafe to rely upon. On the other hand in cross-examination the Medical Officer reiterated that the injuries noted in Exhibit 79 may also be caused by a fall from a motorcycle. Medical officer (PW-9) further admitted that there is overwriting in the patient's name on the medical certificate which casts doubt on the authenticity of the document and creates ambiguity in the prosecution case.

48. So far as delay is concerned the learned advocate for the accused contended that in the present case there is unexplained delay of five days in lodging the report, which creates serious doubt on the prosecution case. It is contended that the alleged incident took place

on 12/02/2022 around 16.30 whereas the report was lodged on 17/02/2022 and no explanation has been given for this delay in lodging the report. In this context it will be appropriate to refer to a decision of the *Hon'ble Apex Court in State of Karnataka Vs. Mapilla P.P.Soopi JT 2003 (Suppl.1) SC 503*, the Hon'ble Apex court held that undue delay in lodging complaint without acceptable evidence has contributed doubt in the prosecution case. In the case at hand, delay in lodging the report has not been sufficiently explained. In the light of the totality of the evidence on record the delay in lodging report adversely affects the case of the prosecution.

49. There is material and substantial contradictions in the statement of witnesses about the charge against the accused. Record shows major contradictions and omissions in the oral evidence of the prosecution witnesses on the point of assault as alleged. In the case in hand from what has been discussed above it is clear that the prosecution has failed to substantiate the accusation that alleged accused persons have committed alleged crime.

50. I have heard learned APP and learned counsel for the accused at length. I have delved into the oral and documentary evidence adduced on record. I have gone through the aforementioned discussion the deposition of witnesses, statement of accused recorded therein under section 313 of The Criminal Procedure Code (Corresponding section 351 of Bharatiya Nagarik Suraksha Sanhita, 2023) and the materials on record thoroughly in backdrop of above discussion. After appreciating the evidence on record and considering all facts and circumstances of the case and on

the basis of evidence I am of the view that the prosecution has failed to prove case beyond reasonable doubt that accused is responsible for committing alleged offence under section 143, 147, 148, 324, 323, 341, 504 and 506 r/w 149 of The Indian Penal Code. On conspectus of the aforesaid discussion I answered to point No. 1 to 8 in the negative. Therefore, accused No.1 to 6 are deserves to be acquitted. Resultantly, for point No.9 I am inclined to pass the following order-

-: **ORDER** :-

1. Accused No. 1) Shankar Dagadu Shinde, 2) Sanjay Shankar Shinde, 3) Maruti Shankar Shinde 4) Raosaheb Maruti Shinde 5) Laxman Maruti Shinde 6) Tayappa Bapu Shinde are hereby acquitted vide Sec. 271(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 for the offences punishable under Section 143, 147, 148, 324, 323, 341, 504 & 506 r.w. 149 of The Indian Penal Code, 1860.
2. Their bail bond stands cancelled and their surety is discharged.
3. Accused persons shall execute bail bond of Rs. 15,000/- each with one surety of like amount to appear before the higher court as and when such court issues notice in respect of any appeal or petition filed against this judgment vide section 481 of Bharatiya Nagarik Suraksha Sanhita, 2023. The bail bonds shall be in force up to six months unless otherwise directed by the Court.
4. Interim custody of Muddemal property i.e. one Passion Pro Company Motorcycle bearing No. MH-14-DD-8129 already

given to its owner on supurdnama bond. The interim custody be confirmed with its owner after appeal period is over and supurdnama be cancelled.

5. After appeal period the muddemal property one iron rod be send to the District Collector to sell in public auction and the amount recovered be deposited to the government and one wooden stick being worthless be destroy in Eco-friendly manner.
6. As per the directions given by Hon'ble Bombay High Court in the case of Ranjana Shantilal Suryavanshi Vs. Jaiprakash Tulshiram Gupta and Anr. Cri.Appl. No.380/2020, copy of this judgment be sent to the District Magistrate (Collector) Solapur for taking necessary action and required steps so that the victim is informed about the acquittal and should be apprised of his or her right of appeal.

(Judgment dictated and pronounced in open Court.)

(Smt. A.A.Patil)

Date: 30/03/2026

Judicial Magistrate, First Class,
Sangola, Dist. Solapur.

CERTIFICATE

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

(a)	Name of the Stenographer	:	S.S.Kolekar
(b)	Court	:	Smt. A.A.Patil Jt. Civil Judge, J.D.& J.M.F.C.Sangola
(c)	Judgment /Order signed by P.O. on	:	30/03/2026
(d)	Judgment /Order uploaded on	:	31/03/2026