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Duration : 3Y,7M,7D.

IN THE COURT OF ADDL. SESSIONS JUDGE, VADUJ.
AT : VADUJ.

(Presided over by Shri. N.S. Kole)

SESSIONS CASE NO. 26/2022.

Exh. No. 49

(F.I.R. No. 165/2017 for the offence punishable under Section 353, 160, 504, 506 r/w 34 of IPC and Section 110, 117 of Maharashtra Police Act at Pusegaon Police Station)	
Complainant	The State of Maharashtra (Through Pusegaon Police Station, Taluka Khatav, District Satara).
Represented by	A.PP. Shri. R.D. Khot.
Accused	1.Chimutai Mohitya Shinde, Age-65, 2.Layanya Laxman Shinde, Age-55, Both R/o Phadtarwadi, Ner, Tal.Khatav, Dist.Satara. 3.Lavharya Laxman Shinde, Age-65, 4.Amit Lavharya Shinde, Age-39, Both R/o Diskal, Tal.Khatav, Dist.Satara.
Represented by	Adv. Shri. S.R. Shete for accused.

Date of offence	06.09.2017
Date of FIR	06.09.2017
Date of Charge-sheet	27.07.2022
Date of Framing of Charges	22.12.2023
Date of commencement of evidence	24.01.2025
Date on which judgment is reserved	06.03.2026
Date of the Judgment	06.03.2026
Date of the sentencing order, if any	--

Accused Details

Rank of the Accused	Name of 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 purpose of Section 428 Cr.PC.
1.	Chimutai Mohitya Shinde , Age-65,	30.8.2018.	--	353, 160, 504, 506 r/w 34 of IPC and Section 110, 117 of Maharashtra Police Act	Acquitted	--	--
2.	Layanya Laxman Shinde , Age-55, Both R/o Phadtarwadi, Ner, Tal.Khatav, Dist.Satara.	30.8.2018.					
3.	Lavharya Laxman Shinde , Age-65,						
4.	Amit Lavharya Shinde , Age-39, Both R/o Diskal, Tal.Khatav, Dist.Satara.						

LIST OF PROSECUTION WITNESSES**A. Prosecution :**

Rank	Name	NATURE OF EVIDENCE
PW 1	Gorakh Udhavrao Deshmukh	Panch witness.
PW 2	Ananda Shrirang Gambare	Informant.
PW 3	Deepak Hanmant Todkar	Panch witness.
PW 4	Sachin Ramdas Mane	Eye Witness.
PW 5	Hemant Shivaji Shinde	Eye witness.
PW 6	Pramod Ramchandra More	Eye witness.
PW 7	Suresh Khashaba Chavan	Investigating Officer.

B. Defence Witnesses, if any :

Rank	Name	NATURE OF EVIDENCE
-	-	-

C. Court Witnesses, if any :

Rank	Name	NATURE OF EVIDENCE
-	-	-

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

Sr. No.	Exhibit Number	Description
1	Exh P-1/PW 2 - 28	FIR
2	Exh P-2/PW 3 – 31	Spot panchanama.

B. Defence :

Sr.No.	Exhibit Number	Description
-	-	-

C. Court Exhibits :

Sr.No.	Exhibit Number	Description
-	-	-

D. Material Objects :

Sr.No.	Material Object Number	Description
-	-	-

JUDGMENT

(Delivered on 6th March, 2026)

Four accused persons charge-sheeted for the offence punishable under Section 353, 160, 504, 506 read with 34 of Indian Penal Code.

02. Facts giving rise to the prosecution, can be summarized as under.

On 6.9.2017 B.B.Gaikwad, Buckle No.1942 attached to Pusegaon Police Station was on P.S.O. duty. He received information of serious quarrel between two groups of Paradhi community going on within Shivaji square of Pusegaon. Therefore, he asked ASI Chavan, Police Constables More, Mane, Shinde, Sakunde, Kumbhar, Ghadge and Gambare to go to the said place, verify the situation and to take appropriate action. Thereupon, those police persons went to the said place by police jeep and noticed that accused before Court along with other persons of Paradhi community were found quarreling with each other and were also assaulting to each other, they were holding sticks in their respective hands.

03. Thereupon, P.C. More, Mane and Gambare went to them with a view to pacify them and rescue quarrels of two groups. By that time, Nakatya Kale, Lhavrya Shinde, Amit Shinde, Santosh Kale and one unknown person of their community have abused to those police persons, threatened them and scuffled with them, and thereby have prevented them from discharging their duties as such public servant. They took accused persons by their Jeep to Pusegaon Police

Station. There Nakatya Kale threatened to Police saying that, he will take revenge of the same by going to the Court and later on by scuffling with police, they all succeeded in running away from the Police Station. Thereupon, P.C. Ananda Shrirang Gambare filed complaint against those persons of Paradhi community with P.S.O. Pusegaon Police Station.

04. On the basis of said complaint, crime vide C.R. No. 165/2017 has been registered, investigation thereof was carried out by then A.S.I. Suresh Khashaba Chavan attached to Pusegaon Police Station. He during course of said investigation, visited to the place of offence, drawn panchanama thereof, recorded statements of police persons and other material witnesses, arrested the accused. After due completion of investigation, he charge-sheeted accused persons.

05. I have framed charge vide Exh.15 against all accused persons and have read over the contents thereof to them in Marathi to which they pleaded not guilty and have claimed to be tried. Their defence is of total denial and false implication in the case, being persons of Paradhi community.

06. In view of the above facts, the following points arises for my determination and I have recorded my findings against each of them for the reasons stated there below :

	<u>POINTS</u>	<u>FINDINGS</u>
1	Whether it is proved by the prosecution that on 6.9.2017 at 3.30 p.m. within the limits of village Pusegaon, Tal.Khatav, Dist.Satara near	In the negative.

	Shivaji Chawk on Pusegaon – Budh road, in public place, accused No.1 to 4 in furtherance of their common intetnion were quarreling and beating with sticks and accused persons deterred complaint and witnesses in execution of their duty as such public servants in the lawful discharge of thier duties and thereby committed an offence punishable u/s 353 r/w 34 of I.P.C. ?	
2	Whether it is further proved by the prosecution that on the aforesaid date, time and place, accused No.1 to 4, in furtherance of their common intention, intentionally insulted the complainant by giving abuses and thereby committed an offence punishable u/s 504 r/w 34 of I.P.C ?	In the negative.
3	Whether it is further proved by the prosecution that on the aforesaid date, time and place, accused No.1 to 4, in furtherance of their common intention, committed criminal intimidation by threatening complainant and thereby committed an offence punishable u/s 506 r/w 34 of I.P.C ?	In the negative.
4	What order ?	Accused are acquitted.

REASONS

As to Points No.1 to 3 :

07. To prove the charges levelled against accused persons, prosecution has adduced evidence of seven witnesses and has filed its evidence close pursis vide Exh.42.

08. I have heard the Ld. A.PP. Shri. R.D. Khot for State and

the Ld. Advocate Shri. S.R. Shete for accused persons.

09. It is the case of prosecution that on 6.9.2017 at 3.30 p.m. accused were quarreling with the persons of their community in Shivaji Square Pusegaon and when police came to intervene the quarrel, they abused them, threatened them and scuffled with them. Their activities prevented police persons from discharging their duties as such police persons.

10. Witnesses Gorakh Deshmukh and Deepak Todkar are the panch witnesses of panchanama of scene of offence. As Gorakh Deshmukh turned hostile, prosecution adduced the evidence of another panch witness Deepak Todkar, who deposed about drawing of panchanama of scene of offence in his presence. Said panchanama is got proved through his evidence and came to be marked as Exh.31. No incriminating circumstances such as marks of quarrel etc. are brought on record through said panchanama and this fact is admitted by panch witness Deepak Todkar during the course of his cross-examination. Therefore, this evidence of panchanama of scene of offence is not useful to the prosecution to connect the accused with crime.

11. Rest of the witnesses are the police persons who gone to the place of incident to rescue the quarrel of accused with persons of their community. According to allegations of FIR, Constable Ananda Gambare, constable More and Mane only gone to the accused to rescue quarrel, by that time, accused Lhavarya Shinde, Amit Shinde abused them, threatened them and scuffled with them. Constable

Ananda Gambare, Sachin Mane and Pramod More deposed about their going to intervene the quarrel and abuses given by accused persons.

12. Though FIR of Exh.28 did not disclose that constable Hemant Shinde has also gone to the accused with Constable Gambare, More and Mane to rescue the quarrel still, he stated that he has also gone to rescue the quarrel. The evidence of these police persons is vague about role played by accused persons as they vaguely stated that they abused them, threatened them and scuffled with them.

13. Notably, Constable Pramod More has travelled from the evidence of other witnesses and allegations of FIR with regard to the role played by these accused persons in commission of the crime. In other words, he has not stated anything about the role of abusing, threatening and scuffling played by these accused with police persons, but has stated that Nakatya Kale alone abused to the police persons and scuffled with them. So, his evidence is contrary to the evidence of other police persons. His cross-examination shows that only Nakatya Kale has quarreled with police and other accused were just making commotion at the place of offence. He further stated that he is not able to tell which accused abused to the police persons by uttering specific word. His evidence falsifies the evidence other other police persons about abuses given by these accused to the police persons and their act of scuffling with police etc. Even otherwise also the said evidence cannot be considered as a convincing evidence to hold the accused persons guilty for the offence punishable under

Section 353 r/w 34 of I.P.C.

14. What is required to be proved by the prosecution for the purpose of proving offence punishable under Section 353 r/w 34 of I.P.C. that accused persons have used criminal force against police persons and thereby prevented them from discharging their duty as such police persons. No such evidence is adduced by the prosecution. The police persons are saying that accused abused them, threatened them and scuffled with them. The very abuses are not set out either in FIR nor does stated by the police persons in their respective evidence. On the other hand, the cross-examination of police persons would show that none of them sustained injury, no damage caused to their uniform. Their evidence further shows that despite of holding sticks by accused persons they did not assault them with those sticks. According to their evidence, police persons succeeded in bringing the accused persons to Police Station. Therefore, it cannot be said that during course of said act of police to bring them into Police Station accused have offered any resistance or force to prevent the police persons from discharging their duties. Hence, their evidence of preventing them in discharging their duties while rescuing quarrel of accused persons, is not reliable.

15. The evidence of Investigating Officer Suresh Chavan cannot be considered as a substantive evidence to prove the guilt of accused. He simply deposed about the routine investigation carried out by him.

16. Considering all these facts of the case, it cannot be said

that the prosecution succeeded in proving guilt of accused persons. Accordingly, I answer the points and proceed to pass the following order.

ORDER

1. Accused No.1 to 4 i.e. (1) Chimutai Mohitya Shinde, Age-65, (2) Layanya Laxman Shinde, Age-55, Both R/o Phadtarwadi, Ner, Tal.Khatav, Dist.Satara, (3) Lavharya Laxman Shinde, Age-65 and (4) Amit Lavharya Shinde, Age-39, Both R/o Diskal, Tal.Khatav, Dist.Satara, are acquitted of the offence punishable under Section 353, 504, 506 r/w 34of Indian Penal Code, under Section 235(1) of Cr.P.C.
2. Their bail bonds stand cancelled and sureties stand discharged.
3. Accused No.1 to 4 should furnish P.B. and S.B. of Rs.25,000/- each towards compliance of Section 437-A of Cr.P.C.

(Dictated and pronounced in open Court).

Vaduj.

Date : 06.03.2026.

(N.S. Kole)

Extra Jt. Addl. Sessions Judge, Vaduj.