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Part 'A'

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
AT SELOO, DISTRICT-WARDHA.

(Presided over by : Shailesh R. Satbhai)
(Para 44(i) of Chapter VI of Criminal Manual)

		<u>RCC No.47/2018</u> <u>Exhibit No.22</u> <u>CNRNo.MHWR040008382018</u>
		FIR No.50/2017, Dahegoan (G) Police Station, Tah.Seloo and Dist.Wardha. Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.
COMPLAINANT	:	State of Maharashtra Through the Police Inspector, Police Station Dahegaon (Gosavi), Tah. Seloo, Dist. Wardha.
REPRESENTED BY	:	Smt.V. M. Gajbhiye, Learned A.PP
ACCUSED	:	Parasram Ganpat Parate, Age : 70 years, Occu – Labour, R/o. Hamdapur, Tal. Seloo, Dist. Wardha
REPRESENTED BY	:	Shri. R. V. Moon, advocate for the accused.

Part 'B'

Date of Offence	-	03.12.2016
Date of FIR	-	02.04.2017
Date of Charge-sheet	-	26.06.2018
Date of Framing of Charge	-	28.06.2023

Date of commencement of evidence	-	28.06.2023
Date on which judgment is reserved	-	...
Date of the Judgment	-	01.07.2026
Date of the Sentencing Order, if any	-	...

Accused Details

<u>Name of the accused</u>	<u>Date of Arrest</u>	<u>Date of Release on Bail</u>	<u>Offences charged with</u>	<u>Whether acquitted or convicted</u>	<u>Sentence imposed</u>	<u>Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.</u>
Parasram Ganpat Parate	07.04.2017	11.04.2017	Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013	Acquitted	--	--

J U D G E M E N T

(Delivered on 01.07.2026)

The accused is facing trial for the offence punishable under sections 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 (hereinafter referred to as “the Act, 2013”).

The case of the prosecution in brief :-

2. On 03.12.2016, the complainant, who was suffering from back pain, visited the house of the accused at village Hamdapur after learning from the villagers that the accused was providing Ayurvedic treatment. It is the case of the prosecution that instead of administering Ayurvedic treatment, the accused made the complainant hold a flower and a stone in his hands, chanted mantras, represented that the complainant was under the effect of *karni* (black magic), and supplied him with seven lemons, a red *karadora* and a packet of *angara*. The accused allegedly advised the complainant not to seek medical treatment elsewhere, demanded Rs.200/- as fees and further demanded money for providing a *tabeej* and a ring. Suspecting that the accused was misleading and cheating people in the name of black magic and supernatural powers, the complainant approached the office-bearers of the Andhashraddha Nirmoolan Samiti. After making enquiries, they advised the complainant to lodge a report with the police. Accordingly, the complainant lodged a report against the accused.

3. On the said report, Police Station Dahegaon (Gosavi) registered Crime No. 50/2017 against the accused for the offence punishable under Section 3 of the Act, 2013. Thereafter, the investigation was carried out by Police Inspector Kamlesh Ramkishor Jaiswal. During the course of investigation, he recorded the statements of the witnesses,

prepared the spot panchnama and seized the articles found at the spot. On finding evidence against the accused, he filed a charge-sheet against him.

4. Charge was framed against accused vide Exh.2. On perusal of the same it reveals that the contents of charge were explained to the accused in vernacular, to which he has pleaded not guilty and put the prosecution to the task of establishing offence with requisite standard of proof.

5. With a view to obtain the explanation on incriminating material arising against the accused, during trial their statement as contemplated under section 313(1) (b) of Code Criminal Procedure was recorded vide Exh.19. The defence of the accused is of total denial. He stated that a false case has been filed against him and that he has been falsely implicated. He denied having committed any offence as alleged by the prosecution and stated that he had no knowledge about the alleged incident.

6. Heard learned APP Smt. V. M. Gajbhiye for state and learned Adv. Shri. R. V. Moon for the accused. The points that arise for consideration, along with my findings thereon, as as follows:-

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
1.	Whether the prosecution proves that, on 03.12.2016 between 2.00 p.m. and 3.00 p.m. at Mouza Hamdapur, Tah. Seloo, Dist. Wardha, the accused committed, promoted	<u>No</u>

	or practised acts of black magic and other inhuman, evil and aghori practices described in the Schedule to the Act, 2013, by displaying so-called miracles, creating an impression of possessing supernatural powers, inducing fear in the mind of the complainant, and preventing him from taking medical treatment, and thereby committed an offence punishable under Section 3 of the said Act ?	
2.	What order ?	<u>Accused</u> <u>is</u> <u>Acquitted</u> <u>as per</u> <u>final</u> <u>order.</u>

REASONS

7. Heard the learned Assistant Public Prosecutor and the learned Advocate for the accused at length. The learned Assistant Public Prosecutor submitted that the complainant was suffering from back pain and had visited the house of the accused for Ayurvedic treatment. However, instead of administering Ayurvedic treatment, the accused performed certain acts by making the complainant hold a flower and a stone in his hands, chanted mantras, represented that the complainant was under the effect of *karni*, gave him seven lemons, *angara* and a red *karadora*, and advised him not to seek medical treatment elsewhere. It is submitted that the accused thereby created an impression that he possessed supernatural powers, induced fear in the mind of the complainant and accepted money in

the name of treatment. The learned A.P.P further submitted that the complainant has fully supported the prosecution case and his testimony is corroborated by PW-5 Prafull Naraniya as well as the members of the Andhashraddha Nirmoolan Samiti. The spot panchnama and seizure of articles also support the prosecution case. Therefore, according to the learned A.P.P, the prosecution has successfully established that the accused committed the prohibited acts punishable under Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013, and hence the accused deserves to be convicted.

8. Per contra, the learned Advocate for the accused vehemently argued that the prosecution has failed to establish the ingredients of the offence beyond reasonable doubt. He submitted that though the alleged incident took place on 03.12.2016, the complaint came to be lodged after about four months and no satisfactory explanation for such delay has been given by the prosecution. He further submitted that the evidence of PW-1, PW-2 and PW-4 is merely hearsay, as none of them had personally witnessed the alleged incident. It was further argued that PW-6, the panch witness, has not supported the prosecution case and admitted that the panchnama was not prepared in his presence. The learned Advocate also submitted that the articles allegedly seized from the house of the accused are

ordinary articles used for religious worship and their seizure does not establish commission of any offence under the Act. He further contended that no independent witness, including the alleged young girl who was said to have been receiving treatment or her parents, has been examined by the prosecution. It was also argued that no documentary evidence has been produced to establish payment of Rs.200/- or to show that the complainant was prevented from taking medical treatment. According to the learned Advocate, the accused has been falsely implicated at the instance of the members of the Andhashraddha Nirmoolan Samiti. He therefore submitted that the prosecution has miserably failed to prove the charge beyond reasonable doubt and prayed that the accused be acquitted.

As to point No. 1:

9. In an attempt to bring home the guilt of the accused, the prosecution has examined seven witnesses.

10. The accused has been charged for the offence punishable under Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013. In order to establish the guilt of the accused, it was incumbent upon the prosecution to prove beyond reasonable doubt that the accused committed any of the prohibited acts specified in the Schedule appended to the Act, created an impression of possessing supernatural powers, induced fear in the mind of the complainant, prevented him from taking

medical treatment, cheated him by displaying so-called miracles or otherwise committed any act prohibited by the Act.

11. PW-3 Parag Dandge, the complainant, has deposed at Exh.08 that while suffering from back pain he visited the accused for Ayurvedic treatment. According to him, instead of administering Ayurvedic treatment, the accused asked him to hold a flower in one hand and a stone in another hand, chanted mantras while looking towards a photograph, informed him that *karni* had been performed upon him, accepted Rs.200/- towards fees, demanded additional money for preparing a *tabeej* and a ring, supplied seven lemons, a red *karadora* and a packet of *angara*, and advised him not to consult any doctor. Thereafter, he approached the office-bearers of the Andhashraddha Nirmoolan Samiti and subsequently lodged the report. During cross-examination, however, he admitted that he had cordial relations with the members of the Andhashraddha Nirmoolan Samiti and the accused had never invited him for treatment. He also admitted that Ayurvedic treatment is a recognised system of medicine in India and that lemons are also used for medicinal purposes.

12. PW-5/Exh.12 Prafull Naraniya has substantially supported the complainant regarding their visit to the accused and the acts allegedly performed by him. However, his evidence also shows that they had voluntarily visited the

accused after the villagers informed them that the accused was providing treatment for back pain. His evidence regarding payment of money and supply of lemons, *angara* and other articles is only corroborative of the complainant's testimony.

13. PW-1/Exh.05 Pankaj Vanjare, PW-2/Exh.06 Kamlesh Mankar and PW-4/Exh.11 Ashish Modak are office-bearers or activists of the Andhashraddha Nirmoolan Samiti. All these witnesses have admitted in their cross-examination that they had not personally witnessed the alleged treatment given by the accused to the complainant. Their knowledge regarding the alleged incident is entirely based upon what was narrated to them by the complainant. Therefore, so far as the actual incident dated 03.12.2016 is concerned, their evidence is hearsay in nature and cannot be treated as direct evidence.

14. PW-6/Exh14 Sanjay Deshmukh, the panch witness, has not fully supported the prosecution case. Though he admitted his signature on the spot panchnama, he specifically stated that the panchnama had already been prepared by the police and that he merely signed it. He further admitted that no panchnama was drawn in his presence. Such admission materially affects the evidentiary value of the spot panchnama.

15. PW-7/Exh.17 Kamlesh Jaiswal, the Investigating Officer, deposed regarding registration of the crime,

preparation of the spot panchnama, seizure of articles and filing of the charge-sheet. However, during cross-examination he admitted that although the alleged incident had taken place on 03.12.2016, the complaint came to be lodged only on 02.04.2017 and no reason for such delay was recorded during investigation. He further admitted that the articles seized from the house of the accused were articles ordinarily used for religious worship and that such articles may be found in every household.

16. It is pertinent to note that the prosecution case mainly rests upon the testimony of the complainant. Except PW-5, no witness has personally witnessed the alleged acts committed by the accused. Even PW-5 only corroborates the complainant regarding their visit to the accused. The prosecution has failed to examine any independent witness from the village though, according to its own case, several persons were present when the police visited the house of the accused and one small girl was allegedly receiving treatment from the accused. Neither the said girl nor her parents have been examined before the Court.

17. On close scrutiny, the evidence of PW-3 and PW-5 does not inspire the confidence. PW-3 has admitted that he had cordial relations with the members of the Andhashraddha Nirmoolan Samiti and that he approached the police after consulting them. PW-5 is admittedly his close friend and accompanied him throughout the incident.

Though the evidence of an interested witness cannot be discarded merely on that ground, it is a settled principle that such evidence requires careful scrutiny and ordinarily needs independent corroboration where the circumstances so demand. In the present case, such corroboration is absent. Furthermore, PW-3 himself admitted during cross-examination that Ayurveda is a recognised system of medicine in India and that lemons are also used for medicinal purposes. The prosecution witnesses have also admitted that the articles allegedly seized from the accused, namely lemons, *tabeej*, *angara*, camphor, coconut and similar articles, are commonly used in religious worship. Consequently, the prosecution has failed to establish that the acts allegedly performed by the accused crossed the line from religious or traditional practice into any of the prohibited acts specifically enumerated in the Schedule appended to the Act.

18. The prosecution has also relied upon the seizure of articles such as lemons, *tabeej*, *angara*, *agarbatti*, camphor, coconut and stones. However, as discussed above, the prosecution witnesses themselves have admitted that such articles are commonly used during religious worship and are ordinarily found in many households. Mere recovery of such articles, therefore, cannot by itself establish commission of the offence punishable under the Act.

19. Though the complainant has alleged that the

accused prevented him from obtaining medical treatment and advised him not to consult any doctor, no independent witness has supported this allegation. No medical evidence has been produced to establish that the complainant actually discontinued medical treatment because of the alleged advice given by the accused. Likewise, the allegation regarding payment of Rs.200/- and demand of further money for *tabeej* and ring is not supported by any documentary evidence or independent witness.

20. The complaint was lodged nearly four months after the alleged incident. The Investigating Officer has admitted that no explanation for such delay was recorded during investigation. Such unexplained delay assumes importance in a criminal prosecution where the case substantially rests upon oral evidence.

21. Considering the foregoing discussion and entire oral and documentary evidence on record, it appears that the prosecution case mainly rests upon the testimony of the complainant and the office-bearers of the Andhashraddha Nirmoolan Samiti. The evidence of PW-1, PW-2 and PW-4 is admittedly based upon the information supplied by the complainant and not on their personal knowledge. No independent witness, though admittedly available, has been examined by the prosecution. The spot panch has not fully supported the prosecution case, and the seizure of articles such as lemons, *tabeej*, *angara*, camphor and other articles,

which are admittedly articles of religious worship commonly found in households, does not by itself establish the commission of the alleged offence. The unexplained delay in lodging the First Information Report, the deficiencies in the investigation and the absence of reliable independent corroboration create a reasonable doubt regarding the prosecution case. Consequently, the prosecution has failed to prove beyond reasonable doubt that the accused committed any of the prohibited acts constituting an offence punishable under Section 3 of the Act, 2013. Accordingly, Point No.1 is answered in the Negative, and my finding is recorded accordingly.

AS TO POINT NO. 2 :

22. In view of the findings recorded on Point No.1, this Court is of the considered opinion that the prosecution has failed to establish the guilt of the accused beyond reasonable doubt. The accused is, therefore, entitled to the benefit of doubt and deserves to be acquitted. Hence, Point No.2 is answered accordingly and the following order is passed.

ORDER

1. The accused Parasram Ganpat Parate is acquitted of the offences punishable under Section Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013, vide section under Section 271(1) of the Bharatiya Nagarik

Suraksha Sanhita [248(1) of the Code of Criminal Procedure.]

2. The bail bond of the accused stands cancelled.
3. Muddemal Article No.03/2018, consisting of lemons, *tabeej*, *angara*, *agarbatti*, camphor, coconut and other articles, shall be destroyed after expiry of the appeal period, if no appeal is preferred, in accordance with law.
4. The accused shall furnish fresh bail bond of Rs. 15,000/- under section 481 of the Bharatiya Nagarik Suraksha Sanhita [Section 437-A of the Code of Criminal procedure]. The bail and bonds shall remain in force for six months from today.

(The judgment is pronounced in open Court.)

Date: 01.07.2026

(**Shailesh R. Satbhai**)
Judicial Magistrate First Class,
Seloo.

Part 'C'
Appendix

(Para 44(iii) of Chapter VI of Criminal Manual)

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution :

<u>RANK</u>	<u>NAME</u>	<u>EXH.</u>	<u>NATURE OF EVIDENCE</u> (EYE WITNESS, POLICE WITNESS EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW 1	Pankaj Balkrushna Vanjare	05	Witness
PW 2	Kamlesh Sudhakar Rao Mankar	06	Witness
PW 3	Parag Hemchandra Dandge	08	Informant
PW 4	Ashish Ashokrao Modak	11	Witness
PW 5	Prafull Jagdish Naraniya	12	Eye Witness
PW 6	Sanjay Madhukarrao Deshmukh	14	Panch Witness
PW 7	Kamlesh Ramkishor Jaiswal	17	Investigating Officer

B. Defence Witnesses, if any :

<u>RANK</u>	<u>NAME</u>	<u>EXH.</u>	<u>NATURE OF EVIDENCE</u> (EYE WITNESS, POLICE WITNESS EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	Nil.		

C. Court Witnesses, if any :

<u>RANK</u>	<u>NAME</u>	<u>EXH.</u>	<u>NATURE OF EVIDENCE</u> (EYE WITNESS, POLICE WITNESS EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	Nil.		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>

1	09	Complaint
2	10	First Information Report
3	15	Signature of PW-6 on Spot Panchnama
4	18	Spot Panchnama

B. Defence :

<u>Sr. No.</u>	<u>Exhibit Number Admitted by Defence</u>	<u>Description</u>
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C. Court Exhibits :

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
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D. Material Objects :

<u>Sr. No.</u>	<u>Article Number</u>	<u>Description</u>
1	03/2018	Lemons, <i>Tabeej</i> , <i>Angara</i> , <i>Agarbatti</i> , Camphor, Coconut, Stones and other articles seized from the spot.

Date: 01.07.2026

(Shailesh R. Satbhai)
Judicial Magistrate First Class,
Seloo.

CERTIFICATE

I affirm that the contents of this P.D.F. file is same, word to word as per the original.

(R. M. Khan)
Stenographer (Grade-III)