

**MHWR06-000286-2021**

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 Duration : Yrs. M. Days  
**05 06 03**

Form No. XXXII

**Part 'A'**

(Title Page of Judgment)

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

|                |                                                                                                                                                                                                             |                                                                                                                                                                                                         |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                | <b>IN THE COURT OF JUDICIAL MAGISTRATE<br/>         FIRST CLASS HINGANGHAT</b><br>[Presided over by Amol B. Ingole]<br><b>[Date – 19/08/2026]</b><br><b>[RCC No.- 56/2021]</b><br><b><u>Exh. No.-25</u></b> |                                                                                                                                                                                                         |
|                | FIR No.-564/2021, Police Station, Hinganghat,<br>(Informant:- Mina Banduji Bhandekar.)                                                                                                                      |                                                                                                                                                                                                         |
| PROSECUTION    |                                                                                                                                                                                                             | <b>STATE OF MAHARASHTRA</b><br>Through Police Station, Hinganghat,<br>Tal.- Hinganghat, Dist.- Wardha.                                                                                                  |
| REPRESENTED BY |                                                                                                                                                                                                             | <b>P . M. Shelar, R. P Chaudhari</b> - Learned APPs for the<br>State.                                                                                                                                   |
| ACCUSED        |                                                                                                                                                                                                             | <b>1. Sagar Damodhar Dhokpande,</b><br>Age-26 Yrs., Occu- Labourer.<br>R/o.- Hanuman Ward, Hinganghat, Tq.- Hinganghat,<br>Dist- Wardha<br><b>2. Akash Ullas Uike, ( Since deceased, hence abated )</b> |
| REPRESENTED BY |                                                                                                                                                                                                             | <b>K. L. Durge</b> - Learned Advocate Provided Through<br>Legal Aid.                                                                                                                                    |

**Part 'B'**

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

|                                  |            |
|----------------------------------|------------|
| Date of Offence                  | 21.08.2019 |
| Date of FIR                      | 22.08.2019 |
| Date of Charge-sheet             | 05.02.2021 |
| Date of Framing of Charges       | 18.06.2026 |
| Date of Commencement of evidence | 24.06.2026 |

|                                      |            |
|--------------------------------------|------------|
| Date on which judgment is reserved   | 19.08.2026 |
| Date of the Judgment                 | 19.08.2026 |
| Date of the Sentencing Order, if any | 19.08.2026 |

### 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.                  | Sagar Damodhar Dhokpande | 22/08/2019     | 11/10/2019              | Sec.380 of the Indian Penal Code, 1860. | Accused is convicted.          | simple imprisonment of 135 days and fine of Rs.500/- and in default simple imprisonment of fifteen days. | 135 days                                                                     |

### J U D G M E N T

(Delivered on - 19/08/2026)

Accused has faced trial for offence punishable under section 380 of the Indian Penal Code, 1860 (for short IPC). Accused No.2 died during the pendency of proceeding. Hence, the matter is abated against him.

#### The prosecution's case, in short, is as follows-

02. In short, it is the case of prosecution that, on 21.08. 2019, her husband went at Nagpur. At about 12.00 am the informant was alone at home. At about 06.00 pm in the evening, she was cooking in her house.

At that time accused No.2 with one unknown person came to her house. Accused No.2 told to her that he required amount of Rs. 5000/- for gambling. The informant replied that she has no money with her. They both were under the influence of liquor. She came outside the house from back door and informed this fact to her neighbors. Thereafter, some persons including her son from her village came and the accused ran away. The accused No.2 successful in running away. However, accused No.1 caught hold by the villagers and handed over to the police. When she inspected her house, she found that the amount of Rs.2000 in one **steel box** was missing. Hence, she lodged report at Police Station Hinganghat.

**03.** On the basis of above information, Police Station Officer, Police Station, Hinganghat has registered the Crime against the accused. Thereafter, the said crime was investigated by Police Head Constable Rajkumar Kuvar and NPC Omprakash Kokode. During the course of investigation, Rajkumar Kuvar has recorded statements of witnesses, prepared spot, memorandum and seizure panchnamas. After completion of investigation filed charge-sheet against the accused for offence punishable under Section 380 of IPC.

**04.** After appearance of accused before the Court, I have framed the charge against the accused below **Exh.-08** for the offence punishable under Section 380 of IPC. The charge was read-over to accused in vernacular to which he pleaded not guilty and claimed to be tried. The incriminating evidence is found against the accused, hence, statement under Section 313 (1) (b) of the Code of Criminal Procedure 1973 (for short Cr.PC) is recorded.

**05.** Heard the Ld. A.P.P for the State and Ld. advocate for the accused. Perused the record. Following points arise for my determination. I have recorded my findings against the same for the reason stated hereinafter.

| <u>Sr.No.</u> | <u>POINTS</u>                                                                                                                                                                                                                                                     | <u>FINDINGS</u>              |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 01.           | Whether prosecution proved that, on 21.08.2019 at about 06.00 PM accused committed theft of Rs.2,000/- in the house of informant which is used for the human dwelling and custody of property and thereby committed offence punishable under Section 380 of IPC ? | ... <b><u>YES.</u></b>       |
| 02.           | What order ?                                                                                                                                                                                                                                                      | <b>Accused is convicted.</b> |

### **ARGUMENT**

06. The Ld. APP R. P. Chaudhari has submitted that the informant and other two witnesses were not cross examined by the accused. Therefore, credibility of that witnesses is not shaken. The evidence of informant is as per the contents of FIR. There are no contradiction and omissions in her deposition. The spot panchanama is also proved. The memorandum panchanama is proved through investigating officer. Hence, he submitted that the prosecution has proved the charge against the accused beyond all reasonable doubt. Hence, he prayed to convict the accused.

07. On the other hand, Ld. Advocate for accused in his written notes of argument has submitted that the identity of accused No.1 is suspicious. The informant is not eye witness to the incident and Manohar also not identified the accused in the court. The husband of informant is deposing as per the say of informant. Informant stated that accused demanded Rs.5,000/- and husband of informant deposed accused demanded amount of Rs.2,000/-. The only 700/- seized by the prosecution. Therefore, there is nothing on record to show that how the only 700/- is seized when theft of the amount of Rs.2,000/-. The memorandum statement of the accused is not sufficient to show that

accused has committed the theft. The evidence of panch witness is not direct evidence of incident. The husband of informant is hearsay witness. Prosecution failed to prove that whether accused was at the spot of incident. Accused is only arrested on the ground of suspicious. Hence, he prayed to acquit the accused.

### **REASONS**

**08.** In every criminal trial, the prosecution has to ensure proof of the existence of facts which constitute the offences. It has to establish such existence, beyond all reasonable doubts. Prosecution is therefore always depended upon what its witnesses stated before the Court and what its documents produced. If, the doubt is reasonable, whatsoever minimal it is, it helps the accused.

#### **As to Point No.1 -**

**09.** Informant (PW-01) has deposed that, the incident is of the year 2019 at about 06.00 pm. It was taken place at her house. At that time she was cooking in the house. Both the accused came at her house and demanded amount of Rs.5,000/- for gambling. She was frighten and came outside the house. Thereafter, she called to her son, Prakash Patil and Devtale. The accused No.2 ran away and accused No.1 caught hold by them. They also handed over the accused to police. Thereafter, she went at her house and found that the amount of Rs.2,000/- was missing. It has one currency note of 500/- and other currency notes of Rs.100/-. Thereafter, she lodged report at Police Station. She has admitted the contents of her FIR and signature on it.

**10.** This witness was not cross-examined by the accused. Therefore, the evidence of this witness remained intact. It appears from her depositions that she has deposed as per the contents of FIR. There is nothing come in her examination-in-chief to disbelieve her evidence. Her evidence appears to be credible and trustworthy.

11. Prakash PW-2 has deposed that police had called him for preparation of spot panchanama at the house of Minabai Banduji Bhandekar. He was given the intimation letter for panchanama. Informant, her husband and Ganesh Dabane as well as police were present at the time of preparation of panchanama. It was prepared at about 05.00 to 05.30 pm. It was read over to him. He has admitted the contents of the panchanama and his signature on it.

12. In his cross-examination he has admitted that informant Minabai is his neighbor. Hence, he knows her. He is agricultural labourer. He denied that he goes in the field at about 09.00 am and returns at about 06.00 pm. He has denied that on the day of panchanama, he was in the field. He has his small shop and due to that he was not went in the field.

13. It appears from the evidence of this witness that panchanama was prepared in his presence. There is nothing material brought in his cross-examination to disbelieve his evidence.

14. Bandu PW-3 is the husband of informant. He has deposed that informant is his wife. Incident is of the year 2019 taken place in the month of August. On that day, he was at Nagpur and returned at about 08.30 pm. His wife told to him about the incident. This witness was also not cross examined by the accused and his advocate. This witness is hearsay witness. Therefore, his evidence is not helpful to the prosecution.

15. Manohar PW-4 has deposed that she knows to the informant. They are of same village. The incident was taken place in the year 2019. On that day, he was at Hinganghat and came to his village at about 04.00 pm. The people were gathered in the square and there was discussion about theft and running away of one accused. Thereafter, the vehicle of police came and taken away the accused who was caught hold by the villagers. He has deposed that he cannot tell whether the person present in the court was the person which was caught hold by the

villagers.

16. In his cross-examination, he has admitted that he do not know who has stolen the amount, as he was present at the Hinganghat. He came to know about the theft due to discussion among the people. Akash Uike was the person who ran away. He has denied that his deposing false on the say of informant.

17. It appears that this witness came to know about the theft from the discussion of the villagers. He was unable to the accused present in the court. However, the evidence of this witness is sufficient to show that theft was committed and one accused was ran away and one was caught hold by the villagers.

18. Rajkumar PW-5 is initial investigating officer. He has deposed that he has investigated this crime. Investigation was handed over to him on 22.08.2021. Thereafter, he prepared spot panchanama at the house of informant at village Shelu Murpad in presence of panch witnesses. Thereafter, he arrested accused No.1. When accused No.1 was in custody, his memorandum statement was recorded and as per his say the amount of Rs.700/- is recovered from the garbage near the house of informant. He has prepared the memorandum panchanama in presence of panch witnesses and accused. The accused No.1 told to him that he has hidden the amount in the garbage. When they went there, there was garbage and wooden trunk. They found cash amount wherein there was seven currency notes of Rs.100/-. He has admitted the content of memorandum panchanama. Thereafter, he prepared seizure panchanama of that amount in presence of panch witnesses. He has admitted the contents of seizure panchanama. Thereafter, he arrested the absconded accused. Accused No.2 has also given the memorandum statement. However, he stated that he has spend that amount. Therefore, he prepared the memorandum panchanama. He has admitted the contents of it.

19. This witness is not cross examined by the accused and his ld. advocate. Therefore, it appears there is no reason to disbelieve the evidence of this witness. It appears that this witness has investigated said crime, prepared spot and memorandum panchanama, recovered the amount of Rs.700/- from accused No.1.

20. It is true that the informant is not eye witness to the incident. However, in the matter of theft generally there are no eye witnesses to the incident. It does not mean that the offence of theft is not committed. It is specifically deposed by the informant that accused No.2 Ashok and one unknown person came to her house. That means accused No.1 was unknown to her, when both accused came to her house. However, she has identified accused No.1 in the court. Therefore, the identity of accused No.1 is not suspicious. It is also true that only amount of Rs. 700/- is seized as per the memorandum statement of accused No.1, it does not mean that the entire story of prosecution is false. It is came in the depositions of investigation officer that during the memorandum statement of accused No.2, he has stated that he has spend the amount, which shows that the remaining stolen amount spend by the accused No.2 Therefore, only 700/- is seized from the memorandum statement of accused No.1. The Manohar PW-4 has failed to identify the accused No.1 in the court. In this matter, the test identification parade is also not conducted by the IO. However, the informant has identified the accused No.1. There is possibility that Manohar PW-4 had seen the accused in the crowd when he was caught hold by the villagers. Therefore, he might be unable to identify the accused No.1 before the court. However, the identity does not fatal the case of prosecution.

21. In this matter the informant is the material witness for the prosecution. As discussed earlier, there is no reason to disbelieve her testimony. There appears no reason also to falsely implicated the accused in the crime. It is clear from the evidence of witnesses that theft was committed in the house of informant. Accused No.2 was ran away and

accused No.1 was caught hold by the villagers and was handed over to the police. Therefore, it is clear from the evidence of the witnesses that accused have committed the theft in the house of informant. Hence, I have recorded to point No.1 in the affirmative.

**22.** In view of affirmative finding of point No.1 I held accused guilty. Hence, it is necessary to hear accused, his Ld. Adv. and Ld. APP on quantum of sentence.

**Date : 19/08/2026.**

[Amol B. Ingole]  
Judicial Magistrate, F.C  
Hinganghat  
[JO Code- MH03038]

**23.** Ld. Advocate for accused has submitted that accused be awarded the sentence which he has already under gone and minimum fine amount. Accused has submitted that he be sentence to pay minimum fine amount. On the other hand, Ld. APP R.P. Chaudhari has submitted that accused has committed the serious offence hence, accused should not be entitled for any leniency. He may be punished as per the maximum punishment provided for the offence.

**24.** Heard both the sides. It appears that it is not brought before the court that accused has committed any previous offence. This appears to be first offence of the accused. The amount of theft is very less. Therefore, by considering the punishment provided for offence punishable under Section 380 of IPC, it will sufficient to punish the accused as simple imprisonment for the period which he has already in the jail and fine amount of Rs.500/-. Hence, in answer to Point No.-2, I pass the following order :-

**ORDER**

01. Accused Sagar Damodhar Dhokpande is convicted of the offence punishable under Section 380 of Indian Penal Code, 1860, vide section 248(2) of the Code of Criminal Procedure, 1973.
02. He is sentenced to suffer simple imprisonment for 135 days which he has already undergone and fine of Rs. 500/- in default of payment of fine he sentenced to suffer simple imprisonment of fifteen days.
03. Accused is entitled for set off for the period of 135 days as per section 428 of the Code of Criminal Procedure, 1973.
04. The previous bail bonds of accused stands forfeited.
05. The seized amount of Rs. 700/- be given to the informant after an appeal period is over, if not given already.
06. Copy of judgment is given to the accused free of costs forthwith after pronouncement of judgment.
07. Issue conviction warrant to jail authority to released the accused forthwith after payment of fine amount by the accused.

**(Dictated and Pronounced in Open Court.)**

**Date : 19/08/2026.**

[Amol B. Ingole]  
Judicial Magistrate, F.C  
Hinganghat  
[JO Code- MH03038]

**Part 'C'**

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

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

| <b>RANK</b> | <b>NAME</b>                                  | <b>NATURE OF EVIDENCE</b><br>(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|-------------|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| PW-1        | Mina Bandu Bhandekar<br>( <u>Exh.09</u> )    | Informant                                                                                                                 |
| PW-2        | Prakash Domaji Patil<br>( <u>Exh.-12</u> )   | Panch witness.                                                                                                            |
| PW-3        | Bandu Laxman Bhandekar<br>( <u>Exh.15</u> )  | Witness.                                                                                                                  |
| PW-4        | Manohar Maroti Devtale<br>( <u>Exh.16</u> )  | Witness.                                                                                                                  |
| PW-5        | Rajkumar Kapildeo Kuvar<br>( <u>Exh.18</u> ) | Investigating Officer.                                                                                                    |

**B. Defence Witnesses, if any :**

| <b>RANK</b> | <b>NAME</b> | <b>NATURE OF EVIDENCE</b><br>(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|-------------|-------------|---------------------------------------------------------------------------------------------------------------------------|
| Nil         | Nil         | Nil                                                                                                                       |

**C. Court Witnesses, if any :**

| <b>RANK</b> | <b>NAME</b> | <b>NATURE OF EVIDENCE</b><br>(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|-------------|-------------|---------------------------------------------------------------------------------------------------------------------------|
| Nil         | Nil         | Nil                                                                                                                       |

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

| Sr.No. | Exhibit Number | Description           |
|--------|----------------|-----------------------|
| 1.     | Exh.-10        | FIR                   |
| 2.     | Exh.-13        | Intimation Letter     |
| 3.     | Exh.-14        | Spot panchnama.       |
| 4.     | Exh.-19        | Arrest Form           |
| 5.     | Exh.-20        | Memorandum Panchanama |
| 6.     | Exh.-21        | Seizure panchnama.    |
| 7.     | Exh.-22        | Arrest Form           |
| 8.     | Exh.-23        | Memorandum Panchanama |

**B. Defence :**

| Sr.No. | Exhibit Number | Description |
|--------|----------------|-------------|
| -      | -              | -           |

**C. Court Exhibits :**

| Sr.No. | Exhibit Number | Description                                  |
|--------|----------------|----------------------------------------------|
| 1.     | Exh.-01        | Charge-sheet                                 |
| 2.     | Exh.-08        | Charge                                       |
| 3.     | Exh.-24        | Statement of accused under Sec.313 of Cr.PC. |

**D. Material Objects :**

| Sr.No. | Material Object Number | Description |
|--------|------------------------|-------------|
| 1.     | Nil                    | -----       |

Date : 19/08/2026.

[Amol B. Ingole]  
Judicial Magistrate, F.C  
Hinganghat  
[JO Code- MH03038]

## CERTIFICATE

“I affirm that the contents of this P.D.F. file Judgment are same word to word, as per original Judgment”.

Name of Stenographer : Ku. M. G. Mehare

Court : Jt C.J.J.D. & J.M.F.C.,  
Hinganghat

Date : 19.08.2026

Judgment signed by presiding

Officer on : 19.08.2026

Judgment uploaded on : 19.08.2026