

<u>Part-'A'</u> (Title Page of Judgment) <i>(Para 44 (ii) of Chapter VI of Criminal Manual)</i>		
	<u>IN THE COURT OF SESSIONS JUDGE, WASHIM</u> Present: M. S. Sahastrabudhe, Additional Sessions Judge, Washim [Date of the Judgment: 18/06/2026] [Sessions Case No. 08/2022] CNR No. MHWS010001182022	
Exh. No.69		
Complainant		State of Maharashtra through Police Station, Washim City Tq. Dist. Washim. Crime No. 684/2020
Represented By		A.P.P. Shri. P. S. Dhobale
Accused		1] Shaikh Arbaz @ Shaikh Hayat Shaikh Yakub Age 20 years, Occup. Labour 2] Shaikh Liyakat Shaikh Yasan Age 38 years, Occup. Labour 3] Shaikh Yakub Shaikh Kasam Age 44 years, Occup. Labour 4] Alimunnisa Shaikh Yakub Age 40 years, Occup. Labour All r/o. Washim Tq. Dist. Washim
Represented By		Adv. Mr. R.R.Vishwakarma for accused.

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

Date of Offence	03/07/2020
Date of FIR	04/07/2020
Date of Charge-sheet	27/01/2022
Date of Framing of Charges	04/10/2024
Date of commencement of evidence	25/02/2026
Date on which judgment is reserved	18/06/2026
Date of the Judgment	18/06/2026
Date of the Sentencing Order, if any	--

Accused Details

Rank of 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	Shaikh Arbaz @ Shaikh Hayat Shaikh Yakub	04/07/20	24/07/20	Ss.307, 323, 504, 506 r/w 34 of IPC, S.25 of Arms Act.	Acquitted		...
2	Shaikh Liyakat Shaikh Yasan	27/10/20	04/08/20				
3	Shaikh Yakub Shaikh Kasam	27/10/20	04/08/20				
4	Alimunnisa Shaikh Yakub	27/10/20	04/08/20				

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

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Mohammad Nadim Abdul Rashid	Informant
PW-2	Abdul Rashid Mohammad Ismail	Other witness
PW-3	Subhash Sopan Wagh	Panch witness
PW-4	Abdul Jamir Abdul Said	Other witness
PW-5	Shahajad Ali Raheman Ali	Other witness

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	Nil	

C. Court witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW-1	Nil.	Nil.

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

Sr. No.	Exhibit Number	Description
1.	Exh.43/PW-1	Statement of witness PW-1
2.	Exh.55/PW-3	Memorandum Panchanama
3.	Exh.56/PW-3	Seizure panchanama of sword
4.	Exh.60/PW-5	Statement u/s 164 Cr.PC.

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/PW-3	Sword

:: J U D G M E N T ::*(Delivered on this 18th day of June 2026)*

The accused are facing the trial for the offences punishable under Sections 307, 323, 504 and 506 r/w 34 of the Indian Penal Code (*hereinafter referred for the sake of brevity as 'IPC' for short*) & Section 25 of Arms Act.

The case of the prosecution in brief is as under :-

2] The informant had lodged report in police Station Washim city on 04/07/2020 alleging that on 03/07/2020 at about 9.30 p.m. he went to the house of accused for getting explanation as to why accused no.1 was sending messages on the mobile phone of his sister. When he went to the house of accused and sought for the explanation, accused no.1 with an intention to kill the informant assaulted with sword on his head and had injured him. The other accused at that time had assaulted him with fists and kick blows. Hearing the noise of the quarrel, father of the informant came there. All the accused had even assaulted him with fists and kick blows and had abused and criminally intimidated him.

3] On the basis of aforesaid report, crime No.684/2020 was registered and the matter was investigated by API – P. P. Ingle During investigation, the investigating officer went to the spot and prepared spot panchanama in presence of the panchas. He got recorded the statement of the witnesses as per their version. He had recorded the

memorandum of the accused and had prepared memorandum panchanama. The weapon of the offence was seized at the instance of the accused. The blood and DNA sample of the accused were obtained and sent for CA analysis. After completion of investigation as sufficient evidence was gathered against the accused, he had filed charge-sheet against them for the offences punishable under Sections 307, 323, 504 and 506 r/w 34 of the Indian Penal Code & Section 25 of Arms Act.

4] The cognizance of the offence was taken by the Id. CJM, Washim for the aforesaid offence. As the offences punishable under Section 307 of IPC with which accused were charged, were exclusively triable by the Court of Sessions, the Id. C.J.M. after complying with the provisions of Section 207 of Cr.P.C. has committed the case for trial to this Court by order dtd.07/01/2022.

5] The charge Exh.28 was framed against the accused by my Id. Predecessor for the offences punishable under sections 307, 323, 504 and 506 r/w 34 of the Indian Penal Code & Section 25 of Arms Act. It was read over and explained to the accused in vernacular. They pleaded not guilty vide Exh.29 to 32 and claimed to be tried. Hence, the Court proceeded to try the case.

6] In order to prove the charge, the prosecution has examined in all Five witnesses referred in Part - C above and failed to secure presence of other witnesses, hence prosecution side was closed vide pursis Exh.67. Besides oral evidence, the prosecution has relied upon the documents referred in Part-C above. As there is no incriminating evidence against the accused persons, the statement under section 313 of Cr.P.C of the accused came to dispensed with.

7] Heard ld. A.P. P. Shri. P. S. Dhoble for the prosecution and Adv. Mr. R.R.Vishwakarma for accused, at length.

8] On perusal of charge, evidence on record and after considering oral submissions of prosecution and defence side, the following points arise for determination. The said points along with findings and reasons thereon are as follows :-

Sr. No.	POINTS	DECISION
1)	Does the prosecution prove that on 03/07/2020 at about 9.30 p.m. at Mangalwari Vesh, Sherki Near Darga, Washim accused in furtherance of common intention attempted to commit murder of the informant by means of sword ?	No.
2)	Does the prosecution prove that on the aforesaid date, time and place accused in furtherance of common intention voluntarily caused hurt to informant and witnesses ?	No.
3)	Does the prosecution prove that on the aforesaid date, time and place accused in furtherance of common intention intentionally insulted the informant and thereby gave provocation to him and such provocation would cause the said person to break the public peace ?	No.
4)	Does the prosecution prove that on the aforesaid date, time and place accused in furtherance of common intention criminally intimidated complainant by threatening to kill him ?	No.
5)	Does the prosecution prove that on the aforesaid date, time and place accused in furtherance of common intention was found in possession of sword in contravention of provisions of Arms Act ?	No.
6)	What order ?	.. Accused is acquitted.

REASONS

As to Point No. 1 to 5 :-

9] All these points are interconnected hence to avoid repetition and for the sake of convenience they are taken for discussion.

10] It is the case of prosecution that accused no.1 was sending messages on mobile phone of sister of informant. The informant did not like the same and for getting explanation as to why the accused no.1 was sending messages to his sister, he went to the house of accused. When the informant sought explanation accused no.1 was furious and with an intention to kill the informant he assaulted him with knife on his head. The other accused had assaulted the informant with fists and kick blows. On hearing the noise of quarrel father of informant came there all the accused, had assaulted him with fists and kick blows. Thereafter all the accused have abused the informant and his father in filthy language and had threatened to kill him.

11] To prove the said allegations prosecution had examined informant Mohammad Nadim PW-1 vide Exh.42. However, this witness has nowhere stated that he was assaulted by accused with sword on his head. On the contrary, he has stated that there was crowd on the road and when he was going by the road he stumbled against the stone and lost his balance. He fell on the edge of drainage and sustained injury on his head. This witness was cross-examined at length however no material evidence has come on record in his cross-examination. The prosecution had also examined father of the informant namely Abdul Rashid PW-2 vide Exh.44. Even this witness did not state that accused had assaulted him or his son or that they had abused or criminally

intimidated them. In spite of thorough cross-examination by Ld APP no material admission has come on record. Other than these witnesses prosecution has also examined eye witnesses Abdul Jamir PW-4 and Shahajad Ali PW-5. Even these witnesses did not state anything about the incident. They have refused to have witnessed the incident. Though they were cross-examined at length no material evidence has come on record in their cross-examination.

12] Other than these witnesses, prosecution had examined Subhash PW-3 who is the panch on the memorandum panchanama. This witness has deposed that accused had shown willingness to disclose the place where weapon of the offence was lying. The memorandum of the accused was recorded as per his version and then the weapon was seized at his instance and seizure panchanama was prepared. This witness has proved memorandum panchanama Exh.55 and seizure panchanama Exh.56. However, in absence of any evidence about the happening of incident, the evidence of this witness is not helpful to prosecution to prove the guilt of the accused. Only from the evidence of this witness no inference can be drawn about the guilt of accused.

13] In order to prove the guilt of the accused it is necessary to prosecution to prove that the accused had abused, insulted and criminally intimidated the informant and his father and with an intention to kill the informant, accused no.1 had assaulted him with sword on his head. However, as discussed above, no evidence has come on record to prove any of the said allegations against the accused. In view of the above said discussion, I have come to the conclusion that prosecution has failed to prove that the accused no.1 with an intention

to kill the informant had assaulted him with sword on his head. So also, the prosecution has failed to prove that all the accused had assaulted informant and his father with fist and kick blows and they had abused and criminally intimidated informant and his father. Thus, all the accused need to be acquitted. The seized weapon i.e. sword needs to be sent to District Magistrate for disposal as per rules and the seized clothes being worthless be destroyed after the appeal period is over. Accordingly, I **answer point Nos.1 to 5 in negative** and in **answer to point No.6**, I proceed to pass the following order :-

ORDER

- 1] Accused namely **Shaikh Arbaz @ Shaikh Hayat Shaikh Yakub, Shaikh Liyakat Shaikh Yasan, Shaikh Yakub Shaikh Kasam and Alimunnisa Shaikh Yakub** are acquitted for the offence punishable under Sections 307, 323, 504 and 506 r/w 34 of the Indian Penal Code & Section 25 of Arms Act, vide Section 235 (1) of Cr. P. C.
- 2] Bail bonds of the accused stand cancelled and surety discharged.
- 3] Seized muddemal i.e. clothes of accused being worthless be destroyed, after expiry of appeal period.
- 4] Seized muddemal i.e. sword be sent to District Magistrate for disposal as per rule.
- 5] The accused are directed to execute the bail bond of Rs.25,000/- (Rs. Twenty five thousand only) each with surety in the like amount, in compliance with the provision of Section 437-A of Cr.PC. to abide themselves to appear before the Higher Court as and when said Court issue notice in respect of any appeal or petition filed against this judgment.

Judgment dictated, delivered and pronounced in open Court.

Place : Washim
Date : 18/06/2026

(M. S. Sahastrabudhe)
Addl. Sessions Judge, Washim.

Judgment

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Sessions Case No.08/2022
State Vs. Sk.Arbaz +3

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original order :-

Name of the Stenographer	:- R.K.Pawar, Stenographer (Grade-1)
Court Name	:- District Judge-3 & Additional Sessions Judge, Washim
Date	:- 18/06/2026
Order signed by the Presiding Officer on	:- 18/06/2026
Order uploaded on	:- 18/06/2026