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Decided on : **10/06/2026**
Duration : **04 Y. 08 M. 25 D.**

Part-'A' (Title Page of Judgment) [Para 44 (ii) of Chapter VI of Criminal Manual]	
	<u>IN THE COURT OF SESSIONS JUDGE, WASHIM</u> Present: Anil Subramaniam, Sessions Judge, Washim [Date of the Judgment: 10/06/2026] [Sessions Trial No. 94/2021] CNR No. MHWS010010182021
<u>Exh. No. 97.</u>	(Details of FIR/Crime and Police Station)
Complainant	State of Maharashtra, Through Police station, Risod, <u>Crime No. 46/2020</u>
REPRESENTED BY	I/c DGP Mr. A. R. Vyawahare for the prosecution.
ACCUSED	1) Ashru Kisan Dhawade (A-1), Aged about 40 years, Occu. Agriculture, 2) Santosh Shivnarayan Dhawade (A-2), Aged about 27 years, Occu. Agriculture, 3) Gajanan Kisan Dhawade (A-3), Aged about 33 years, Occu. Agriculture, 4) Shivnarayan Kisan Dhawade (A-4), Aged about 47 years, Occu. Agriculture, All R/o. Chinchambabhar, Tq. Risod, Dist. Washim.
REPRESENTED BY	Adv. Mr. V. M. Tifane for all accused.

Part - 'B'

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

Date of Offence	19/01/2020.
Date of FIR	20/01/2020.
Date of Charge-sheet	17/06/2020 (Committed to Sessions Court on 17/08/2021).
Date of Framing of Charges	10/12/2025.

Date of commencement of evidence	14/05/2026.
Date on which judgment is reserved	10/06/2026.
Date of the Judgment	10/06/2026.
Date of the Sentencing Order, if any	Nil.

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.P.C.
A-1]	Ashru Kisan Dhawade	20/01/2020	04/02/2020	Sections 307, 143, 147, 148, 149 r/w Section 34 of IPC.	Acquitted.	Nil.	Not applicable.
A-2]	Santosh Shivnarayan Dhawade	20/01/2020	04/02/2020	Sections 307, 143, 147, 148, 149 r/w Section 34 of IPC.	Acquitted.	Nil.	Not applicable.
A-3]	Gajanan Kisan Dhawade	23/01/2020	04/02/2020	Sections 307, 143, 147, 148, 149 r/w Section 34 of IPC.	Acquitted.	Nil.	Not applicable.
A-4]	Shivnarayan Kisan Dhawade	23/01/2020	04/02/2020	Sections 307, 143, 147, 148, 149 r/w Section 34 of IPC.	Acquitted.	Nil.	Not applicable.

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	Dilip Namdeo Sanap.	Complainant.
PW-2	Dnyaneshwar Namdeorao Sanap.	Other Witness.
PW-3	Gajanan Govindrao Garkal.	Panch witness.
PW-4	Santosh Ramesh Nemnar.	Investigating Officer.

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW-1	Nil.	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. P-60/PW-1.	Statement of PW-1.
2.	Exh. P-72/PW-3.	Spot panchanama.
3.	Exh. P-73/PW-3.	Disclosure statement of PW-3.
4.	Exh. P-74/PW-3.	Pipes seizure panchanama.
5.	Exh. P-75/PW-3.	Disclosure statement of PW-3.
6.	Exh. P-76/PW-3.	Tommy seizure panchanama.
7.	Exh. P-77/PW-3 to P-84/PW-3.	Seizure panchanamas of Clothes and samples of accused.
8.	Exh. P-87/PW-4.	Arrest form of accused Ashru.
9.	Exh. P-88/PW-4.	Arrest form of accused Santosh.
10.	Exh. P-89/PW-4.	Arrest form of accused Gajanan.

11.	Exh. P-90/PW-4.	Arrest form of accused Shivnarayan.
12.	Exh. P-91/PW-4.	Letter forwarding the seized articles for analysis.
13.	Exh. P-92/PW-4.	Statement of witness Dilip Sanap.
14.	Exh. P-93/PW-4.	Statement of witness Dnyaneshwar Sanap.
15.	Exh. P-94/PW-4.	Complaint.
16.	Exh. P-95/PW-4.	Printed FIR.

B. Defence :

Sr. No.	Exhibit Number	Description
1.	Exh. D-62 to D-65.	Injury certificates.
2.	Exh. D-66.	Discharge card.
3.	Exh. D-67.	Injury certificate.
4.	Exh. D-68.	Discharge Card.
5.	Exh. D-69.	Injury certificate.
<u>Exh. D-62 to D-69 are admitted by the accused.</u>		

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1.	Nil.	Nil.

D. Material Objects :

Sr. No.	Exhibit Number	Description
1.	Nil.	Nil.

J U D G M E N T

(Dated 10/06/2026)

1. By the present trial, the accused are being tried for the alleged offences punishable under Sections 307, 143, 147, 148, 149 r/w Section 34 of IPC in crime No. 46/2020 registered by Risod Police Station.

2. It is the case of the complainant that there is dispute of boundary and road between two and proceedings were pending before Revenue Authorities. On the date of incident, the complainant and son of Dnyaneshwar i.e. Sarthak went for hair cutting to the bus stand and , accused came there with iron tommy and pipes and started having scuffle with him and abused him and they were asked not to do so, they assaulted him with iron tommy and iron pipe on his head, chest, stomach, waist resulting him injury to his head and at that time, brother Dnyaneshwar came there and he was assaulted by this people resulting him injury to his head. Villagers intervened and taken him to the hospital and complaint came to be lodged.
3. Based on these allegations, offence came to be registered. Police carried out investigation and on completion of investigation, filed charge sheet before the Ld. Trial Court. The Ld. Trial Court by order dated 17/08/2021 committed the case to this court and the same is being tried before this court.
4. My Ld. Predecessor framed charge against the accused. The charge was explained to the accused in vernacular. They pleaded not guilty and claimed to be tried.
5. In order to bring home the charge against the accused, prosecution examined around four witnesses.
6. The prosecution was asked to point out incriminating circumstances against the accused and it was pointed out that evidence of IO should be considered. Considering the lack of incriminating evidence, statement under Section 313 of Cr. P. C. of accused is dispensed with.
7. Heard both sides. Considered the submissions advanced.

Following points arise for my consideration and I answer the same as under for the reasons stated hereinafter :-

Sr. No.	POINTS	DECISION
1)	Whether the prosecution establishes that accused assaulted complainant and Dnyaneshwar ?	.. In the negative.
2)	Whether the prosecution establishes that the accused have committed any offence ?	.. In the negative.
3)	What order ?	.. As per final order.

REASONS

As to Point No. 1 -

8. The PW-1 is the complainant. He states that on the date of incident, when they were discussing, cattle crowd came there resulting he suffering injuries. Thus, the complainant has not supported the case of the prosecution. Although statement under Section 164 of Cr. P. C. has been recorded, the witness has feigned ignorance with regard to the said contentions there of.
9. The PW-2 is the brother and other injured. He also denies that any assault took place or anyone abused to him. Considering the same, the both injured witnesses have not supported the case of the prosecution.
10. It is also necessary to point out that although the complaint as well as others indicate large number of independent persons, as well as shop owners, none have supported the case of the prosecution. Injuries on accused are not explained.
11. The PW-3 is the panch witness to the spot panchanama and recovery panchanama from the accused Santosh and Gajanan as

well as to the clothes and samples of the accused. It is certainly surprising that for about 12 panchanamas starting from 28/01/2022 till end, police have carried out with the same panchas. Thus, the scope of these panchanamas come under the shadow of doubt which has to be explained by the prosecution.

12. The PW-4 is the IO who has merely stated technical aspect of investigation.
13. Considering the lack of evidence as pointed out above, the prosecution has failed to establish that the accused assaulted the complainant as well as his brother and caused injury as alleged. Hence, I answer point No. 1 in the negative.

As to Point No. 2 -

14. Considering overall evidence, the prosecution has failed to establish that the accused assaulted, abused, threatened, being part of unlawful assembly and thus, the prosecution has failed to establish that the accused have committed any offence as alleged. Hence, I answer point No. 2 in the negative and pass the following order -

ORDER

1]	The accused Ashru Kisan Dhawade, Santosh Shivnarayan Dhawade, Gajanan Kisan Dhawade and Shivnarayan Kisan Dhawade, All R/o. Chinchambabhar, Tq. Risod, Dist. Washim are hereby acquitted for commission of alleged offence punishable under Sections 307, 143, 147, 148, 149 r/w Section 34 of IPC in crime No. 46/2020 registered by Risod Police Station, vide Section 235(1) of Cr. P. C.
2]	The accused are on bail, their bail bonds stands cancelled and surety discharged.
3]	The accused to furnish PR bond of Rs. 5,000/- (Rupees five thousand only) each as per Section 437-A of Cr. P. C.

4]	The property i.e. two iron pipes, three iron tommyes be destroyed and the disposal of the property be carried out after the appeal period is over and only after seeking confirmation from the Registry of Hon'ble High Court of Bombay Bench at Nagpur that no appeal or other proceeding challenging this judgment is pending before the Hon'ble High Court.
5]	Inform to Police Station, Risod, Dist. Washim accordingly.
6]	The copy of the judgment be supplied to the District Magistrate, Washim.
7]	Sessions Trial No. 94/2021 stands disposed off.
	This Judgment dictated, delivered and pronounced in open Court.

Place :- Washim
Date :- 10/06/2026

(Anil Subramaniam)
Sessions Judge, Washim.

CERTIFICATE

I affirm that the contents of this PDF file word to word are same as per original judgment/order.

Name of Stenographer	:	A. W. Ajmire, Steno (G-II)
Court Name	:	Principal District & Sessions Judge, Washim.
Date of order/Judgment	:	10/06/2026
Judgment dictated on	:	09/06/2026
Transcribed and typed on	:	10/06/2026
Order/Judgment signed by Presiding Officer on	:	10/06/2026
Order/Judgment uploaded on	:	10/06/2026