

Presented on : 08/12/2021
 Registered on : 08/12/2021
 Decided on : 05/08/2026
 Duration : 04Y, 07M, 28D.

<u>Part-'A'</u> (Title Page of Judgment) <i>(Para 44 (ii) of Chapter VI of Criminal Manual)</i>		
		<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE,</u> <u>WASHIM</u> Present: J. P. Zapate, Additional Sessions Judge, Washim (Date of the Judgment: 05/08/2026) (Special Atrocity Case No. 67/2021) CNR No. MHWS010012982021
		Exh. No.52
Complainant/ Prosecution.		State of Maharashtra, Through Police Station, Malegaon, Dist. Washim. Crime No. 305/2020
Represented By		APP Mr. S. N. Kaloo for the prosecution.
Accused		Yogesh Jagjivan Mundhre Aged about 35 years, Occu. Agriculturist R/o. Malegaon Tq. Malegaon Dist. Washim.
Represented By		Adv. Mr. A. R. Deshpande and Mr. H. A. Bobabe for the accused.

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

Date of Offence	19/06/2020
Date of FIR	20/06/2020
Date of Charge-sheet	06/12/2021
Date of Framing of Charges	17/06/2022
Date of commencement of evidence	16/09/2025
Date on which judgment is reserved	--

Date of the Judgment	05/08/2026.
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.PC.
1	Yogesh Jagjivan Mundhre	18/08/20	12/01/22	Ss. 353,324, 504, 506, 341, 332 r/w 34 IPC and Ss. 3 (2) (va) SC & ST (Prev. of Atrocities)	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	Sarla Chandu Jadhav	Informant
PW-2	Rahul Sanjay Jadhav	Other witness
PW-3	Gajanan Mahadv Wani	Other witness
PW-4	Laxman Madan Navghae	Other witness
PW-5	Dr. Sandip Devrao Wadhve	Medical witness
PW-6	Aadharsing Sardarsing Sonune	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.	23	Report/FIR
2.	24	Printed FIR
3.	33	Letter issued by I.O. to M.O.
4.	34 & 35	Medical Certificates
5.	36	Letter
6.	37	Police query letter
7.	38	Query report
8.	42	Spot panchanama
9.	43	Seizure panchanama
10.	44	Duty chart

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	Stone

J U D G M E N T

(Delivered on this 5th of August 2026)

Accused Yogesh Jagjivan Mundhre stands prosecuted for the offence punishable under Sections 353, 324, 504, 506, 341, 332 r/w 34 of the Indian Penal Code and Section 3 (2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2) It is the prosecution story that informant Sarla Chandu Jadhav is residing at Malegaon and in the year 2020, she was working as a Corporator for ward No.8 of Malegaon city and her husband was working as a Chairman of Water Supply. On 19/06/2020 at about 8.00 a.m. her husband had been out of the house for work. She was present in the house. At that time at about 7.00 p.m. her brother-in-law Lalu Uttam Jadhav informed her on phone that her husband Chandu Jadhav was beaten by 15 to 20 persons at Shelu-phata and he has sustained injuries, therefore, he is admitted in Government Hospital, Malegon. Therefore, informant Sarla went in the hospital and saw that her husband was injured. Therefore, along-with her cousin Rahul Sanjay Jadhav, she was proceeded on motorcycle in police station. When she reached in front of Central Bank, at that time accused Yogesh Jagjivan Mundhre and one unknown person obstructed their motorcycle at about 7.30 p.m. Accused asked them to not to lodge report and they will settle the matter inter se. While talking with

them, accused Yogesh took the stone in his hand and inflicted its blow on the head of Rahul Jadhav and on his leg. Therefore, Rahul sustained bleeding injury. Therefore, the informant shouted loudly. Some police and some home-guards came there in uniform and rescued them from the clutches of accused, but the accused Yogesh and his friend beaten home-guards and hurled abuses to them and threatened to kill them by life. He doubted that she, her husband with 15 to 20 people beaten for pity reason, therefore accused Yogesh and his friend pelted stones on informant, which hit on the head of Rahul Jadhav and he sustained injury. Therefore, on the same day, she lodged FIR.

3) On the basis of which the present crime No. 305/2020 came to be registered and investigation is started on its own wheels. The Investigating Officer prepared panchanama of spot of incident, he referred injured for medical treatment, he collected injury certificate, he recorded statement of relevant witnesses, he seized stone and after completion of all formalities, he submitted charge-sheet before the Court.

4) Before framing of charge ld. APP opened the prosecution case under Section 225 of Cr.PC. After hearing both sides my ld. Predecessor framed Charge Exh.13. The charge was read over and explained to accused into vernacular to which they pleaded not guilty and claimed to be tried.

Evidence :

5) In order to bring home the guilt of the accused, prosecution have examined following witnesses. Prosecution have relied on following documents :-

A] **Oral Evidence :**

PW-1	Sarla Chandu Jadhav	Exh.22
PW-2	Rahul Sanjay Jadhav	Exh.25
PW-3	Gajanan Mahadv Wani	Exh.27

PW-4	Laxman Madan Navghae	Exh.29
PW-5	Dr. Sandip Devrao Wadhve	Exh.32
PW-6	Aadharsing Sardarsing Sonune	Exh.41

B] Documentary Evidence :

Report/FIR	Exh.23
Printed FIR	Exh.24
Letter issued by I.O. to M.O.	Exh.33
Medical Certificates	Exh.34 & 35
Letter	Exh.36
Police query letter	Exh.37
Query report	Exh.38
Spot panchanama	Exh.42
Seizure panchanama	Exh.43
Duty chart	Exh.44

6) The evidence of the prosecution side is closed by filing pursis below Exh.40.

7) After completion of prosecution evidence, statement of accused under Section 313 of Cr.P.C. came to be recorded below Exh.51. It reveals from the cross-examination of the prosecution witnesses that the defence of accused is of total denial and false implication in the case on the ground of political rivalry.

Arguments :-

8) It is argued by ld. APP Mr. S. N. Kaloo that the evidence of prosecutrix is supported by the evidence of PW-2 Rajhul Jadhav and two independent witnesses. Their injuries are proved. Weapon of offence is proved. Their evidence inspire confidence. Hence, they are praying for conviction of the accused.

9) Per contra, it is argued by ld. advocate Mr. H. A. Bobabe for accused that prosecutrix has not explained the delay to lodge FIR. Her FIR

is not proved by herself, because she has denied the lodging of FIR. Political rivalry is admitted by her. Injured witness PW-2 Rahul Jadhav was himself arrested by police and kept in custody for 28 days. The presence of police witness and home-guard is doubtful. Police have not traced the another person, who was allegedly present with accused. There were CCTV cameras to the Central Bank building which the alleged incident taken place. There were CCTV cameras of the police station, but the investigation officer has not seized and produced those CCTV footage. This itself create strong doubt about the prosecution story. Therefore, they are praying for acquittal of the accused.

10) Having heard, following points arise for my consideration together with my findings there on for the reasons recorded below :-

Sr. No.	Points	Decision
1)	Whether the prosecution proves that on 19/06/2020, at about 7.00 to 7.30 p.m. in front of Central Bank Malegaon, accused alongwith unknown accused in furtherance of their common intention assaulted public servant namely Laxman Madan Navghare – Home-guard by hand while he is discharging his duty as such public servant for with intent to prevent or deter such public servant from exercising his duty or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duties as such public servant and thereby committed an offence punishable under Section 353 r/w 34 of IPC ?	In the Negative
2)	Whether the prosecution proves that on the same date, time and place and during the course of same transaction, accused voluntarily caused hurt to Rahul Jadhav by means of stone and thereby committed an offence punishable under Section 324 of IPC ?	In the Negative
3)	Whether the prosecution proves that on the same date, time and place and during the course of	In the

	same transaction, in furtherance of their common intention, accused insulted the informant and thereby gave provocation to him intending that such provocation would cause the said person to break public peace and thereby committed an offence punishable under Section 504 r/w 34 of IPC ?	Negative
4)	Whether the prosecution proves that on the same same date, time and place and during the course of same transaction, in furtherance of their common intention, accused threatened Laxman Madan Navghare - Home-guard to cause his death and thereby committed an offence punishable under Section 506 r/w 34 of IPC ?	In the Negative
5)	Whether the prosecution proves that on the same same date, time and place and during the course of same transaction, accused along-with other unknown accused wrongfully restrained the informant and thereby committed an offence punishable under Section 341 r/w 34 of IPC ?	In the Negative
6)	Whether the prosecution proves that on the same same date, time and place and during the course of same transaction, in furtherance of their common intention, accused voluntarily caused hurt to Laxman Navghare – Home-guard, while he was discharging his duty as such public servant and thereby committed an offence punishable under Section 332 r/w 34 of IPC ?	In the Negative
7)	Whether the prosecution proves that on the same same date, time and place and during the course of same transaction, accused committed the offence against the informant knowing that the informant is a member of Scheduled Caste and accused is not the member of Scheduled Caste or Scheduled Tribe and thereby committed an offence punishable under Section 3 (2) (va) of SC & ST (Prevention of Atrocities) Act ?	In the Negative
8)	What Order ?	.. As per final order.

REASONS**As to Point Nos. 1 to all :-**

11) As discussed earlier, in order to bring home guilt to the accused, prosecution have examined 6 witnesses. The star witness is PW-1 Sarla Jadhav and PW-2 Rahul Jadhav. PW-1 Sarla is informant. She has stated that, "In the year 2020, she was working as Elected Member for Malegaon Nagar Panchayat and her husband was working as President of Water Supply Committee of Malegaon Nagar Panchayat. Incident taken place on 19/06/2020. On that day she was present in her house. She received mobile call of her brother-in-law. On that day her husband left house at about 10.00 a.m. for his work. She received mobile call of her brother-in-law at about 7.00 p.m. Her brother-in-law told her that 15 to 20 persons have beaten her husband Chandu and he is admitted in hospital. Therefore she went in Rural Hospital, Malegaon. Her husband was admitted in hospital and he sustained multiple injuries on head, hand and legs. Therefore alongwith his nephew Rahul, she was proceeding to police station Malegaon by motorcycle at that time accused Yogesh Mundre stopped their motorcycle on the road. Its time was 7.00 to 7.30 p.m. He asked her to compromise the matter, and thereafter he hurled abused to her. Accused Yogesh inflicted blow of stone on the head and leg of Rahul due to which Rahul sustained bleeding head injury. So she shouted loudly. This incident taken place in front of Central Bank. Due to her hue and cry some police and home-guards came there and they rescued them. Accused also assaulted one of the home-guard. Thereafter alongwith Rahul she went in Malegaon Police Station and lodged the report Exh.23. She identified the accused present before the court. At the time of incident the accused was accompanied with another person. Printed FIR Exh.24 shown to her, is the same. It bears her thumb impression. Contents are true and correct."

12) However, her cross-examination shows that, she is having no

knowledge about the president of Shiv-sangram party. They were representing to Shiv-sangram party. Her cross-examination shows that various shops are situated adjacent to both sides of road of spot of alleged incident. At the time of incident CCTV camera were available at Central Bank building. At police station also CCTV camera were installed. Malegaon police station is just abutting and adjacent to Central Bank. She cannot tell how many police and how many home-guards came on the spot of incident at the time of incident. After the incident, police took accused to police station immediately. She has stated that, “it did not happen that at about 2.30 a.m. on the day of 20/06/2020, she went in police station and lodged FIR. After two – three days of incident police came in hospital at Washim and they recorded her statement and they took her signature below her statement.” However, the printed FIR shows that she lodged FIR on 20/06/2020 at about 2.31 a.m. and her typed FIR is dated 19/06/2020. When she had denied that she did not lodge FIR on the given date, it creates doubt whether FIR was lodged or not. No doubt, her report is of dated 19/06/2020 was signed by her. But she has stated that after 2 -3 days of the incident police recorded her statement and taken signature. So this FIR is also doubtful. She has stated that no local person gathered there. As per her version at about 7.30 p.m. the incident taken place in front of Central Bank and Police Station, then whether it can be believed that no local persons gathered there. It is her case that police and home-guards came on the spot of incident. But she is unable to told how many police and home-guards are present there.

13) PW-2 Rahul Jadhav has stated that, “Informant Sarla is his aunty and Chandu Jadhav is his uncle. In the year 2020 Sarla and Chandu were elected in Nagar Panchayat Election. Chandu was working as a Chairman of Water Supply Committee. In the year 2020 he was working as agricultural labour with his uncle’s agricultural land. He does not know the

name Yogesh Mundre. But he can identify the assailants by face. The accused sitting in the Court had assaulted him. The incident taken place on 19/06/2020. His wife told him that somebody has beaten his uncle Chandu and he is admitted in hospital and his aunty is present in the hospital. Therefore she went in the Government Hospital. Thereafter by motorcycle he and his aunty stated proceeding towards police station. In front of Central Bank accused obstructed their motorcycle and stopped them. The accused asked them to settle the matter. On their refusal the accused inflicted blow of stone on his head and leg due to which he sustained bleeding injury. His aunty shouted loudly therefore police and home-guards came there. Another person was accompanied with accused. He beaten to home-guard. Police took accused in police station. They also went in police station. His aunty lodged report. Police recorded his statement. Accused present before the Court is the same.”

He has stated in cross-examination that, “blood was fallen on the spot of incident and his Shirt was stained with blood. He has also stated that no local persons were gathered on the spot of incident. He cannot tell how many police and home-guards reached on the spot of incident. In fact the police kept him in lock-up and he was sent in Jail for 28 days. PW-1 Sarla Jadhav has stated that she did not know whether P. I. - Sonune was present in the police station, but PW-2 Rahul Jadhav has stated that when they went in police station P. I. - Sonue was present there.

14) After considering the evidence of PW-1 Sarla Jadhav and PW-2 Rahul Jadhav, it reveals that there arises possibility of political rivalry due to the president of Shiv-sangram Party. Admittedly the informant and her husband are political persons. Since they were Corporator at the time of alleged incident. Admittedly Ganesh Verma was known to her. It cannot believe that they did not know numerical position of police and home-guards came on the spot of incident. More important thing is that police

and the Investigating Officer did not collect CCTV footage of the incident, from CCTV cameras were installed at the Central Bank and police station premises. That was strong primary evidence, but it is not placed before the Court. Therefore, it constrained the Court to draw adverse inference against the prosecution story. In the case of *Tomaso Bruno Vs. State of U. P. reported in 2015 Cr.L.J. 1690*, the Hon'ble Apex Court held that even though the CCTV footage were available and these were not collected and produced before the Court, hence CCTV footage might have gone against the prosecution. Hence not produced. But in the case at hand, same position is there. Therefore, in the absence of CCTV footage, the evidence of PW-1 Sarla Jadhav and PW-2 Rahul Jadhav does not raise confidence.

15) PW-3 Gajanan Wani is A.S.I. He has stated that Rahul Jadhav sustained head injury, because accused Mundhre nabbed collar of home-guard Laxman and slapped him. Another one unknown person inflicted blow of stick on the head of home-guard Laxman Navghare. He has stated that Sarla Jadhav and her husband Chandu Jadhav were elected member of Nagar Parishad, hence he know them. Accused Yogesh was Social worker, when he knows him. But in cross-examination he stated that, "on that day, he was performing night duty in police station and its scheduled time was 10.00 p.m. to 5.00 a.m. Then question arises for what purpose and how he went in police station at about 7.30 p.m. His statement also recorded belatedly.

16) PW-4 Laxman Navghare has stated that Rahul was in injured conditions. Accused Yogesh Mundre slapped him. That unknown person inflicted blow of stick on his head. He has stated that he attended Malegaon police station at about 20.00 hours at that time Mahale Saheb was present in the police station. When he attended Malegaon police station at about 20.00 hours at that time accused Yogesh Mundre was present in the police station. He cannot tell exact time on which they were referred to medical

treatment. The stick by which he was assaulted was fallen on the spot of incident. He has also stated about availability of CCTV footage. He has stated that there was dark night and there was darkness. The incident had taken place at about 7.30 p.m. He had attended in police station at about 8.00 p.m., then how he was present on the spot of incident at about 7.30 p.m. So far as regards, the evidence of PW-3 Gajanan Wani and PW-4 Laxman Navghare is concerned, it reveals that their presence on the spot of incident is doubtful. More so, since 8.00 p.m. accused was present in the police station. The police have not arrested that unknown person and also have not seized the stick. They had not seized the blood stains clothes of the accused.

17) By examining PW-5 Dr. Sandip Wadhve, the injuries of Rahul and Laxman are proved, but doctor has stated that injuries of Rahul are possible by fallen on hard and blunt surface. There was no superficial injury to Laxman, when it is the case of Laxman that blow of stick on the head of unknown person, then question arises as to how he does not sustain superficial injury. This aspects goes against his version. The injury of Rahul are possible by fallen. Therefore, doubt arises.

18) PW-6 Aadharsing Sonune is the Investigating Officer. He has stated about the seizure panchanama. But he has not seized the stick from the spot of incident, which were lying on the spot of incident. He has not collected CCTV footage. He did not arrest the accused for 6 months, even though he was present in the police station on the day of alleged incident. He has stated that on that day, crime was registered against the informant and her family members for beating to Mahadeo Khadse. He has stated that cameras were not installed there. So all these infirmities goes against the prosecution.

19) The sum and substance of above discussion is that the alleged FIR is not proved. CCTV footage are not produced. Stick and blood stains

shirt are not seized. Doctor's evidence fortified second possibility. The presence of PW-3 Gajanan Wani and PW-4 Laxman Navghare is doubtful. In such circumstances, doubt arises about the prosecution story. It is settled position of law that whenever doubt arises then its benefit must be given to the accused, because surmises and supposition cannot take place of proof howsoever they strong may be. In such circumstances, I am constrained to held the accused not guilty. Therefore, I record my findings in the negative as to point Nos. 1 to 5 and pass following order :-

ORDER

1. The accused **Yogesh Jagjivan Mundhre** is acquitted of the offences punishable under Sections 353, 324, 504, 506, 341, 332 r/w 34 of the Indian Penal Code and Section 3 (2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, vide section 235 (1) of Cr.P.C.
2. The bail bond of accused stands cancelled and surety discharged.
3. Muddemal property Stone being worthless be destroyed, after appeal period is over.
4. The accused is hereby directed to execute bail bonds of Rs. 25,000/- (Rs. Twenty five thousand only) with one solvent surety in the like amount in compliance with the provision of Section 437 (A) of Cr. P. C.

(Judgment dictated, delivered and pronounced in open Court).

Place :- Washim
Date :- 05/08/2026.

(J. P. Zapate)
Additional Sessions Judge,
Washim.

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Judgment

Spl. Atro. Case No. 67/2021
State Vs. Yogesh Mundhre

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	:- Nitin B. Khandare, Stenographer (Grade-1)
Court Name	:- District Judge-1 & Additional Sessions Judge, Washim
Judgment/Order Date	:- 05/08/2026
Dictated on	:- 05/08/2026
Typed on	:- 05/08/2026
Judgment/Order checked and signed by the Presiding Officer on	:- 05/08/2026
Judgment/Order uploaded on	:- 05/08/2026