

<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: 00/06/2026] [Sessions Case No. 141/2019] CNR No. MHWS010032192019	
	Exh. No.65	
Complainant		State of Maharashtra through Police Station, Malegaon Tq. Malegaon, Dist. Washim. Crime No. 294/2016
Represented By		A.P.P. Smt.M.T.Misar
Accused		1]Ramjan Kanaiya Gaure Aged about 50 years, Occup. Labour 2]Munir Piru Gaure Aged about 24 years, Occup. Labour 3]Javed Ramjan Gaure Aged about 24 years, Occup. Labour All r/o Medshi, Tq. Malegaon, Dist. Washim
Represented By		Adv. Mr. Z.G.Shaikh for accused.

<u>Part – 'B'</u> <i>(Para 44 (ii) of Chapter VI of Criminal Manual)</i>	
Date of Offence	13/09/2016
Date of FIR	13/09/2016
Date of Charge-sheet	18/12/2019
Date of Framing of Charges	06/03/2025
Date of commencement of evidence	02/09/2025
Date on which judgment is reserved	23/06/2026
Date of the Judgment	23/06/2026
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.P.C.
1)	Ramjan Kanaiya Gaure	13/09/16	15/10/16	Ss. 353, 332, 323, 504 and 506 r/w 34 IPC.	Convicted u/ 323 of IPC and released on probation.	Nil	Not applicable.
2)	Munir Piru Gaure	10/09/17	19/10/16	--do--	Acquitted	Nil	Not applicable.
3)	Javed Ramjan Gaure	14/03/18	14/03/18	--do--	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	Pravin Gopalji Sanap	Informant
PW-2	Nitin Nivrutti Shringare	Eye Witness
PW-3	Prasad Pradip Pathak	Other Witness
PW-4	Dipak Somaji Wankhade	Eye Witness
PW-5	Avinash Rustamrao Ghuge	Eye Witness
PW-6	Santosh Mahadev Ghuge	Other Witness
PW-7	Sukeshani Uttamrao Jamdade	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.27/PW-1	Report
2.	Exh.28/PW-2	Printed FIR
3.	Exh.36/PW-4	Spot panchanama
4.	Exh.50/PW-7	Arrest panchanama
5.	Exh.51/PW-7	Arrest panchanama
6.	Exh.52/PW-7	Arrest panchanama
7.	Exh.53/PW-7	Contents of Portion mark A recorded in statement of witness Santosh Mahadeo Ghuge.
8.	Exh.54/PW-7	Contents of Portion mark A recorded in statement of witness Prasad Pradip Pathak.
9.	Exh.55/PW-7	Office copy of letter given to Forest Officer.
10.	Exh.56/PW-7	Office copy of letter in accordance to documents provided.

B. Defence :

Sr. No.	Exhibit Number	Description
1.	Exhibit 57/PW-7	Portion mark A recorded in statement of Nitin Shrungare.

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1.	Exhibit	Nil

D. Material Objects :

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

:: J U D G M E N T ::

(Delivered on this 23rd day of June 2026)

The accused are facing the trial for the offences punishable under Sections 353, 332, 323, 504 and 506 r/w 34 of the Indian Penal Code (*hereinafter referred for the sake of brevity as 'IPC' for short*).

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

2] The informant is working as Forest Guard. On 13/09/2016 there was meeting in Range Forest Office, Medshi and the informant along-with Avinash Ghuge and one villager Santosh Mahadev Ghuge were present in the office for attending the meeting. The informant had reached the office before time and meeting was not going to start immediately so he along-with some forest guards went to Maharashtra Hotel at Medshi bus stand for having breakfast. When they were having breakfast accused Ramjan Gaure, Munir Gaure and one more

unknown person came there and have started assaulting the informant. Accused Ramjan had assaulted the informant on his right eye and on other parts of body by fist and kick blows. Other accused Munir had assaulted Santosh Ghuge by slapping and by fist blows. Accused had also threatened to kill him. The informant had restrained accused no.1 from entering the forest for collecting wood. Being aggrieved by the same accused persons has assaulted him in the public place while he was discharging his official duties and had obstructed his official work. As such, the informant was constrained to file report against the accused.

3] On the basis of aforesaid report, crime No.296/2016 was registered at police station, Malegaon. PSI S. U. Jamdade PW-7 carried out the investigation of the said crime. During investigation, the investigating officer visited the spot and had prepared the spot panchanama(Exh.36). She recorded the statement of the witnesses as per their versions. She collected the documents about the fact that informant was discharged his official duty. She arrested the accused and after completion of investigation she had filed charge-sheet against them for the offences punishable under Sections 353, 332, 323, 504 and 506 r/w 34 of IPC.

4] The cognizance of the offences was taken by the Id. Judicial Magistrate First Class, Malegaon for the aforesaid offences. Out of these offences, as all the offences with which accused were charged were exclusively triable by the Court of Sessions, the Id. Magistrate after complying with the provisions of Section 207 of Cr.P.C. has committed the case for trial to this Court by order dtd.20/11/2019.

5] The charge Exh.21 was framed by my ld. Predecessor against the accused for the offences punishable under sections 353, 332, 323, 504 and 506(ii) r/w 34 of IPC. It was read over and explained to the accused in vernacular. They had pleaded not guilty vide Exh.22 to 24 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 seven witnesses referred in Part - C above and had closed their side by pursis Exh.33. Besides oral evidence, the prosecution has relied upon the documents referred in Part-C above. The statement of the accused under section 313 of Cr.PC came to be recorded by Exh.59 to 61. The defence of the accused are of total denial and false implication. The accused did not adduce any evidence in rebuttal.

7] Heard ld. A.P. P. Smt. M.T. Misar for the prosecution, ld. Adv. Mr. Z.G.Shaikh for accused at length.

8] On perusal of charge, evidence on record, statement of accused under Section 313 of Cr.PC. 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 13/09/2018 at about 9.45 p.m. at village Medshi, Tq.Malegaon, accused in furtherance of their common intention assaulted to informant a public servant, in execution of his duties as such public servant, with intent to prevent him from discharging his duty of preparing his work ?	No.

2)	Does the prosecution prove that on the aforesaid date, time and place, accused in furtherance of their common intention voluntarily caused hurt to informant a public servant while he was discharging his duties as such public servant ?	No.
3)	Does the prosecution prove that on the aforesaid date, time and place, accused in furtherance of their common intention voluntarily caused hurt to informant and witnesses ?	Yes, against accused No.1 Ramjan and No against other accused.
4)	Does the prosecution prove that on the aforesaid date, time and place, accused in furtherance of their common intention intentionally insulted the informant and thereby gave provocation to him intending or knowing it to be likely that such provocation will cause him to break public peace or commit any other offence ?	No.
5)	Does the prosecution prove that on the aforesaid date, time and place, accused in furtherance of their common intention committed criminal intimidation by threatening the informant to kill him ?	No.
6)	What order ?	As per final order.

REASONS

As to Point Nos. 1 to 3 :-

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

10] From the evidence which is come on record Ld.APP argued that the informant has deposed about the entire incident. Though this witness was cross-examined at length still no material document has come on record in his cross-examination. The evidence of informant is

corroborated by the evidence of Nitin PW-2 and Avinash PW-5. IO has filed on record necessary documents to prove that the informant was a public servant and was discharging his official duty. Spot panchanama (Exh.36) is proved by the IO. Thus, the prosecution has proved the guilt of the accused beyond reasonable doubt and accused needs to be convicted.

11] On the other hand, it is argued by Ld. Advocate for the accused that prosecution has failed to prove that the informant was public servant and was discharging his official duty at the time of incident. No independent witness have supported the case of the prosecution. The witnesses examined by the prosecution are interested witnesses and they have deposed before the Court to safeguard the interest of the informant. There are material contradictions in the evidence of prosecution witnesses. Panch has not supported the prosecution case. Thus, the version of the informant about the incident is doubtful. Though, the informant has stated that he was assaulted by the accused on his right eye still the said injury is not proved by the prosecution. Thus, the accused have been falsely implicated in the present case. None of the offence levelled against the accused have been proved. Thus, the prosecution has utterly failed to prove the guilt of the accused and they need to be acquitted.

12] In order to prove the guilt of the accused the prosecution has examined in all seven witnesses. Pravin Sanap PW-1 is the informant and he has specifically deposed that he is working as forest guard in Bhourad since 2016. On the day of incident i.e. on 13/09/2016 he went to attend one meeting in the Forest Office at Medshi. Said meeting was scheduled at 10.30 a.m. and as the meeting

was not going to start immediately this witness along with other officer Nitin Shringare PW-2 and Avinash Ghuge PW-5 and Santosh Ghuge PW-6 went to have breakfast at one hotel near Medshi bus stand. When they were having their breakfast accused Ramjan and Munir and one more person came there. Accused Ramjan assaulted this witness with fist blow on his right eye. So also he had assaulted this witness with fist and kick blows. This witness has identified accused Ramjan before the Court and has specifically deposed that he is person who had assaulted him. As such, this witness lodged report of the incident Exh.27.

13] The version of this witness is corroborated in the material particulars by the evidence of Nitin Shringare PW-2 and Avinash Ghuge PW-5. These witnesses have narrated the same incident in the same sequence. So also they have identified the accused before the Court. Witness Avinash Ghuge PW-5 have deposed that as the informant did not allow accused to collect the wood from the forest accused Ramjan has assaulted the informant on his right eye by slapping him.

14] To bring home the guilt of the accused under sections 353 and 332 of the Indian Penal Code, the prosecution has to prove following ingredients :-

- (i) *The person assaulted/ or to whom hurt was caused was a public servant;*
- (ii) *That person was acting in the exercise of his duties as such a public servant;*
- (iii) *The assault or criminal force used against such public servant or the hurt caused to him was intended to prevent or deter him from discharging his duty as a public servant.*

15] As far as spot of incident is concerned, informant as well as other witnesses have specifically deposed that there was one hotel at the bus stand. IO had prepared spot panchanama of the said spot. Panch witness Dipak Wankhade PW-4 has not supported the prosecution. Investigating Officer S. U. Jamdade PW-7 has deposed to have prepared spot panchanama (Exh.36) in presence of panch on the spot of incident. The said fact is not disputed by the accused and no suggestion was given to the IO in her cross-examination that she has not prepared spot panchanama (Exh.36) on the spot of incident. Thus, there is no material on record to doubt the version of the IO that she has prepared the spot panchanama on the spot of incident. Version of IO in this regard appears to trustworthy and accordingly I have come to the conclusion that prosecution has proved the spot panchanama (Exh.36).

16] To prove that the informant was public servant and he was discharging in his official duty at the time of incident, informant has categorically deposed that on 13/09/2016 he was working as forest guard in Bhourad Beet and on the day of incident he went to Range Forest office at Medshi for attending the meeting. The said fact is also deposed by Nitin PW-2 and Avinash PW-5. Further IO has stated that she had given letter Exh.55 to the Range Forest Officer for obtaining documents about the meeting and the Range Forest Officer has supplied the said letter i.e. Exh.56 to her. On perusal of Exh.56 it appears that Range Forest officer had scheduled meeting on 13/09/2016 in morning at about 10.30 a.m. in Range Forest office in his chamber and all the forest guards were directed to attend the same. From letter Exh.56 filed on record it appears that it is general letter

issued to all the forest guards and only from the said letter no inference can be drawn that the informant was working as forest guard. The prosecution has not filed on record any document to show that on the day of incident the informant was working as forest guard. Neither his I- Card nor any other document is filed on record to show that he is working as forest guard on the day of incident. It also needs to be appreciated that the spot of incident alleged by the prosecution is one hotel situated at Medshi bus stand. The informant and other witnesses went to the said hotel for having breakfast i.e. for their personal work. Thus, it cannot be said that on the said spot, informant was discharging his official duty. In view of aforesaid discussion I have come to the conclusion that the prosecution has failed to prove that on the day of incident informant was working as public servant and at the time of incident he was discharging his official duty.

17] It is further case of the prosecution that the accused persons have assaulted the informant on his right eye and had also assaulted him by fist and kick blows. As far as said allegations are concerned, informant PW-1 has stated that when they were having breakfast accused Ramjan, Munir and more accused came there and they assaulted this witness on his right eye on fist blow. So also they have assaulted him by slapping and by fist blows. Further in his evidence this witness has identified accused Ramjan as the person to had assaulted him. Nitin PW-2 had also deposed that all the three accused had come there and they have assaulted the informant and had abused him. This witness has not specifically deposed on which part of the body accused had assaulted the informant. Avinash Ghuge PW-5 have deposed that all the three accused came to the hotel and

they started assaulting the informant with fist and kick blows and accused Ramjan had assaulted the informant on his right eye by slapping him. So also they have abused in intimidated the informant. All the three witnesses have stated about the presence of one more witness Santosh Ghuge. Santosh Ghuge PW-6 was examined by the prosecution however, he has not supported the prosecution case.

18] The Ld. Advocate for accused has argued that there are contradictions in the evidence of prosecution witnesses about the assault by accused to the informant and considering this contradictions it cannot be said that prosecution has proved its case beyond reasonable doubt. If at all evidence of prosecution witnesses is considered, then it appears that though the informant PW-1 has stated that Ramjan had assaulted him with fist blow on his right eye still no other witness has stated the said fact. However, witness Avinash Ghuge PW-5 has stated that accused Ramjan has assaulted the informant on his right eye by slapping him. So also though witness Nitin PW-2 has not stated that accused Ramjan had assaulted the informant on his right eye still he had stated that this accused had assaulted the informant. As far as contradictions in the evidence of informant and Avinash PW-5 are concerned, these contradictions are only about use of fist blow or by slapping. However, the evidence of both these witnesses regarding assault by accused Ramjan on the right eye of the informant is consistent. Witness Nitin PW-2 has simply deposed that accused have assaulted the informant. He has not specifically deposed which accused had assaulted the informant on which part of the body. Informant had specifically identified accused Ramjan as the person who has assaulted him and his version in this regard is corroborated by

evidence of Avinash PW-5. As far as assault by other accused persons is concerned, informant has not identified them as persons who had assaulted him and there is no specific evidence as which accused had assaulted the informant on which part of the body.

19] It is further argued by Ld. Advocate for accused that the prosecution has not proved the injury caused to the informant by examining the doctor. As argued by Ld. Advocate for accused it appears that prosecution has not examined doctor and there is no medical evidence on record regarding the injury caused to the informant. However, from the evidence of the informant and other witnesses as discussed above, it can be inferred that accused Ramjan had assaulted the informant on his right eye and hurt was caused to him.

20] In light of aforesaid discussion I have come to the conclusion that the prosecution has failed to prove that the informant was working as public servant on the day of incident and was discharging his official duty on the spot of incident. However, the prosecution has succeeded to prove that the accused Ramjan had assaulted informant on his right eye with an intention to cause hurt to him. Thus, the ingredients of offence punishable under Section 323 of IPC are proved only against the accused no.1. As far as accused no.2 and 3 are concerned, no clear evidence is come on record about these accused assaulting the informant. Hence, benefit of doubt needs to be given to the other two accused. Thus, I have come to the conclusion that no offence are proved against accused no.2 and 3 and it is proved that accused no.1 has committed an offence punishable under Section 323 of IPC. Accordingly, I answer point no.1 and 2 in the negative and point no.3 in partly affirmative.

As to point no.4 & 5 :

21] As far as charges of causing intentional insult and grave provocation to cause breach of public peace and criminal intimidation to the informant are concerned, though the informant and other witnesses have deposed that accused had abused the informant and threatened him still none of them have deposed the exact abusive words or the sentence used by the accused. Similarly, none of the witness have deposed the threatening language used by the accused and whether that language was sufficient to cause alarm to the informant and deter him from performing his official duty. Accordingly, I have come to the conclusion that the prosecution has failed to bring on record reasonable evidence to prove the charges levelled against the accused of insulting the informant with intent to provoke him to breach public peace and threatening the informant with intention to cause alarm to him or to prohibit him from doing any act which he was legally bound to do. Accordingly, I answer point no.4 and 5 in negative.

As to point no.6 :

22] After going through the entire evidence I have come to the conclusion that prosecution failed to prove the offences punishable under Sections 352, 332, 504 & 506 of IPC against all the accused. So also prosecution has failed to prove that accused no.2 and 3 have committed an offence punishable under Sections 323 of IPC. However, prosecution has succeeded to prove that accused no.1 has committed an offence punishable under Sections 323 of IPC. In such

circumstances I take pause here to hear the accused No.1 on the point of sentence.

Date:- 23/06/2026

(M. S. Sahasrabudhe)
Additional Sessions Judge
Washim.

23] I have heard learned advocate Shri. Z.G.Shaikh for the accused No. 1 and learned APP Smt. M.T. Misar for the State on the point of sentence. It is submitted on behalf of the accused that accused No.1 is the sole earning member of his family. He does not have any criminal antecedents and hence lenient view may kindly be taken and he be released by giving benefit under the Probation of Offenders Act. Learned APP has not opposed the grant of benefit to the accused under the Probation of Offenders Act.

24] Considering submissions of both the sides, so also considered that accused does not have criminal antecedents and considering the punishment prescribed for the offence under section 323 of IPC is imprisonment up to one year or fine upto Rs.1,000/- or both, it can be very well be ascertained that accused No.1 comes within the ambit of section 4 of the Probation of Offenders Act. The accused no.1 resides within the jurisdiction of this Court and has his house in the said locality. Admittedly, the dispute between accused and the informant was restricted to his personal interest and was not a threat to the society. Having due regard to the prescribed punishment for the offense, age of the accused and other circumstances, there is no reason to refuse benefit under section 4 of the Probation of

Offenders Act to him. So far as, the compensation is concerned, no doubt it is necessary to compensate the informant for the injury sustained by him. Nature of the injury sustained by the informant was simple in nature. Hence, the following order would meet the ends of justice:-

ORDER

- 1] Accused No.1 **Ramjan Kanaiya Gaure** is found guilty of an offence punishable under section 323 of the Indian Penal Code, 1860. Instead sentencing the accused at once, he is released on executing bond along-with surety of Rs.50,000/- (Rs. Fifty thousand only) for two years under section 4 of the Probation of Offenders Act, 1958.
- 2] Accused No.1 **Ramjan Kanaiya Gaure** is acquitted under section 235(1) of Cr.P.C. for offences punishable under sections 353, 332, 504 & 506 of the Indian Penal Code, 1860.
- 3] Accused No.2 **Munir Piru Gaure** & No.3 **Javed Ramjan Gaure** are acquitted under section 235(1) of Cr.P.C. for offences punishable under sections 353, 332, 323, 504 & 504 r/w 34 of the Indian Penal Code, 1860.
- 4] Accused No.1 **Ramjan Kanaiya Gaure** is directed to pay Rs.1,000/- (Rs. One thousand only) towards compensation under section 5 of the Probation and Offenders Act, 1958 within two weeks to be paid to the informant Pravin Gopalji Sanap.

- 5] The bail bonds of accused stand cancelled.
- 6] Accused No.2 **Munir Piru Gaure** & No.3 **Javed Ramjan Gaure** are further directed to furnish bail bond along-with surety of Rs.25,000/- (Rs.Twenty five thousand only) each in compliance of provision under Section 437-A of Cr.P.C. The bail bonds of the accused shall remain inforce for the period of six months from the date of this order to secure their appearance before the Higher Court, if appeal is preferred.
(Dictated and pronounced in open court.)

Place : Washim
Date : 23/06/2026

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

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 :- 23/06/2026

Order signed by the

Presiding Officer on :- 23/06/2026

Order uploaded on :- 23/06/2026