

R. C. C. No. 80/2023

State Vs. Champat.

Received on 28/06/2023

Registered on 28/06/2023

Decided on 30/03/2026

Duration 2Y, 9M, 2D.

Exhibit No. 48**Part 'A'**

MHYA100008542023 	IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, KELAPUR, DIST. YAVATMAL.	
	Present	Smt. A. M. KASIM, Judicial Magistrate First Class, Kelapur, Dist. Yavatmal.
	Date of Judgment	30 th March, 2026
	Case Number	R.C.C. 80/2023
	Details of F.I.R./Crime No., Police Station.	Crime No. 309/2023, Police Station, Pandharkawada, Tq. Kelapur, Dist.Yavatmal.
Complainant		State of Maharashtra, Through P.S.O., Pandharkawada.
REPRESENTED BY	NAME OF THE ADVOCATE	Shri. P.S. Gajbhiye, A.P.P.
ACCUSED	NAME WITH ALL PARTICULARS (A1)	1) Shri. Champat Somaji Karluka Age : Adult, Occ.: Labour, R/o. Vrundawan Takali, Tq.Kelapur, Dist.Yavatmal
REPRESENTED BY	NAME OF THE ADVOCATE	Shri. V. A. Sancheti

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

Date of offence	09/03/2023
Date of F.I.R.	09/03/2023
Date of charge-sheet	28/06/2023
Date of framing of Charge	22/04/2024
Date of Commencement of evidence	29/05/2024
Date on which judgment is reserved	30/03/2026
Date of the judgment	30/03/2026
Date of the sentencing Order, if any.	-----

Accused Details

R an k of th e ac cu se d	Name of Accused	Date of Arre st	Date of Releas e on Bail	Offences charged with	Whether acquitted or convicted	Sente nce impos ed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
1.	Shri. Champat Somaji Karluka	--	28/06/ 2023	Offence Punishable u/s. 324,504, 506 of the Indian Penal Code 1860	Convicted	As per final Order	--

Part 'C'**(LIST OF PROSECUTION/DEFENCE/COURT WITNESSES)****A. Prosecution :**

RANK	NAME	NATURE OF EVIDENCE
PW1	Smt. Sangita Rambhau Karluka	Informant

RANK	NAME	NATURE OF EVIDENCE
PW2	Shri. Maroti Motiram Parchake	Spot & Seizure Panch
PW3	Smt. Sunita Bhujang Karluke	Witness
PW4	Shri. Rambhau Dhularam Karluke	Witness
PW5	Shri. Bhaskar Devrao Yesambare	Spot & Seizure Panch
PW6	Dr. Trupti Thakare	Medical Officer
PW7	Shri. Sunil Rajeshwar Kuntawar	Investigating Officer

B. Defence Witnesses, if any : NIL.

RANK	NAME	NATURE OF EVIDENCE
NIL.	NIL.	NIL.

C. Court witnesses, if any : NIL.

RANK	NAME	NATURE OF EVIDENCE
NIL.	NIL.	NIL.

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

Sr.No.	Exhibit Number	Description
1.	Exh. P-19/P.W.1	Report
2.	Exh. P-20/P.W.1	F.I.R.
3.	Exh. P-34/P.W.5	Notice
4.	Exh. P-35/P.W.5	Spot & Seizure Panchanama
5.	Exh. P-38/P.W.6	Requisition Letter
6.	Exh. P-39 & 40/ P.W.6	Injury Report
7.	Exh. P-41/P.W.6	Query Report
8.	Exh. P-44/P.W.7	Query Letter

B. Defence : NIL.

Sr.No.	Exhibit Number	Description
NIL.	NIL.	NIL.

C. Court Exhibits :

Sr.No.	Exhibit Number	Description
NIL.	NIL.	NIL.

D. Material Objects :

Sr.No.	Material Object Number	Description
01.	O.P. No. 17/2024, Article B	Wooden Stick

J U D G M E N T

(Delivered on 30th day of March, 2026)

The accused is charge sheeted for an offence punishable under section 324, 504, 506 of the Indian Penal Code (herein after referred to as the 'IPC' for brevity).

02. On 09/03/2023 at about 12.00 noon, the informant and Sunita Bhujangrao Karluka had gone to the field. At that time, accused Champat Karluka was present on the embankment of the dam. Sunita Karluka asked the accused what problem would arise if they took the bullocks to the water source to give them water and why he was quarrelling with them without any reason. Thereafter, the accused picked up a stick used for catching prawns and assaulted Sunita Karluka by hitting her on her left hand, waist and right knee, thereby causing injuries. At that time, the

informant intervened and requested the accused not to beat Sunita Karluke. However, the accused then struck the informant with the same stick on her head, due to which bleeding started, and he also hit her on her right palm, causing swelling. Thereafter, the informant picked up the stick and threw it away. Both of them ran towards the village. At that time, the accused chased them and threatened to kill them and cut them into pieces, and also abused them in filthy language. Hence, this report.

03. On the basis of First Information Report of the informant, Pandharkawada Police registered an offence vide crime no.309/2023 for the offence punishable under section 323, 324, 504, 506 of the IPC. The Sunil Rajeshwar Kuntawar Police Head Constable, B.No. 1212 Police Station Pandharkawada investigated the matter. During the course of investigation, the Investigating Officer obtained the medical documents, prepared panchnamas, and recorded the statements of the witnesses and ultimately, the charge sheet was submitted for the alleged offences.

04. I have framed the charge for the offence punishable under section 324, 504, 506 of IPC against the accused vide Exh. 12. The accused pleaded not guilty and claimed to be tried. This plea is recorded separately at Exh. 13. His defence is of total denial and false implication in the case. No defence witness was examined by the accused side. The statement of accused u/s 313 (1)(b) of the Code of Criminal Procedure recorded vide Exh.46.

05. From the facts and material on record, following points arise for my determination and I recorded my findings against each of them for the reason mentioned below :-

Sr. no.	Points For Determination	Findings
01.	Does the prosecution prove that accused on 09/03/2023 at about 12.00 noon at Vrundawan Takali, Tq. Kelapur, voluntarily caused hurt to the informant Sangita Karluka and Sunita Karluka by means of stick and thereby committed an offence punishable under section 324 of IPC ?	Yes To the extent of injury to informant.
02.	Does the prosecution prove that accused on the aforesaid date, time and place insulted the informant to break the public peace and thereby committed an offence punishable under section 504 of IPC ?	No
03.	Does the prosecution prove that accused on the aforesaid date, time and place committed criminal intimidation by threatening the informant to kill her with intent to cause alarm to to her and thereby committed an offence punishable under section 506 of IPC ?	No
04.	What order?	As per final order

REASON

06. In order to substantiate the case prosecution has examined in all seven witnesses viz. Informant Sangita Rambhau Karluka (PW-1) at Exh. 18, Spot and Seizure Witness Maroti Motiram Parchake (PW-2) at Exh. 22, Sunita Bhujangrao Karluka (PW-3) at Exh. 24, Rambhau Dularam Karluka (PW- 4) at Exh. 32,

Spot and Seizure Witness, Bhaskar Devrao Yesbare (PW-5) at Exh.33, Dr. Trupti Thakare, Medical Officer (PW-6), at Exh. 37, Investigating officer, Sunil Rajeshwar Kuntawar, (PW-7) at Exh.42. Thereafter, prosecution closed their side of evidence.

POINT NO. 1 :-

07. To bring home an offence punishable under Section 324 of the Indian Penal Code, the prosecution must establish, beyond reasonable doubt, that the accused voluntarily caused hurt to the informant by means of a dangerous weapon. The prosecution case is founded substantially on the oral testimony of the informant and the alleged eyewitnesses. Hence, their evidence must inspire confidence and must withstand strict judicial scrutiny. In order to prove its case, the prosecution has examined in all seven witnesses.

08. Sangita Rambhau Karlake(PW-1), the informant and injured witness, deposed that on 09/03/2023 at about 12.00 noon she along with Sunita had gone to the field and at that time the accused was present on the embankment near the stream. She deposed that Sunita questioned the accused as to why he was unnecessarily quarrelling when the bullocks had been taken for drinking water. Thereafter, the accused picked up a stick used for catching prawns and assaulted Sunita by hitting her on her waist, back, hand and leg. She further deposed that when she intervened to rescue Sunita, the accused struck her on her head with the said stick and thereafter struck her on her right-hand causing injury to

her palm. She further deposed that she caught hold of the stick and threw it away and thereafter both of them ran towards the village and later lodged the report. During cross-examination, she denied that she slipped and sustained injuries or that she lodged a false complaint due to previous dispute.

09. Rambhau(PW-4), husband of the informant, deposed that on the day of the incident at about 11.00 a.m. there was a quarrel between him and the accused regarding watering of bullocks at the embankment of the stream and the accused threatened him. Thereafter, he returned home and subsequently Sangita and Sunita went to the field. Later on, both of them returned home with injuries and narrated the incident to him. During cross-examination, he admitted that he did not personally witness the incident and admitted that quarrel had taken place regarding watering of bullocks. However, admitted that after discussion with the informant a false report was lodged.

10. Sunita Karluka(PW-3), the alleged injured eyewitness, deposed that she does not have knowledge about the incident and did not support the prosecution case. Though the prosecution was permitted to cross-examine her, nothing material could be elicited from her testimony to support the prosecution case.

11. Maroti Motiram Parchake(PW-2), the spot and seizure panch witness, did not support the prosecution case and merely identified his signature on the spot and seizure panchnama. Nothing material was elicited from his testimony to prove the

contents of the panchnama.

12. Bhaskar (PW-5), another spot and seizure panch witness, deposed that he was called as a panch and signed the notice and spot and seizure panchnama. During cross-examination, he admitted that he does not know the time of preparation of panchnama, that the complainant did not show the spot to the police, that police did not seize anything in his presence and that he merely signed the panchnama without knowing its contents.

13. Dr. Trupti(PW-6), Medical Officer, deposed that on 09/03/2023 at about 2.30 p.m. she examined Sunita and Sangita and found swelling and abrasions on their persons. She opined that the injuries were caused by a hard and blunt object within 12 hours and that such injuries are possible by the wooden stick produced before her for query. She issued injury certificates accordingly. During cross-examination, she admitted that there were no blood stains on the stick when it was produced before her.

14. Investigating Officer (PW-7)deposed about the modes and manner of investigation carried out by him. He prepared the spot and seizure panchnama at Exh. 35 and recorded the statement of Sunita as per her say. During cross-examination, he admitted that he had not secured independent witnesses and that the wooden stick is an article which is commonly available anywhere.

15. Heard the learned Assistant Public Prosecutor and

Counsel for Accused. The counsel for accused also submitted the written notes of argument at Exh 47. He submitted that the prosecution has proved the case against the accused beyond reasonable doubt through the reliable testimony of Sangita (PW-1), who is an injured witness. Her evidence is natural, consistent and duly corroborated by the medical evidence of Dr. Trupti(PW-6), who found injuries possible by a hard and blunt object like the stick used in the assault. It is further submitted that merely because PW-3 Sunita has turned hostile, the prosecution case does not fail, particularly when the injured witness has supported the case. The learned APP contended that the defence has failed to probabalize the theory of accidental injury or false implication and therefore the accused is liable to be convicted for the offence chargesheeted.

16. On the other hand, the learned counsel for the accused vehemently argued and also submitted written notes of argument at Exh. 47 that the prosecution case is doubtful in view of the fact that the alleged eyewitness Sunita(PW-3) has turned hostile and has not supported the prosecution case. It is further contended that the spot and seizure panch witnesses have not supported the prosecution and therefore the spot and seizure panchnama is not duly proved. The learned counsel also pointed out that PW-4 Rambhau, in his cross-examination, stated that after discussion with the informant a false report was lodged against the accused, which according to him creates serious doubt about the genuineness of the prosecution case.

17. The said submissions have been carefully considered. It is true that Sunita(PW-3) has not supported the prosecution case and was declared hostile. However, merely because a witness has turned hostile, the entire prosecution case does not automatically fail, particularly when the testimony of an injured witness is otherwise reliable and corroborated by medical evidence. In the present case, the evidence of Sangita (PW-1), who herself sustained injuries in the incident, inspires confidence and there is no material contradiction or omission brought on record to discredit her testimony. So far as the contention regarding non-support of the spot and seizure panch witnesses is concerned, it is settled law that the evidence of panch witnesses is corroborative in nature and the prosecution case cannot be discarded solely on that ground when other reliable evidence is available on record. In the present case, the Investigating Officer has supported the prosecution and has proved the preparation of the spot and seizure panchnama. The defence has not been able to show that the investigation was unfair or that the seizure was fabricated.

18. With regard to the contention of the defence that Rambhau (PW-4) asserted that after discussion with the informant a false report was lodged, it is to be noted except the bare suggestion, no material has been brought on record to substantiate the defence theory of false implication. On the contrary, the evidence on record shows that the quarrel had taken place regarding watering of bullocks, which provides a natural background for the incident. Upon careful reading of his cross-examination, it appears that the said suggestion has been

specifically though admitted by the witness, however, no material has been brought on record to substantiate the defence theory of false implication. It is true that the witness accepted the said suggestion during cross-examination. However, it is a settled principle of law that the evidence of a witness is required to be appreciated as a whole and not by isolating a single answer or stray admission given during cross-examination. On careful scrutiny of the entire testimony of Rambhau(PW-4), it reveals that his substantive evidence in examination-in-chief consistently supports the prosecution case regarding the occurrence of the incident and the role attributed to the accused. Merely because the witness accepted one suggestion in cross-examination, the same by itself is not sufficient to discard his entire testimony, particularly when the remaining portion of his evidence inspires confidence and is in consonance with other evidence available on record. Therefore, the said isolated admission does not create a dent in the prosecution case nor does it render the testimony of Rambhau(PW-4) unreliable. Accordingly, the argument advanced on behalf of the accused in this regard is found to be without substance. Therefore, the said contention does not create reasonable doubt about the occurrence of the incident.

19. The medical evidence of Dr. Trupti (PW-6) corroborates the ocular testimony of Sangita(PW-1) by establishing that the injuries sustained by Sangita and Sunita were caused by a hard and blunt object within the relevant time and that such injuries are possible by the wooden stick produced before her.

20. Upon careful appreciation of the entire evidence on record, this Court finds that the testimony of Sangita(PW-1), being an injured witness, carries great evidentiary value and inspires confidence. Her presence at the spot is natural and stands duly proved from the injuries sustained by her, and her version is corroborated by the medical evidence on record. Nothing material has been elicited in her cross-examination to discredit her testimony.

21. The accused has committed an offence relating to the human body and inflicted injury when informant attempted to rescue Sunita. The act of the accused was not a result of sudden provocation or a trivial altercation but involved the use of a weapon capable of causing bodily harm. The manner in which the injury was inflicted shows a deliberate and conscious act on the part of the accused, reflecting disregard for the safety and bodily integrity of the victim. The defence has failed to establish or probabalize the theory of accidental injury or false implication. Though Sunita(PW-3) has not supported the prosecution case and has denied the incident, her hostility does not affect the prosecution case to the extent it relates to the injuries sustained by Sangita(PW-1). However, in view of her hostile testimony, it would be unsafe to record a finding of guilt against the accused in respect of injuries allegedly caused to her. Accordingly, this Court holds that the prosecution has succeeded in proving beyond reasonable doubt that the accused voluntarily caused hurt to Sangita Rambhau Karlake(PW-1) by means of a stick. However, the prosecution has failed to prove beyond reasonable doubt that

the accused caused hurt to Sunita Karluka(PW-3). Therefore, I answer on Point No. 1 in the Affirmative to the extent of injury caused to the informant only.

POINT NO. 2 AND 3 :-

22. To establish an offence punishable under Section 504 of the Indian Penal Code, the prosecution must prove that the accused intentionally insulted the complainant and that such insult was of such a nature as to provoke breach of peace. Similarly, to constitute an offence punishable under Section 506 of the Indian Penal Code, it must be shown that the accused gave a specific threat to the complainant with intent to cause alarm to her.

23. In the present case, the evidence on record shows that there was a quarrel between the parties regarding watering of bullocks. However, the prosecution witnesses have not specifically deposed about the exact abusive words allegedly uttered by the accused. Mere assertion that a quarrel took place is not sufficient to attract the provisions of Section 504 of the Indian Penal Code unless the words used and the intention to provoke breach of peace are clearly proved. Further, there is no clear and cogent evidence on record to show that the accused criminally intimidated the informant by giving any specific threat to her person, reputation or property with intent to cause alarm. Though Rambhau(PW-4) has asserted that the accused had threatened him during an earlier quarrel, the nature of the alleged threat has not been specified, and the said incident appears to be prior to the

occurrence in question. There is also no material to show that the informant was put under alarm due to any such threat. Therefore, upon careful appreciation of the evidence on record, this Court finds that the prosecution has failed to establish the essential ingredients of the offences punishable under Sections 504 and 506 of the Indian Penal Code beyond reasonable doubt. In view of the above discussion, the prosecution has failed to prove beyond reasonable doubt that the accused committed an offence punishable under Section 504 and 506 of the Indian Penal Code. Accordingly, the point number 2 and 3 are answered in the negative.

POINT NO. 4 :-

24. The property in the present crime i.e. one wooden stick being worthless are liable to be destroyed after the period of appeal is over, or subject to appeal if any.

25. As cumulative effect of the foregoing discussion and evidence brought on record, the prosecution succeeds in bringing home the guilt of the accused for the offence punishable under Section 324 of the Indian Penal Code. In view of my findings recorded above, the accused deserves to be convicted for the offence punishable under Section 324 of the Indian Penal Code. Hence, I take a pause to hear the accused on the point of sentence. The accused and his counsel have submitted that he is poor and that it is his first offence. He has no criminal antecedents and, therefore, a lenient view may kindly be taken. On the other hand,

the learned A.P.P. vehemently submitted that the accused has committed an offence relating to the human body and caused injury to the victim. He submitted that the accused be dealt with severely in accordance with the provisions of law.

26. The accused has committed an offence relating to the human body and inflicted injury when informant attempted to rescue Sunita. The manner in which the injury was inflicted shows a deliberate and conscious act on the part of the accused. The accused is a major person having full knowledge of the consequences of his act.

27. Though the accused has pleaded that he is poor and a first-time offender, poverty by itself cannot be a ground to avoid adequate punishment when the offence involves causing hurt by dangerous means. Granting undue leniency in such cases may send a wrong signal to society. Considering the nature of the weapon used, the circumstances of the incident, and the injury caused to the victim, this Court is of the opinion that the ends of justice would not be met by extending the benefit of the Probation of Offenders Act, 1958. Considering the above facts and keeping in mind the punishment provided for the offence punishable under Section 324 of the Indian Penal Code, and also considering the submissions of the accused and the learned A.P.P., I find it just and proper to award substantive punishment of rigorous imprisonment for six months for the offence punishable under Section 324 of the Indian Penal Code. Hence, I proceed to pass the following order :-

ORDER

1. The accused Champat Somaji Karluka is convicted vide Section 248(2) of the Code of Criminal Procedure for the offence punishable under Section 324 of the Indian Penal Code.
2. The accused Champat Somaji Karluka is acquitted vide Section 248(1) of the Code of Criminal Procedure for the offence punishable under Section 504 and 506 of the Indian Penal Code.
3. The accused Champat Somaji Karluka is sentenced to suffer Rigorous Imprisonment for a period of 6 month for the offence punishable u/s 324 of the Indian Penal Code and to pay fine of Rs.1000/- (one thousand Rupees) and in default, to suffer regorous Imprisonment for 15 days.
4. The bail bonds of accused shall stand cancelled, if any. He be sent to Jail along with his conviction warrant.
5. While calculating the period of imprisonment of six month the period undergone of Magisterial Custody of accused shall be treated as set off u/s 428 of Cr.PC.
6. Muddemal property i.e. 1 wooden stick being worthless be destroyed after appeal period is over.
7. Copy of judgment be given to the accused free of cost as per section 353 of Cr.PC.

(Dictated & pronounced in open court.)

Date: 30/03/2026

(Smt Amreen.M. Kasim)
Judicial Magistrate First Class
Kelapur.