

GANG060001412018



Exhibit	B-66		
CNR No.	GANG060001412018		
Presented on	30.01.2018		
Registered on	30.01.2018		
Decided on	17.09.2025		
Duration	Days	Months	Years
	18	07	07

Form No. XXXII

Part 'A'

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

	IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS AT PERNEM, GOA. Present: Miss ShabnamPratapNagvekar, JMFC, Pernem, Goa. [17th day of September, 2025] Criminal Case no. IPC 06/2018
	Details of FIR/Crime and Police Station 39/2017, Pernem Police Station
COMPLAINANT	STATE OF GOA Through Officer-In-Charge, Pernem Police Station, Pernem-Goa
REPRESENTED BY	Learned APP Shri S. Redkar
ACCUSED	1. Francisco @ Francis D'souza, s/o. Zeron D'souza, age 64 years, Indian National, r/o. H.No. 153/2. Girkarwada, Arambol, Pernem Goa. 2. Robin D'souza, s/o. Francis D'souza, age 32 years, Indian National, r/o. H.No. 153/2. Girkarwada, Arambol, Pernem Goa. 3. Nelson D'souza, s/o Francis D'souza, age 35 years, Indian National, r/o. H. No. 153/2. Girkarwada,

	Arambol, Pernem Goa. 4. Josefin D'souza, w/o. Francis D'souza, age 60 years, Indian National, r/o. H.No. 153/2. Girkarwada, Arambol, Pernem Goa.
REPRESENTED BY	Learned Advocate P. Mandrekar for the Accused.

Part 'B'

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

Date of Offence	27.02.2017
Date of FIR	27.02.2017
Date of Chargesheet	30.01.2018
Date of Framing Charges	16.07.2018
Date of Commencement of evidence	25.10.2021
Date on which Judgment is reserved	--
Date of Judgment	17.09.2025
Date of Sentencing Order, if any	--

Accused Details

Rank of the Ac cus ed	Name of the Accused	Date of Arrest	Date of Relea se on Bail	Offen ces charg ed with	Whet her acqui tted or convi cted	Sent enc ed Imp ose d	Period of detentio n under gone during the trial for purpose

							of Section 428 of Cr.P.C.
1	Francisco @ Francis D'souza	Without arrest.	--	U/s. 427, 447, 504, 506 - iir/w 34 of IPC	acquitted	--	--
2.	Robin D'souza	Without arrest.	--	U/s. 427, 447, 504, 506-ii r/w 34 of IPC	acquitted	--	--
3.	Nelson D'souza	Without arrest.	--	U/s. 427, 447, 504, 506-ii r/w 34 of IPC	acquitted	--	--
4.	Josefin D'sozua	Without arrest.	--	U/s. 427, 447, 504, 506-ii r/w 34 of IPC	acquitted	--	--

Part 'C'

[Para 44(ii) 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 WITNESSES)
PW1	Vijaykant Naik	Panch Witness
PW2	Narayan Barde	Witness
PW3	Abhay Naik	Witness
PW4	Harishchandra Parab	Investigating Officer

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS,MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
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C. Court Witnesses if any:

RANK	NAME	NATURE OF EVIDENCE(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS,MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
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1	C-20	Deposition of PW1
2	PW1/C-21	Scene of offence panchanama and the sketch dated 28.02.2017
3	C-28	Deposition of PW2
4	C-29	Deposition of PW3
5	C-57	Deposition of PW4

B. Defence:

Sr. No.	Exhibit Number	Description
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C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	C-10	Charge
2	C-11 colly	Pleas of the accused
3.	C-61 colly	313 statements of the Accused

D. Material Objects:

Sr. No.	Material Object Number	Description
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J U D G M E N T

(Delivered on 17th day of September, 2025)

The Accused are tried for an offence punishable under Section 427, 447, 504, 506 (ii) read with Section 34 of the Indian Penal Code, 1860 (in short the "I.P.C").

Prosecution's Case:

2. On 27.02.2017 at time not know, in survey no. 74/38 of Village Arambol, Pernem Goa, Accused no. 1 to 4 in furtherance of their common intention criminally trespassed into the Informant's property bearing survey no.74/38 of Village Arambol, Pernem Goa, and constructed illegal structure, abused and threatened the informant with dire consequences and damaged the property of the Informant. On the report of Murlidhar Barde, the Informant, Pernem Police registered a crime vide crime no.39/2017. PW4 Harishchandra Parab the Investigating Officers investigated into the matter and filed the Chargesheet for the above mentioned offences.

3. Charge (Exhibit C-10) of the above mentioned offences was framed to which the Accused pleaded not guilty vide their plea at Exhibit C-11 colly.

4. During their statements (Exhibit C-61 colly) under Section 313 (1) (b) of the Code of Criminal Procedure, the Accused no.1 to

4 denied the case of the Prosecution and stated that a false case is filed against them.

5. I have gone through the records. I heard arguments of learned Assistant Public Prosecutor (APP) Shri. S. Redkar for the State and learned Advocate P. Mandrekar for the Accused.

6. The Points for determination and my findings are as follows:-

POINTS	FINDINGS
1. Whether the prosecution proves that the Accused no. 1 to 4 in furtherance of their common intention criminally trespassed into the Informant's property?	No
2. Whether the prosecution proves that the Accused no. 1 to 4 in furtherance of their common intention committed mischief by damaging the property of the Informant?	No
3. Whether the prosecution proves that the Accused no. 1 to 4 in furtherance of their common intention intentionally insulted and thereby gave them provocation intending that such provocation would cause them to break the public peace?	No

4. Whether the prosecution proves that the Accused no. 1 to 4 in furtherance of their common intention committed criminal intimidation by threatening the Informant with dire consequences to kill?	No
5. What order?	Accused are acquitted

ORAL AND DOCUMENTARY EVIDENCE

7. The prosecution adduced evidence of PW1 Vijaykant Naik the panch witness (Exhibit C-20), PW2 Narayan Barde the Informant (Exhibit C-28), PW3 Abhay Naik the witness (Exhibit C-29) and PW4 Harishchandra Parab Investigating Officer (Exhibit C-57). Prosecution produced on record scene of offence panchanama and the sketch dated 28.02.2017 (Exhibit C-21colly). The Accused preferred not to adduce any evidence.

REASONS FOR THE FINDINGS

Points No.1 to 4:

8. P.W.1/Vijaykant Naik the pancha witness deposed that at the request of Police Parab, he had acted as panch witness to the

scene of offence panchanama which was conducted on 28.02.2017, at Madhala wada, Arambol. There was another panch witness by name Uttam Ganesh Naik and police and the complainant namely Murlidhar Barde were present for the panchanama. The spot of offence was shown by the police and the complainant.

9. P.W.1/Vijaykant Naik the pancha witness further deposed that at the spot he noticed coconut trees, cashew trees and a cow shed. The distance from the road to the cow shed was around 2 mtrs and the cow shed was constructed with laterite stone. The panchanama was conducted at 10.00 am and concluded at 11.30 am.

10. P.W.2/Narayan Barde the witness deposed that in the property of one Murlidhar Barde bearing survey no.74/38 of village Arambol, Francis D'souza had constructed a cow shed and when Murlidhar Barde questioned said Francis D'souza as to why he has constructed cow shed in his property at that time there was verbal altercation and Francis D'souza and his children namely Nelson and Robin threatened Murlidhar Barde saying that they will

assault him and at that time wife of Francis D'souza was also present. Thereafter Murlidhar Barde came home and gave complaint.

11. P.W.4/ Harishchandra Parab the Investigating officer deposed that in the year 2017 while he was attached Pernem P.S as ASI, on 27.02.2017 Pernem P.S. received a complaint from Murlidhar Nhanu Bharde stating that at prior to 27.02.2017 at survey no. 74/38 of Village Arambol, the accused persons with their common intention criminally trespassed into the property bearing survey no. 74/38 and constructed an illegal structure, abused the Informant and threatened him with dire consequences and also damaged the property of the complainant. Accordingly he registered the said complaint under crime no. 39/2017 under Sections 447, 504, 506, 427 read with 34 f IPC.

12. P.W.4/Harishchandra Parab the Investigating officer further deposed that during the course of investigation he conducted scene of offence panchanama on 28.02.2017 at Bamanbhati, Arambol Pernem, in presence of two pancha witnesses namely Uttam Naik

and Vijayakant Naik. While conducting panchanama the complainant was present at the spot and he showed the place of offence. He also drew the sketch of scene of offence. The panchanama commenced at around 10.00 a.m. and concluded at 11.30 a.m..Thereafter he recorded statement of Harishchandra Thakur, Narayan Barve, Abhay Naik and Vijay and after completion of the investigation he filed the present chargesheet.

13. I have considered the material on record and the arguments advanced on behalf of both the parties. It is the case of the prosecution that on the relevant day accused no. 1 to 4 in furtherance of their common intention criminally trespassed into the Informant's property bearing survey no.74/38 of Village Arambol, Pernem Goa, and constructed illegal structure, abused and threatened the informant with dire consequences and damaged the property of the Informant. The Informant is not examined in the present case. The Investigating officer deposed that the Informant is dead. Hence in the absence of the evidence of the Informant, there is nothing on record to prove that the Informant was in possession of the said property in which the Accused allegedly

trespassed. Further, PW3 has not supported the case of the Prosecution. Though PW2 deposed that Accused no. 1 had constructed cowshed in the property of the Informant and upon questioning him there was verbal altercation between the Informant and the Accused and that Accused no. 1 to 4 abused and threatened to assault the Informant, it is pertinent to note that PW2 has nowhere stated in his deposition the alleged abusive words. He has also not stated the date and time when the alleged incident occurred. Even otherwise as observed above in the absence of the evidence of the Informant, evidence of PW2 is not sufficient to prove the alleged offence against the Accused.

14. Form the deposition of PW1, PW2 and PW3 it is clear that they have nowhere stated that the accused threatened the informant and her husband with dire consequences and /or with any other threat. They have also not deposed the alleged abusive words. Therefore no offence punishable under Section 504, 506 (ii) of IPC is made out against the accused.

15. Considering the above observations, I am of the opinion that the prosecution has failed to prove its case beyond all possible reasonable doubts.

16. When I examined the evidence adduced by the Prosecution and the arguments advanced in the light of the provisions of law, I come to the conclusion that the prosecution has failed to prove that Accused committed any of the offences as alleged. For the foregoing reasons, I answer Points No.1 to 4 in the negative.

Point No. 5:-

17. As discussed above it is not proved that the Accused persons committed the above referred offences as alleged by the Prosecution. Hence, the Accused are liable to be acquitted. Accused have already furnished bonds under Section 437-A of the Code of Criminal Procedure.

18. In the result, I therefore pass the following Order:-

FINAL ORDER

1. Accused are acquitted of the offence punishable under Sections 427, 447, 504, 506(ii) read with Section 34 of the Indian Penal Code, 1860 vide Section 248 (1) of the Code of Criminal Procedure.
2. Previous Bail bonds of the Accused are cancelled and the Accused stand released on their fresh bail bonds already furnished vide Section 437A of the Code of the Criminal Procedure.

Pronounced in the Open Court.
Proceedings closed.

(Shabnam P. Nagvekar)
Judicial Magistrate First Class,
Pernem-Goa.

Pernem Goa.
Dated: 17.09.2025
*vg/-