

MHRG170001412025 	Presented on : 16/01/2025 Registered on : 16/01/2025 Decided on : 26/08/2025 Duration : 00Y 07M 10D
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Part “ A”

	IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE, AT PANVEL –RAIGAD Present : Santosh R. Chavan, Addl. Sessions Judge (26th day of August 2025) Special Case No. 12/2025 Exh. No. 50/A
	Panvel Taluka Police Station FIR No. 196/2024
PROSECUTION	State of Maharashtra Through Panvel Taluka Police Station.
REPRESENTED BY	Learned Addl. P.P.Adv. Shri. Y.S. Bhopi
ACCUSED No.	1) Ranjeet Bhagwan Mokal Age : 32 Years, Occ: Agriculture 2) Gajanan Dhau Mokal Age: 44 Years, Occ: Agriculture Both accused R/at Sai, Tal. Panvel, District - Raigad.
REPRESENTED BY	Learned Adv. Shri. Sachin Mhatre

Part “ B”

Date of Offence	06/05/2024
Date Of FIR	19/06/2024
Date of Charge sheet	06/01/2025
Date of Framing of Charge	18/03/2025
Date of commencement of evidence	02/04/2025
Date on which judgment is reserved	---
Date of the Judgment	26/08/2025
Date of the Sentencing Order, if any	---

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on bail	Offence charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P. C.
1	Ranjeet Bhagwan Mokal	Accused appeared in Court on 1/2/2025.	01/02/2025	Offence p/u/sec. 504 and 506 r.w. 34 of IPC and section 92(a) of Rights of Persons With Disabilities Act, 2016	Acquitted	--	--
2	Gajanan Dhau Mokal	Accused appeared in Court on 1/2/2025	01/02/2025	Offence p/u/sec. 504 and 506 r.w. 34 of IPC and section 92(a) of Rights of Persons With Disabilities Act, 2016	Acquitted	--	--

Part 'C'

LIST OF PROSECUTION/ DEFENCE /COURT WITNESSES

A. Prosecution

RANK	NAME	EXH.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Suresh Vithu Mokal	17	Informant
PW2	Kavish Nitin Patil	29	Eye witness
PW3	Sambhaji Mahadev Jadhav	35	Panch witness
PW4	Aarif Takdirali Khan	38	Eye witness
PW5	Milind Vishwanath Phadtare	46	Investigating Officer

B. Defence Witnesses, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	Nil.	Nil.

C. Court Witnesses, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Nil.	Nil.

LIST OF PROSECUTION/ DEFENCE /COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	P-18/PW1	Complaint
2	P-19/PW1	FIR
3	P-20/PW 1	Application dated 09/05/2024 given by information to Panvel Taluka Police station
4	P-22/PW1	Unique Disability ID Card of the complainant
5	P-30/PW2	Panchnama of Pendrive produced by PW 2
6	P-36/PW3	Spot panchanama

B. Defence

Sr. No.	Exhibit Number	Description

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	13	Charge.
2	48	Statement under Section 313 of the Cr.P.C. of accused No.1
3	49	Statement under Section 313 of the Cr.P.C. of accused No.2

D. Material objects :

Sr.No.	Material Object Number	Description
1	M.O.No.1	Pendrive

JUDGMENT**(Delivered on 26th August, 2025)**

01. Accused persons are tried for the offences punishable under Section 504 and 506 read with 34 of the Indian Penal Code, 1860 (in short 'the IPC') and 92 (a) of The Rights of Persons With Disabilities Act, 2016.

02. Prosecution's case in nutshell is as under : -

That, informant Suresh Vithu Mokal is residing at Flat No. B-07, Harikrishna Society, Sector 4, Vashi, Navi Mumbai and native of Sekachawada, near Arjun Rice Mill, Sai, Tal. Panvel, Dist. Raigad. He is residing with his wife, mother and son. He has juice and snack business at Vashi Railway Station. He is disabled in both legs and his disability is 100%. At mauje Sai he has ancestral house and agricultural property. Therefore, he and his family used to come there. There is no road to reach his house. Therefore, the case is pending between him and his relative before Additional Collector, Alibag. On 06/05/2024 at about 1.00p.m. informant and his family went at native village Sai. At about 4.00p.m. informant had drawn swimming pool water. The water went from his land into neighboring field of Ranjit Bhagwan Mokal. Thereafter, at about 7.00p.m. Ranjit Mokal by standing on compound wall of informant's house abused the informant in filthy language and threatened to kill him. Hence, informant apologized that he did not know water would in Ranjit Mokal's field. However, Gajanan Mokal came there and he also started abusing the informant. At that time informant's nephew Kavish, worker

Arif Khan, cousin brother Rajaram Mokal and Sister Aruna Patil were present in informant's house. At that time Ranjit Mokal abused the informant about his disability by saying "*Langadya*". Since, Ranjit Mokal and Gajanan Mokal humiliated the informant by abusing him about disability in public place, the informant lodged complaint with Panvel Taluka Police Station. On this complaint C.R.No. 196/2024 was registered for the offences punishable under Section 504 and 506 of IPC and Section 92 (a) of The Rights of Persons With Disabilities Act, 2016.

03. The investigation of C.R.No. 196/2024 was conducted by Milind Vishwnath Phadtare. During investigation he recorded statements of the witnesses, prepared spot panchnama and obtained disability certificate of informant. Witness Kavish Nitin Patil produced Pendrive containing video recording of the incident to PSI Tone. Accordingly, production panchnama was prepared by PSI Tone in the presence two panch witnesses. Investigating Officer had given notice to accused persons under Section 41-A of the Code of Criminal Procedure, 1971 (Cr. P. C.). After completion of investigation, IO submitted charge-sheet in the Court of Sessions. After taking cognizance of the offence summons was issued to accused persons. Accordingly, they appeared in the Court.

04. I framed the charge against accused persons for the offences punishable under Section 504 and 506 read with 34 of

the Indian Penal Code, 1860 (in short 'the IPC') and 92 (a) of The Rights of Persons With Disabilities Act, 2016. The contents of charge were read over and explained in vernacular to the accused persons to which they pleaded not guilty and claimed to be tried.

05. Prosecution has examined five witnesses. Statement of accused persons under section 313 of Cr.P.C. are recorded at Exh. 47 and 48. Defence of the accused is of total denial.

06. Heard Addl.P.P. Adv. Shri. Y.S. Bhopi for the prosecution and Adv. Shri. Sachin Mhatre for the accused. Following points arise for my determination and my findings on each of them with reason thereon are as under: -

SR. NO.	POINTS	FINDINGS
1.	Whether prosecution proves that, on 06/05/2024 at about 7.00 a.m. at Shekachawada, near Arjun Mill, Post Sai, Tal. Panvel Dist. Raigad accused persons in furtherance of common intention have intentionally insulted the informant Suresh Vithu Mokal with intent to provoke breach of public peace and that accused persons have thereby committed an offence punishable under section 504 read with 34 of the IPC ?	No
2.	Whether prosecution proves that, on aforesaid date, time and place accused persons in furtherance of common intention have criminally intimidated the informant Suresh Vithu Mokal and that accused persons have thereby committed an offence punishable under section 506	

	read with 34 of the IPC ?	No
3.	Whether prosecution proves that, on aforesaid date, time and place accused persons have intentionally insulted and intimidated with intent to humiliate the informant a person with disability within public view and that accused persons have thereby committed an offence punishable under section 92 (a) of The Rights of Persons With Disabilities Act, 2016?	...No
4.	What order?	Accused are acquitted.

REASONS

07. In order to bring home the guilt of the accused persons prosecution has examined five witnesses. The prosecution filed evidence close pursis at Exh. 47.

08. Learned Addl. P.P. Shri. Y. S. Bhopi for the State submitted that, evidence on record is sufficient to prove guilt of the accused persons. The accused persons have intentionally insulted and intimidated with intent to humiliate the informant a person with disability within public view. At the time of incident family members of informant were present. Therefore, act of humiliation was done within public view. The prosecution has proved the case beyond reasonable doubt.

09. Per contra, Learned Advocate for accused Shri. Sachin Mhatre argued that, there is no evidence on record to establish that accused persons had committed the offence. Independent

witness is not examined by the prosecution. It is not proved by the prosecution that, incident occurred within public view. The prosecution failed to prove its case beyond reasonable doubt. The accused persons are entitled for acquittal.

POINT NOS. 1 TO 3 :-

I consider point Nos. 1 to 3 together for sake of convenience and to avoid repetition.

10. Informant Suresh PW1 deposed that, he is native of Sai, Tal. Panvel, Dist. Raigad. He is residing along with his wife, son and mother. He is suffering from disability due to Polio since 2 ½ years of his age. He used to come at his house in village Sai during festivals, wedding and other functions. Earlier there was traditional road to his house. However, Mr. Kharpatil built godown there, hence road was completely closed. Therefore, there was no road for vehicle. However, somehow informant used to go by Wheelchair. Therefore, informant had filed application for road before Tahsildar against Kharpatil. Tasildar granted road from the side of compound wall of Bhagwan Mokal. The said order was challenged by Bhagwan Mokal before Sub-Divisional by way of appeal. However, decision of appeal was gone against the informant. Hence, he filed second appeal before Additional Collector Raigad. He further deposed that, on 06/05/2024 informant, his wife, mother and his helpers Arif Khan and Javed Khan went at his native village. There is swimming pool out side

his house. The swimming pool was in closed condition for a longer time, hence it's water was spoiled. At about 4.00 p.m. his helpers started drawing the water from the swimming pool. While water was draining, that water went into field of Bhagwan Mokal. So between 6.00p.m. to 7.00p.m. Bhagwan Mokal's son Ranjit accused No.1 stood on his compound wall and abused the informant in filthy language and threatened to kill the informant. The informant did not expect that water would go into field, hence he tendered apology to accused No.1. After that, uncle of accused No.1 Gajanan Mokal accused No.2 came there. Accused No.2 also abused the informant. Then hearing sound informant's uncle Rajaram Mokal came there. At the said place informant's sister Aruna Patil, nephew Kavish Patil and his two helpers Arif Khan and Javed Khan were present. Both accused have stated that "लंगडया तू अपंग आहेस म्हणून तुला सोडतो, नाही तर तुला इथे मारला असता".

11. Kavish PW2 deposed that, informant is his maternal uncle. He used to go at informant's house at Sai, Tal. Panvel. On 06/05/2024 he had gone to informant's village. As swimming pool water was spoiled, he was drawing out water. At that time water went into the field of accused Ranjit Mokal. Hence, accused No.1 Ranjit stood on his compound wall and started abusing informant. Accused persons had threatened the informant that, "लंगडया तुला व तुझ्या सोबतच्या भैय्यांना मारू". Accused No.1 and 2 were abusing the informant. Before starting abusing informant begged apology. However, accused persons were hurling abuses. At that time he

recorded the incident in his mobile phone. On 23/12/2024 I have produced the said video recording in Pendrive MO No.1 to police. Police prepared detail panchnama of Pendrive MO No.1.

12. Spot Panchnama Exh.P-36/PW3 is proved though panch witness Sambhaji PW3. On perusal of spot panchnama it appears that, incident occurred in open space of court yard of the informant's house.

13. Arif PW4 deposed that, he is working as helper of informant in Juice Corner at Vashi Railway Station. On 06/05/2024 he had gone at informant's village Sai, Tal. Panvel. Dist. Raigad. After drawing the swimming pool water it had gone into the field of the accused No.1. Accused No.1 abused the informant. Accused No.1 said that, "सुरेश मोकल यांच्यासोबत भैय्या लोकांना देखील मारेन" Accused No. 2 also came after hurling abuses by accused No.1. Accused No.2 also abused and threatened the informant. However, informant begged apology. He doesn't remember what happened further.

14. It has come in the evidence of Investigating Officer PW5 that, on 09/05/2024 informant filed application Exh.P-20/PW1. Therefore, statement of informant was recorded as per application.

15. In the present case evidence of the informant PW1, Kavish PW2 and Arif PW3 are important. Admittedly, informant is physically disabled person. From the Unique Disability ID (Exh.P.22) it appears that, the informant has Locomotor Disability of 100%. It has come in the evidence of informant that, at about 4.00p.m. his helpers started drawing the water from the swimming pool. While water was draining, that water went into field of Bhagwan Mokal. So between 6.00p.m. to 7.00p.m. Bhagwan Mokal's son Ranjit accused No.1 stood on his compound wall and abused the informant in filthy language and threatened to kill the informant. It has come in the evidence of PW2 and PW4 that, accused persons have abused and threatened the informant. However, exact words of abuse are not stated by any of the witnesses.

16. According to PW1 both accused have said that “लंगड्या तू अपंग आहेस म्हणून तुला सोडतो, नाहीतर तुला इथे मारला असता”. However, this statement does not find place in FIR and application Exh.P-20/ PW1. There appears to be marked improvement in the deposition. Further it is difficult to accept that both accused had uttered the same words at the same time. It has come in the evidence of Kavish PW2 that, accused persons had threatened informant that, “लंगड्या तुला व तुझ्या सोबतच्या भैय्यांना मारू”and it has come in the evidence of Arif PW4 that, accused No.1 said that, “सुरेश मोकल यांच्यासोबत भैय्या लोकांना देखील मारेन”. However, statement “तुझ्या सोबतच्या भैय्यांना मारू”does not find place in the evidence of informant.

On this point testimony of informant is different from testimony of PW2 and PW4. There is material discrepancy in the evidence.

17. Kavish PW2 has deposed that, he recorded the incident in his mobile phone. The video was given to the Investigating officer in Pendrive MO-1. It has come in the cross-examination that, hash value of video contained in Pendrive and Mobile was not drawn. He further admitted that, in the said video there is no conversation about “लंगड्या तुलापण मारीन व तुझ्या सोबतच्या भैय्यांना पण मारिन”. Certificate required under Section 65-B of Indian Evidence Act is not produced. Hence, the contents of the video recording are not proved as per law.

18. The allegation regarding hurling abuses is vague and general. It is not proved by the prosecution that accused insulted the informant with intent to provoke breach of public peace. Mere use of abusive language or frightful words uttered by the person would not by itself attract section 504 unless it exhibits an intentional insult and provide cause for provocation. The emphasis of 506 is on the ‘intention’ to cause an alarm, but in the present case, no such intention is explicit. The very foundation of the case is not proved by the prosecution. Moreover, occurrence of incident is not proved. There is no evidence on record to hold that accused persons had intentionally insulted or intimidated with intent to humiliate informant.

19. On the back drop of this, I find that the evidence of prosecution witnesses is not consistent and does not inspire confidence to held the accused persons are guilty under Section 504 and 506 of the IPC and 92 (a) of The Rights of Persons With Disabilities Act, 2016. The prosecution failed to prove its case beyond all reasonable doubts. Therefore, I answer point Nos. 1 to 3 in the negative.

POINT NO. 4 :-

20. In view of negative findings of point Nos. 1 to 3 the accused persons are entitled for acquittal. Thus, the prosecution has failed to prove it's case beyond all reasonable doubts. Pendrive MO No.1 being part of evidence required to be preserved with evidence file. As a result, I pass following order-

ORDER

1. Accused No.1-Ranjeet Bhagwan Mokal and No.2-Gajanan Dhau Mokal are hereby acquitted of the offences punishable under section 504 and 506 read with 34 of the Indian Penal Code, 1860 and 92 (a) of The Rights of Persons With Disabilities Act, 2016 vide section 235(1) of the Code of Criminal Procedure, 1973.
2. The bail bonds of accused are hereby cancelled.
3. Accused Nos.1 and 2 to furnish personal bond of Rs.50,000/- and surety of like amount each

as per section 437-A of The Code of Criminal Procedure, 1973 for remaining present before appellate court, if appeal is preferred by the State.

4. Pendrive MO No.1 being part of evidence be preserved with evidence file.
5. Copy of Judgment be forwarded to District Magistrate Raigad-Alibag as per section 365 of The Code of Criminal Procedure, 1973.

(Dictated and pronounced in open court)

Panvel.
Date: 26/08/2025

(Santosh R. Chavan)
Addl. Sessions Judge,
Panvel- Raigad.