

MHAH300005352020



Presented on : 18 09 2020

Registered on : 18 09 2020

Decided on : 20 05 2026

Duration : 05 08 02

Y. M. Ds.

IN THE COURT OF ADDL. SESSIONS JUDGE AT RAHATA, DIST.**AHMEDNAGAR**

[Presided over by Rajesh S. Gupta]

J U D G M E N T(Delivered on 20th May, 2026)**In Sessions Case No. 150/2024**
(Old No. 63/2020)**Exh. 45**

Crime No.I 278/2011 for the offences punishable under Sections 353, 332, 323, 427, 504, 506 of I.P.C. and section 122/177 of the Motor Vehicle Act, registered with Shirdi Police Station.

Complainant/-: The State of Maharashtra,
Prosecution Through Shirdi Police Station,
Tal. Rahata and Dist. Ahmednagar.

Represented by learned APP Smt. S. S. Deshpande,**- V E R S U S -**

Accused : 1. **Rajendra Gangadhar Bhujbal,**
Age :- 56 years,
R/o. Shirdi, Rahata,
Tal. Rahata, Dist. Ahmednagar.

Represented by learned Advocate Shri. R. B. Gandhi, a/w. Smt. S. H. Dandwate.

Date of Offence	30.12.2011
Date of FIR	30.12.2011

Date of Charge-sheet before the Ld. Magistrate	03.02.2012
Date of Committal of Charge-sheet before the Court of Sessions	14.09.2020
Date of Framing of Charge	27.02.2014
Date of commencement of evidence	09.07.2014
Date on which judgment is reserved	--
Date of the Judgment	20.05.2026
Date of Sentencing order, if any.	20.05.2026

Accused details

Ran k of accu sed	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.	Rajendra Gangadha r Bhujbal	03.01 .2012	03.01. 2012	353,332, 504,506, 427 of I.P.C. & Sec. 122 r/w. 170 of M.V. Act.	Convicted U/s. 504 of IPC.	For the offence punishable U/s. 504 released on Good Behaviour Bond	--

1. Accused is prosecuted for offences punishable under Sections 353, 332, 427, 504, 506 of Indian Penal Code (I.P.C.) and section 122 r/w/s. 170 of the Motor Vehicles Act.

2. **The gravamen of the prosecution case unfolds as follows :**

The complaint is lodged by Police Head Constable, Shirdi City Traffic Branch. On 30.12.2018 while he was on traffic duty

within Nagar-Manmad road new Pimpalwadi square. While he was on duty alongwith other police constable managing the traffic as and when National Highway connecting to the Shirdi City and other roads, as it was year ending and police were on Nakabandi to check all the vehicles so as to avoid untoward incident which may occur on 31st December, at about 12:15 p.m., one Hyundai car bearing no. MH-12-CY-6352, came near the spot and parked his vehicle on the middle of the road, thereby causing inconvenience to the traffic and public at large. It is alleged the informant who was maintaining the traffic, requested the driver i.e. accused to move his vehicle at the corner of road so as to the movement of traffic.

3. It is alleged the driver was aggressive, he left his car on the road and came out and took up quarrel with Police, thereby threatening by saying “तु मला ओळखले नाही का मी पत्रकार आहे”. The informant again requested to move his vehicle as it was causing inconvenience to the other vehicles due to traffic gap. It is further alleged accused abused the informant in filthy language and also caught hold his uniform collar and started beating and threatened with dire consequences. In the quarrel, the collar of uniform was torn button was broken. The other police staff came for the rescue, the accused was pacified, alleged incident was informed to their superior and complaint is reported for the alleged offences for causing disturbance and restraining the public servant while discharging the official duty.

4. On the basis of FIR, Investigating officer P.W.4 Yashwant Battise (hereinafter referred to Investigating Officer) visited the spot of the incident, prepared spot panchnama, recorded statement of

witnesses. During the course of investigation, accused came to be arrested and after completion of investigation, he filed charge-sheet against accused.

5. In view of amendment, as the offence being exclusively triable by the Sessions Court, it came to be assigned for trial. On considering the relevant documents annexed with the charge-sheet, I framed the charge vide Exh. 10. Accused pleaded not guilty. The defence of accused is of total denial. Statement of accused U/Sec. 313 of Cr.P.C. was recorded. He pleaded due to political enmity, accused is falsely impleaded.

6. The prosecution to substantiate its case examined in all four witnesses.

List of Prosecution witnesses

Rank	Name	Nature of Evidence.
PW-1	Bhagwan Devsing Rathod (Exh. 14)	First Informant
PW-2	Johnson Essak Shinde (Exh.16)	Witness
PW-3	Nivrutti Paraji Salave (Exh.17)	Witnsss
PW-4	Yashwant Shankar Battise (Exh.28)	Investigating Officer

List of Exhibits.

Sr. No.	Exhibit Number	Description
1	15	Complaint.
2	29	Written order pertaining to investigation of the crime.
3	30	Spot panchanama
4	31	Seizure panchnama
5	32	Attendance register/Duty Chart

6	33	Yadi issued for medical examination (as referred in the cross-examination by the accused)
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Material objects

Sr. No.	Exhibit Number	Description
1	Art. 'A'	Shirt

7. Learned APP submitted that the evidence of PW-1 complainant duly corroborates with PW-2 Johnson Shinde regarding the incident. The accused threatened the complainant while he was discharging his official duty to maintain and manage traffic on the Nagar-Manmad road. It is further submission that oral testimony regarding injury is supported by the medical evidence. The medical certificate is admitted by the defence. The accused assaulted by hand and fist blows and threatened with dire consequences. The panchanama was drawn in presence of panchas. There was no reason for complainant to lodge false report against the accused. The presence of accused is proved beyond reasonable doubt.

8. On the other hand Learned advocate for accused submitted that the prosecution failed to prove the spot and time of incident. It is further argued that two alleged spot of the incident shown, first where the motor car parked and another spot were police doing their duty. No independent witness is examined neither shown damaged caused to the public property. All the witnesses are inter-se witnesses. There being material omissions and contradictions. It is their further contention that the spot was heavy trafficular road various other vehicles were stalled near the spot

during the Nakabandi. Prosecution has failed to record statement any of driver of statement neither a shop owners which is located at the adjacent to the alleged spot of incident. There is absolutely no evidence for threatening the public servant while discharging his duties and hence accused be given a benefit of doubt.

9. Heard, both the sides and rival contentions, perusing the evidence on record and relevant documents exhibited, the following points arise for my careful determination, I have given my reasons for the findings thereon :

POINTS

FINDINGS

1. Whether the prosecution proved that on 30.12.2011 at about 12.15 p.m. on Nagar-Manmad road, New Pimpalwadi square, in front of Hotel Krushna, accused in the jurisdiction of Shirdi police station, used criminal force to complainant PHC Rathod, traffic branch, a public servant with intent to prevent or deter him from discharging his duty as a public servant and thereby committed an offence punishable under section **353** of IPC of the Indian Penal Code ? In the Negative.
2. Whether the prosecution proved that on the above date, time and place, accused assaulted to the first informant, who is a public servant while he was discharging his duty as such public servant and caused injury to him and thereby committed an offence punishable under section **332** of the Indian Penal Code ? In the Negative.
3. Whether the prosecution proved that on the above date, time and place, the accused intentionally insulted the complainant and thereby gave provocation intending that such

provocation would cause him to break public peace and thereby committed an offence punishable under section **504** of the Indian Penal Code ?

In the affirmative.

4. Whether the prosecution proved that on the above date, time and place the accused committed criminal intimidation by threatening the complainant with dire consequences and thereby committed an offence punishable under Section **506** of the Indian Penal Code?

In the Negative.

5. Whether the prosecution proved that on the above date, time and place the accused, committed mischief by causing wrongful loss or damage to the uniform of the informant and thereby committed an offence punishable under section **427** of Indian Penal Code, 1860.

In the Negative.

6. Whether the prosecution proved that on the above date, time and place the accused parked his four wheeler vehicle on the road thereby causing inconvenience to the traffic and obstructing the public place and thereby committed an offence punishable under section **122** r/w/s. **170** of the Motor Vehicles Act.

In the Negative.

7. What order ?

As per final order, accused is convicted for offence p/u/sec. 504 IPC.

: REASONS :

AS TO POINT NOS. 1 to 6 :-

10. I have taken all points together as they are interrelated to each other can be conveniently decided to avoid its repetition and

overlapping.

11. As far as the offence regarding the deterrence of public servant while discharging his official duty the prosecution have examined P.W. 1 Bhagwan Devsing Rathod (Exh. 14), the complainant/ informant. He deposed that on 30.12.2011 while he was on traffic duty on Nagar-Manmad road near Pimpalwadi road along-with Police Hawaldar Shinde (PW-2) and other police personnel. As per his evidence, while he was on traffic duty within Nagar-Manmad road new Pimpalwadi square. While he was on duty alongwith other police constable managing the traffic as and when National Highway connecting to the Shirdi City and other roads, as it was year ending and police were on Nakabandi to check all the vehicles so as to avoid untoward incident which may occur on 31st December, at about 12:15 p.m., one Hyundai car bearing no. MH-12-CY-6352, came near the spot and parked his vehicle on the middle of the road, thereby causing inconvenience to the traffic and public at large. It is his evidence the informant who was maintaining the traffic, requested the driver i.e. accused to move his vehicle at the corner of road so as to the movement of traffic.

12. It is his evidence the driver was aggressive, he left his car on the road and came out and took up quarrel with Police, thereby threatening by saying “तु मला ओळखले नाही का मी पत्रकार आहे”. The informant again requested to move his vehicle as it was causing inconvenience to the other vehicles due to traffic gap. It is further stated accused abused the informant in filthy language and also caught hold his uniform collar and started beating and threatened with dire consequences. In the quarrel, the collar of uniform was torn

button was broken. The other police staff came for the rescue, the accused was pacified, alleged incident was informed to their superior and complaint Exh. 15 is reported. His torn shirt Art. 'A' is seized.

13. In the cross-examination, he stated there is no averment as to broken button was also seized. It is further suggested while pulling shirt button gets broken and also shirt gets torn. It is further denied prior to incident he was aware accused was reporter. He further stated accused was not apprehended on the spot. He further denied he is not aware whether accused has been reporting against police for corruption and illegal activities. He further admitted crowd had gathered near the spot and also traffic was jammed. He stated he had visited hospital at 2.00 p.m. after the alleged incident, but no doctor was available, therefore he returned to police station and subsequent visited hospital for treatment at about 7.30 to 8.00 p.m.

14. The prosecution further to prove the alleged incident examined PW-2 Johnson Izak Shinde at Exh. 16. He narrated the incident almost similar to PW-1 though he stated he was standing at distance from where PW-1 was on duty. He further stated the alleged vehicle of accused was parked on the corner of road opposite to Krushna Hotel. Due to vehicle traffic inconvenience was caused to other traffic.

15. During cross-examination, he stated while the altercations had occurred between informant and accused, he was standing at the side of road. He denied being aware incident was reported at Shirdi police station for illegal activities committed by police. He further stated he had not visited police station nor hospital along-with first informant.

16. Prosecution further examined PW-3 Nivrutti Paraji Salve at Exh.17. His evidence is also almost similar to the evidence of P.W.No.1 (informant) and P.W.No.2 Shinde. He also narrated the alleged incident and manner it is caused. He did not visited police station to lodge complaint nor visited hospital alongwith informant.

17. The investigation was carried out in detailed by PW-4 Yashwant Shankar Battise Investigating Officer at Exh. 28. As per his evidence, he was directed to carry out investigation for the offences u/s.353 and 332 of the Indian Penal Code. He visited the spot of incident and carried out spot panchnama Exh. 30, seized torn shirt and button of the first informant under seizure panchnama Exh. 31. Cross-examination is of total denial and suggestions.

18. The Ld. Adv. for accused urged that prosecution failed to examine independent witness who were easily available from the spot of incident and had seen the incident as well as the public from the spot of incident, who gathered at the time of incident.

19. Ld. APP further made submission that though there are some minor contradiction and omissions, those do not go to the root of the case and are not to be considered when there are other cogent medical evidence to prove the offence.

20. As noted above the eye witness PW-1 informant and PW-2 Shinde and PW-3 Salave are the eye witnesses to the incident and therefore there was no necessity to examine any other witness. It is further argued only because witnesses are public servant, their evidence cannot be discarded and by terming interested witnesses.

21. The fact cannot be over-sighted that the prosecution have

failed to examine spot panch, though spot panchnama and seizure panchnama are exhibited through Investigating Officer.

22. It is apposite the evidence PW-2 and PW-3 specifically stated they were standing at distance from the first informant at the time of alleged incident. In the said circumstance, it is not possible for them to hear the conversations and the words used uttered by the accused. It is further stated PW-1 informant had narrated them entire incident and therefore their evidence to the aspect of abuse and threatening are hearsay.

23. The evidence of I.O. is for proving the omissions and contradictions of the witnesses in the view of section 154 and 157 of Indian Evidence Act. The evidence of I.O. is of vital importance to the extent of investigation was carried out in accordance of provision laid in law. As per the evidence of I.O. the complaint was registered by another head constable and subsequently on the next day investigation was handed over and he visited the spot and recorded the statement of the witnesses.

24. In the set of facts, it is necessary to bring out necessary ingredients of Sec. 353 IPC.

25. The circumstances under which the incident has occurred, it does not point out towards the accused obstructed or prevented the complainant from discharging his official function. At this juncture the bare reading Sec. 353 of IPC shows that the main ingredients of the offence U/sec. 353 are that the person accused of said charges should have assaulted the public servant or used criminal force with intent to prevent or deter the public servant from discharging his duty. The main ingredients of the offence is that

accused should be shown to have assaulted the public servant or used criminal force, while discharging official duty.

26. The complainant is an public servant and was restrained and obstructed from discharging his official duty, the prosecution has obtained the attendance register from the concerned traffic department. This is sufficient compliance to prove on the relevant day the complainant was on duty.

27. Admittedly the complainant being a public servant which falls within a definition of Section 21 of IPC. Only because the complainant is a public employee that is not sufficient to prove that the incident had occurred to restrain and obstruct him while discharging his public duty. There is nothing to indicate he was assigned at the specific time to do the work.

28. There is absolutely nothing on record to indicate that the accused had a intention to obstruct the complainant from discharging his duty.

29. In absence of any clinching evidence, it will not be safe to accept the uncorroborated version of PW-1 complainant regarding obstructions while discharging official duty. There is nothing to indicate accused tried and attempted to restrict the working of complainant.

30. Admittedly, in the instant case prosecution has not examined any independent witness to state as to criminal force was used by the accused on the complainant while discharging his duty.

31. On careful appreciation under the given circumstance the accused cannot be held guilty for the offence punishable under

Section 353 of IPC for using criminal force upon a public servant in execution of duty and causing deterrence from lawfully discharging their duty.

32. On the count of the causing hurt it is incumbent to peruse section 332 IPC - Indian Penal Code - Voluntarily causing hurt to deter public servant from his duty:

“Section 332 of the Indian Penal Code states that if someone voluntarily causes hurt to a public servant while they are performing their duty, or with the intent to prevent or deter them or any other public servant from performing their duty, or as a consequence of their lawful actions as a public servant, they can be punished with imprisonment for up to three years, or a fine, or both”.

33. As far as the injury is concerned, it is worth to be taken note that apparently the complainant only stated some altercation and beatings by hand and fist blows, but at the same time PW-2 Shinde contradicts and does not speak about any assault caused by accused, neither he states about any injuries.

34. It is apposite to note no weapon as alleged was used in commission of crime. There is neither averment in the complaint about any such weapon. The medical certificate Exh. 47 though admitted by accused states about injuries caused by hard and blunt object. There is nothing to point out what was the object the accused had caused so much injuries as mentioned in the medical certificate. The fact also cannot be overlooked the informant had soon not visited hospital for treatment. Subsequently after almost more than 6 hours, he went hospital for treatment and injuries are noted. The possibility of false implication of injuries cannot be ruled out. Hence,

benefit is in the favour of accused. Accordingly, **Point Nos.1 and 2** are answered in **Negative**.

35. As far as section 427 of IPC is concerned, though torn shirt of informant was produced on record, the fact remains whether it was torn by committing mischief by the accused during the altercation with the informant or whether it was intentional and knowingly caused damage to shirt i.e. uniform. The prosecution further failed to bring on record whether the same shirt was worn by PW-1 on the alleged day of incident, the photographs ought to have been snapped of the exact condition. In the said facts and circumstances, the mens rea cannot be attributed against the accused as to mischief was caused intentionally to cause damage to the property and therefore, **Point no. 5** in the **Negative**.

36. It is apparent that the prosecution witnesses though have categorically narrated the vehicle number of accused which was shown parked on the side of the road opposite to Krishna Hotel. The fact cannot be oversighted, the vehicle was not seized nor its documents, nor the statement of employee from the Hotel Krishna is recorded nor examine to prove whether the said vehicle was actually parked on the side of the road or on the middle of the road. In the said circumstances, the prosecution cannot be said they have cogently proved the offence punishable u/s. 122 and 170 of the M. V. Act. and accordingly, **Point No.6** is answered in **Negative**.

37. It is not the case of violation of provision of Motor Vehicle Act. The allegations are as to the accused deter the public servant while discharge their duty.

38. It is settled that the testimony of even a sole witness

should be wholly reliable, if it is found cogent and clinching. In the said circumstance I do not find non examination of other independent witnesses would be fatal to the prosecution. It is further settled the quality of evidence is appreciated and not the quantity and therefore, the prosecution case cannot be doubted for non examining the independent witnesses. As far as the injury is sustained, there are sufficient evidence of being caused in the incident.

39. It is the intention of the accused that has to be considered in deciding as to whether what he has stated comes within the meaning of "Criminal intimidation". The threat must be with intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of this section. But material has to be placed on record to show that the intention is to cause alarm to the complainant. From the facts and circumstances of the case, it appears that there was clear intention on the part of the accused to cause alarm in the mind of PW-1.

40. The degree of alarm may vary in different cases but what matters is that the alarm raised should be of such a nature and extent that it unsettles the mind of the person in whom it operates and he loses control over his free voluntary actions.

41. Intention plays an important role in determining whether the accused is guilty and the same can be determined in view of the present facts and circumstances of the case. The prosecution has been successful in proving criminal intimidation whereby force and deter

with threats was subjected and intentionally insulted and thereby giving provocation to break public peace.

42. It is clear from the above said discussions and the oral as well as circumstantial evidences on the aspect of accused intentionally insulted the complainant and thereby gave provocation intending that such provocation would cause him to break public peace is proved beyond reasonable doubt. Hence, I hold the prosecution has successfully proved the above charges under section 504 of Indian Penal Code against the accused.

43. Hence, in the said circumstance, I answer **point No. 3** in the **Affirmative** and **point No. 4** in the **Negative**.

44. Here, I took pause to hear the accused on the point of sentence.

Date : 20.05.2026

(Rajesh S. Gupta)
Addl. Sessions Judge, Rahata.

45. Heard accused on the point of sentence. He submitted that, it is his first offence. His entire family is dependent on him and hence prayed for leniency.

46. Learned advocate for accused submitted that, the accused has no criminal background and is first time offender, has a deep roots in the society and hence he may be given an opportunity to reform and he may be released on payment of fine. It is further contended if he sentenced to imprisonment, that may cause a grave hardship to his family and minor children hence prayed to release him on a probation giving the benefit of Probation Offenders Act.

47. On the other hand, learned APP Smt. S. S. Deshpande,

submitted that, the manner in which offence is committed the public servants were threatened while discharging their official duty and hence maximum punishment may be imposed.

48. In the said context of sentencing policy, it is apposite to note that the sentencing is an important task in the matters of crime. One of the prime objectives of the criminal law is imposition of appropriate, adequate, just and proportionate sentence commensurate with the nature and gravity of crime and the manner in which the crime is done. There is no straitjacket formula for sentencing an accused on proof of crime.

49. It is pertinent to no alleged incident had occurred in the year 2011 and since then accused is facing trial, it is almost 15 years. No adverse report is filed against accused, his antecedents are shown clear.

50. As far as considering the nature of the offence and accused being first time offender found guilty of having committing offence punishable under Section 504 of IPC having regard to circumstance of the case including the nature of the offence and the character of the accused it would be just and expedient to release accused on Probation of good conduct instead of sentencing at once to any punishment with direction to enter upon a bond with surety for the period of one year and in the mean time to keep the peace and be of good behaviour. In the result, I proceed to pass following order :-

ORDER

1. Accused Rajendra Gangadhar Bhujbal is hereby convicted, as per section 235(2) of Code of Criminal Procedure for the

offence punishable 504 of Indian Penal Code vide Section 235(2) of Code of Criminal Procedure and be released on good behaviour bond under the provisions of Probation of Offenders Act on executing surety of Rs.15,000/- for a period of one year.

2. Accused Rajendra Gangadhar Bhujbal is hereby acquitted of the offence punishable under Section 353, 332, 506, 427 of the IPC and section section 122 r/w/s. 170 of the Motor Vehicles Act, vide Section 235 (1) of Code of Criminal Procedure.
3. Bail bonds of accused stand cancelled and his surety is discharged.
4. The accused is directed to furnish surety bond with fresh bail bond of Rs.25,000/- (Rs. Twenty-five Thousand only) to ensure his presence in case of appeal against acquittal, if any, as contemplated under Section 437-A of the Cr.PC.
5. A copy of the Judgment be given to the accused free of costs vide Section 363(1) and forwarded to District Magistrate, Ahmednagar vide Section 365 of the Code of Criminal Procedure.
6. The accused is appraised of his rights of preferring appeal, against the present judgment and order, before the Hon'ble Appellate Court.
7. Inform concerned police station accordingly.
(Pronounced in the open Court)

Date : 20.05.2026

(Rajesh S. Gupta)
Addl. Sessions Judge, Rahata.