



Presented on : 18/04/2023
Registered on : 18/04/2023
Decided on : 15/07/2026
Duration : Ys. Ms. Ds.
03 02 17

IN THE COURT OF SESSIONS JUDGE AT SOLAPUR Present : Manoj S. Sharma, Sessions Judge Date of the Judgment – 15/07/2026 Sessions Case No. 193 / 2023 CNR : MHSO-1001199-2023 Exh. 69 “A”		
FIR No. 204/2022 of Sadar Bazar Police Station, Solapur		
COMPLAINANT		State of Maharashtra
REPRESENTED BY		Learned APP Mr. A. G. Kurdukar
ACCUSED No.1	1	Suresh Sidram Patole, Age. 47 years, Occ. Social Worker, R/o. H. No. 385, North Sadar Bazar, Lashkar, Solapur.
	2	Vishwanath Arjun Patole, Age. 41 years, Occ. Social Worker, R/o. H. No. 363, Mahatma Phule Wasti, Modikhana, Behind Church, Solapur.
	3	Sanjay Narayan Randive, Age. 36 years, Occ. Social Worker, R/o. H.No. 447, near Ghanti Bangal, Mahatma Phule Gruha Nirman Sanstha, Modikhana, Solapur.
REPRESENTED BY		Adv. A. N. Shaikh for the accused persons.

Date of Offence	06/04/2022
Date of FIR	09/04/2022
Date of Charge-sheet	11/07/2022

Date of Framing of Charge	04/07/2025
Date of commencement of evidence	29/07/2025
Date on which judgment is reserved	15/07/2026
Date of the Judgment	15/07/2026
Date of the Sentencing Order, if any	--

Accused Details

Rank of Accused	Name of the 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.PC.
1	Suresh Sidram Patole	22/04/2021	22/04/2021	Section 353 read with section 34 of IPC	Acquitted	--	--
2	Vishwanath Arjun Patole,	22/04/2021	22/04/2021		Acquitted	--	--
3	Sanjay Narayan Randive	22/04/2021	22/04/2021		Acquitted	--	--

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES**A. Prosecution :**

RANK	NAME	EXH	NATURE OF EVIDENCE
PW-1	Amit Umakant Kale	43	First informant
PW-2	Sachin Ashok Kore	54	Witness
PW-3	Abdul Matin Md. Hanif Sayyad	57	Witness
PW-4	Prashant Suryakant Kshirsagar	61	Investigating officer

B. Defence Witnesses, if any :

RANK	NAME	EXH.	NATURE OF EVIDENCE
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C. Court Witnesses, if any :

RANK	NAME	EXH.	NATURE OF EVIDENCE
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LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**A. Prosecution :**

Sr. No.	Exhibit Number	Description
1	44	FIR
2	45	Spot panchanama
3	58	Panchanama of CCTV footage
4	59	Certificate under section 65-B of the Evidence Act
5	62	Letter to PSI from SMC
6	63	First page of service book of the informant
7	64	Identity card of the informant.

B. Defence :

Sr. N	Exhibit Number	Description
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C. Court Exhibits

Sr. N	Exhibit Number	Description
1	---	---

D. Material Objects :

Sr. N	Exhibit Number	Description
1	--	----

J U D G E M E N T(Delivered on this 15th day of July, 2026)

1. Accused persons stood tried for the offence punishable under section 353 read with section 34 of the Indian Penal Code (for the sake of brevity, hereinafter to be referred as "IPC").

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

2. The informant Amit Kale was serving as a Peon in Municipal Corporation Solapur and at the relevant time, he was posted in the

chamber of Municipal Commissioner as a Peon. His duty included giving access to the chamber of the Municipal Commissioner after grant of permission, bringing said file from said chamber to other department and to work as per directions of Municipal Commissioner.

3. It is alleged that, on 06/04/2022 at about 4.45 p.m, the work was in progress as usual, that time, MLA Vijay Deshmukh has come to meet Municipal Commissioner and said MLA went away and at about 5.15 p.m. some members of Krantivir Lahuji Shaktisena (herein after to be referred as Shaktisena) arrived there for giving a representation by visiting the Municipal Commissioner. The informant was standing outside the chamber. He inquired from those members, upon which, members conveyed him that, they want to meet Municipal Commissioner and give a representation. When he informed said fact to Municipal Commissioner, he asked the informant to tell those members to wait outside and further asked him to call officer Naikwadi of building in Construction Department. That time, members of said Shaktisena started muttering and told informant that, they are in hurry and want to meet Municipal Commissioner urgently, which he conveyed to the Municipal Commissioner, but, Municipal Commissioner again asked him to ask those members to wait. Then, the members of Shaktisena started verbal spat with the informant. Then, Municipal Commissioner asked informant to convey the members to come on the next day, but, those members tried to barge in the chamber of Municipal Commissioner and informant tried to stop them. But, they hurled abuses at informant, manhandled him and one of the member slapped on his face and then, they entered in the chamber of Municipal Commissioner and gave representation. Thus, the informant claimed that, the accused persons assaulted him and created obstruction

in discharge of public duty when he was discharging at the time of incident.

4. With such allegations, the informant lodged an FIR, in view of which, vide Crime No. 204/2022 for the offence punishable under section 353 read with section 34 of IPC came to be registered against the accused persons and wheels of investigation were set in motion.

5. Investigation of the crime was handed over to PSI Kshirsagar, who, after taking over the investigation, who visited the spot of incident and prepared spot panchanama. Thereafter, he seized CCTV footages and prepared panchanama in respect of the same and also seized copy of appointment and duty register of the informant. Then, he recorded statement of witnesses, who, in turn, filed a charge sheet against the accused persons before learned Judicial Magistrate First Class, Solapur, who, in turn, committed the case for trial to this court.

6. The charge for the offence punishable under section 353 read with section 34 of IPC came to be framed below Exh.38 against the accused persons, which they denied and pleaded not guilty and claimed to be tried.

7. After commencing the trial, in all, the prosecution has examined four witnesses and closed evidence by filing pursis below Exh.66.

8. Thereafter, statement of the accused persons, as per section 313 of the Code of Criminal Procedure was recorded below Exh. 67 to 69.

The defence of accused persons is of total denial. They neither examined themselves nor any witness on their behalf.

9. Heard learned APP for the State and learned advocate for the accused persons. In the light of evidence on record and submissions so made, following points arise for consideration

POINTS

FINDINGS

1 Do the prosecution prove that, on 06/04/2022 at about 5.15 p.m. at the chamber of Commissioner, Solapur Municipal Corporation, Solapur, in furtherance of their common intention, accused No.3 slapped and accused No.1 and 2 used criminal force to the informant Amit Kale, a Peon who was then and there acting in execution of his duty as such public servant, with intention of preventing or deterring him from discharging his duty as such public servant and thereby committed an offence punishable under section 353 read with 34 of IPC ?

No.

2 What order ?

Accused are acquitted.

REASONS

10. In so far as the evidence, on the basis of which the prosecution wanted to discharge the burden is concerned, it is by way of oral as well as documentary evidence.

11. In so far as the oral evidence is concerned following witnesses have been examined by the prosecution, viz.,

RANK	NAME	EXH	NATURE OF EVIDENCE
PW-1	Amit Umakant Kale	43	First informant
PW-2	Sachin Ashok Kore	54	Witness

PW-3	Abdul Matin Md. Hanif Sayyad	57	Witness
PW-4	Prashant Suryakant Kshirsagar	61	Investigating officer

12. In so far as the documents are concerned, following documents placed on record;-

Sr. No.	Exhibit Number	Description
1	44	FIR
2	45	Spot panchanama
3	58	Panchanama of CCTV footage
4	59	Certificate under section 65-B of the Evidence Act
5	62	Letter to PSI from SMC
6	63	First page of service book of the informant
7	64	Identity card of the informant.

As to point No. 1 :-

13. The prosecution was under obligation to prove that, at about 5.15 pm on 06/04/2022 in the chamber of the Commissioner, Solapur Municipal Corporation, all accused persons in furtherance of their common intention, accused No.3 slapped the informant and accused No.1 and 2 used criminal force to the informant, when the informant was discharging his duty as such public servant, with an intention to prevent or deter him from discharging his duty as such public servant.

14. In so far as claim that, PW-1 Amit Kale the informant was serving as a Peon in Solapur Municipal Corporation is concerned, the defence has admitted the first page of the service book of PW-1 which is below Exh. 63 and the copy of order appointing him as Peon on said establishment. The copy of identity card of PW-1 is also admitted by the

defence and same is below Exh. 64 leaving no room for doubt that, PW-1 is serving as Peon in Solapur Municipal Corporation. However, no duty register showing PW-1 on duty on 06/04/2022 in the chamber of Commissioner, Municipal Corporation Solapur is brought on record and apart from bare words of PW-1 and PW-2, there is no documentary evidence on record to show that, on the day of incident PW-1 Amit Kale was discharging his duty as such Public Servant.

15. Further more, in so far as alleged incident is concerned, as per version of PW-1 Amit Kale, on 06/04/2022 he was on duty and that time, Municipal Commissioner was P. Shivshankar. The incident took place between 4.30 to 6.00 p.m. and that time, members of Shaktisena had come to said office and they were saying that, they want to meet the Municipal Commissioner. When he conveyed said fact to the Municipal Commissioner, he asked PW-1 to tell the members of Shaktisena to come on the next day. Thereafter, MLA Vijay Deshmukh came there for a meeting, but members of Shaktisena stayed in front of the office. Then, Municipal Commissioner asked him call one Naikwadi, then Commissioner asked Naikwadi to accept representation and talk with members of Shaktisena, but, those members refused to talk to him and were saying that, they only want to talk to the Municipal Commissioner. Then, PW-1 again went inside the chamber of Municipal Commissioner and told him that, the members are not listening, but, the Municipal Commissioner asked PW-1 to tell them to come on next day. When he conveyed said fact to the members, those members started hurling abuses at him. Two – three persons manhandled him and one person slapped on his left cheek and thereafter, those members barged in the chamber of Commissioner.

16. He also deposed that, the entire incident got recorded in CCTV camera and he can identify the persons if CCTV footages are shown to him. However, since the CCTV footages and evidence pertaining to the same were not brought on record, learned prosecution sought permission to recall PW-1 after adducing evidence pertaining to CCTV footage and the permission was granted. It is important to note that, when this witness was asked about identity of the accused persons, he only identified accused No.1 Suresh and clearly deposed that, he do not know remaining two accused persons and also can not tell, whether at the time of incident those both accused persons were present on the spot or not.

17. If examination in chief of this witness is carefully perused, then, one thing is apparent and clear that, though this witness alleged that, the members of Shaktisena hurled abuses at him, two-three persons manhandled him and one person slapped on his face, still, he did not depose that, it was accused No.1 who has slapped him or it were accused No.2 and 3 who manhandled him. He just deposed that, he know accused No.1 and the persons who assaulted him and hurled abuses at him are present before the court. Certainly, only one person is claimed to have slapped PW-1, however, this witness did not depose as to who was said person who slapped on his face. Further more, he is not even sure about presence of accused No.2 and 3 on the spot of incident at the time of incident.

18. In his cross-examination, he admitted that, at the time of incident 30 to 40 members of Shaktisena had gathered there and at the time of incident, he was not knowing members of said Shaktisena, but, he

was knowing accused No.1 since prior to the incident. He also admitted that, during the period from 4.30 p.m. to 6.00 p.m on the day of incident, other employees of the office and other persons were passing from said place.

19. The admission so given by this witness clearly show that, altogether 30 to 40 members were present on the spot of incident, but this witness was not knowing anyone except accused No.1. He also not sure about the presence of accused No.2 and 3 on the spot. He did not depose that, it was accused No.1 who slapped on his face. Considering all aforesaid facts, the testimony of PW-1 appear to be highly doubtful. Apparently, no test identification was conducted, which also touch the root of the matter.

20. Another important witness examined by the prosecution is PW-2 Sachin Kore, who is also claimed to be serving as a Peon in Solapur Municipal Corporation and on the day of incident, he was on duty in the Municipal Commissioner office of the Corporation. He deposed that, on 06/04/2022, he was on duty along with PW-1 Amit Kale and on that day, at about 3.45 p.m., MLA Vijay Deshmukh has come to meet Municipal Commissioner and that time, some members of Shaktisena had also come to meet the Municipal Commissioner and they were attended by PW-1 Amit Kale. But that time, since a meeting was going on, Municipal Commissioner did not meet those members. He deposed that, Municipal Commissioner asked one Naikwadi to meet the members and accept their representation, but the members did not listen and sat down on the floor there.

21. He further deposed that, they informed said fact to the Municipal Commissioner, upon which, the Municipal Commissioner asked to convey those members to come on the next day. Thereafter, those members of Shaktisena started speaking with him and PW-1. Accused persons arrogantly and gave push to him and PW-1. That time, those members were trying to forcibly enter in the chamber of Municipal Commissioner and when he and PW-1 tried to stop them, those members went away from there. He further deposed that, thereafter informant was assaulted and he went and lodged an FIR. He identified accused No.1.

22. If versions of PW-1 and PW-2 are considered together, glaring discrepancies in their versions can be noted, as though PW-2 deposed that, he was with PW-1 and the members of Shaktisena behaved arrogantly with them, manhandled them, in the evidence of PW-1, there is no whisper about presence of PW-2 on spot of incident at the time of incident. His version is altogether different and from his version, picture comes-forth that, alone PW-1 was present and was manhandled and assaulted, but contrary to the same, as per version of PW-2, he and PW-1 both were present on the spot and both of them were manhandled and assaulted by members of Shaktisena.

23. In his cross-examination, PW-2 has clearly admitted that, at the time of incident, outsiders were passing from there and crowd has gathered there. Also, he admitted that, 20 to 25 members of Shaktisena were present on the spot and he was not acquainted with members of said Shaktisena before incident and he came to know name of accused No.1 after the incident. The discrepancies in the versions of two material witnesses i.e. PW-1 and PW-2 cast a serious doubt on the case of prosecution.

24. Learned advocate for accused persons submitted that, there is an unexplained delay of three days in lodging of an FIR and same also adds to the doubt.

25. The submission so made appear to be correct as the alleged incident took place on 06/04/2022, while FIR was lodged by PW-1 on 09/04/2022. The only explanation tendered by PW-1 is when Commissioner directed him, that time, he lodged an FIR, which makes it clear that, the FIR came to be lodged on the directions of Commissioner of Municipal Corporation. The explanation so given on one hand is absolutely unsatisfactory and on the other hand, raises a doubt as same is claimed to have been lodged as per the direction of Commissioner of Municipal Corporation. In the FIR below Exh. 44, no such explanation is tendered by PW-1. Certainly, prompt lodging of an FIR plays a vital role as same sets the law in motion at the earliest and it also makes sure that, true and correct version is narrated by the informant, but if there is inordinate delay in lodging of FIR, that raises several questions, creates doubt and possibility of afterthought can not be ruled out. Thus, delay of three days in lodging of FIR in the present crime is fatal for the prosecution.

26. Another witness examined by the prosecution is PW-3 Abdul Sayyad, who was claimed to be serving as Assistant Computer Programmer and he is claimed to have extracted the CCTV footages as demanded by I. O. He proved the certificate under section 65-B of the Indian Evidence Act and also deposed that, whatever length of footages were demanded by the police, he extracted that much CCTV footage. Though CCTV footage are produced on record, but PW-1 was not recalled

to verify those footages, though learned prosecutor has sought permission to call him again at the time of recording evidence of PW-1, therefore, this piece of evidence is of no avail for the prosecution.

27. The last witness is the investigation officers PW-4 PSI Prashant Kshirsagar, who claimed to have visited spot of incident, seized CCTV footages, recorded statement of witnesses and then filed charge sheet. However, in his cross-examination, he admitted that, during investigation it was revealed to him that, outsiders were also present on the spot at the time of incident. He also came to know that, 20 to 25 persons had come to Municipal Corporation for giving representation and he did not record statement of those persons who were present on the spot of incident.

28. The version of PW-1 and PW-2 clearly show that, lot many persons had gathered on the spot. Also 20 to 30 members of said Shaktisena were present on the spot. There were also passersby including employees of the Municipal Corporation, but the statement of none of those persons have been recorded nor any such independent witness has produced before the court. The reason so stated by PW-4 for non production of witnesses that, he could not find them can not be accepted and same do not shows efficiency on the part of the investigation officer. Even if it is considered that, he could not find outsiders still other employees of the Municipal Corporation were claimed to have been passing from the said place during the incident. Even those employees were also not examined which clearly show that, no fair investigation of the crime was done by the I. O.

29. Thus, the serious discrepancies in the version of PW-1 and PW-, non examination of any independent witnesses, failure to identify the accused persons and lack of independent investigation only leads to one conclusion that, prosecution has miserably failed to discharge the burden and therefore, point No.1 is answered in the negative.

As to point No. 2 :-

30. Since the prosecution has miserably failed to discharge the burden so cast on it, no offence as alleged by the prosecution is proved against any of the accused persons and as a consequences thereof, all the accused persons are entitled to be acquitted.

ORDER

- 1 Accused No.1 to 3 are acquitted of the offence punishable under Section 353 read with section 34 of the Indian Penal Code vide Section 235(1) of the Criminal Procedure Code.
- 2 Accused No.1 to 3 shall execute the bail bond of Rs. 15,000/- (Rs. Fifteen Thousand) each with a surety in like amount to appear before the Appellate Court as and when the Court issued notice in respect of appeal or petition against the judgment vide Section 437-A of the Code of Criminal Procedure, 1973.
- 3 The bail bond stand cancelled and surety be discharged.
- 4 The muddemal articles, viz., oen sandisc make pen drive and frontech make CD, being useless and worthless, be destroyed, after the expiry of appeal period or subject to finality of appeal, if any.

Date : 15/07/2025

(Manoj S. Sharma)
Sessions Judge, Solapur

CERTIFICATE

I affirm that, the contents of this PDF file Judgment are same word to word, as per the original order.

Name of the Court : Principal District & Sessions
Court, Solapur.

Name of Stenographer : P. N. Kanaki

Judgment signed by the
Presiding Officer on : 15/07/2025

Judgment uploaded on : 15/07/2025