

MHBI070006062021



Presented on : 09/11/2021.

Registered on : 11/11/2021.

Decided on : 11/08/2026.

Duration : 04 Y. 09 M. 02 D.

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, MAJALGAON
(Presided Over by Rajshri P. Pardeshi.)

CRIMINAL APPEAL NO.11/2021**Exhibit No.36**

Vasant Sundarrao Parse,
Age : 40 years, Occu : Agri,
R/o : Manjrath, Tal.Majalgaon,
Dist.Beed.

Appellant.**VERSUS**

- 1] Dnyaneshwar Pancharam Chumbale,
Age : 25 years, Occu : Agri,
- 2] Ramnath Paraji Chumbale,
Age : 27 years, Occu : Agri,
- 3] Prakash Bhagirath Chumbale,
Age : 38 years, Occu : Agri,
All R/o : Manjarath,
Tal.Majalgaon, Dist.Beed.
- 4] State of Maharashtra,
Through : A.G.P. Majalgaon.

Ori. Accused**Respondents.**

Ld. Advocate for Appellant – Shri.L.B.Gavate
Ld. Advocate for Respondents – Shri.PT.Taur.

Criminal Appeal under 372 of Cr.PC.

JUDGMENT**(Delivered on 11/08/2026)**

1] This is an appeal preferred against order of acquittal of accused of the offences punishable under section 324, 323, 504, 506 r.w. 34 of the Indian Penal Code vide judgment dated 10/01/2020 in R.C.C. No.126/2016 passed by Ld. Judicial Magistrate First Class, Majalgaon. For the sake of convenience, appellant and respondents are hereinafter referred as informant and accused as in learned Trial court.

2] The facts of the prosecution case in brief are as under:

That informant Vasant Sundar Parse is reporter of 'Lokasha' Newspaper. On 25/02/2015 there was measurement of their land bearing Gat No.436 situated at village Manjarath. At about 04:00 p.m. he was in his land bearing Gat No.435. At that time accused Nos.1 to 3 came there and started abusing him on account of previous quarrel. So informant stated them not to abuse. At that time accused No.1 assaulted him by means of spear on his head. Accused Nos.2 and 3 assaulted him by means of iron rod on his head. They also assaulted him by fists and kicks on hands and back. They have given threat to kill him. At that time Bhimrao, Yuvraj and Arjun Parse released the quarrel. Therefore, informant lodged the report.

3] On the basis of this report, the C.R. No.29/2015 came to be registered at Majalgaon Rural Police Station for the offences punishable under sections 324, 323, 504, 506 r.w. 34 of the Indian Penal Code. During the course of investigation, I.O. prepared Spot panchanama, seized the muddemal property under Seizure panchanama, recorded statements of witnesses. After completion of investigation charge-sheet came to be filed against accused.

4] The charge of accused has been framed for the offences punishable under section 324, 323, 504, 506 r.w. 34 of the Indian Penal Code vide Exh.20. Accused Nos.1 to 3 pleaded not guilty and claimed to be tried. After examination of prosecution witnesses, statements of accused under section 313 of the Cr.PC. have been recorded. The defence of the accused, as gathered from the line of cross-examination of the prosecution witnesses and their statements under Section 313 of the Cr.PC. is that of total denial and false implication. After considering the oral and documentary evidence on record, the learned Trial Court came to conclusion that the accused have not committed the offence. Accordingly accused were acquitted. Being aggrieved and dissatisfied by the said order the State has filed present appeal on the ground that the impugned judgment is incorrect, improper and wrong at law. The learned Magistrate erred in misconstruing, misinterpreting and misappropriating the evidence on record and the relevant principles of Law. The learned Magistrate has wrongly drawn conclusion and inferences which are unwarranted by the evidence and material on record and it has resulted in wrong approach to the facts and circumstances of the case. The charges levelled against accused are duly proved by prosecution. Therefore it is prayed to allow the appeal and to convict the accused.

5] I have heard learned A.P.P. and learned counsel for accused. I have also gone through the oral and documentary evidence placed on record and the judgment and order passed by learned Trial Court.

6] Considering the facts of the prosecution case and submissions of both the sides, following points arise for my

determination and I have recorded my findings thereon for the reasons given thereunder.

	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether prosecution prove that on 25/02/2015 at about 04:00 p.m. in the land bearing Gat No.435 situated at Manjarath, Tal.Majalgaon, Dist.Beed accused in furtherance of their common intention voluntarily caused hurt to informant Vasant Sundar Parse by means of spear and iron rod which used as weapons of offence is likely to cause death ?	...Not proved
2.	Whether prosecution prove that on the aforesaid, date, time and place accused in furtherance of their common intention voluntarily caused hurt to informant ?	...Not proved
3.	Whether prosecution prove that on the aforesaid date, time and place accused in furtherance of their common intention intentionally insulted the informant and thereby gave provocation to him intending that such provocation would cause him to break the public peace ?	Not proved
4.	Whether prosecution prove that on the aforesaid date, time and place accused in furtherance of their common intention committed offence of criminal intimidation by threatening the informant with intent to cause alarm to him ?	Not proved
5.	Whether the impugned Judgment and order passed by the Ld. Trial Court is legal and proper ?	Yes

6.	What order ?	Appeal is dismissed.
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REASONS

As Point Nos.1 To 4:-

7] In order to bring home the guilt of accused, prosecution has examined in all 7 witnesses i.e. PW-1 Vasant Sundarrao Parse - informant (Exh.30), PW-2 Mahadeo Bhagwan Kachre – Panch witness (Exh.36), PW-3 Dadahari Mahadeo Surnar– panch witness (Exh.38), PW-4 Siddheswar Bhanudas Gaikwad – panch witness (Exh.40), PW-5 Sachin Bhagwan Padmukh – Panch witness (Exh.42), PW-6 Dr.Rudrawar - Medical Officer (Exh.52), PW-7 Yuvraj Sundarrao Parse – witness (Exh.54), PW-8 P.H.C. Shri.Chavan– I.O. (Exh.56). The prosecution has also relied on the report (Exh.31), Medical Certificate of informant (Exh.53), Spot panchanama (Exh.57).

8] Vasant (PW-1) deposed that on 25/02/2015 there was measurement of land bearing Gat No.436 situated at village Manjarath. He was in his land bearing Gat No.435. At about 04:00 p.m. accused Nos.1 to 3 came there and started abusing him on account of previous quarrel. So informant stated them not to abuse. At that time accused No.1 assaulted him by means of spear on his head. Accused Nos.2 and 3 assaulted him by means of iron rod on his head. Due to which he sustained bleeding injury. They also assaulted him by fists and kicks on hands and back. Accused have given threat to kill him. At that time Bhimrao, Yuvraj and Arjun Parse released the quarrel. Thereafter he went to Police station. They referred him to Rural Hospital, Majalgaon. Thereafter he lodged the report (Exh.31). Thereafter police prepared spot panchanama.

9] Yuvraj (PW-7) supported to the testimony of PW-1 in toto. Mere testimony of PW-7 is not sufficient to prove the alleged act of accused in absence of cogent and corroborative evidence.

10] Mahadeo (PW-2) i.e. panch witness has not supported to the prosecution case. Nothing has been transpired from his cross examination by learned A.P.P. Therefore the contents of Seizure Panchanama in respect of seizure of shirt of informant remained to be duly proved at the instance of PW-2. Therefore his testimony does not come to the help of prosecution case.

11] Dadahari (PW-3) i.e. panch witness has not supported to the prosecution case. Nothing has been transpired from his cross examination by learned A.P.P. Therefore the contents of Spot Panchanama remained to be duly proved at the instance of PW-3. Therefore his testimony does not come to the help of prosecution case.

12] Siddheshwar (PW-4) i.e. panch witness deposed that on 26/02/2015 police have seized shirt of Vasant Parse by preparing Seizure pamnchanama (Exh.37) in his presence. Mere testimony of PW-4 is not sufficient to prove the alleged act of accused.

13] Sachin (PW-5) i.e. panch witness has not supported to the prosecution case. Nothing has been transpired from his cross examination by learned A.P.P. Therefore the contents of Seizure Panchanama in respect of spear and rods remained to be duly proved at the instance of PW-5. Therefore his testimony does not come to the help of prosecution case.

14] Dr.Rudrawar (PW-6) deposed that informant Vasant Sundarraro Parse was referred to him by Majalgaon Rural police station. He examined him and found following injury on the person of informant Vasant :

Abrasion on right frontal area of scalp size 3 c.m. x 2 c.m. having regular shape, age of injury within six hours, caused by hard and blunt object, the nature of injury is simple.

Accordingly he issued Injury Certificate (Exh.53).

15] It is pertinent to note from the admission of PW-6 in his cross-examination that above injury is possible due to falling on stone. Mere testimony of PW-6 is not sufficient to prove the alleged act of accused in absence of cogent and corroborative evidence.

16] P.H.C. Shri.Chavan (PW.8) deposed that on 25/02/2015 he was on duty at Majalgaon Rural Police station. On that day P.S.O. handed over its further investigation of C.R. No.29/2015 to him. On next day he went to the spot of incident and prepared spot panchanama (Exh.57) in presence of panchas. Thereafter he recorded statements of witnesses. He has seized Shirt on the person of informant by preparing Seizure panchanama (Exh.37) in presence of panchas. On 28/03/2015 he seized spear from the possession of accused No.1 by preparing Seizure panchanama in presence of panchas. He has also seized spear and iron rods from the possession of accused Nos.2 and 3 by preparing Seizure panchanama in presence of panchas. He collected Medical Certificate of injured. After completion of investigation he filed charge-sheet against accused. Testimony of PW-8 is of formal nature. Therefore, mere testimony of PW-8 is not sufficient to establish the alleged act of

accused in absence of cogent, corroborative and convincing evidence.

17] From the evidence and documents filed on record it infers that as per the prosecution case there is dispute between informant and accused on account of landed property. In such circumstances there might be possibility of false implication of accused by the informant. Prosecution has not shown the intention of accused for committing alleged act by adducing cogent evidence. Moreover it is pertinent to note from the evidence on record that no independent witness has been examined by the prosecution. The evidence of witnesses who are highly interested become doubtful in absence of cogent and corroborative evidence.

18] Considering the evidence on record and above reasons it reveals that ingredients of section 324, 323, 504, 506 r.w. 34 of I.P.C. are not duly proved by the prosecution against accused. It is not safe to rely on mere testimonies of P.W.1 and 7 for resting the conviction of accused for the offences punishable under section 324, 323, 504, 506 r.w. 34 of I.P.C. in absence of cogent, credible and convincing evidence. Thus, prosecution has failed to establish the alleged act of accused at the relevant point of time and place. Therefore, prosecution has failed to prove the guilt of accused beyond reasonable doubt by adducing cogent evidence. Hence, for these reasons point Nos.1 to 4 are answered accordingly.

As to Point Nos.5 & 6:-

19] The ld. Trial court has considered the basic principle of Criminal Law. The prosecution must stand on its own leg and prove the

case beyond reasonable doubt. Therefore, the observation of the ld. Trial court is as per the settled principle of Criminal Law in respect of offences punishable under Section 324, 323, 504, 506 r.w. 34 of I.P.C. In view of the above discussion and considering that no independent witness is examined by prosecution and vague allegations made by informant and witnesses, I am of the view that the prosecution has failed to prove the case beyond reasonable doubt against accused. Therefore, acquittal of appellants(accused) and findings recorded in this respect by the trial court is to be confirmed. The findings recorded by learned trial Court in respect of acquittal of accused needs no interference. Hence, for these reasons Point No.5 is answered accordingly and following order is passed in answer Point No.6.

ORDER

- 1) Appeal is dismissed.
- 2) The Judgment and order dated 10/01/2020 in R.C.C. No.126/2016 passed by ld. Judicial Magistrate First Class, Majalgaon is confirmed.
- 3) Copy of Judgment and R and P in R.C.C. No.126/2016 be sent to the learned J.M.F.C. Majalgaon.

[Dictated and pronounced in open Court]

Date : 11/08/2026

(Rajshri P. Pardeshi)
Additional Sessions Judge,
Majalgaon.

Dictated on : 11/08/2026
Transcribed on : 11/08/2026
Checked & signed on : 13/08/2026

I affirm that the contents of this PDF file are word to word
as per original judgment.

Sd/-
(A.M.Dashrath)
Stenographer Grade-I