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Sessions Case No.156/2016

MHPU010025862016



Received on : 02/03/2016

Registered on : 11/03/2016

Decided on : 01/01/2026

Duration : Y M D
09 09 30

	IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PUNE AT PUNE Present : P.R.Choudhary	
<u>Date of Judgment- 01/01/2026</u>		
SESSIONS CASE NO.156/2016		Exh.No.
	F.I.R. No. 145/2015, Under Section 307,143,147,148,149,307, 323, 504, 34 of the Indian Penal Code,37(1)135 of Bombay Police Act.	
COMPLAINANT		STATE OF MAHARASHTRA Through Police Station – Swargate District – Pune.
REPRESENTED BY		Shri. Sapre, Ld. A.P.P. for the State.
ACCUSED		1]Vitthal Kashinath Bharaskar Age : 26 yrs. Occu :Service R/o: 429/30,Dias Plot Near Gultekdi Canal, Pune 2]Lakhan Haribhau Bharaskar Age: 21 yrs.,Occu:Labour R/at: 429/30, Dias Plot, Near Gultekdi Canal, Pune 3]Ramdas Kashinath Bharaskar Age: 32 yrs.,Occu:Labour R/o: 429/30 Dias Plot, Near Gultekdi

	Canal, Pune 4]Pandurang Uttam Bharaskar Age: 24 yrs Occu: R/o: 429/30 Dias Plot, Near Gultekdi Canal, Pune 5]Ashok Haribhau Bharaskar Age: 28 yrs.,Occu:Agriculture R/o:Shegaon, Dist. Ahmednagar
REPRESENTED BY	Mr. J.S.Atre Ld. Advocate for accused.

Part - 'B'

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

Date of Offence	19/06/2015
Date of FIR	20/06/2015
Date of Charge-sheet	21/01/2016
Date of framing of charge	29/08/2016 & 25/11/2025
Date of commencement of evidence	25/11/2025
Date on which judgment is reserved	01/01/2026
Date of the Judgment	01/01/2026
Date of the sentencing order, if any.	-----

Accused Details

Rank of the Accused	Name of the Accused	Date of Arrest	Date of Release on bail	Offences charges with	Whether acquitted or convicted	Sentence imposed	Period of Detention undergone during Trial for purpose of Section 428 of Cr.PC.
1	Vitthal Kashinath Bharaskar	20/06/2015	19/09/2015	143,147,148,149,307,323,504 of the Indian Penal	Acquitted	---	----

2	Lakhan Haribhau Bharaskar	20/06/2015	19/09/2015	Code, 37(1), 135 of Mah. Police Act.	Acquitted	---	----
3	Ramdas Kashinath Bharaskar	20/06/2015	19/09/2015		Acquitted	---	----
4	Pandurang Uttam Bharaskar	30/09/2015	03/11/2015		Acquitted	---	----
5	Ashok Haribhau Bharaskar	14/12/2016	07/02/2017		Acquitted	---	----

Part 'C'

(Para 44 (iii) of Chapter VI of Criminal Manual)

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)
PW-1	Lahu Waman Pawar	20	Police witness

B. Defence witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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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 WITNESS)
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution :-**

Sr. No.	Exhibit Number	Description

B. Defence :-

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

Sr. No.	Exhibit Number	Description
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D. Material Objects :-

Sr. No.	Material Object Number	Description
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1] **Nature of the case :-**

Accused are charge sheeted by police station Swargate for committing offences punishable under Sections 143,147,148,149,307, 323, 504 of the Indian Penal Code.

Brief facts of the prosecution case are that :-

2] Saudagar Ramesh Vairagale reside at Gultekdi, Dias plot zopadpatti near Canal, Pune along with his two grandmothers, father, mother, two brothers and brother of his wife Laxmi Vairagale. He used to do the work of collecting garbage. Prior to few days, marriage of his brother Ganesh was performed with Laxmibai. Prior to 3 to 4 days of 19/6/2025, at night, Vitthal Bharaskar tried to see what is happening between Ganesh and his wife by looking inside his house. He saw it. So he abused him and tried to catch him.

3] Thereafter on 19/6/2025 at about 4.00 p.m. he saw Vitthal Bharaskar at Samaj Mandir. When he asked Vitthal what he was looking and why he was looking, at that time Vitthal abused him and beat him by blows. So he went to police station and lodged report. Thereafter at 9.00 p.m. when he was standing near public toilet, near his house along with his friend Ankush Pawar and brother Lahu, Ashok Bharaskar, Lakhan Bharaskar, Pandu Bharaskar, Vitthal Bharaskar, Ram Bharaskar came there by possessing stick, iron pipe in their hands and started to abuse him. When his friend Ankush and brother Lahu tried to rescue the quarrel, they assaulted on the head of Ankush by wooden log,

Lakhan Bharaskar assaulted Lahu by iron pipe. Both of them sustained injury. He went to rescue the quarrel. He assaulted on his head and on his face. He also sustained injury. Thereafter he went to police station and lodged report. On his report offence bearing CR no. 145 of 2015 under section 143,147,148,149,307, 323, 504 of the Indian Penal Code registered at Swargate police station. Police arrested accused, prepared spot and seizure panchanama, recorded statements of witnesses, collected the medical certificate and after completion of investigation charge sheet is submitted before the Ld trial Court.

4] The Ld. Trial Court have made compliance under section 207 of Cr.P. C. and committed the case to this Court under section 209 of Cr.P.C. The charge is framed against accused no. 1 to 4 as per exh. 3 .Their plea was recorded as per exh. 4 to 7. The charge is framed against accused no.5 Ashok Bharaskar as per exh 3-A. plea of accused was recorded. Accused pleaded not guilty and claimed to be tried. The defence of accused is of total denial. Their statements under section 313 of Cr.P.C. were dispensed with.

5] To prove the case, prosecution examined PW 1 Lahu Waman Pawar as per exh. 20. Other injured is dead. The spot panchanama, seizure panchanama, medical certificate are admitted by accused.

6] I have gone through the charge sheet, evidence adduced by the prosecution and defence taken by the accused. Heard APP Shri. Sapre for State and advocate for accused Mr Atre.

7] From the facts of the case, following points arise for my determination and I have recorded my findings against each of them for the reasons stated below.

Sr. No.	POINTS	FINDINGS
1.	Does prosecution prove that, accused along with absconding accused and other unknown persons, on 19/6/2015 at about 21 hrs near public toilet, dias plot slum area, gultekdi, Pune, were the members of unlawful assembly, the common object of which was attempt to commit murder of complainant namely Sagar Ramesh Vairagale and injured namely Ankush Pawar and Lahu Pawar and thereby committed an offence punishable under section 143 of IPC?	...In the negative.
2.	Whether prosecution further prove that accused on the same date, time and place were the members of unlawful assembly and in prosecution of aforesaid common object committed offence of rioting and thereby committed an offence under section 147 of IPC ?	...In the negative.
3	Whether prosecution further prove that accused on the above said day, date, time and place, were the members of unlawful assembly and in prosecution of the aforesaid common object committed an offence of rioting and at that time you were armed with deadly weapon viz. Wooden sticks and iron pipe and thereby committed an offence under section 148 of IPC ?	...In the negative.

4	Whether prosecution further prove that accused on the above said day, date, time and place, were the members of unlawful assembly and in prosecution of the aforesaid common object did an act to wit assaulted complainant namely Sagar Ramesh Vairagale and injured namely Ankush Pawar and Lahu Pawar by means of sharp weapon viz. Wooden sticks and iron pipe with such intention and knowledge and under such circumstances, that if by that act you have caused the death of said injured namely Ankush Pawar and Lahu Pawar, you would have been guilty of committing murder of said complainant and thereby you have committed an offence u/s 149 of IPC punishable u/s 307 of IPC ?	..In the negative.
5	Whether prosecution further prove that accused on the above said day, date, time and place, were the members of unlawful assembly and in prosecution of the aforesaid common object did an act to wit assaulted to complainant namely Sagar Ramesh Vairagale and injured namely Ankush Pawar and Lahu Pawar by means of sharp weapons i.e. wooden sticks and iron pipe, with such intention and knowledge and under such circumstances, that if by that act you have caused the death of said injured namely Ankush Pawar and Lahu Pawar, you would have been guilty of committing murder of said two injured Ankush Pawar and Lahu Pawar and you have thereby committed an offence punishable either under section 307 of IPC simplicitor and u/s 307 r.w. 34 of IPC ?	..In the negative.
6	Whether prosecution further prove that accused on the above said day, date, time and place, were the members of unlawful assembly and in prosecution of the aforesaid common object voluntarily caused grievous hurt to complainant namely Sagar Ramesh Vairagale and injured namely Ankush Pawar and Lahu Pawar and you have thereby committed an offence punishable either	...In the negative.

	under section 323 of IPC simplicitor or under section 323 r.w. sec. 34 of IPC ?	
7	Whether prosecution further prove that accused on the above said day, date, time and place, were the members of unlawful assembly and in prosecution of the aforesaid common object intentionally insulted and thereby gave provocation to the complainant namely Sagar Ramesh Vairagale and injured Ankush Pawar and Lahu Pawar, intending or knowing it to be likely that such provocation will cause the aforesaid complainant and injured to commit breach of public peace and thereby committed an offence punishable under section 504 of IPC simplicitor or section 504 r.w. 34 of IPC?	...In the negative.
8	Whether prosecution further prove that accused on the above said day, date, time and place and during the course of same transaction, either individually or in furtherance of your common intention, were found in possession of deadly weapon i.e. wooden sticks and iron pipe, committed breach of the order passed by the Commissioner of Police and lawfully promulgated under section 37(1) of Bombay Police Act and thereby committed an offence punishable under section 135 of Bombay Police Act ?	...In the negative.
9	What order ?	As per final Order.

REASONS

As to points no. 1 to 9 :-

8] At the outset, I want to brought on record that the spot of incident is admitted. The seizure of weapon is admitted. The injury of the injured is admitted but the material question is whether the weapon of assault was used by accused or not or whether the accused have assaulted the injured or not. For that

the evidence of injured Lahu Waman Pawar is material who was examined as per exh. 20.

9] This Lahu Waman Pawar was examined. He deposed that Sagar Vairagale died prior to 7 years. Accused are his neighbours. They did not beat him. They did not beat Sagar Vairagale and he did not sustained injury at the hands of accused. He was declared hostile and was cross examined in detail. But no fruitful evidence came through his mouth.

10] So though the spot panchanama, seizure panchanama and injury certificate is admitted, maximum it can prove the seizure of weapon in crime, injuries to injured but it is not proved that the accused caused the injuries to the injured. It does not prove that accused formed an unlawful assembly by possessing deadly weapon in their hand. It does not prove that accused caused injury and life threatening injury to informant and other. Hence I came to conclusion that the prosecution failed to prove the charge levelled against the accused. So I record my finding on point no. 1 to 8 in negative and proceed to pass following order.

ORDER

- i] Accused **Vitthal Kashinath Bharaskar, Lakhan Haribhau Bharawskar, Ramdas Kashinath Bharaskar, Pandurang Uttam Bharaskar and Ashok Haribhau Bharaskar** are hereby acquitted of the offences punishable under Sections 307,143,147,148,149, 323, 504, 34 of the Indian Penal Code and u/s 37(1)135 of Mah. Police Act vide section 235(1) of the Code of Criminal Procedure.
- ii] Their bail bond stands cancelled. Sureties are discharged.

- iii] Muddemal property at Sr. no. 1 to 8 being worthless be destroyed after appeal period is over.
- iv] Accused are directed to furnish P.R. Bond of Rs.25,000/- each in compliance with the provisions under section 437 (A) of the Code of Criminal Procedure and it shall remain in force for six months.

Dictated and pronounced in open Court.

Dated:- 01/01/2026

(P. R. Chaudhary)
Additional Sessions Judge,
Pune.

CERTIFICATE

I affirm that the contents of the PDF file Judgment / Order are same word for word as per original Judgment / Order.

Name of Steno	:	V.A.Nagarkar (Stenographer Grade-I)
Name of Court	:	P.R.Choudhary, District Judge-16 and Additional Sessions Judge, Pune.
Date of Order	:	01/01/2026
Order signed by PO on	:	01/01/2026
Order uploaded on	:	01/01/2026