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(In Kankavali Court)

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Decided on : 27.04.2026

Duration : Ys. Ms. Ds.
06 05 26

CNR No. : MHSI01-000138-2021

Exhibit No. : 467

PART 'A'

<p><u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SINDHUDURG, AT OROS, DISTRICT SINDHUDURG</u></p> <p><u>Present : V. S. Deshmukh, Additional Sessions Judge,</u></p> <p>[Date of Judgment – 27.04.2026.]</p> <p><u>SESSIONS CASE NO. 13 OF 2021</u></p>	
	<p>Details of F.I.R. - C.R. No.205/2019.</p> <p>Crime - Under Sections 353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of the Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to Public Property Act, 1984.</p> <p>Police Station – Kankavali.</p>
COMPLAINANT	STATE OF MAHARASHTRA THROUGH KANKAVALI POLICE STATION, TAL. - KANKAVALI, DIST- SINDHUDURG.
REPRESENTED BY	A. P. P. SHRI. R. V. DESAI
ACCUSED NO. 1	NITESH NARAYAN RANE [A1]

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	AGE 38 YEARS, OCCU. BUSINESS, R/O. KANKAVALI OM GANESH BUNGALOW, NATH PAI NAGAR, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 2	SAMIR ANANT NALAVADE [A2] AGE 47 YEARS, OCCU. BUSINESS, R/O. KANKAVALI BHALCHANDRANAGAR, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 3	SANJAY MADHUKAR KAMATEKAR [A3] AGE 46 YEARS, OCCU. BUSINESS, R/O. KANKAVALI BAZARPETH, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 4	RAKESH BALIRAM RANE [A4] AGE 35 YEARS, OCCU. CONSTRUCTION BUSINESS, R/O. KANKAVALI JALAKEWADI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 5	ABHIJIT BHASKAR MUSALE [A5] AGE 42 YEARS, OCCU. HOTEL BUSINESS, R/O. KANKAVALI TEMBWADI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 6	NIKHIL PRAKASH AACHAREKAR [A6] AGE 36 YEARS, OCCU. TRANSPORT, R/O. KANKAVALI MARUTIALI, TAL. KANKAVALI, DIST.-SINDHUDURG.

REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 7	RAJAN SHRIDHAR PARAB [A7] AGE 54 YEARS, OCCU. BUSINESS, R/O. KANKAVALI BIJALINAGAR, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 8	SANDEEP RAMAKANT SAWANT [A8] AGE 35 YEARS, OCCU. AGRICULTURE, R/O. VAGADE, GOPURI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 9	LAXMAN SAMBHAJI GHADIGAONKAR [A9] AGE 58 YEARS, OCCU. AGRICULTURE, R/O. VAGADE, DEWOOLWADI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 10	SANDEEP CHANDRAKANT MESTRY [A10] AGE 36 YEARS, OCCU. CARPENTER, R/O. KALMATH, SUTARWADI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 11	RAVINDRA BALKRISHNA GAIKWAD [A11] AGE 47 YEARS, OCCU. AGRICULTURE, R/O. KANKAVALI WARACHIWADI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 12	SADANAND ALIAS BABAN GOVIND HALDIVE [A12] AGE 64 YEARS,

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	OCCU. AGRICULTURE, R/O. PHONDAGHAT, PIMPALWADI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 13	KISHOR JAGANNATH RANE [A13] AGE 52 YEARS, OCCU. AGRICULTURE, R/O. KANKAVALI MADHALIWADI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 14	SHIVSUNDAR SHAHU DESAI [A14] AGE 24 YEARS, OCCU. EDUCATION, R/O. KANKAVALI KANAKNAGAR, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 15	SACHIN PUNAJI PARADHIYE [A15] AGE 36YEARS, OCCU. AGRICULTURE, R/O. KALSULI GAVASEWADI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 16	VITTHAL DATTARAM DESAI [A16] AGE 57 YEARS, OCCU. AGRICULTURE, R/O. KANKAVALI MADHALIWADI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 17	MILIND CHANDRAKANT MESTRY [A17] AGE 35 YEARS, OCCU. CARPENTER, R/O. KALMATH SUTARWADI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI

ACCUSED NO. 18	SANDEEP BALKRISHNA NALAVADE [A18] AGE 40 YEARS, OCCU. BUSINESS, R/O. KANKAVALI BAZARPETH, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 19	SOU. MEGHA AJAY GANGAN [A19] AGE 42 YEARS, OCCU. HOUSEHOLD, R/O. KANKAVALI VIDYANAGAR, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 20	RAKESH PRALHAD PARAB [A20] AGE 38 YEARS, OCCU. AGRICULTURE, R/O. MALOND, MALVAN, TAL. MALVAN, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 21	JAVED RASHID SHAIKH.[A21] AGE 39 YEARS, OCCU. BUSINESS, R/O. KANKAVALI PATAKIWADI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 22	AJAY ANANT GANGAN [A22] AGE 52 YEARS, OCCU. BUSINESS, R/O. KANKAVALI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 23	SUSHIL SHANTARAM PARKAR[A23] AGE 52 YEARS, OCCU. BUSINESS, R/O. KANKAVALI, TAL. KANKAVALI, DIST.-SINDHUDURG.

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REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 24	UPENDRA VILAS PATKAR [A24] AGE 40 YEARS, OCCU. BUSINESS, R/O. KANKAVALI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 25	SIDDHESH PRAKASH WALAWALKAR [A25] AGE 22 YEARS, OCCU. BUSINESS, R/O. KANKAVALI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 26	SAMEER VILAS PRABHUGAONKAR[A26] AGE 41 YEARS, OCCU. BUSINESS, R/O. VAGADE, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 27	AUDUMBAR CHADRAKANT RANE [A27] AGE 42 YEARS, OCCU. BUSINESS, R/O. KANKAVALI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 28	LAVU RAMCHANDRA PARAB [A28] AGE 37 YEARS, OCCU. AGRICULTURE, R/O. HALVAL, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 29	SHYAMSUNDAR NARAYAN DALAVI [A29] [Abated]

REPRESENTED BY	ADV. SHRI. S. D. DESAI
ACCUSED NO. 30	SANJIVANI SURESH PAWAR [A30] AGE 44 YEARS, OCCU. HOUSEHOLD, R/O. KANKAVALI, TAL. KANKAVALI, DIST.-SINDHUDURG.
REPRESENTED BY	ADV. SHRI. S. D. DESAI

PART 'B'

Date of F.I.R.	04.07.2019
Date of Charge-sheet	01.11.2019
Date of Framing of Charge	07.03.2022
Date of commencement of evidence	24.06.2025
Date on which judgment is reserved	Nil.
Date of the Judgment	27.04.2026
Date of the Sentencing Order, if any	Nil.

Accused Details

Rank of the Accused	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 of Cr.P.C.
1.	Nitish Narayan Rane. [A1]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148,	Convicted for the offence pun. u/s.	Simple Imprisonment for one	5 days

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				149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	504 of IPC and acquitted from other offences.	month and fine of Rs.1,00,000/-, ID to undertook SI for 7 days.	
2.	Samir Anant Nalavade.[A2]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
3.	Sanjay Madhukar Kamatekar. [A3]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
4.	Rakesh Baliram Rane. [A4]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
5.	Abhijit Bhaskar Musale.[A5]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--

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6.	Nikhil Prakash Aacharekar. [A6]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
7.	Rajan Shridhar Parab.[A7]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
8.	Sandeep Ramakant Sawant.[A8]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
9.	Laxman Sambhaji Ghadigaonkar. [A9]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
10.	Sandeep Chandrakant Mestry.[A10]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--

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11.	Ravindra Balkrishna Gaikwad. [A11]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
12.	Sadanand alias Baban Govind Haldive.[A12]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
13.	Kishor Jagannath Rane.[A13]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
14.	Shivsundar Shahu Desai[A14]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
15.	Sachin Punaji Paradhiye. [A15]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--

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16.	Vitthal Dattaram Desai.[A8]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
17.	Milind Chandrakant Mestry[A8]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
18.	Sandeep Balkrishna Nalavade. [A18]	04.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
19.	Sou. Megha Ajay Gangan. [A19]	05.07.2019	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
20.	Rakesh Pralhad Parab[A20]	--	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--

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21.	Javed Rashid Shaikh[A21]	--	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
22.	Ajay Anant Gangan [A22]	--	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
23.	Sushil Shantaram Parkar[A23]	--	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
24.	Upendra Vilas Patkar[A24]	--	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
25.	Siddhesh Prakash Walawalkar[A 25]	--	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--

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26.	Sameer Vilas Prabhugaonkar [A26]	--	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
27.	Audumbar Chandrakant Rane[A27]	--	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
28.	Lavu Ramchandra Parab[A28]	--	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
29.	Shamsundar Narayan Dalavi[A29] [Abated]	--	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--
30.	Sanjivani Suresh Pawar[A30]	--	--	Pun. u/s.353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of IPC and S.3 of PDPP Act	Acquitted	--	--

JUDGMENT
(Delivered on 27th April, 2026)

01. The accused stand prosecuted for having committed the offence punishable under Sections 353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of the Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to Public Property Act, 1984 of the Indian Penal Code, 1860.

02. The prosecution story in nutshell is as under :

Informant Prakash Dadoji Shedekar was working as Sub Divisional Engineer, National Highway, Sub Division, Sawantwadi. Accused No.1 Nitesh Rane directed him to remain present at bridge of Gad river at Kankavali on 04.07.2019. Accordingly on 04.07.2019 at about 10.00a.m. informant Prakash Dadoji Shedekar went to the spot. Accused No.1 along with the other accused came on the spot of the incident. Informant Prakash Dadoji Shedekar was inspecting the road widening work of National Highway No. 66 along with accused No.1 Nitesh Rane. Accused No.1 Nitesh Rane was disappointed with the widening work of National Highway. He humiliated informant Prakash Dadoji Shedekar. Some of them poured bucket of muddy water upon informant Prakash Dadoji Shedekar. Accused No.19 Megha Gangan

slapped him on backside. He was made to walk through muddy water. He was assaulted while he was discharging his duty as public servant. Therefore he lodged report against the accused.

03. On 04.07.2019, the F.I.R. was lodged by the informant and the police registered the crime against accused bearing C.R. No.205/2019, for the offence punishable under **Sections 353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of the Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to Public Property Act, 1984.**

04. The police went to the spot, ascertained the facts on the spot of offence, prepared the spot panchanama. The statements of witnesses were recorded.

05. As the offences punishable under **Section 353, 332 of the Indian Penal Code, 1860** are exclusively triable by the Court of Sessions, the case was committed to the Court of Sessions.

06. The charge is framed against the accused for the offences punishable under **Sections 143, 147, 148, 353, 332, 342, 324, 323, 109, 504, 506, 120-B read with 149 of the Indian Penal Code, 1860 and**

Section 3 of the Prevention of Damage to Public Property Act, 1984 vide Exh.99, to which accused pleaded not guilty and claimed to be tried. The defence of the accused is of total denial.

07. The prosecution has examined in all seven witnesses. The defence has cross-examined them at length. Thereafter, the statement of the accused under Section 313(1)(b) of the Code of Criminal Procedure, 1973 was recorded. As per the statements of the accused and the cross-examination of the witnesses, it is their defence that false case is filed against them.

08. From the prosecution case, the evidence on record and the submissions advanced by the learned A.P.P. for the State and learned advocate for the accused, following points arose for determination and I have recorded my findings thereon are as under :-

SR. NO.	POINTS	FINDINGS
1.	Does the prosecution prove that, on 04.07.2019 at about 10.40hours, at Kankavali, on bridge of Gad river, on Mumbai-Goa National Highway No.66, Dist. Sindhudurg accused were members of an unlawful assembly, the common object of which was to use criminal force, cause hurt, abuse and give threat to the public servant i.e. informant Prakash Dadoji Shedekar, Sub	...No

	Divisional Engineer of National Highway Authority and thereby committed an offence punishable under Section 143 of the Indian Penal Code, 1860 ?	
2.	Does the prosecution prove that on the above mentioned date, time and place accused were members of an unlawful assembly and in prosecution of its common object, committed the offence of rioting punishable under Section 147 of the Indian Penal Code,1860 ?	...No
3.	Does the prosecution prove that on the above mentioned date, time and place accused were members of an unlawful assembly and in prosecution of its common object, committed the offence of rioting and at that time were armed with deadly weapons namely buckets filled with mud, which were used as weapons of offence was likely to cause death and thereby committed an offence punishable under Section 148 of the Indian Penal Code,1860 ?	...No
4.	Does the prosecution prove that on the above mentioned date, time and place accused were members of an unlawful assembly and in prosecution of its common object, assaulted and used criminal force to informant Prakash Dadoji Shedekar, Sub Divisional Engineer of National Highway Authority i.e. public servant, while discharging his duty as such public servant and thereby committed an offence punishable under Section 353 read with 149 of the Indian Penal Code, 1860?	...No
5.	Does the prosecution prove that on above mentioned date, time and place the accused were members of an unlawful assembly and in prosecution of its common object, voluntarily caused hurt to informant Prakash Shedekar, Sub Divisional Engineer of National Highway Authority i.e. public servant, while discharging	...No

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	his duty as such public servant and thereby committed an offence punishable under Section 332 read with 149 of the Indian Penal Code, 1860?	
6.	Does the prosecution prove that on above mentioned date, time and place the accused were members of an unlawful assembly and in prosecution of its common object, wrongfully confined the informant and thereby committed an offence punishable under Section 342 read with 149 of the Indian Penal Code, 1860?	...No
7.	Does the prosecution prove that on above mentioned date, time and place the accused were members of an unlawful assembly and in prosecution of its common object, voluntarily caused hurt to informant Prakash Shedekar, by means of buckets filled with mud, which are used as a weapons of offence is likely to cause death and thereby committed an offence punishable under Section 324 read with 149 of the Indian Penal Code, 1860?	...No
8.	Does the prosecution prove that on above mentioned date, time and place the accused were members of an unlawful assembly and in prosecution of its common object, voluntarily caused hurt to informant Prakash Shedekar, and thereby committed an offence punishable under Section 323 read with 149 of the Indian Penal Code, 1860?	...No
9.	Does the prosecution prove that on above mentioned date, time and place the accused were members of an unlawful assembly and in prosecution of its common object, abetted to commit the offence and thereby committed an offence punishable under Section 109 read with 149 of the Indian Penal Code, 1860?	...No
10.	Does the prosecution prove that on above mentioned date, time and place the accused were members of an unlawful assembly and in	...Yes

	<p>prosecution of its common object, intentionally insulted the informant by uttering words, “पिलर बांधण्याची घाई का? गटार कोण बांधणार तु एवढा निगरगट्ट झालेला आहेस काय, तुला दाखवू काय कसं चिखलात जाणं असतं, तुला चिखलात लोळवतो, चल तू माझ्याबरोबर, सर्व्हीस रोड अजून बांधलाय नाही, माती अंगावर कशी उडते दाखवू का?” and thereby gave provocation to him and the witnesses intending or knowing it to be likely that such provocation will cause them to break public peace while he was discharging his duties as such public servant and thereby committed an offence punishable under Section 504 read with 149 of the Indian Penal Code, 1860?</p>	
11.	<p>Does the prosecution prove that on above mentioned date, time and place the accused were members of an unlawful assembly and in prosecution of its common object, committed criminal intimidation by threatening the informant to cause his death while he was discharging his duties as such public servant and thereby committed an offence punishable under Section 506 read with 149 of the Indian Penal Code, 1860?</p>	...No
12.	<p>Does the prosecution prove that on above mentioned date, time and place the accused were members of an unlawful assembly and in prosecution of its common object, committed criminal conspiracy to cause the death of the informant while he was discharging his duties as such public servant and thereby committed an offence punishable under Section 120-B read with 149 of the Indian Penal Code, 1860?</p>	...No
13.	<p>Does the prosecution prove that on above mentioned date, time and place all accused were members of an unlawful assembly and in prosecution of its common object, committed mischief by causing wrongful loss or damage to the public property i.e. the property of National Highway Authority and thereby committed an</p>	...No

	offence punishable under Section 3 of Prevention of Damage to Public Property Act, 1984 read with Section 149 of the Indian Penal Code, 1860?	
14.	What order ?	...As per final order.

REASONS

09. Heard learned A.P.P. Shri. R. V. Desai for the State. He has relied upon the case-law in *The State of Maharashtra vs. Ajay Raghuram Galat 2016 All M R (Cri.) 5250 Bombay High Court [Nagpur bench.]*. Heard learned Adv. Shri. S. D. Desai for the accused.

AS TO POINT NO.1 :

UNLAWFUL ASSEMBLY

10. It is the prosecution story that on 04.07.2019 informant Prakash Shedekar PW1 was called by accused No.1 on the spot of the incident for inspection of the work of National Highway No.66 and when he accordingly reached there accused No.1 came along with the remaining accused on the spot of the incident, assaulted him, threatened him and used criminal force while he was discharging his duty of inspection of the

work of the highway. It is therefore alleged that the accused have formed unlawful assembly.

11. In order to prove the offence punishable under **Section 143 of the Indian Penal Code, 1860**, the prosecution must prove that -

a. There was assembly of five or more persons.

b. The assembly had common object described in Clause First to Fifth of Section 141 of the Indian Penal Code, 1860.

First Information Report at Exh. P-1/PW1 states that when accused No. 1 came on the spot of the incident he was accompanied by the citizens, reporters and his followers and as such there were near about 40-50 people on the spot of the incident. It further states that accused Milind Mestry was one of the accused persons who poured mud water on his person, accused Mama Haldive, Nikhl Acharekar, Sandeep Sawant broke the white strip (*Patti*) tied for highway safety and tied him with that white strip, accused Megha Gangan slapped from backside and accused No.1 made him to walk through muddy water. Thus First Information Report at Exh. P-1/PW1 contains the names of accused No. 1, 17, 6, 19, 12 and 8. It does not give particulars of the other accused. First Information Report is not an encyclopedia. Informant is not supposed to give each and every minute particulars of the incident. However to rope all the accused in the

offence punishable under **Section 143 of the Indian Penal Code, 1860**, prosecution must prove that all accused were present on the spot of the incident and they formed unlawful assembly as defined under **Section 141 of the Indian Penal Code, 1860**. As per First Information Report accused No. 1, 6, 8, 12, 17 and 19 were the members of alleged unlawful assembly.

12. On scrutiny of the evidence of informant Prakash Shedekar PW1 it is transpired that his evidence is totally silent about presence of accused No. 6, 8, 12 and 17 namely Nikhil Acharekar, Sandeep Sawant, Sadanand Haldive and Milind Mestry on the spot of the incident. Bhushan Sutar PW5 was posted at Police Station, Kankavali at the relevant time. He claims to be present on the spot of the incident as he got the tip of the alleged incident. According to him, on 04.07.2019 at 9.30a.m. he got telephonic information that accused No.1 and his followers had gathered on highway near S. M. High School. When he reached there, he came to know that all of them proceeded to S. T. Stand, Kankavali. So he went to S. T. Stand, Kankavali and found that informant Prakash Shedekar PW1 was informing accused No.1 about the work of Highway. Accused No. 20, 2, 3, 10, 17, 4, 13, 12, 6, 15, 14, 8, 22, 19 were present with accused No. 1 and all of them along with the followers of Swabhiman Party proceeded to the bridge of Gad river. He stated that he

saw the followers of Swabhiman Party questioning informant Prakash Shedekar PW1 about the quality and manner of work and accused No.15 Sachin Pardhiye, accused No.17 Milind Mestry and accused No.14 Shivsundar Desai pouring bucket of muddy water upon informant Prakash Shedekar PW1. Thereon accused No.1 along with his followers and informant Prakash Shedekar proceeded towards the house of Adv. Umesh Sawant where accused No.1 Nitesh Rane made informant Prakash Shedekar PW1 to walk through muddy water.

13. On comparing the evidence of informant Prakash Shedekar PW1 and Bhushan Sutar PW5 it is emerged that evidence of informant Prakash Shedekar PW1 is silent as to formation of unlawful assembly by accused. His evidence reveals that names of accused No.1 and 19 only. From his evidence it is difficult to draw inference that all accused were present on the spot of the incident. As per version of Bhushan Sutar, accused No. 2, 3, 4, 6, 8, 10, 12, 13, 14, 15, 19, 20 and 22 were present with accused No.1 at S. T. Stand, Kankavali. However according to him thereafter accused No.1 proceeded the bridge of Gad river and on the bridge accused No.15, 17 and 14 poured bucket of muddy water upon informant Prakash Shedekar PW1. Thus as per his version accused No. 14, 15 and 17 were present along with accused No.1 on the spot of the

incident. It means according to his evidence accused No. 1, 14, 15 and 17 only were part of so-called unlawful assembly. No doubt he has stated that followers of Swabhiman Party followed accused No.1 Nitesh Rane to the spot of the incident. However, he has not given the names of those followers. Therefore his evidence does not prove that accused No. 2 to 13, 16 and 18 to 30 were members of the alleged unlawful assembly.

14. Evidence of informant Prakash Shedekar PW1 does not prove that accused No. 2 to 18 and 20 to 30 were present along with accused No.1 and 19 on the spot of the incident. Evidence of Bhushan Sutar PW5 is also insufficient to prove that there was assembly of five or more accused persons on the spot of the incident. In order to attract offence punishable under **Section 143 of the Indian Penal Code, 1860**, the prosecution must prove with cogent evidence that there was assembly of five or more persons. As per the prosecution story accused formed unlawful assembly on the spot of the incident. However the evidence of informant Prakash Shedekar PW1 and Bhushan Sutar PW5 do not prove that there was assembly of five or more accused on the spot of the incident. Though it is stated by both these witnesses that followers of Swabhiman Party were present along with accused No.1, none of them has stated that accused No. 2 to 30 were present with accused No.1 on the

spot of incident. Their evidence does not prove that there was assembly of five or more accused persons on the spot of the incident. None of them has stated that accused No. 2 to 30 were followers of Swabhiman Party. It has come on record that at the relevant time many citizens, reporters, followers of Shivsena Party along with followers of Swabhiman Party were present on the spot of the incident. In the circumstances of huge gathering of mob, it is difficult to cull out who were the members of alleged unlawful assembly. For that purpose prosecution ought to have produced cogent evidence that the accused No. 2 to 30 were the followers of Swabhiman Party and they were present along with accused No.1 being a part of alleged unlawful assembly. There is no reliable evidence to prove that there was assembly of five or more accused persons on the spot of the incident. Being part of mob gathering does not automatically cause them a member of an unlawful assembly. It may happen that a mob may later on turned into unlawful assembly. What is most important is to prove that accused No. 2 to 30 were part of the mob and later on their assembly turned into unlawful assembly. However there is no evidence to prove that there was assembly of five or more accused persons on the spot of the incident. As basic ingredient is not proved I answer **point No.1 in 'negative'**.

AS TO POINT NO. 2 :-

RIOTING

15. It is not proved that the accused persons formed unlawful assembly. Offence punishable under **Section 147 of the Indian Penal Code, 1860** is said to have been committed when force or violence is used by an unlawful assembly. Basically formation of unlawful assembly by accused persons is not proved. Hence I answer **point No. 2 in 'negative'**.

AS TO POINT NO. 3 :-

UNLAWFUL ASSEMBLY ARMED WITH DEADLY WEAPON.

16. When unlawful assembly armed with deadly weapon commits violence, offence punishable under **Section 148 of the Indian Penal Code, 1860** is committed. Therefore, prosecution has to prove -

- a. Formation of unlawful assembly.
- b. It is armed with deadly weapon and
- c. It committed rioting.

It is not proved that the accused formed unlawful assembly. There is also no evidence that the accused were armed with deadly weapon. In the result, it is not proved that the accused are guilty of the offence punishable under **Section 148 of the Indian Penal Code, 1860**. Hence I answer **point No. 3 in 'negative'**.

AS TO POINT NO. 6 :-

WRONGFUL CONFINEMENT

17. First Information Report at Exh. P-1/PW1 contends that accused No. 1 caught hold informant Prakash Shedekar PW1, instigated his followers to tie him and accused No.12 Sadanand Haldive, accused No. 6 Nikhil Acharekar and accused No. 8 Sandeep Sawant tied him with white strip of the Highway. However he has not stated about the tying by the accused persons. Bhushan Sutar PW5 also not stated that the accused tied informant Prakash Shedekar PW1 with white strip. Hence it is not proved that informant Prakash Shedekar PW1 was wrongly confined by the accused. Hence I answer **point No. 6 in 'negative'**.

AS TO POINT NO. 13 :-

WRONGFUL DAMAGE TO PUBLIC PROPERTY

18. None of the witnesses has stated that the accused have caused wrongful damage to the public property. For want of evidence I answer **point No.13 in 'negative'**.

AS TO POINT NO. 11 :-

THREATENING TO KILL

19. First Information Report at Exh. P-1/PW1, evidences of informant Prakash Shedekar PW1 and Bhushan Sutar PW5 do not reveal that the accused threatened to kill informant Prakash Shedekar PW1. Hence for want of evidence I answer **point No.11 in 'negative'**.

AS TO POINT No. 12 :-

CRIMINAL CONSPIRACY

20. Offence of criminal conspiracy is said to have been committed when two or more persons agreed to do or cause to be done -

a. an illegal act or

b. any act which is not illegal by illegal means.

Thus agreement between two or more persons is at the core of the offence. There is no evidence to prove that the accused persons agreed to do an illegal act. Hence I answer **point No. 12 in 'negative'**.

AS TO POINT NO. 7:-

VOLUNTARILY CAUSING HURT BY DEADLY WEAPON

21. To attract offence punishable under **Section 324 of the Indian Penal Code, 1860** there must be proof that hurt was voluntarily caused by

means of instrument of shooting, stabbing or cutting or any instrument which used as a weapon of offence, is likely to cause death. According to informant Prakash Shedekar PW1 as stated in First Information Report at Exh. P-1/PW1 accused No.19 Megha Gangan slapped him from backside and accused Milind Mestry poured a bucket of muddy water upon him. First Information Report at Exh. P-1/PW1 and his evidence do not reveal that an instrument of shooting, stabbing or cutting or any instrument which, was used as a weapon of offence, which is likely to cause death. Alleged slapping and bucket of muddy water do not fall in any of these categories. Hence it is not proved that accused have committed an offence punishable under **Section 324 read with 149 of the Indian Penal Code, 1860**. In the result, I answer **point No. 7 in 'negative'**.

AS TO POINT NO. 8 :-

VOLUNTARILY CAUSING HURT

22. It is contended in First Information Report that accused No.19 Megha Gangan gave slapped informant Prakash Shedekar PW1 from backside and accused No.17 Milind Mestry and others poured a bucket of muddy water upon him. Dr. Smita Pandit PW6 examined him after the alleged incident and found mild congestion of both of his eyes. Medical certificate at Exh. P-3/PW6 shows mild congestion of eyes.

Though First Information Report at Exh. P-1/PW1 contends that accused No. 17 Milind Mestry and others poured a bucket of muddy water on his person, informant Prakash Dadoji Shedekar PW1 is incapable before the Court to state the names of the accused who allegedly poured bucket of muddy water upon him. Bhushan Sutar PW5 stated that accused No.17 Milind Mestry, accused No.15 Sachin Pardhiye and accused No.14 Shivsundar Desai poured bucket of muddy water upon informant Prakash Shedekar PW1. There is significant discrepancy in the contentions of First Information Report at Exh. P-1/PW1, evidence of informant Prakash Shedekar PW1 and Bhushan Sutar PW5 as to who poured muddy water upon informant Prakash Shedekar PW1. Moreover Investigating Officer Shivaji Koli PW7 could not procure video recording of the alleged incident made by Sindhudurg Live Channel. In fact it could have been the best evidence. However it is not produced. Thus there is no cogent evidence to prove accused persons have poured muddy water upon informant Prakash Shedekar PW1.

23. It is further alleged that accused No.19 Megha Gangan slapped informant Prakash Shedekar PW1 from backside. As per his version said assault took place after the incident of pouring muddy water upon him. He stated that after the alleged incident of pouring muddy

water upon him, he was shocked and in semi conscious condition and therefore he could not identify the accused pouring muddy water upon him. However he could tell the name of the accused No. 19 who allegedly slapped him from backside. His versions in First Information Report at Exh. P-1/PW1 and before the Court are consistent with respect to slapping him from backside by accused No.19 Megha Gangan. However when he was in semi conscious condition, when there was gathering of 40-50 persons on the spot of the incident, it is impossible to come to know the accused who allegedly slapped him and that too from backside. Hence though his versions are consistent they are not reliable that he saw from the mob accused No. 19 Megha Gangan slapping him from backside. As such there is no reliable evidence to prove that accused voluntarily caused hurt to him. Hence I answer **point No. 8 in 'negative'**.

AS TO POINT NO. 9 :-

ABETMENT

24. As per First Information Report at Exh. P-1/PW1 accused No.1 Nitesh Rane instigated his followers to tie informant Prakash Shedekar PW1 and accordingly he was tied by white strip by his followers. However he has stated only about instigation by accused No.1 to his followers to tie him. He has not stated that he was accordingly tied

by the followers at the instigation of accused No.1 Nitesh Rane. Hence it is not proved that the act of tying him was committed in consequence of such abetment. Hence I answer **point No. 9 in 'negative'**.

AS TO POINTS NO. 4 AND 5 :-

ASSAULT/CRIMINAL FORCE AND VOLUNTARILY CAUSING HURT WHILE DISCHARGING DUTY AS PUBLIC SERVANT

25. In order to bring home guilt of the accused for the offence punishable under **Sections 353 and 332 of the Indian Penal Code,1860** the prosecution has to prove following ingredients:

- a) at the time of the alleged incident informant Prakash Dadoji Shedekar PW1 was discharging his official duty as a public servant,
- b) he was assaulted by the accused or criminal force was used by the accused with intention to deter him from discharging his duty as such public servant.
- c) the accused voluntarily caused hurt to informant Prakash Dadoji Shedekar, a public servant while discharging his duty.

DISCHARGING DUTY AS PUBLIC SERVANT

26. Admittedly informant Prakash Dadoji Shedekar PW1 was working as Deputy Engineer of National Highway Authority in the year 2019. It is not disputed that at the relevant time he was attached to

Mumbai-Goa National Highway, Sub Division, Sawantwadi. Thus it is proved that he was public servant.

27. It is undisputed that informant Prakash Shedekar PW1 was directed by accused No.1 to remain present on 04.07.2019 on Gad river for inspection of the work of the Highway No. NH-66. It is also undisputed that it was the part of his duty to inspect the work of the National Highway No. NH- 66. Undisputedly as per the direction of accused No.1, informant Prakash Shedekar PW1 went to the bridge on Gad river for inspection of the work of Highway. Thus it is proved that on the date of the alleged incident and at the relevant time informant Prakash Shedekar PW1 was discharging his duty of inspection of the work of National Highway No.NH-66.

28. While informant Prakash Shedekar PW1 was inspecting the work of National Highway No. 66 along with accused No.1, it is alleged that accused No. 1 was accompanied by his followers, he humiliated by saying “पिलर बांधण्याची घाई का? गटार कोण बांधणार तु एवढा निगसगट्ट झालेला आहेस काय, तुला दाखवू काय कसं चिखलात जाणं असतं, तुला चिखलात लोळवतो, चल तू माझ्याबरोबर, सर्व्हीस रोड अजून बांधलाय नाही, माती अंगावर कशी उडते दाखवू का?” To attract the offence punishable under **Section 353 of the Indian Penal Code, 1860**

there must be use of criminal force or assault at the hands of the accused persons. Verbal humiliation does not fall under the definition of 'Force' under **Section 349 of the Indian Penal Code, 1860** and 'Criminal Force' under **Section 350 of the Indian Penal Code, 1860**. It is also not the prosecution story that the accused made any gesture or preparation intending that such gesture or preparation may cause informant Prakash Shedekar PW1 to apprehend that the accused were about to use criminal force against him.

29. In the First Information Report at Exh. P-1/PW1 it is alleged that accused No.1 caught hold him, pushed him towards the bridge and instigated his followers to tie him, accordingly he was tied by white ribbon by accused No.6, 8 and 12. However in his evidence informant Prakash Shedekar PW1 omitted to state the alleged incident of tying him by the accused persons. First Information Report at Exh. P-1/PW1 contends that accused No.1 caught hold him, pushed him towards the bridge. However as per his evidence accused No.1 pushed him. Bhushan Sutar PW5 though claims to be present on the spot of the incident has not stated that accused No.1 pushed informant Prakash Shedekar PW1. There are significant variations in First Information Report at Exh. P-1/PW1,

versions of informant Prakash Shedekar PW1 and Bhushan Sutar PW5 regarding the use of criminal force by the accused persons.

30. Further allegation against the accused persons is that at the instigation of accused No.1 accused No. 14, 15 and 17 poured a bucket of muddy water upon informant Prakash Shedekar PW1. However, Prakash Shedekar PW1 was not able to name the accused persons who have allegedly poured muddy water upon him. It is admitted fact that there was mob gathering on the spot of the incident. There were followers of Shivsena Party, citizens and reporters present on the spot of the incident. It has also come on record that there was press conference held by Shivsena Party in which Rupesh Narvekar, Kanhaiyya Parkar and Mahesh Sawant of Shivsena Party threatened to tie the officers of Highway Authority and the contractors by rope. Bhaskar Rane, Raju Rathod and other office bearers of Shivsena Party were also present on the spot of the incident. Thus there was large crowd on the spot of the incident. Office bearers of Shivsena Party disappointed with the work of officers of National Highway Authority and the contractor, were also a part of the mob. Thus there was chaos on the spot of the incident. According to him, on pouring muddy water upon him, he was in semi-conscious condition and unable to identify who poured muddy water upon him.

31. One more allegation is that accused No. 19 Megha Gangan slapped informant Prakash Shedekar PW1 from backside. This incident is missing in the evidence of Bhushan Sutar PW5. According to informant Prakash Shedekar PW1 when bucket of muddy water was allegedly poured upon him, being shocked he was in subconscious condition and therefore he didn't know who poured the muddy water upon him. The alleged incident of slapping by accused No.19 Megha Gangan on his back took place immediately after the incident of alleged pouring of muddy water upon him. As per his own version due to the incident of alleged pouring of muddy water, he was in subconscious condition and could not able to identify the persons who poured muddy water upon him. Point to be noted that at the relevant time there was mob of 40 to 50 people on the spot. It is just impossible to know the person from the said mob allegedly slapping from the backside. Therefore, though evidence of Prakash Shedekar PW1 is consistent with the contentions in First Information Report at Exh. P-1/PW1, his evidence to name accused No.19 Megha Gangan as the person slapping on his back is unreliable. Moreover at the relevant time as per his own version he was in shocked and subconscious condition. His own version falsifies his statement of naming accused No.19 Megha Gangan allegedly slapping on his back. In the *State of*

Maharashtra vs. Ajay Galat 2016 All M R (Cri.) 5250 Jailor Swati Sathe was attacked by the accused from back side while she was taking round in the jail. However, her body guards who were present with her ran for her help, they were also pushed by the accused, they had scuffle. All of them have consistently stated the incident. They were the eye witnesses. There were no discrepancies in their evidence and their evidence was wholly reliable. Therefore even though the accused attacked Jailor Swati Sathe from backside, her bodyguards present on the spot were the eye witnesses who rescued her and had scuffle with the accused. His testimony identifying accused No. 19 Megha Gangan who allegedly slapped on his back, is not reliable. Being distinct fact the ratio laid down by the Hon'ble High Court is of no assistance to the prosecution.

32. Bhushan Sutar PW5 claimed to be present on the spot of the incident. He is a police personnel. Though the alleged incident of tying, assaulting informant Prakash Shedekar PW1 was going on, he preferred to be mute spectator. Admittedly, he did nothing. His inaction and non-asking for police force from the Police Station create doubt as to his presence on the spot of the incident. Moreover, his evidence does not reveal that accused No.1 pushed informant Prakash Shedekar PW1 towards the bridge. There are significant variations in the contentions in

the First Information Report at Exh. P-1/PW1 and in the versions of informant Prakash Shedekar PW1, Bhushan Sutar PW5 as to the criminal force allegedly used by accused No.1 against informant Prakash Shedekar PW1.

33. Core of the offences punishable under **Sections 353 and 332 of the Indian Penal Code, 1860** are the use of criminal force and voluntarily causing hurt. Discrepancies and variations in the evidence of informant Prakash Shedekar PW1, Bhushan Sutar PW5 disprove that the accused used criminal force against informant Prakash Shedekar PW1 and voluntarily caused hurt to him while he was discharging his duty as public servant. Hence I answer **points No. 4 and 5 in 'negative'**.

AS TO POINT NO. 10 :-

INTENTIONAL INSULT

34. Presence of informant Prakash Shedekar PW1, accused No.1 Nitesh Rane on the spot of the incident is not disputed. It is also undisputed fact that informant Prakash Shedekar PW1 was Sub Divisional Engineer in National Highway Sub Division, Sawantwadi. The work of widening of National Highway No.66 was within his jurisdiction. It is also undisputed fact that the general public was disappointed with the widening

work of National Highway No.66 It is also undisputed fact that the construction of service road was not completed and therefore, there was water-logging in Kankavali city. The citizens of Kankavali were fed up of the problem of water-logging They were facing inconvenience in their routine life. It is undisputed fact that the ruling Shivsena Party held press conference and blamed accused No.1 Nitesh Rane for the poor work of National Highway No. 66. It was the triggering point.

35. Undisputedly accused No.1 Nitesh Rane directed informant Prakash Shedekar PW1 to remain present on 04.07.2019 on the spot of the incident for inspection of the work. When informant Prakash Shedekar PW1 arrived on the spot of the incident accused No.1 Nitesh Rane allegedly humiliated informant Prakash Shedekar PW1. In First Information Report at Exh. P-1/PW1 it is alleged that accused No.1 Nitesh Rane insulted informant Prakash Shedekar PW1 saying , “पिलर बांधण्याची घाई का? गटार कोण बांधणार तु एवढा निगरगट्ट झालेला आहेस काय, तुला दाखवू काय कसं चिखलात जाणं असतं, तुला चिखलात लोळवतो, चल तू माझ्याबरोबर, सर्व्हीस रोड अजून बांधलाय नाही, माती अंगावर कशी उडते दाखवू का?” Informant Prakash Shedekar PW1 omitted to state these humiliating sentences in his evidence. However he has consistently stated in First Information Report at Exh. P-1/PW1 as well as in his evidence that accused No.1 Nitesh Rane made him to walk through

the muddy water in front of the house of Adv. Umesh Sawant. There is no material cross-examination which would falsify that accused No.1 Nitesh Rane made him to walk through muddy water. As far as the incident of making informant Prakash Shedekar PW1 walk through the muddy water is concerned, his evidence is consistent and reliable. Therefore, it is sufficiently proved that accused No.1 Nitesh Rane made informant Prakash Shedekar to walk through the muddy water. Learned Adv. S. D. Desai for accused invited attention to the charge and submitted that the contents of the charge for the offence punishable under **Section 504 of the Indian Penal Code, 1860** are not proved. No doubt the charge framed for the offence punishable under **Section 504 of the Indian Penal Code, 1860** is about verbal humiliation and it does not describe the particulars of making informant Prakash Shedekar PW1 walk through the muddy water. However the gist of the offence punishable under **Section 504 of the Indian Penal Code, 1860** is intentional insult. Manner of insulting is not material. Though the verbal humiliation is not proved, informant Prakash Shedekar PW1 has consistently stated in First Information Report at Exh. P-1/PW1 as well as in his evidence that accused No.1 Nitesh Rane made him to walk through the muddy water. Informant Prakash Shedekar was working as Sub Divisional Engineer in National Highway Authority. He was holding high post in National Highway Authority. Despite that he

was made to walk through the muddy water in public. It would have certainly humiliated, insulted him. The act of accused No.1 Nitesh Rane compelling informant Prakash Shedekar PW1 to walk through the muddy water was nothing but intentional insult to informant Prakash Shedekar PW1. It is fact that informant Prakash Dadoji Shedekar PW1, had not responded to it. He had not committed any act in provocation. However it does not mean that the overt act was not likely to provoke informant Prakash Shedekar PW1 to break public peace. Obviously, at the relevant time he was overpowered by accused No.1 Nitesh Rane. Thus it is proved that accused No.1 Nitesh Rane intentionally insulted informant Prakash Shedekar PW1 thereby giving provocation which will cause him to break the public peace. Hence I answer **point No.10 in 'affirmative'**.

AS TO POINT NO.14 :-

36. The sum and substance is that the prosecution has failed to prove that the accused formed unlawful assembly. It has failed to prove the offences punishable under **Sections 353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of the Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to Public Property Act, 1984.** However it is proved that accused No. 1 Nitesh Rane has committed offence punishable under **Section 504 of the Indian Penal Code, 1860.**

Hence, I hold the accused No. 1 Nitesh Rane guilty for the offence punishable under **Section 504 of the Indian Penal Code, 1860** and take a pause to hear the accused on the point of sentence.

37. Heard learned Adv. S. D. Desai for accused No.1. He submitted that there is no previous conviction to his credit. He is not habitual offender. The incident took place out of the frustration of poor work done by informant Prakash Shedekar PW1. There were complaints of general public about the poor work of the highway. The public was facing inconvenience. His intention was to raise voice against the poor quality of the work and inconvenience to the public. Considering these facts leniency be shown and sentence of only fine be imposed.

38. Learned A. P. P. R. V. Desai submitted that the accused has committed offence against public servant in public place and hence severe punishment be given.

39. It has come on record that as the service roads were not constructed on the spot of the incident, citizens from Kankavali were facing difficulties and inconvenience. There was hues and cries in the public regarding the poor quality work of the highway. It has also come

on record that the ruling party Shivsena took press conference held accused No.1 responsible for the poor quality work and he was blamed for the same. It was the triggering point. However, it is pertinent to note that at the relevant time accused No.1 was MLA. The Law Makers are not supposed to take law into their hands. Even though his intention was to raise voice against the poor quality of work and inconvenience faced by the public, he was not supposed to humiliate, insult a public servant in public. If such incidents continue to occur, public servants would not able to discharge their duties with dignity. It is abuse of power. Hence it is the demand of the time to curb such tendency. Hence he does not deserve for the benefit of **Probation of Offenders Act,1958**. Taking into account peculiar facts and circumstances, absence of criminal antecedents of accused No.1, sentencing him with simple imprisonment for 1(one) month and with fine of Rs. 1,00,000/- (Rs. One Lakh only) would be just and proper. At the same time victim/informant Prakash Shedekar PW1 shall be compensated. In fact mental agony, humiliation suffered by him cannot be compensated in terms of money. Awarding compensation of Rs.50,000/- out of the fine would to some extent serve the purpose. Hence in answer to point No.14 I pass following order.-

ORDER

1. Accused No.1. Nitesh Narayan Rane.[A1] R/o.Kankavali, Dist. Sindhudurg, is convicted for the offence punishable under **Section 504 of the Indian Penal Code,1860** vide **Section 235(2) of the Code of Criminal Procedure, 1973** and sentenced to undergo **Simple Imprisonment for 1(one) month** and to pay fine of **Rs. 1,00,000/- (Rs. One Lakh only) in default to undergo simple imprisonment for 7(Seven) days.**
2. Accused No.1 is in custody from 05.07.2019 to 09.07.2019. Hence, he is entitled for set off for the aforesaid period already undergone in custody as per **Section 428 of the Code of Criminal Procedure, 1973.**
3. Accused No.1. Nitesh Narayan Rane.[A1] R/o. Kankavali, Dist. Sindhudurg, is acquitted of the offences punishable under **Sections 353, 332, 342, 324, 147, 143, 148, 149, 323, 506, 109, 120B of the Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to Public Property Act, 1984,** vide **Section 235(1) of the Code of Criminal Procedure, 1973.**
4. Accused No.1 to surrender to his bail bond.
5. Accused No. 2. Samir Anant Nalavade.[A2], 3.Sanjay Madhukar Kamatekar.[A3], 4.Rakesh Baliram Rane.[A4], 5. Abhijit Bhaskar Musale.[A5], 6. Nikhil Prakash Acharekar.[A6], 7.Rajan Shridhar Parab.[A7], 8. Sandeep Ramakant Sawant.[A8], 9.Laxman Sambhaji

Ghadigaonkar.[A9], 10. Sandeep Chandrakant Mestry. [A10], 11.Ravindra Balkrishna Gaikwad.[A11], 12. Sadanand alias Baban Govind Haldive.[A12], 13.Kishor Jagannath Rane.[A13], 14. Shivsundar Shahu Desai[A14], 15.Sachin Punaji Paradhiye.[A15],16.Vitthal Dattaram Desai.[A16] , 17. Milind Chandrakant Mestry[A17], 18.Sandeep Balkrishna Nalavade.[A18], 19. Sou. Megha Ajay Gangan.[A19], 20. Rakesh Pralhad Parab[A20], 21. Javed Rashid Shaikh[A21], 22. Ajay Anant Gangan [A22], 23.Sushil Shantaram Parkar[A23], 24. Upendra Vilas Patkar[A24], 25. Siddhesh Prakash Walawalkar[A25], 26.Sameer Vilas Prabhugaonkar[A26], 27. Audumbar Chandrakant Rane[A27], 28. Lavu Ramchandra Parab[A28], 29. Shamsundar Narayan Dalavi[A29] [Abated], 30. Sanjivani Suresh Pawar[A30] are acquitted of the offences punishable under **Sections 353, 332, 342, 324, 147, 143, 148, 149, 323, 504, 506, 109, 120B of the Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to Public Property Act, 1984** vide Section 235(1) of the Code of Criminal Procedure, 1973.

6. Their bail bonds stand cancelled.
7. **Muddemal property at Sr. No.1 Plastic Strip** being worthless be destroyed after appeal period is over.

8. **Muddemal properties at Sr. No.2 one Shirt and at Sr. No.3 Sando Baniyan** being useless be destroyed after appeal period is over.
9. **Muddemal property at Sr. No.4 Honda Activa vehicle and at Sr. No.10 WagonR car are already** handed over to their respective registered owners. They shall retain the same and the bonds stand cancelled after appeal period is over.
10. **Muddemal properties at Sr. No.5 to 7 Plastic Buckets** be sold in auction and sale-proceeds be credited to the Government after appeal period is over.
11. **Muddemal properties at Sr. No.8 Xziox mobile handset** be returned to accused No.2 on due verification and at **Sr. No. 9 Samsung Galaxi mobile handset** be returned to Subhash Vitthal Malandkar who produced it, on due verification, after appeal period is over.
12. Accused No. 2 to 28 and 30 are directed to furnish P.B. & S.B. of Rs.15,000/- (Rs. Fifteen Thousand Only), for their appearance before the Appellate Authority, if the State prefers appeal against the order, in compliance of **Section 437-A of the Code of Criminal Procedure,1973.**
13. Out of fine amount of Rs.1,00,000/-, an amount of Rs.50,000/- be paid to the informant as per **Section 357(1) of the Code of Criminal Procedure, 1973.**

14. As per Section 363 of the Code of Criminal Procedure, 1973, the copy of the judgment be given to accused No.1 free of costs.
15. As per Section 365 of the Code of Criminal Procedure, 1973, the copy of the judgment be forwarded to the District Magistrate, Sindhudurg.

(Dictated and pronounced in open court.)

Sindhudurg-Oros.
DATE – 27.04.2026.

(V. S. Deshmukh)
Additional Sessions Judge,
Sindhudurg-Oros

ANNEXURE

PART 'C'

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	Prakash Dadoji Shedekar	Informant (Exh.247)
PW2	Balaso Shamrao Shinde	Panch Witness (Exh.248)
PW3	Mahadeo Yeshwant Haldankar.	Witness(Exh.278)
PW4	Avinash Ramrao Rathod	Panch Witness (Exh.279)
PW5	Bhushan Bhaskar Sutar	Witness (Exh.357)
PW6	Dr. Smita Prashant Pandir	Medical Officer (Exh.385)
PW7	Shivaji Balu Koli	Investigating Officer (Exh.394)

B. Defence Witness, if any :

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

RANK	NAME	NATURE OF EVIDENCE
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LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

SR.NO.	EXHIBIT NUMBER	DESCRIPTION
1	P-1/PW1	First Information Report.
2	P-2/PW2	Spot Panchanama
3	P-308/PW4	Seizure panchanama of bucket.
4	P-3/PW6	Medico Legal Certificate.
5	P-4/PW7	Muddemal Receipt of Side Strip
6	P-5/PW7	Seizure Panchanama of Baniyan.
7	P-6/PW7	Muddemal Receipt of Baniyan.

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8	P-7/PW7	Muddemal Receipt of Activa Vehicle.
9	P-8/PW7 and P-9/PW7	Muddemal Receipts of seized mobiles.
10	P-10/PW7	Muddemal Receipt of plastic buckets.
11	P-11/PW7	Seizure Panchanama of WagonR
12	P-12/PW7	Muddemal Receipt of WagonR
13	P-13/PW7	Letter to S. P. Sindhudurg for CDR and SDR
14	P-14/PW7	Letters to Live Channel for recording
15	P-15/PW7 to P-17/PW7	Letters to daily Tarun Bharat, Prahar and Pudhari
16	P-18/PW7	Letter to FSL

B. Defence :

SR.NO.	EXHIBIT NUMBER	DESCRIPTION
1	D-1 to D-3	House Search and Seizure Panchanama
2	D-4 to D-22	Arrest Panchanamas of accused No.1 to 19

C. Court Exhibits :

SR.NO.	EXHIBIT NUMBER	DESCRIPTION
1	C-1	FSL Report

D. Material Objects :

SR.NO.	MATERIAL OBJECT NUMBER	DESCRIPTION
1.	MO-1	Shirt
2.	MO-2	Baniyan
3.	MO-3	White Plastic Strip
4.	MO-4	Red coloured bucket
5.	MO-5	Blue coloured bucket
6.	MO-6	Yellow coloured bucket
7.	MO-7	Xziox company mobile handset
8.	MO-8	Samsung Galaxi mobile handset

**Sindhudurg-Oros.
DATE – 27.04.2026.**

**(V. S. Deshmukh)
Additional Sessions Judge,
Sindhudurg-Oros**