IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 528 OF 2026
WITH
INTERIM APPLICATION NO. 3499 OF 2026

NAVNATH SITARAM WAGHMARE

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Date: 2026.10.17 14:02:30 +0530

Roshan Nandkumar Pawar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Kuldeep Patil a/w Yukta Sawant a/w Anay Joshi and Sumitkumar Nimbalkar i/b Ms. Saili Dhuru for the Applicant.

Mr. Sameer Mangaonkar, APP for Respondent/State.

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CORAM : M.M. SATHAYE, J.
DATE : 16th OCTOBER, 2026

P.C. :

1. Heard learned counsel for the parties. Invoking revisional jurisdiction of this Court under Section 438 read with Section 442 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ('BNSS' for short) / Section 397 read with 401 of the Code of Criminal Procedure, 1973 ('CrPC' for short), original Accused is challenging judgment and order dated 16.09.2026 passed by learned Addl. Sessions Judge, Raigad, Alibag District Raigad in Criminal Appeal No.92 of 2019. By the said impugned order, the appeal filed by Revision Applicant is dismissed thereby confirming the conviction and sentence under judgment and order dated 11.07.2019 passed by learned Chief Judicial Magistrate, Raigad, Alibag in Regular Criminal Case No. 175 of 2015.

2. Applicant is convicted for the offence punishable under

Section 354D of Indian Penal Code, 1860 (‘IPC’ for short) and he is sentenced him to suffer rigorous imprisonment of 2 years and to pay fine of Rs. 1,000/- and in default of payment thereof to suffer rigorous imprisonment of 15 days.

3. Re-appreciation of evidence is not permitted under the revisional jurisdiction of this Court, as clarified in *State Vs. Manimaran (2019) 13 SCC 670,* where the Hon'ble Supreme Court has held as under:

> "16. As held in State of Kerala V. Puttumana Illath Jathavedan Namboodiri (1999) 2 SCC 452, ordinarily it would not be appropriate for the High Court to reappreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as by the Sessions Court in appeal. When the courts below recorded the concurrent findings of fact, in our view, the High Court was not right in interfering with the concurrent findings of fact arrived at by the courts below and the impugned order cannot be sustained."
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> (emphasis supplied)

4. However, learned counsel for the Revision Applicant insisted to consider the oral evidence of Complainant. He submitted that even going by the examination-in-chief of the Complainant herself, necessary ingredients of Section 354D about following and contacting or attempting to contact a woman to foster personal interaction repeatedly despite clear indication of disinterest is not established. He has relied on oral evidence of the Complainant PW-1.

5. On the other hand, learned APP has supported the impugned order.

6. Having considered the rival submissions and on perusal of the impugned orders, it is seen that the Applicant was charged with Sections 354D, 323, 504 and 506 of the IPC. The prosecution examined Complainant as PW-1, Husband as PW-2, Spot Panch as PW-3, Police Head Constable as PW-6 and Investigating Officer as PW-7.

7. On finding sufficient corroboration of evidence, the learned Magistrate has convicted the Applicant only for the offence punishable under Section 354D of the IPC. He has been acquitted from other offences.

8. Perusal of the oral evidence of the Complainant, PW-1 indicates that she was cross-examined on behalf of the Applicant. In cross-examination, on a question put on behalf of Applicant-Accused himself, it has come on record from the Complainant that the Applicant-Accused on 13.02.2026 and 14.02.2026, while following the Complainant, was making hand gestures. Immediately, a suggestion was put to the Complainant that 'Applicant-Accused was not making the gestures' which has been denied by the Complaint. This amounts to attempt to contact by Applicant-accused. The fact that the Complainant did not respond to the attempt to contact also establishes the disinterest shown by the Complainant. Other ingredients about repeated following is clearly stated by the Complainant that for a period between 12.02.2015 to 14.02.2015, the Applicant -Accused was following her on scooty.

9. The concerned Magistrate as well as learned Additional Sessions Judge has already considered the evidence of various

witnesses. In the impugned order, the Additional Sessions Judge has considered the evidence of PW-3 - panch witness who has established the spot panchnama. The Additional Sessions Judge has also considered the evidence of PW-4, who has deposed regarding seizure of vehicle (used by the Applicant-Accused) in his presence and in the presence of Complainant as well as another panch witness. The Additional Sessions Judge has further considered the evidence of PW-5, who is registered owner of the vehicle (used by the Applicant-Accused) who has stated that the vehicle was obtained by the Applicant-Accused for use. The learned Additional Sessions Judge has also considered evidence of PW-6 who was on duty at the civil hospital, who at the relevant time, heard the quarrel and went to the spot. This is an independent witness. He has found quarrel between 2 persons and a girl (Complainant PW-1) who has informed this witness that for previous 3 days, a person was stalking her and the Complainant had pointed out the Applicant-Accused as the person who had been stalking her. This independent witness PW-6 has thereafter identified the Applicant-Accused. The Additional Sessions Judge has rightly held that the evidence of PW-6 assumes significance because he was not previously acquainted with the Applicant-Accused and he was a police employee performing duty at the relevant time who had occasion to witness the incident that took place at the hospital.

10. Thus the Trial Court on appreciation of evidence has convicted the Applicant, which conviction has been sustained in the appeal.

11. In that view of the matter, considering concurrent findings of the Trial and Appellate Court, this is not fit a case to interfere in the revisional jurisdiction.

12. **The revision application and interim application are dismissed.** Conviction under impugned order is confirmed.

13. However, the Applicant is granted 2 weeks time to file separate application for considering the request of reduction of sentence, which will be considered separately and in accordance with law.

(M.M. SATHAYE, J.)