

**Court of Ravindra Pratap Singh Chundawat, Special Judge,
under the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, Ratlam (M.P.)**

REGISTRAION No.-	SCATR- 18/2025
FILING No.-	814/2025
CNR No.-	MP4301-000984-2025
FILING DATE-	04-02-2025
POLICE STATION-	Industrial Area Jaora
CRIME No.-	623/2024

Prosecutor	State of Madhya Pradesh, through Police Station Industrial Area Jaora, District Ratlam (M.P.)	
Special Public Prosecutor	Shri Yogesh Tiwari	
Accused Persons	1. Sehzaad, son of Usman Saha, age 31 years, resident Village Hatpipeya,, Police Station Industrial Area Jaora, District Ratlam (M.P.) 2. Dilip, Son of Balmukukand Porwal age 52 years, resident Village Hatpipeya,, Police Station Industrial Area Jaora, District Ratlam (M.P.)	
Counsel for Accused Sehzaad Dilip	Shri Puspendra Singh Pawar, Adv. Shri Lokendra Singh Gehlot, Adv.	
Date of commission of offence	23-10-2024	
Date of registration of FIR	23-10-2024	
Date of filing of charge sheet	04-02-2025	
Date of framing of charges	11-03-2025	

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

Date of commencement of evidence	08-04-2025
Date reserved for judgment	28-07-2026
pronouncement of judgment	28-07-2026
Date of Sentence (if any)	28-07-2026

Information regarding the accused:

Sr. No.	Name of accused	Date of arrest	Date released on bail	Sections under which charges framed	Acquittal or conviction
A-1	Sehzad	08-11-2024	11-02-2025	Sections 109(2), 55, 238, 49, 249(b) of the B.N.S. and Section 3(2)(v) fo SC/ST (POA) Act, 1989	Convicted
A-2	Dilip	07-01-2025	17-09-2025		

:: JUDGMENT ::***(Pronounced on 28th July, 2026)***

The accused persons stand charged for offences punishable under Sections 109(2), 55, 238, 49, and 249(b) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS"), along with Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as "the Act of 1989"). The substance of the charge is that on 23.10.2024 at about 04:18 p.m., on Taal-Jaora Road near Chor Puliya (under Police Station Industrial Area Jaora), accused Dilip intentionally rammed a pickup vehicle bearing registration number RJ-28-GA-2872 (hereinafter referred to as "the offending vehicle") from behind into the motorcycle of victim Ajay Neka in an attempt to commit his murder, knowing him to be a member of a Scheduled Caste. It is further charged that co-accused Shahzad accepted ₹5,000/- from co-accused Dilip Porwal to repaint and conceal the offending vehicle to cause disappearance of evidence and screen the offender from legal punishment. Furthermore, after the assault, accused Dilip parked the

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
 Ratlam, (M.P.)

offending vehicle at Hariyali Dhaba and fled in an Ignis car accompanied by co-accused persons across various locations, thereby harboring the offender to screen him from prosecution.

02. It is an undisputed fact on record that accused Shahzad belongs to the "Muslim" community and accused Dilip belongs to the "Porwal" community, and neither of them is a member of any Scheduled Caste or Scheduled Tribe.

03. The case of the prosecution, in brief, is that on **23.10.2024**, complainant Ajay Neka lodged a report at Police Outpost Hatpipliya stating that while returning home to Hatpipliya on his motorcycle from Jaora, an unknown pickup vehicle coming from behind struck his motorcycle near Chor Puliya in a rash and negligent manner, causing him severe head, hand, and elbow injuries, besides damaging the motorcycle. On the basis of the said information, First Information Report (Exhibit P-16) was registered under Sections 281 and 125(a) of the BNS against the driver of the unknown vehicle, and investigation was set into motion.

04. During investigation, sequential analysis of CCTV footage from cameras installed along the route led to the identification of the vehicle as bearing registration number **RJ-28-GA-2872** (hereinafter referred to as "the offending vehicle"). The footage captured at Hariyali Dhaba (Jaora Bypass Road) revealed that prior to the occurrence at about 02:30 p.m., two individuals arrived in an Ignis car, parked it on the roadside, and drove away in the pre-stationed offending vehicle. Inquiries with the dhaba owner established that the offending vehicle had been parked there a day earlier (22.10.2024) by accused Shahzad.

05. Further investigation—including the seizure of a receipt dated 20.09.2024 (Exhibit P-17C) vide Seizure Memo (Exhibit P-15) and interrogation of the registered owner—revealed that the offending vehicle was sold to accused Dilip Porwal and Shahzad Shah. The investigation further surfaced political animosity between complainant Ajay Neka (a member of a Scheduled Caste) and accused Dilip Porwal. On the date of

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

the incident (**23.10.2024**), spotting the complainant returning to Hatpipliya, accused Dilip Porwal and Shahzad Shah parked their Ignis car, took out the offending vehicle, and pursued him. After crossing Dhakad Chouraha, they intentionally rammed the offending vehicle into the complainant's motorcycle from behind in a pre-planned manner to commit his murder under the guise of an accident. Upon arrest on **08.11.2024**, co-accused Shahzad Shah made a disclosure statement (Exhibit P-11) under Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023, revealing that at the instance of principal accused Dilip Porwal, he had deliberately rammed the vehicle into village Sarpanch Ajay Neka to kill him.

06. During the course of investigation, Spot Map (Exhibit P-04) was prepared at the scene of the occurrence. Medical examination of injured Ajay was conducted vide Medical Report (Exhibit P-01). The caste certificate of injured Ajay (Exhibit P-09) was seized vide Seizure Memo (Exhibit P-08). Spot Verification Memos (Exhibits P-12 and P-13) and Vehicle Identification Memo (Exhibit P-14) were duly prepared. Accused Dilip was arrested vide Arrest Memo (Exhibit P-21), and the Maruti Suzuki Ignis car bearing registration number **MP-43-CA-2336** was seized from him vide Seizure Memo (Exhibit P-22). Mechanical inspection of Bolero pickup vehicle bearing registration number **RJ-28-GA-2872** (the offending vehicle) was conducted, and Mechanical Inspection Report (Exhibit P-20) was obtained. Statements of injured Ajay and witnesses Gokul Lal, Pawan, Dinesh Yogi, Pappulal, and Mohammad Sharif were recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "**BNSS**"). Upon completion of investigation, the charge-sheet under Section 193 of the BNSS was submitted before the Special Court on **04.02.2025** against the accused persons for offences punishable under Sections 109(2), 55, 238, 49, and 249(b) of the BNS, read with Section 3(2)(v) of the Act of 1989.

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

DEFENCE OF THE ACCUSED

07. The accused persons pleaded not guilty to the charges framed under Sections 109(2), 55, 238, 49, and 249(b) of the BNS and Section 3(2)(v) of the Act of 1989, claiming trial and alleging false implication. Accused Dilip specifically set up the defence that he was an active member of the BJP while injured Ajay was affiliated with the Congress party, and that he was falsely implicated due to electoral rivalry, denying any involvement in the incident. The accused persons, however, did not examine any witness in support of their defence.

08. Points for Determination :-

01.	Whether injured Ajay Neka is a member of a Scheduled Caste?
02.	Whether the accused persons are not members of any Scheduled Caste or Scheduled Tribe?
03.	Whether on the relevant date, time, and place, accused Dilip Porwal intentionally rammed the pickup vehicle bearing registration number RJ-28-GA-2872 (the offending vehicle) into the motorcycle of Ajay Neka from behind, causing him hurt in an attempt to commit his murder?
04.	Whether on the relevant date, time, and place, accused Dilip Porwal abetted co-accused Shahzad to commit the murder of Ajay Neka using the offending vehicle?
05.	Whether on the relevant date, time, and place, accused Dilip Porwal paid ₹5,000/- to co-accused Shahzad to get the offending vehicle repainted and concealed, with the intent to cause disappearance of evidence and screen the offender from legal punishment for the offence of attempted murder?
06.	Whether on the relevant date, time, and place, accused Dilip Porwal, knowing Ajay Neka to be a member of a Scheduled Caste, attempted to commit his murder, an offence punishable with imprisonment for life under the BNS ?

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

07.	Whether on the relevant date, time, and place, accused Shahzad accepted ₹5,000/- from co-accused Dilip Porwal and got the offending vehicle repainted to cause disappearance of evidence, thereby aiding in concealing the vehicle used in the attempted murder to screen co-accused Dilip Porwal from legal punishment?
08.	Whether on the relevant date, time, and place, accused Shahzad harbored co-accused Dilip Porwal—knowing he had committed an offence punishable with imprisonment for life—by parking the offending vehicle at Hariyali Dhaba and transporting him to various locations in an Ignis car, with the intent to screen him from legal punishment?

Point for Determination No. 01:

09. Ajay Neka (P.W.-03) stated in his court deposition that he is a member of the "**Khatik**" community, which belongs to a Scheduled Caste. These facts were neither controverted nor challenged by the defence during cross-examination, nor was any rebuttal evidence adduced in this regard.

10. Vineeta Sankle (P.W.-05), posted as a Reader in the Office of the Sub-Divisional Officer (Revenue), Jaora, deposed that the Caste Certificate (Exhibit P-09) was issued by the then Sub-Divisional Officer, Shri Trilochan Gaur, and proved his signatures thereon from portion 'A' to 'A'. The Caste Certificate (Exhibit P-09) unequivocally confirms that injured Ajay Neka belongs to the "**Khatik**" Scheduled Caste. No authentic or cogent evidence has been brought on record by the defence to establish that the then Sub-Divisional Officer abused his official position or issued the Caste Certificate (Exhibit P-09) contrary to the factual material available before him. Consequently, this Court finds no reason to disbelieve the contents and authenticity of the Caste Certificate (Exhibit P-09).

11. Accordingly, on the basis of the aforesaid evaluation, the prosecution has successfully established beyond reasonable doubt that injured Ajay

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

Neka belongs to the "**Khatik**" community and is a member of a Scheduled Caste.

Point for Determination No. 02:

12. Injured Ajay Neka (P.W.-03) further deposed in his deposition that accused Shahzad belongs to the "Muslim" community and accused Dilip belongs to the "Porwal" community. These material statements remained entirely unchallenged by the defence during cross-examination.

13. Consequently, on the basis of the unchallenged evidence on record, the prosecution has successfully proved that accused Shahzad belongs to the "Muslim" community and accused Dilip belongs to the "Porwal" community, and that neither of the accused persons is a member of any Scheduled Caste or Scheduled Tribe.

Points for Determination Nos. 03 to 08:

14. To avoid unnecessary repetition of facts and evidence, Points for Determination Nos. 03 to 08 are evaluated and determined conjointly under distinct sub-headings in the succeeding paragraphs.

A-Possession and Control of the Offending Vehicle by the Accused Persons at the Time of the Incident:

15. Investigating Officer Markandey Mishra (P.W.-10), in Paragraph 06 of his examination-in-chief, deposed that accused Shahzad, while in police custody, disclosed the following information:

"I drove the pickup vehicle to Bhavani Mandi. As night fell, we locked the pickup vehicle and slept inside the Ignis car. At that time, Dilip Porwal showed me a video and stated that the pickup vehicle had been identified. Thereafter, on the morning of 25.10.2024, when we parked the pickup vehicle at the residence of Dinesh Yogi in Nayan village, Dinesh inquired as to how the vehicle sustained damage and why it was being parked at his place. I replied that it had collided with an auto-rickshaw in Mandsaur, which issue was amicably settled, and since the vehicle was not operational for me, he should keep it.

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

Accused Dilip Porwal then gave him ₹5,000/- and directed him to get the pickup vehicle repainted. We then traveled to Mandsaur in the Ignis car; Dilip stayed back in Mandsaur while I returned to my village, Hatpipliya."

16. Witness Gokul Lal (P.W.-02) deposed in his examination-in-chief that he sold the offending vehicle to accused Dilip for a consideration of ₹7,80,000/-. At the time of executing the sale agreement, the accused paid him ₹80,000/- in cash, and it was mutually agreed that the remaining balance of ₹7,00,000/- would be discharged in monthly installments of ₹19,430/-. Notably, these material facts remained unrefuted when put to the accused during his examination under Section 351 of the BNSS vide Question Nos. 35, 36, and 38.

17. Witness Gokul Lal (P.W.-02) further deposed that approximately one month after the sale (i.e., after 20.09.2024), accused Dilip telephoned him, stating that the offending vehicle was not running properly and that he was coming to leave it with him for 8 to 15 days. Shortly thereafter, accused Dilip arrived along with another person driving the offending vehicle. Upon inspection, Gokul Lal (P.W.-02) noticed that the front bumper on the cleaner's side was damaged. When questioned about the damage, accused Dilip clarified that the offending vehicle had collided with an auto-rickshaw and that a settlement had already been reached with the auto owner, as deposed in Paragraph 04 of his examination-in-chief.

18. Gokul Lal (P.W.-02) stated that accused Dilip handed him ₹5,000/- to get the vehicle repainted. He further deposed that after accused Dilip and his companion left in the car, the police, a few days later, seized the offending vehicle along with a photocopy of the sale agreement executed in favor of Dilip. This fact stands duly corroborated by Seizure Memo (Exhibit P-02) and the testimony of Investigating Officer Markandey Mishra (P.W.-10), who affirmed having seized the offending vehicle vide Seizure Memo (Exhibit P-02).

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

19. Investigating Officer Markandey Mishra (P.W.-10) stated that on account of the accident caused to the motorcycle of injured Ajay at the scene of occurrence, extensive damage was caused to the motorcycle, whereupon Property Damage Memo (*Nukshani Panchnama*, Exhibit P-10) was prepared. A perusal of Exhibit P-10 reveals that both shock absorbers, footrests, and other parts of injured Ajay's motorcycle were found broken and damaged, a fact fully substantiated by Exhibit P-10.

20. As per Seizure Memo (Exhibit P-02), the seized the offending vehicle was found with a damaged front bumper, which fact is corroborated by Mechanical Inspection Report (Exhibit P-20). Manoj Kumar Bhatt (P.W.-11), posted as a driver at Police Lines, District Ratlam, who proved Exhibit P-20, specifically deposed that upon conducting the mechanical inspection of the offending vehicle on 27.10.2024 (i.e., four days after the incident dated 23.10.2024), the left-side bumper and indicator of the offending vehicle were found damaged, while the vehicle was otherwise in working order.

21. Injured Ajay (P.W.-03) deposed that on 23.10.2024 at about 04:18 p.m., while he was riding his motorcycle from the SDM Office, Jaora towards Chor Puliya Balaji Temple Road, the offending pickup vehicle struck his motorcycle from behind and dragged him for 10 to 20 feet, rendering him unconscious. On 23.10.2024, injured Ajay was brought for medical examination by his brother Arjun. Upon medical examination, abrasion marks were found on his head, hand, and back. Dr. Abhishek (P.W.-01 / inadvertently cited as P.W.-03 in transcript) clarified that all injuries sustained by the victim were simple in nature, caused by a hard and blunt object. The testimony of Ajay (P.W.-03) clearly establishes that the bumper of the offending vehicle sustained damage as a direct consequence of colliding with his motorcycle.

22. A specific defence was set up by the accused during his examination under Question No. 33, contending that although the agreement for sale of the offending vehicle was executed, actual possession thereof remained with Gokul Lal (P.W.-02), and that the vehicle was being driven

by his son Dinesh, who met with an accident resulting in damage to the front bumper and indicator. In furtherance of this defence, detailed suggestions were put to Gokul Lal (P.W.-02) in Paragraphs 19 and 20 of his cross-examination, which he unequivocally denied. Upon drawing his attention to Paragraphs 13 and 14 of his cross-examination regarding the vehicle being driven by his son Dinesh, Gokul Lal (P.W.-02) clarified that his son drove the vehicle only *before* it was purchased and subsequently abandoned by accused Dilip post-incident. The defence version—that accused Dilip paid ₹80,000/- as part consideration without taking delivery or possession of the said vehicle—is highly implausible and inherently unbelievable. This implausibility is further compounded by the fact that accused Dilip admitted in Question No. 38 of his examination to being in possession of the original sale agreement, yet withheld it from the Court. Consequently, an adverse inference under **Section 119(g) of the Bharatiya Sakshya Adhiniyam, 2023** (corresponding to Section 114(g) of the Indian Evidence Act, 1872) is drawn against accused Dilip that had the original agreement been produced, it would have run counter to his defence.

23. The unrefuted testimony of Gokul Lal (P.W.-02) establishes that the front bumper of the offending vehicle was undamaged at the time of sale. The sequence of circumstances—that the vehicle was exclusively utilized by accused Dilip for a month; that during such period its bumper collided with victim Ajay's motorcycle; that both the motorcycle and the vehicle's bumper sustained corresponding damage; that victim Ajay suffered injuries in the collision; and that accused Dilip offered a demonstrably false explanation regarding non-possession during his examination under Section 351 BNSS—forms an unbroken chain of incriminating circumstances pointing towards the guilt of accused Dilip. These circumstances duly corroborate and validate the disclosure statement made by co-accused Shahzad vide Memorandum (Exhibit P-11), as excerpted in the preceding paragraphs.

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

B-Presence of the Accused Persons near the Scene of Occurrence as per CCTV Footage:

24. Investigating Officer Markandey Mishra (P.W.-10), in Paragraph 06 of his examination-in-chief, deposed that accused Shahzad made the following disclosure while in police custody :-

"Upon showing the CCTV footage to the complainant, it emerged that accused Shahzad was driving the seized pickup vehicle from Hariyali Dhaba accompanied by Dilip Porwal. On 28.11.2024, when accused Shahzad was brought to the police outpost and interrogated, he disclosed in his memorandum under Section 23(2) of the Evidence Act/BSA that on the afternoon of 23.10.2024, he along with Dilip Porwal arrived at Hariyali Dhaba, Jaora, in an Ignis car bearing registration number MP-43-PA-2336. Dilip Porwal had parked the pickup loading vehicle (RJ-28-GF-2872)—purchased about a month prior—behind Hariyali Dhaba. Dilip instructed me to park the Ignis car on the side and gave me the keys to bring the pickup vehicle. Dilip then boarded the vehicle, stating that goods were to be fetched from Hatpipliya. Thereafter, beyond Dhakad Chouraha at Bamenkhedi Fanta, Dilip halted the vehicle, stating someone was expected to meet them. After about an hour, Dilip instructed me to ram the vehicle into someone. When I refused, Dilip took the steering wheel himself and seated me beside him. Shortly thereafter, Dilip drove the pickup towards Hatpipliya. Near Chor Puliya Bajarangbali Temple on Taal–Jaora Road, seeing Hatpipliya Sarpanch Ajay riding a motorcycle on the roadside, Dilip deliberately rammed into him with intent to kill..."

25. Injured Ajay (P.W.-03) deposed that at the time of the incident, while he was returning home from Jaora, the road was completely clear and he was riding on the extreme side. Under such circumstances, the act of the offending vehicle ramming into his motorcycle clearly manifested a

criminal intent on the part of the driver, prompting him to request the Investigating Officer to conduct further investigation. Investigating Officer Markandey Mishra (P.W.-10) retrieved the CCTV camera footage along the route and created a pen drive. During the trial, when the pen drive (Article M.O.-01) was played in Court, two video clips dated 23.10.2024 revealed accused Dilip's Ignis car arriving at Hariyali Dhaba at 09:58:08 a.m., and the accused persons departing towards Dhakad Chouraha in the Ignis car at 10:01:58 a.m. The pen drive (Article M.O.-01) further contained photographs of the offending pickup vehicle showing that between 02:38:15 p.m. and 02:39:10 p.m.—shortly after causing the collision—the accused persons parked the offending vehicle back at Hariyali Dhaba and departed in the Ignis car.

26. Investigating Officer Markandey Mishra (P.W.-10) affirmed that the pen drive (Article M.O.-01) was prepared by him and produced the requisite Certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 (Exhibit P-19), verifying his signatures thereon from portion 'A' to 'A'. In Paragraph 17 of his cross-examination, P.W.-10 clarified that he copied CCTV footage from three locations—Choudhary Petrol Pump, Hariyali Dhaba, and roadside cameras—into the pen drive. Thus, the electronic record (Article M.O.-01) stands duly validated in accordance with Section 63 of the BSA vide Certificate (Exhibit P-19).

27. When the pen drive (Article M.O.-01) was played before injured Ajay (P.W.-03), he identified the two suspects in the pickup vehicle as accused Dilip Porwal and co-accused Shahzad. Furthermore, pen drives (Article M.O.-02 and M.O.-03) produced during evidence on 28.10.2024 depicted accused Dilip in possession of the Ignis car. The sequence of events on 23.10.2024—accused Dilip arriving at Hariyali Dhaba in the Ignis car, and returning after the incident to park the offending vehicle there—clearly establishes the simultaneous presence of accused Dilip and co-accused Shahzad. In Paragraphs 39 and 42 of his cross-examination, Ajay (P.W.-03) reaffirmed that the faces of both accused persons were clearly visible in the Hariyali Dhaba footage.

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

28. The defence contended that the initial report (Exhibit P-03) lodged by Ajay (P.W.-03) was registered against an unidentified vehicle. Ajay (P.W.-03) stated in his evidence that the registration number of the offending vehicle was smeared with mud and its window glasses were tinted black. The defence argued that in a busy intersection, no presumption could be drawn that the incident was caused by the offending vehicle.

29. The argument advanced by the defence holds no force. The evidence evaluated hereinbefore conclusively proves the presence of both accused persons near the spot, their arrival at Hariyali Dhaba, the parking of the Ignis car, the issuance of the parking receipt (Exhibit P-17), and the subsequent taking out of the offending vehicle. The deliberate act of accused Dilip in not taking the offending vehicle to his residence in order to conceal it constitutes conduct pointing inexorably to the conclusion that accused Dilip rammed the offending vehicle into injured Ajay's motorcycle.

C-Regarding the Intention to Commit Murder and Causing Hurt to Ajay:

30. Interpreting the expression "*under such circumstances*" as appearing in Section 307 of the Indian Penal Code (now corresponding to Section 109 of the Bharatiya Nyaya Sanhita, 2023), the Hon'ble Supreme Court in ***Sarju Prasad v. State of Bihar* (1965) 1 Cri.L.J. 766** observed that it is incumbent upon the prosecution to prove that circumstances beyond the control of the accused intervened to prevent the completion of murder. The relevant extract reads as under:

"The words 'under such circumstances' refer to acts which would introduce a defence to a charge of murder, such as, for instance, that the accused was acting in self-defence or in the course of military duty. But if you have an act done with a sufficiently guilty intention and knowledge and in circumstances which do not from their nature afford a defence to a charge of murder, and if the act is of such a nature as would have caused death in the usual course of events but for something beyond the

accused's control which prevented that result, then it seems to me that the case falls within Section 307."

31. In the light of the principles laid down in the aforesaid precedent, the evidence on record is analyzed to determine whether the prosecution has succeeded in establishing that accused Dilip rammed the offending vehicle into victim Ajay's motorcycle with the deliberate intention to commit his murder.

32. According to the Medical Report (Exhibit P-01) proved by Dr. Abhishek Singhai (P.W.-01), injured Ajay sustained injuries simple in nature. Had there been a intention on the part of the accused persons to murder injured Ajay, accused Dilip—after knocking him down with the motorcycle—could have easily run over his body using a heavy, sturdy vehicle like the Bolero pickup, particularly when no one was present at the scene of occurrence to offer resistance. Injured Ajay exhibited merely three abrasion marks and stated that he became unconscious upon impact. The presence of only three superficial abrasions, the absence of any severe external injury or active bleeding, and the fact that the accused made no further attempt to inflict injuries (believing the victim had succumbed or was incapacitated) strongly indicate the absence of an intention to cause death.

33. The prosecution contended that the accused persons conspired to commit the murder of injured Ajay owing to long-standing political animosity. However, analyzing the deposition of Ajay (P.W.-03), he admitted in Paragraph 23 of his cross-examination that while he routinely visited Jaora for Janpad Panchayat work between 10:00 a.m. and 11:00 a.m., on the date of the incident he departed much later than his usual time, chose an alternate route, and proceeded via the warehouse.

34. Ajay (P.W.-03) further stated in Paragraph 02 of his examination-in-chief that upon reaching Jaora, he went to the Janpad Panchayat Office on his motorcycle, then proceeded opposite Rathore Nursing Home to inspect wheat, thereafter visited the SDM Office, and departed for home at about 03:50 p.m. To establish that the accused trailed or conducted

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

reconnaissance of the victim across these disparate locations, the prosecution ought to have produced CCTV footage from the SDM Office, Janpad Office, and Rathore Nursing Home. In the absence of such evidence, it cannot be safely inferred that the accused had pre-planned the attack by waiting near Chor Puliya to ram his motorcycle.

35. Considering the evidence collected by the Investigating Officer, the nature of injuries sustained by injured Ajay, and the deviation from his routine route across multiple locations without any supporting CCTV footage showing trailing by the accused, a reasonable doubt arises regarding the charge of attempt to murder. It appears more probable that after causing the road accident, the accused persons returned the offending vehicle to vendor Gokul Lal to conceal its involvement.

36. Consequently, on the basis of the foregoing evaluation, the acts of accused Dilip—arriving at Hariyali Dhaba in an Ignis car with co-accused Shahzad, parking the car, collecting the parking receipt (Exhibit P-17), taking out the pre-stationed offending pickup vehicle, and striking victim Ajay's motorcycle from behind upon finding him alone—conclusively establish that accused Dilip intentionally rammed the motorcycle, knocked him down, and voluntarily caused simple hurt to him. Therefore, the prosecution has failed to establish the charge under **Section 109(2) of the BNS** (Attempt to Murder) against accused Dilip, but has successfully proved the lesser offence of voluntarily causing hurt punishable under **Section 115(2) of the BNS**.

37. It has been argued on behalf of the defence that co-accused Shahzad had expressly refused to ram the vehicle into victim Ajay to cause his murder. Consequently, it was submitted that co-accused Shahzad played no role in the commission of the offence and is entitled to an acquittal.

38. The court deposition of injured witness Ajay (P.W.-03), fortified by the electronic evidence in pen drive (Article M.O.-01), conclusively establishes that co-accused Shahzad was present with principal accused Dilip at Hariyali Dhaba immediately prior to the incident. Post-

occurrence, Shahzad actively assisted Dilip in evading police detection by driving the offending pickup vehicle away from the spot and delivering it to Gokul Lal (P.W.-02) to restore its possession, thereby attempting to shield Dilip from criminal liability. This active role in screening the principal offender stands further corroborated by Shahzad's disclosure memorandum (Exhibit P-11), as proved by Investigating Officer Markandey Mishra (P.W.-10).

39. Consequently, the evaluation of evidence establishes beyond reasonable doubt that co-accused Shahzad actively harbored principal accused Dilip and facilitated the concealment of the offending vehicle with the deliberate intention of screening him from legal punishment. Accordingly, the charge under Section 249(b) of the BNS stands fully proved against co-accused Shahzad.

40. As established hereinbefore, the sum of ₹5,000/- for repainting the offending vehicle was paid exclusively by principal accused Dilip to Gokul Lal (P.W.-02), with co-accused Shahzad playing no part in the transaction. While Gokul Lal (P.W.-02) identified Shahzad as having accompanied Dilip to his premises, the record is completely devoid of evidence indicating that Shahzad actively participated in altering the vehicle's appearance to destroy evidence. Consequently, the charge under **Section 49 of the Bharatiya Nyaya Sanhita, 2023 (BNS)** fails for lack of proof, and co-accused Shahzad is accordingly acquitted of the same.

D-Regarding Offence under Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989 & Compliance with Rule 7(1) of the Rules, 1995:

41. Rule 7(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 prescribes the statutory mandate regarding rank and authorization of the competent Investigating Officer:

"An offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police. The investigating officer shall be appointed by the

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

State Government / Director General of Police / Superintendent of Police after taking into account his past experience, sense of ability and justice to perceive the squabbles of the case and investigate the matter in the right perspective within the shortest possible time."

42. Rule 7(1) enforces a dual statutory prerequisite: **(i) Rank Competence:** the officer must not be below the rank of Deputy Superintendent of Police (DSP); and **(ii) Specific Authorization:** such officer must be specifically appointed by the State Government, Director General of Police, or Superintendent of Police. In Crime No. 623/2024, the investigation was conducted by **Sub-Inspector L.N. Giri (P.W.-09), Head Constable Markandey Mishra (P.W.-10), and Inspector Munendra Gautam (P.W.-12)**. Crucially, **Sub-Inspector L.N. Giri (P.W.-09) and Head Constable Markandey Mishra (P.W.-10)** suffer from a fundamental lack of rank competence, being well below the prescribed rank. Furthermore, no specific order issued by the State Government or Superintendent of Police authorizing any of the aforesaid officers (including Inspector Munendra Gautam) to investigate offences under the Act has been produced on record.

43. It is settled law that compliance with Rule 7(1) is mandatory, and an investigation conducted by an incompetent or unauthorized officer vitiates the trial under the Atrocities Act. In **M. Niranjana v. State of A.P., 2000 Cri.L.J. 3125**, the Hon'ble Andhra Pradesh High Court held that holding the requisite rank alone does not confer competence without a specific order of authorization. In **Sitaram v. State of M.P., 2016 LawSuit (MP) 623** (relying on **Bharat Singh v. State of M.P., 2007 (1) MPHT 451**) and **Ramdulare v. State of M.P., 2017 LawSuit (MP) 926**, the Hon'ble High Court of Madhya Pradesh held that investigation by officers below the rank of DSP/ Inspector (such as Sub-Inspectors or Head Constables) in violation of Rule 7 causes material prejudice to the accused and invalidates the charges under the Act.

44. Although M.P. Gazette Notification No. F-12-99/2017/B-1/II dated 13.10.2017 empowers Inspectors to investigate offences under the Act, it does not validate investigations conducted by Sub-Inspectors or Head Constables. As authoritatively held by the Hon'ble Supreme Court in ***State of M.P. v. Chunnilal @ Chunni Singh, (2020) 12 SCC 649*** and ***State of M.P. v. Babbu Rathore, Criminal Appeal No. 123/2020 (dated 17.01.2020)***, an investigation conducted in breach of mandatory Rule 7(1) stands vitiated *insofar as offences under the Atrocities Act are concerned*. Consequently, the Court is barred from convicting the accused under Section 3(2)(v) of the SC/ST Act, though the findings and conviction for offences under the general penal law (IPC/BNS) remain fully valid and sustainable.

E-CONCLUSION

45. Consequently, the evaluation of evidence reveals that the prosecution has failed to establish beyond reasonable doubt that accused Dilip, with intent to commit murder, rammed the victim Ajay Neka's motorcycle from behind near Chor Puliya on the Tal-Jaora Road, or that he attempted to murder him knowing his Scheduled Caste identity. Furthermore, the prosecution failed to prove that Dilip paid ₹5,000/- to co-accused Shahzad to repaint the offending vehicle, or that Shahzad received the sum to alter its appearance and destroy evidence to screen Dilip from legal punishment.

46. Accordingly, accused Dilip is **acquitted** of charges under **Sections 109(2), 55, and 238 of the Bharatiya Nyaya Sanhita, 2023 (BNS)** and **Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989**, while co-accused Shahzad is **acquitted** under **Section 49 of the BNS**. However, the prosecution has established the lesser offence under **Section 115(2) BNS (Voluntarily Causing Hurt)** against accused Dilip in place of Section 109(2) BNS, and the offence under **Section 249(b) BNS (Harboring Offender/Screening Evidence)** against co-accused Shahzad. They stand **convicted** accordingly.

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

47. In view of the statutory bar under Section 19 of the SC/ST (Prevention of Atrocities) Act, 1989, the benefit of the Probation of Offenders Act, 1958 is declined to the convicts.

48. The proceedings are adjourned to hear the convicts on the question of sentence.

Ravindra Pratap Singh Chundawat)

Special Judge, SC/ST (POA) Act,
Ratlam (M.P.)

F-ORDER ON SENTENCE

49. Learned counsel for the convicts submitted that convict Dilip is 51 years of age and convict Shahzad is 30 years of age; that both have faced the rigor of trial for over two years with clean antecedents and that both are the sole breadwinners of their respective families. On these grounds, leniency in sentencing was prayed for.

50. On the other hand, learned Special Public Prosecutor urged that considering the manner of commission of the offence—knocking down the victim with a pickup vehicle—maximum sentence ought to be imposed upon the convicts.

51. Having sympathetically considered the arguments advanced on both sides, and having regard to the nature of injuries caused to the victim as well as the overall facts and circumstances of the case, the convicts—**(1) Dilip s/o Balukund** and **(2) Shahzad s/o Usman Shah**—are sentenced as per the following table:

Section of the BNS	Sentence of Imprisonment
Section 115(2) (<i>In respect of convict Dilip</i>)	Sentenced to imprisonment for the period already undergone in judicial custody from 07-01-2025 to 17-09-2025 , and to pay a fine of ₹1,000/- (Rupees One Thousand only) ; in default of payment of fine, to undergo rigorous imprisonment for 07 days .
Section 249(b) (<i>In respect of convict Shahzad</i>)	Sentenced to imprisonment for the period already undergone in judicial custody from 08-11-2024 to 11-02-2025 , and to pay a fine of ₹1,000/- (Rupees

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

	One Thousand only); in default of payment of fine, to undergo rigorous imprisonment for 07 days.
--	---

52. The period of detention already undergone by the convicts during investigation and trial shall be set off against the substantive sentence of imprisonment in terms of **Section 468 of the BNSS** and the requisite set-off certificate be attached to the record.

53. Disposal of Property:

- A- The original caste certificate of the complainant/injured, if seized, be returned to him upon verifying and keeping a certified photocopy on record against acknowledgment.
- B- The seized White Bolero Pickup (Reg. No. RJ-28-GA-2872) and Blue Maruti Suzuki Ignis (Reg. No. MP-43-CA-2336), presently on interim custody (*supurdginama*), shall stand discharged from indemnity conditions after the expiration of the appeal period.
- C- The seized pen drive containing video footage shall remain part of the trial record, subject to any order passed by the Appellate Court.

54. A copy of this judgment be forwarded to the District Magistrate, Ratlam for information and necessary action.

55. The prescribed annexures are appended herewith.

DATE 28-07-2026

PLACE : RATLAM

Judgment pronounced and signed in open Court.

(Ravindra Pratap Singh Chundawat)
Special Judge, SC/ST (POA) Act,
Ratlam (M.P.)

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

RULES AND ORDERS (CRIMINAL) — FORM 'F'

RANK	Witness Name	Designation / Capacity	Nature of Evidence
P.W.-01	Dr. Abhishek	Medical Officer	Medical Witness
P.W.-02	Gokullal	Said vehical seller	Formal Witness
P.W.-03	Ajay	Victim and Injured	Eye-witness / Injured Witness
P.W.-04	Aslam	Panch witness	Spot Map
P.W.-05	Vinita Sankale	Reader	Caste certificate witness
P.W.-06	Saikh Ali	Panch witness	Arrest memo
P.W.-07	Samir Khan	Property Damage Panchnama	Property Damage Panchnama
P.W.-08	Vikram Singh	Writer of FIR	Formal Witness / FIR Author
P.W.-09	L.N. Giri	Investigating Officer	Investigating Officer
P.W.-10	Markandey Mishra	Investigating Officer	Investigating Officer
P.W.-11	Manish Kumar Bhatt	Vehical Machnical investigation	Vehical Machnical investigation
P.W.-12	Munendra Goutam	Investigating Officer	Investigating Officer

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. PROSECUTION**

S.No.	Exhibit No.	Description of Proved Document	Proved by Witness
01.	Exhibit P-01	Medical Examination Report of Victim Ajay	P.W.-01
02.	Exhibit P-02	Seizure of Vehical agreement sale	P.W.-02
03.	Exhibit P-03	FIR	P.W.-03
04.	Exhibit P-04	Spot Map (<i>Naksha Mauka</i>)	P.W.-03
05.	Exhibit P-05	Memo for C.C.T.V. evidence	P.W.-03
06.	Exhibit P-06	Statement recorded under S. 183 of b.n.s.s.	P.W.-03
07.	Exhibit P-07 & P08	Caste Certificate of the victim	P.W.-03
08.	Exhibit P-09	Seizure Memo of Caste Certificate	P.W.-03

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)

09.	Exhibit P-10	Memo for Damage in Vehical	P.W.-03
10.	Exhibit P-11	Memo of Sehzaad U/S. 23(2) of B.S.A.	P.W.-04
11.	Exhibit P-12	Memo for Identification	P.W.-04
12.	Exhibit P-13	Memo for Identification	P.W.-04
13.	Exhibit P-14	Memo for Vehicle Identification	P.W.-04
14.	Exhibit P-15	Seizure memo for parking slip	P.W.-04
15.	Exhibit P-16	FIR	P.W.-08
16.	Exhibit P-17	parking receipt	P.W.-10
17.	Exhibit P-18	Admissible of Exhibit P-11	P.W.-10
18.	Exhibit P-19	Certificate U/S. 23(2) of B.S.A.	P.W.-10
19.	Exhibit P-20	Mechanical inspection report	P.W.-11
20.	Exhibits P-21	arrest memo of Dilip	P.W.-12
21.	Exhibit P-22	Seizure memo of Ignis Car	P.W.-12
22.	Exhibit P-23 & Exhibit P-24	Criminal record	P.W.-12
23.	Exhibits P-25	entry of Rojnamchan Sanha	P.W.-12

B. Object Material

S.No.	Exhibit No.	Description of Proved Document	Proved by Witness
01.	M.O.-01	Pendrive	P.W.-03
02.	M.O.-02 & 03	Video Footage	P.W.-03

C. DEFENCE

S.No.	Exhibit No.	Description of Proved Document	Proved by Witness
01.	Exhibit D-01	Arrest memo of Accused Sehzaad	P.W.-02

Ravindra Pratap Singh Chundawat

Special Judge,

Under S.C.and S.T. (Prevention of Atrocities) Act,

Ratlam (M.P.)

(Ravindra Pratap Singh Chundawat)
Special Judge under SC&ST(P.A.) Act
Ratlam, (M.P.)