

<b>MHAK090018482020</b>  	Presented on	:	16.10.2020
	Registered on	:	16.10.2020
	Decided on	:	<b>07.03.2026</b>
	Duration	:	<b>05Y. 04M. 22D</b>

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,**  
**COURT NO.2, MURTIZAPUR, DIST. AKOLA.**

**(Presided by- R. R. PAKADE)**

**RCC No.143/2020**

**Exhibit-27**

**Crime No.197/2020, Police Station: Mana, Dist. Akola.**

<b>Prosecution</b>	:	State of Maharashtra, through Police Station Officer, Mana, Tq. Murtizapur Dist. Akola.
<b>Represented by APP</b>	:	<b>Shri. R. S. Patil</b>
<b>Accused</b>	:	<b>Dinesh Manikrao Pandhare,</b> Age about- 43 years, Occ: Labour, R/o. Lonsana, Tq. Murtizapur, Dist. Akola.
<b>Represented by</b>	:	<b>Adv. Shri. P. P. Patil.</b>

Date of Offence	20.08.2020
Date of FIR	24.08.2020
Date of filing of Charge-sheet	15.10.2020
Date of Framing of Charges	19.03.2021
Date of Commencement of Evidence	21.05.2024
Date on which Judgment is reserved	27.02.2026
Date of the Judgment	07.03.2026
Date of the sentencing order, if any	07.03.2026

**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, Cr.PC.
1.	<b>Dinesh Manikrao Pandhare</b>	24.08.2020	24.08.2020	u/s 354 of IPC	Convicted.	Simple imprisonment for one year and fine of Rs.2000/-.	---

**A. Prosecution :-**

RANK	NAME	NATURE OF EVIDENCE
P.W. 1	Sindhu Manikrao Dhekale Exh.14	Informant
P.W. 2	Tryambak Ajabrao Dhote, Exh.19	Spot Witness
P.W. 3	Ramdas Pandurang Javanjal, Exh.20	Spot Witness
P.W. 4	Devanand Narayan Dandi, Exh.21	Investigating Officer
P.W. 5	Bhanudas Vithuji Devkate, Exh.26	Witness
P.W. 6	Sanket Manikrao Dhekale, Exh.27	Witness

**B. Defence Witnesses, if any :-**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS/POLICE/EXPERT/MEDICAL, PANCH AND OTHER WITNESSES )
Witnesses are not examined on behalf of defence		

**C. Court Witnesses, if any :-**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS/POLICE/EXPERT/MEDICAL, PANCH AND OTHER WITNESSES )
Witnesses are not examined by the Court		

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS :-****A. Prosecution :**

Sr. No.	Exhibit No.	Description
1.	Exh.No.15/PW-1	Report
2.	Exh.No.16/PW-1	F.I.R.
3.	Exh.No.17/PW-1	164 Statement
4.	Exh.No.22/PW-4	Spot Panchanama
5.	Exh.No.23/PW-4	Arrest Panchanama

**B. Defence :- Nil.****C. Court Exhibits :-**

Sr. No.	Exhibit No.	Description
1.	Exh.11 & Exh.10	Charge & Plea
2.	Exh.24	u/s 313(1)(b) statement.

**D. Material Objects:- Nil.****J U D G M E N T****(Delivered on 07.03.2026)**

Accused is facing trial for offence punishable u/s 354 of The Indian Penal Code-1860 (IPC).

**2. Brief facts of the prosecution's case are as under:**

On 20.08.2020 around 9.30 pm, informant was taking her lunch box for her husband to the farm. Near Marathi School in the village, accused came and inquired informant about her husband and hugged her forcefully in drunken condition. Informant shouted

due to which her son, daughter and some people rushed to her and accused ran away. Later informant went to her husband and narrated the incident and returned home with her husband. Later incident was conveyed to *Tanta Mukti Adhyaksha* Bhanudas Devkate on phone but he did not come, due to being it was late night. Again on 23.08.2020 around 9.30 informant was carrying her husband's lunch box to the farm. Near Marathi School, accused came and hugged her forcefully. Informant shouted due to which her son and daughter rushed to her. On 24.08.2020 when her husband returned home from farm, she lodged the FIR.

3. After registration of F.I.R, H.C. Devanand Dandi (IO) B. No.633 carried out investigation and recorded statements of informant and other witnesses. Completing the investigation, charge sheet for the offence punishable under section 354 of Indian Penal Code-1860 is filed against the accused.

4. Complying sec. 207 of Cr. P. C., my Ld. Predecessor, framed charge at Exh.11 for the offence punishable under section 354 of Indian Penal Code-1860 (IPC). Particulars of the offence were read over and explained to accused in vernacular, to which accused pleaded not guilty and claimed to be tried. Prosecution adduced its evidence by examining 6 witnesses of which panch witness did not support the prosecution. The statement of accused under section-313(1)(b) of the Code of Criminal Procedure was recorded at Exh.24, in which defence of accused is of total denial and false implication due to previous enmity. Accused neither entered into witness box nor examined any witness on his behalf.

5. Considering submissions and evidence on record, following are the points for determination, along with reasons and findings thereon.

Sr. No.	POINTS	FINDINGS
1.	Does the prosecution prove that, accused assaulted or used criminal force to informant, intending to outrage or knowing likely that he will thereby outrage her modesty and thereby committed an offence punishable under <b>Section-354 of the Indian Penal Code?</b>	<b>Yes.</b>
2.	What order?	<b>Accused is convicted.</b>

### **ARGUMENTS -**

6. Ld. APP argued that, PW-1 i.e. informant has narrated the incident as per oral report and FIR, which is substantiated through her statement recorded u/s 164 of Cr.P.C. PW-5 has also supported the version of the informant about her conveying him the incident of 20.08.2020 and 23.08.2023. PW-5 has also deposed about the incident which took place twice and reason for not lodging FIR on 21.08.2020. He has also deposed happening of incident on 23.08.2020. PW-6 has also deposed in consonance with PW-1. PW-6 is direct witness and has narrated about listening the shouts of the informant and saw running away the accused. He has also deposed about the reason for not lodging FIR about the incident of

20.08.2020. Though the Panch witnesses have not supported the prosecution, PW-4 IO has proved the Panchanama. Informant was alone, accused inquired her about husband and after confirming that there was no one nearer, shows clear intention of the accused to outrage the modesty of the informant. Testimony of PW-1 is unshaken and is alone sufficient to prove the offence, which is also corroborated PW-5 and PW-6. Evidence of PW-4 is unchallenged. Through its evidence, prosecution has proved its case beyond reasonable doubt.

7. On contrary, Ld. Adv. for the accused argued that, prosecution alleges happening of incident on 20.08.2020 and 23.08.2020, but the FIR is only about incident of 23.08.2020. PW-1 has deposed only about the incident of 20.08.2020 and there is delay of three days of lodging FIR, which means no incident took place on 23.08.2020. PW-5 has also admitted that, on 22.08.2023 there was no movement to lodge FIR. PW-1 has also admitted that, adjoining people rushed to her but, none of them is examined as witness. PW-6 admitted that, his house is on 200 Ft. away from the spot and thus, if he could hear the informant's shouting, why did not the same were here by the neighbours. The alleged incident of 20.08.2023 and 23.08.2023 are replica of each other which itself create doubt. There lies lacuna in the prosecution evidence creating reasonable doubt, benefit of which must be given to the accused and thus be acquitted.

## **REASONS**

### **AS TO POINT NO.1:-**

8. To prove guilt of the accused, prosecution examined six witnesses, of which two Panch witnesses did not support the prosecution.

9. PW-1 Sindhu, in her examination in chief, deposed that, the incident took place in the year 2020 at 9:30 pm near govt. school. She was taking her husband's tiffin to the farm and meanwhile accused came there and enquired about her husband and hugged her forcefully. On her shouting, her son and daughter rushed to her. Later she went to husband and narrated the incident. She also proved oral report and FIR and also acknowledged her statement recorded u/s 164 of Cr. P.C.

10. PW-2 and PW-3, declined preparation of spot Panchanma in their presence. Both of them declined any knowledge about Panchanma, but admitted their signature on the same. Despite they being subjected to cross-examination by Ld. APP, nothing substantial could come out to help prosecution.

11. PW-4, the investigation officer deposed that, he investigated the cr. No. 197/2020 and conducted spot Panchanma in presence of PW-2 and PW-3 and recorded statements of witnesses. He also proved the spot Panchanama and arrest Panchanama. The witness was not cross-examined by the accused.

12. PW-5 deposed that, being *Tanta Mukti Adhyaksha*, on 20.08.2023 around 10 pm, he received phone call from informant, wherein she narrated the incident to him and asked for lodging FIR.

But due to late night, he postponed it for next day. However, due to continuous rain on next day, he could not go to informant's village and thus, he visited informant on 22.08.2023 but, found no initiative form informant to lodge FIR. Again on 23.08.2023 he came to know that, accused caught hold informant and outraged her modesty and thus, FIR was lodged on 24.08.2020.

**13.** PW-5, Sanket is the son of the informant, who deposed that, on 20.08.2023 around 9:30 pm, informant was taking his father's tiffin to farm. Near the school accused came and inquired to informant about his father and caught hold informant's hand and molested her. Listening the informant's shouts, he along with his sister rushed to informant and accused ran away. Later he and his sister went to house of accused, but door was closed. Accused is their relative and has children and thus, they did not lodge the FIR. However, again on 23.08.2023 around same time and at same place, accused hugged the informant and molested her. Listening the shouts of informant, he and his sister rushed to informant and accused ran away. Later he conveyed the incident to PW-5. As the transport was not available at night, report was lodged on next day.

**14.** It is settled position of law that, in an offence u/s 354 of IPC, accused can be convicted even on the sole testimony of the victim, if the same suffers from no serious infirmity and inspires confidence of the court. If the testimony of the informant suffers from discrepancy, then the informant's testimony needs to be corroborated by other witness.

15. During cross-examination, PW-1 denied the previous enmity with the accused. She also denied non-happening of incident on 20.08.2020. She also denied proximity to the police station to have access immediately after the incident. She also denied non-reaching of shout to her house from the spot. PW-5, during cross-examination admitted existence of previous dispute in between the informant and the accused. He also admitted that, he did not see the incident in person and thus don't know exactly what has happened. PW-6 also denied previous dispute with the accused. He also denied non-reaching of shout to her house from the spot. PW-4 was not cross-examined by the accused.

16. So far as the deposition of PW-1 is concerned, she has not deposed date of the incident, nor she is specific about the month of the incident, however she has deposed time, year and chronology of the incident. As she has deposed that, on next day of the incident, FIR was lodged and as she has acknowledged the FIR, it means she has deposed only about the incident of 23.08.2020. PW-1 has not deposed about the incident of 20.08.2020, which is mentioned in Exh.-15 and Exh.-16. However, not deposing about the incident of 20.08.2020 amounts to her omission, but not to contradiction, and this omission is not fatal for prosecution. Moreover, considering the time lapse in the incident and recording of the evidence and rustic nature of the witness, it is ordinary course of human behaviour to forget the date. Thus, non-mentioning of date or non-mentioning of both the incident together, is not sufficient to create doubt about the deposition of PW-1.

17. PW-5 has deposed that, on 20.8.2020 around 10 pm he got phone call from informant and came to know about the incident. PW-5 is not direct witness to the incident, but despite that he has corroborated the version of the informant and thus, chain of circumstances about the time, date and place of the incident is established by him. Due to rain, PW-5 could not go to informant on 21.08.2020 and when he went to informant, he found no movement from informant to lodge the FIR. In this regard PW-6 deposed that, as the accused being their relative, they did not lodge FIR for the incident of 20.08.2020. Thus, reason for non-lodging of FIR for the incident of 20.08.2020 gets substantiated through PW-5 and PW-6. PW-5 also deposed that, on 23.08.2023 informant again told him about the incident taken place on 23.08.2020 and the same is corroborated by PW-6 by deposing that, incident again took place on 23.08.2020, about which information was given to PW-5 and FIR was lodge don 24.08.2024. Thus, PW-5 and PW-6 have corroborated each other about the happenings that, immediately followed the incident on both the dates.

18. So far as admission of PW-1 about houses adjoining to the spot is concerned, it is not the case of the prosecution that, adjoining residing people were present there, and neither PW-1 nor PW-6 has deposed that, people residing near spot were present at the time of the incident or any of them rushed to the informant, but PW-6 only. The offence of outraging modesty of woman is of such a nature that, no sane accused would dare to commit the same in presence of people. So far as the admission of PW-6 about the

distance of 200-300 ft. in between the spot and their house is concerned, PW-6 deposed that, shouts can be heard from that distance and PW-1 and PW-6 has deposed that, PW-1 shouted due to the incident and thus, and thus, PW-6 becomes direct witness to the shouting.

19. Reason for not lodging the FIR after incident of 20.08.2020 is proved by PW-6, which also gets substantiated thorough evidence of PW-5. Mere admission of PW-1 and PW-6 about houses adjoining to the spot, carries no reason to disbelieve the witness. Further, witnesses denied the proximity to the police station to have access immediately after the incident. There are no contradictions in the oral evidence of PW-1 and PW-6. There are no contradictions in oral evidence of PW-1 and contents of oral report, FIR and her statement. Moreover, PW-5 has also corroborated, PW-1 and PW-6 about their contacting him and narrating him about the incidents on two dates. Evidence of PW-4 IO, though formal in nature, is not subjected to cross-examination and thus, the unshaken testimony of PW-1, supported by PW-6 and further buttered by PW-5 proves beyond reasonable doubt that, the accused by forcefully hugged the informant with intention to outrage modesty of the informant and thus, finding to this point is recorded in **affirmative**.

**AS TO POINT No.2:-**

**BENEFIT OF PROBATION OF OFFENDERS ACT -**

20. As the offence is committed against woman, benefit of Probation of offenders Act, cannot be given to the accused.

**HEARING ON QUANTUM**

21. Ld. APP argued that, accused has committed an offence against woman and thus maximum punishment be inflicted. On contrary Ld. Adv. for the accused argued that, accused and informant are resident of same village and relatives of each other and thus, to avoid future conflicts, only minimum fine be inflicted.

22. On contrary Ld. Adv. for the accused argued that, accused and informant are resident of same village and relative of each other. Accused have no criminal antecedents and only earning member of his family and thus, minimum punishment be inflicted.

23. Offence u/s 354 of IPC is punishable with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine. Looking into the age-character of the accused, with no previous criminal antecedent and nature of the offence, I am view that, maximum imprisonment shall not be inflicted. Thus, in order to serve the justice, minimum imprisonment for one year and fine shall be inflicted on him. Accused is labour by profession and thus, amount of fine shall not exceed his financial capacity and thus, in furtherance of the finding of the point above, in answer to this point, following is the order.

**//O R D E R//**

1. Vide sec. 248(2) of Cr.P.C., accused **Dinesh Manikrao Pandhare**, r/o. Lonsana, Tq. Murtizapur, Dist. Akola, is hereby convicted for the offence punishable under section 354 of the Indian

Penal Code-1860 and sentenced to suffer simple imprisonment for one year and fine of Rs.2000/-. In default of payment of fine, accused to simple imprisonment for further period of one month.

2. Vide sec. 357(1)(b) of Code of Criminal Procedure-1973, amount of fine if paid by accused, be given as a compensation to the informant.
3. Accused to surrender to his bail bonds and he is taken in custody.
4. Free of cost copy of Judgment be provided to the accused.

(Dictated and pronounced in open court)

Place: Murtizapur  
Date: 07.03.2026

(R. R. PAKADE)  
Judicial Magistrate First Class,  
(Court No.2), Murtizapur.

**CERTIFICATE**

I affirm that the contents of this P.D.F file are same word for word as per original order/judgment.

Name of the Stenographer	: S. R. Adhau
Court Name	: Jt. Civil Judge (J.D.) & J.M.F.C. Murtizapur.
Date of Judgment & Order	: 07.03.2026
Signed by presiding Officer on	: 07.03.2026
Uploaded on	: 09.03.2026