

CNR No.MHAM190026902023 	Received on : 27/12/2021 Registered on : 27/12/2021 Registered on : 06/12/2023 Decided on : 03/08/2026 Duration : 04Y- 07M- 06D
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IN THE COURT OF ADDL. SESSIONS JUDGE-1, WARUD, DIST. AMRAVATI. (Presided Over by A.A. Panchbhai, Addl. Sessions Judge-1) <u>Special Case No.228/2023</u> <u>Exh. No. 33</u>	
PROSECUTION	The State of Maharashtra, Through Police Station, Shendurjana Ghat, Tq. Warud Dist. Amravati
Represented by	APP Shri.M. S. Bhagwat

ACCUSED	Kishor Arjun Belsare, Age : 40 years, Occu: Agriculturist R/o. Dhanodi Tq. Warud, District Amravati.
Represented by	Adv. Ku. A.R. Jaiswal

Date of offence	28/10/2021
Date of F.I.R.	29/10/2021
Date of Charge-sheet	27/12/2021
Date of Framing of charge	02/09/2022
Date of commencing of evidence	18/12/2025
Date of which Judgment is reserved	23/07/2026
Date of the Judgment	03/08/2026
Date of Sentencing if any	----

Accused Details.

Rank of accused	Name of accused	Date of arrest	Date of release on bail.	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during trial for purpose of Section 428, Cr.PC
1]	Kishor Arjun Belsare	04/12/2021	18/04/2022	U/S. 448, 354, 354-A(i) of the IPC and Section 3(1) (w)(i)(ii) and 3(2)(v)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989	Acquitted	No.	----

FORM C**List of prosecution/Defence/Court witnesses****A. Prosecution**

Rank	Name	Nature of Evidence (Eye witness, Police witness, Expert witness, Medical witness, Panch witness, other witness)
PW-1	Mala Nitin Chichame	First Informant/Complainant
PW-2	Manisha Dayaram Parteti	Spot Panch
PW-3	Nitin Ramesh Chichame	Witness

B. Defence witnesses, if any:-

Rank	Name	Nature of Evidence (Eye witness, Police witness, Expert witness, Medical witness, Panch witness, other)
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		witness)
Nil		

C. Court witnesses, if any :

Rank	Name	Nature of Evidence (Eye witness, Police witness, Expert witness, Medical witness, Panch witness, other witness)
Nil		

LIST OF PROSECUTION / DEFENSE/ COURT EXHIBITS**A- PROSECUTION**

Sr. No.	Exh.-	Description
1]	Exh.P-2	Written Report
2]	Exh.P-1	Printed FIR
3]	Exh.P-3	Caste Certificate
4]	Exh.P-4	Spot Panchnama

D. Material objects:

Sr. No.	Material object-	Description
	NIL	

:: J U D G M E N T ::(Delivered on 3rd day of August, 2026)

01] Accused person is facing trial for the offences punishable under Sections 448, 354, 354-A(i) of the IPC and Sections 3(1)(w) (i)(ii) and 3(2)(v)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989

02] **Brief facts of the prosecution's case are as under :-**

a] That, on 28.10.2021 at about 04.00 hours the informant was washing the dishes in the courtyard, at that time the above named accused person came in front of the house of informant and called her and said that he will show the videos of the programme in her house. On that count informant told that no one was in the house. She further told to go back, to the accused but the accused went inside the house and sat down. At that time her cousin Ganga came to her house. Later on after washing dishes informant and her cousin Ganga went inside the house in the kitchen. At that time accused person came from behind and suddenly he grabbed her hand and pulled her into the kitchen. Therefore, informant shouted loudly and after that she and her cousin Ganga pushed him and came out of the house. So, accused person left the house. Even before, this accused held her hand and teased her. Later on at about 11.00 p.m. informant's husband came home and she narrated the whole incident to her husband. Thereafter, she went to the police station and gave the complaint.

b] Upon receipt of report with the above said allegations, an offence vide crime No.375/2021 under Sections 448, 354, 354-A(i) of the IPC and Section 3(1)(w)(i)(ii) and 3(2)(v)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 came to be registered against accused person at Police Station, Shendurjana Ghat.

c] After registration of crime, the Investigation Officer has

carried out the investigation and submitted the charge-sheet against accused person. It was found in the investigation that the accused person committed offences punishable under-sections 448, 354, 354-A(i) of the IPC and Section 3(1)(w)(i)(ii) and 3(2)(v)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989.

03] My Ld. Predecessor has framed the charges against accused person for the offences punishable under Sections 448, 354, 354-A(i) of the IPC and Section 3(1)(w)(i)(ii) and 3(2)(v)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 and read-over to him in vernacular, to which he pleaded not guilty and claimed to be tried. His defence is of total denial and of false implication.

04] Following points arise for my determination and I proceed to record my findings thereon for the reasons given below :-

No.	POINTS	FINDINGS
01]	Does the prosecution prove that on 28/10/2021 at about 16.00 to 16.15 hrs. at the house of victim at Dhanodi Tq. Warud Dist. Amravati the above named accused person committed house trespass by entering into the house of the victim namely Sau. Mala Chichame and thereby committed an offence punishable under section 448 of the Indian Penal Code ?	In the negative

02]	Does the prosecution further prove that on the aforesaid date, time and place, accused person used criminal force upon the victim namely Sau. Mala Chichame, intending to outrage her modesty or knowing it to be likely that he would thereby outrage her modesty by caught holding her hand and caught hold her and thereby committed an offence punishable under section 354 of the Indian Penal Code ?	In the negative
03]	Does the prosecution further prove that on the aforesaid date, time and place, accused person used criminal force upon the victim namely Sau. Mala Chichame by making physical contact and advances involving unwelcome and explicit sexual overtures with intention to outrage her modesty by caught holding her hand and caught hold her and thereby committed an offence punishable under section 354-A(i) of the Indian Penal Code ?	In the negative
04]	Does the prosecution further prove that on the aforesaid date, time and place, accused person not being the member of Scheduled Caste or Scheduled Tribes intentionally touched the victim and used words, acts or gestures of sexual nature towards the victim knowing that she belongs to Scheduled Tribe (गोंड) and thereby committed an offence punishable under section 3(1)(w) (i)(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 ?	In the negative
05]	Does the prosecution further prove that on the aforesaid date, time and place, accused person not being the member of Scheduled	

	Caste or Scheduled Tribes, committed the offence of outraging the modesty of the said victim knowing that such person is a member of Scheduled Tribe (गोंड) and thereby committed an offence punishable under section 3(2)(v)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 ?	In the negative
06]	What order?	As per final order.

:: REASONS ::**AS TO POINT NOS. 1 to 5 :-**

05] Since the points are inter-related, they are discussed together for facilitation of the appreciation of the evidence on record. To prove the offence under Sections 453, 354(A) read with Section 448 of the I.P.C., the prosecution must prove,

- 1] That, he committed house trespass entering in to the house of the victim.
- 2] That, the accused person assaulted the complainant:
- 3] That, the accused assaulted or used criminal force to the complainant to outrage her modesty;
- 4] That, he made physical contact and advances involving unwelcome and explicit sexual overtures.

06] PW1 is Sau. Mala Nitin Chichame, the first informant/victim, however she has not supported the prosecution case except identifying the accused person as the employer with whom her husband was working as a driver. She claimed that

nothing happened on the relevant date of 28.10.2021. The APP put her leading question but in such further examination as well she has failed to support the prosecution's case.

07] The P.W. No.2 is Manisha Dayaram Parteti, the panchnama witness of the spot. She has deposed that she was not called by the police at the spot of incidence. That no panchnama was carried out. However, she admitted her signature at the spot panchnama vide Exh.P-4.

08] In her cross-examination, the P.W.2 admitted that since the police did not read over the panchnama to her, she had not read it and was not aware what was mentioned in it. She admitted further that since the police came to her shop and asked her to sign, hence, she signed.

09] P.W. No.3 is Nitin Ramesh Chichame, who was examined vide Exh.30. He deposed that informant was his wife. He knew the accused person. That he was driver on the vehicle of accused and his relation with accused was good. He also deposed that he did not know anything about the incident and it did not happen that his wife told him that in the morning accused person came to his house.

10] The APP put him leading questions, as PW3 had resiled from his statement to police. In such further examination as well the witness PW3 admitted that he had gone to lodge the complaint, but

his wife lodged it and he remained outside. He was shown the, portion marked 'B' in his statement, which is declined to have been stated to the police by him. His cross-examination was declined by the defence.

11] All these witnesses P.W.No.1, 2 and 3 have resiled from their statements to the police. Hence, APP asked them leading questions, and in such further examination as well, they have not supported the prosecution's case. Nothing significant has come out in such further examination by APP, and there is no narration of what incidence happened and how it occurred. In fact, there is no corroboration even to the factum of narration of complaint to the police in presence of PW2. Therefore, there is no incriminating evidence on record against the accused person.

12] PW1 is the complainant/victim and she herself resiled from her statement to police. Except for admitting her signature on the complaint at Exh.P-1, no any material or significant testimony has come on record through her.

13] On appreciation of the entire evidence on record, what crops up for evaluation and assessment is that, not a single witness has deposed against the accused person, not even the complainant herself. All of the witnesses have resiled from their statement given to police including the complainant. There is no iota of incriminating evidence against the accused person. Therefore, there

is no scintilla of evidence on record which would go on to nail the accused person, specifically to prove that he committed house trespass by entering into the house of the victim, or assaulted the complainant or used criminal force to the complainant to outrage her modesty, or he made physical contact and advances involving unwelcome and explicit sexual overtures. Neither there is any evidence that he not being the member of SC or ST intentionally touched the victim or used gesture of sexual nature knowing that she belongs to Scheduled Tribes and therefore, ingredients for the offences punishable under Section 3(1)(w)(i)(ii) or 3(2)(v)(va) are also not proved by the prosecution witnesses.

14] Comprehending all the evidence on record, there is no case of trespassing or outraging modesty or atrocity against the victim. There is no support from the testimonies of P.W. No. 2 or 3 which casts a sufficient doubt on the prosecution's story. Therefore, it can be safely held that the evidence of the PW1, complainant is not believable and there is no other cogent evidence from any other prosecution witnesses. That the doubts that have been created due to no incriminating statements, and the inconsistent statements of the prosecution witnesses generates enough mistrust about the correctness of the prosecution story. The prosecution has failed to establish its case against accused person beyond reasonable doubt and therefore person is liable to be acquitted. Therefore point number 1 to 5 are determined in the negative.

AS TO POINT NO. 6 :-

15] Since the prosecution has failed to prove the guilt of the accused person beyond reasonable doubt, he is entitled to be acquitted, I therefore, proceed to pass following order :-

ORDER

- 1] Accused Kishor Arjun Belsare, Age 40 years, R/o. Gram Dhanodi, Tq. Warud, Dist. Amravati, is hereby acquitted vide Section 235(1) of Cr.P.C. for the offence punishable under Sections 448, 354, 354-A(i) of the IPC and Section 3(1)(w) (i)(ii) and 3(2)(v)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989.
- 2] His bail bond stands cancelled.
- 3] Accused person shall execute PR bond of Rs. 15,000/- [Rs. Fifteen Thousand only] and surety of like amount for 6 months period towards compliance of Sec. 437-A of Cr.P.C.

Date: 03-08-2026
Place : Warud.

(Amitabh A. Panchbhai)
Addl. Sessions Judge-1,
Warud.