

MHAU160008362025



Presented on 21.02.2025  
 Registered on 21.02.2025  
 Decided on 08.05.2026  
 Duration 01 Yrs, 02 Mths 15 Days

**Special Case No.132/2025**  
 (Old Special Case No.15/2025)

**Exh.41/A****Form No. XXXII****Part 'A'**

(Title Page of Judgment)

(Para 44(i) of Chapter VI of Criminal Manual)

<p><b>IN THE COURT OF SPECIAL JUDGE, UNDER THE SC AND ST ACT, GANGAPUR, TAL. GANGAPUR, DISTRICT – CHHATRAPATI-SAMBHAJINAGAR</b></p> <p>Present : <b>S. B. Bahalkar</b>, Special Judge, Gangapur Under SC and ST Act</p> <p>(Date of Judgment 08.05.2026)</p> <p><b>Special Case No.132/2025</b> (Old Special Case No.15/2025)</p>	
<p>FIR No.263/2018, under Sections 118(1), 125, 115(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(1)(r) and (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Police Station Waluj, Tq. Gangapur, Dist. Chhatrapati-Sambhajinagar</p>	
Complainant	<p><b>STATE OF MAHARASHTRA,</b>          Through The Police Inspector,          Waluj Police Station, Tq. Gangapur,          Dist. Chhatrapati-Sambhajinagar</p>
REPRESENTED BY	<p>Mr. A. U. Ankush and Mr. K. S. Gande,          Learned A.P P. for the State</p>

ACCUSED	(1) <b>Rajan Namdev Tavare,</b> Age – 52 Years, Occu:- Agriculture,
	(2) <b>Lahu Raibhan Navpute</b> Age – 37 Years, Occu:- Agriculture,
	(3) <b>Anand Rajan Tawade,</b> Age – 23 Years, Occu:- Education, Above are R/o:- Shivrai, Tq. Gangapur, Dist- Chhatrapati- Sambhajanagar
REPRESENTED BY	Mr. A. C. Khavle, learned Advocate for the Accused.

**Part -'B'**  
**(Para 44(ii) of Chapter VI of Criminal Manual)**

Date of offence	26.12.2024
Date of FIR	27.12.2024
Date of Charge-sheet	31.01.2025
Date of Framing of Charges	05.01.2026
Date of commencement of evidence	04.04.2026
Date on which judgment is reserved	--
Date of the Judgment	08.05.2026
Date of the Sentencing Order, if any	–

**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.P.C.
(1)	Rajan Namdev Tavare,	On 31.12.2024 Notices have been given to the accused under Section 35(3) of the BNSS.	-	under Sections 118(1), 125, 115(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(1)(r) and (s) of the Scheduled Castes	Acquitted	–	–
(2)	Lahu Raibhan Navpute		-		....” ....	–	–
(3)	Anand Rajan Tawade,		-		....” ....	-	-

				and Scheduled Tribes (Prevention of Atrocities) Act, 1989			
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## **JUDGMENT**

(Delivered on 08<sup>th</sup> May, 2026)

Accused persons not being the members of Scheduled Castes or Scheduled Tribes, whereas the informant is member of the Scheduled Caste. At the time of incident the accused persons voluntarily caused hurt to the informant by means of glass bottle and intentionally insulted him in the name of his caste within public view. Hence, the accused are facing trial under Sections 115((2), 118(1), 352 and 125 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and under Section 3(1)(r) and (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC & ST Act').

### **Brief facts of the prosecution case are as under :-**

[2] Informant is the member of 'Hindu Mahar Caste' which falls within the category of Scheduled Castes, whereas all the accused persons are not belonging to the Scheduled Castes or Scheduled Tribes. The informant and all accused are known to each other.

[3] On 26.12.2024 informant Mahesh along with his friends Vikram Dhere and Sunil Dhanedhar had been to Hotel Komal at Lanji Road, Waluj and they were drinking liquor there. At that time, his another friend Mukesh Bhalerao came

there and greeted him as “Jai Bhim”. At that time, all three accused were sitting on the table behind the informant. Accused No.1 Rajan Taware suddenly shouted as “ कोण आहे रे बुल्लया तो जय भिम म्हणणारा इथे मागे पाटील बसलाय”. Then, the informant and his friends tried to persuade accused – Rajan Taware. In response he again gave abuses to the informant as “ तुमची गांड भरली का, महारगे हो, तुमच्या बायकाजवळ येऊन झोपतो, माझं कोणी वाकडे करणार नाही, तुम्हाला माझी पावर दाखवतो”. Suddenly, accused – Rajan Taware slapped Vikram Dhere. Therefore, the informant came forward to pacify the quarrel. Accused – Rajan Taware and Lahu Navpute beat the informant by fist blows. Since, accused – Rajan Taware was in drunken condition, the informant ignored him and with intention to avoid further quarrel he started to go out the hotel. One Walmik Dada who was sitting on the counter of the hotel, also shut the channel gate. At that time, accused – Rajan Taware was throwing glasses towards the informant then accused – Lahu and Rajan Taware followed the informant and accused Rajan gave blow of bottle of beer on the shoulder of the informant and caused him injury. Then, all three accused persons beat the informant by fist and kick blows.

[4] Thereafter, Vikram Dhere brought the informant to Waluj Police Station. Police referred him to GHATI Hospital, Aurangabad for medical treatment and examination. After getting medical treatment the informant came back to the police station and lodged FIR against the accused persons.

[5] Accordingly, crime vide C.R.No.370/2024 for the offences punishable under Sections 115(2), 118(1), 352 and 125 of the BNS and under Section 3(1)(r) and (s) of the SC & ST Act came to be registered and handed over to ACP – Mahendra Deshmukh for investigation.

[6] During the investigation, ACP–Mahendra Deshmukh visited to the spot of incident and prepared panchanama of the spot. Thereafter, he collected CCTV footage in the form of Pen-drive from the said hotel where the incident took place and prepared panchanama to that effect. He collected injury certificate of the informant and. He recorded statements of the witnesses. He collected certificates showing caste of the informant and accused persons. On completion of the investigation, he submitted the charge-sheet against the accused under Sections 115((2), 118(1), 352 and 125 of the BNS and under Section 3(1)(r) and (s) of the SC & ST Act.

[7] I have framed charge (Exh.16) against the accused under Sections under Sections 115(2), 118(1), 352 and 125 of the BNS and under Section 3(1)(r) and (s) of the SC & ST Act. The particulars of the charge were read over and explained to the accused to which accused pleaded not guilty and claimed to be tried.

[8] For want of incrementing evidence, statements of the accused under Section 351 of the Bharatiya Nagarik Surakshan Sanhita, 2023 are dispensed with.

[9] Following points arise for my determination. I have recorded my findings thereon for the reasons stated below:-

<b>Sr. No.</b>	<b>Points</b>	<b>Findings</b>
1.	Does the prosecution prove that the accused voluntarily caused hurt to the informant by means glass bottle ?	Not proved.
2.	Does the prosecution prove that the accused voluntarily caused hurt to the informant and other witnesses?	Not proved.
3.	Does the prosecution prove that the accused intentionally insulted the informant and other witnesses and thereby gave provocation to break the public peace ?	Not proved.
4.	Does the prosecution prove that the accused threw bottles and glasses towards the informant and other witnesses as endanger to the informant and other witnesses and thereby caused them hurt ?	Not proved.
5.	Does the prosecution prove that the accused persons, not being the members of a Scheduled Caste or Scheduled Tribes, insulted the	

informant, the members of Scheduled Castes, with intent to humiliate him within public view ? Not proved.

6. What Order ? Accused are acquitted.

### REASONS

#### Point Nos.1 to 5:-

[10] As per the prosecution case at the time of the incident accused persons allegedly beat Mahesh Narode (PW1), the informant and at that time his friends by name Vikram Dhere (PW2) and Sunil Dhanedhar (PW3) were present there and accused persons abused and beat them. However, on going through the evidence of above three witnesses it appears that, the incident took place on 26.12.2024, on that day, at about 09:00 p.m. they had been to Hotel Komal for drinking liquor. Due to cut of electricity supply there was dark on the said spot. Some people were quarreling and giving abuses to each other. Scuffle took place amongst those people, suddenly somebody beat them by slaps. However, due to dark they could not see who beat them. Thus, all these three witnesses turned hostile to the prosecution. Hence, they were cross-examined by the Ld. APP. However, nothing fruitful could be brought on the record from the cross-examination. Thus, evidence of above three importance eye-witnesses including the informant is not helpful to prove the guilt of the accused persons.

[11] The defence side has admitted the panchanama of the spot of the incident (Exh.33) and panchanama of seizure of CCTV footage in pen-drive (Exh.34). On this background prosecution has examined the Investigating Officer.

[12] ACP Mahendra Deshmukh (PW4) is the Investigating Officer. His evidence shows that he discharged his duties by recording statements of the witnesses and collecting caste certificates of the informant and accused persons. His evidence appears to be mechanical one. Certainly he is not an eye-witness to the incident. According to me, his evidence is not of use to prove the guilt of the accused.

[13] On going through the evidence, other material available on the record and for the reasons stated above, I can safely conclude that the prosecution has not brought sufficient and cogent evidence to prove the guilt of the accused beyond all reasonable doubts for the offences punishable under Sections 115((2), 118(1), 352 and 125 of the BNS and under Section 3(1)(r) and (s) of the SC & ST Act. I, therefore, answer Point Nos.1 to 5 in the negative.

**Point No.6:-**

[14] As mentioned above, prosecution has failed to prove the guilt of the accused for the offences under Sections

115(2), 118(1), 352 and 125 of the BNS and under Section 3(1)(r) and (s) of the SC & ST Act. Hence, the accused are entitled for acquittal.

[15] So far as, muddemal property i.e. Pen-drive (bearing GPR No.07/2026 and **VPR.No.02 of 2026**), is concerned, it appears that during the investigation, it was seized by the Investigating officer from the said hotel. However, during the trial nobody claimed custody or interim custody of the said Pen-drive

[16] The said Pen-drive is shown to be worth of Rs.2,00/-. Hence, it is treated as valuable muddemal property. However, as mentioned above nobody claimed custody of the Pen-drive. There is possibility of misuse of the data available in such the Pen-drive. Therefore, the Court cannot order to erase such data from such electronic devices before putting them in auction. Considering the new technology inventions, there is every possibility and apprehension that incriminating material or other important data on such electronic devices can easily be retrieved even after erasing/formatting it and there is every apprehension that such data can be used for unlawful activities. As such it would not be appropriate to destroy the such electronic device, than to put it in auction. Therefore, according to me, it would be just and proper to destroy the said Pen-drive under the supervision of Superintendent of the Court and Expert person from the

Computer Department, in a high voltage furnace, after the appeal period is over. I, therefore, in answer to Point No.6 pass the following order.:-

**ORDER**

[1] Accused Nos. **(1) Rajan Namdev Taware, (2) Lahu Raybhan Navpute and (3) Anand Rajan Taware** are hereby acquitted of the offence punishable under Sections 115(2), 118(1), 352 and 125 of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(1)(r) and (s) of the Scheduled Castes & Scheduled Tribes Act (Prevention of Atrocities) Act, 1989, vide Sec.255 of the Bharatiya Nagarik Surksha Sanhita, 2023.

[2] Their bail bonds shall stand cancelled.

[3] Accused shall furnish PR.Bond of Rs.15,000/- (Rs. Fifteen Thousand only) **each** and surety of like amount, in compliance with section 485 of the Bharatiya Nagarik Surksha Sanhita, 2023.

[4] Muddemal property i.e. Pen-drive (bearing GPR No.07/2026 and **V.PR.No.02 of 2026**) be destroyed as “e-waste” under the supervision of the Superintendent and any technical person of the computer section of this Court, after the appeal period is over.

Dated: 08.05.2026

**(S. B. Bahalkar)**  
Special Judge  
Under SC and ST Act,  
Gangapur

**...Continued on page No.11**

**Annexure - A****Part 'C'****(Para 44(iii) of Chapter VI of Criminal Manual)  
LIST OF PROSECUTION /DEFENCE/COURT WITNESSES****A. Prosecution :-**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
(1)	Mahesh Suresh Narwade (PW1) – Exh.24	Informant
(2)	Vikram Panditrao Dhere (PW2) – Exh.27	Witness
(3)	Sunil Uttam Dhanedhar (PW3) – Exh.30	Witness
(4)	Mahendra Ramrao Deshmukh (PW4) – Exh.37	Investigating Officer

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

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
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**C. Court Witnesses, if any :-**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
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**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS****A. Prosecution :-**

Sr. No.	Exhibit Number	Description
1.	25	Statement recorded under Sec.183
2.	26	Xerox copy of Aadhar-card
3.	28	Statement recorded under Sec.183
4.	29	Xerox copy of Aadhar-card
5.	31	Statement recorded under Sec.183
6.	32	Xerox copy of Aadhar-card
7.	38 and 39	Portion marks A of the the statement of the witness Vikram Dhere and Sunil Dhanedhar

**B. Defence :-**

Sr. No.	Exhibit Number	Description
-	-	-

**C. Court Exhibits :-**

Sr. No.	Exhibit Number	Description
-	-	-

**D. Material Objects :-**

Sr. No.	Exhibit Number	Description
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Date : 08.05.2026

**(S. B. Bahalkar)**  
Special Judge  
Under SC and ST Act,  
Gangapur