


MHGA010005592019 	Received on	15/04/2019
	Registered on	15/04/2019
	Decided on	02/04/2026
	Duration	06 Y 11 M 18 D
	<u>Exhibit No. 60.</u>	

Spl. (Atro) Case No. 04/2019

Form No. XXXII

Part 'A'

(Title Page of Judgment)

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

	<p style="text-align: center;">IN THE COURT OF AD-HOC DISTRICT JUDGE-1 & ADDITIONAL SESSIONS JUDGE, GADCHIROLI <i>Presided by : Vishwas S. Khot</i> Additional Sessions Judge</p>
	<p>Crime No. 51/2019, U/s. 376 of the I.P.C. & U/s. 3(1)(w)(i)(ii) and 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 Police Station : Armori, Tah. Armori, Dist. Gadchiroli</p>
COMPLAINANT	STATE OF MAHARASHTRA Through P.S.O. of Police Station Armori, Tah. Armori, Dist. Gadchiroli.
REPRESENTED BY	Learned P.P. Shri A.S. Pradhan
ACCUSED	Subhash Hanumant Deshmukh Age - 25 Yrs., Occu. Cultivation, R/o.Chambharda Toli, Tah. & Dist. Gadchiroli
REPRESENTED BY	Learned Counsel Shri P.P. Bramhanwade for accused.

Part 'B'
[Para 44 (ii) of Chapter VI of Criminal Manual]

Date of Offence	23.02.2019
Date of FIR	23.02.2019
Date of Chargesheet	15.04.2019
Date of Framing of Charges	19.06.2025
Date of commencement of evidence	15.11.2025
Date on which judgment is reserved
Date of the Judgment	02.04.2026
Date of the Sentencing Order, if any	N.A.

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	Subhash Hanumant Deshmukh	24-02-2019	13-09-2019	Sec. 376 of the IPC & Section , 3(1)(w) (i)(ii) and 3(2) (v) of the Schedule Caste and Schedule Tribe (Prevention of	acquitted	N.A.	N.A.

				Atrocities) Act, 1989			
--	--	--	--	------------------------------	--	--	--

Part ' C '
[Para 44 (iii) of Chapter VI of Criminal Manual]
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)
PW1	Victim lady	Informant
PW2	Vishal Sharad Dhume	Investigating Officer
PW3	Dr. Atmaram Ashok Mundhe	Medical Officer

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	---Nil---	

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	---Nil---	

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1	Exhibit P-23/PW1	Sign on Report
2	Exhibit P-24/PW1	Sign on printed FIR
3	Exhibit P-25/PW1	Statement under Section 164 of Cr.P.C.
4	Exhibit P-39/PW2	Letter from SP Gadchiroli
5	Exhibit P-40/PW2	Letter to Medical Officer for medical examination of accused
6	Exhibit P-41/PW2	Letter to Medical Officer for physical examination of victim
7	Exhibit P-42/PW2	Seizure Panchanama
8	Exhibit P-43/PW2	Letter for CA sampling
9	Exhibit P-44/PW2	Duty pass
10	Exhibit P-45/PW2	Receipt for depositing the biological samples
11	Exhibit P-46/PW2	DNA Report
12	Exhibit P-47 to 49/PW2	CA samples
13	Exhibit P-51/PW3	Medical Certificate

B. Defence :

Sr. No.	Exhibit Number	Description
...	...Nil...	...

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
...	...Nil...	...

D. Material Objects :

Sr. No.	Material Object Number	Description
1	Article A	Form 'B'
2	Article B	Form II

JUDGMENT

(Delivered on this 2nd day of April, 2026)

1] The accused stands charge-sheeted by the Police Station Officer/Sub-Divisional Police Officer Gadchiroli in Spl. (Atrocity) Case No.04/2019, registered under Section 376 of the IPC and Section 3(1)(w)(i)(ii) and 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2] The prosecution case can be epitomized as under :

The reporter/victim filed report at Police Station, Armori on 23.02.2019 contending therein that she got married with one Rajesh in the year 2006, but her husband died in the year 2011. She resided with her family wherein her son, father-in-law, mother-in-law, brother-in-law are the members. She does husbandry work and managed herself on the income of the husbandry work. The incident occurred on 23.02.2019. She got up early morning at about 8.00 a.m. and went to agricultural field for taking the crop of Masur. Her agricultural field is abutting to the agricultural field owned by one Subhash Hanumant Deshmukh, R/o. Chambharda. There were no one present in both the agricultural fields. At that time the said Subhash came to her and asked as to what she is doing. She answered that she is uprooting the crop of Masur. After some time he caught her hand. She tried to get rescue, but he did not free her. The informant asked him to leave, otherwise, she would depicted the incident to her in-laws. But

he did not listen her and removed her saree. He fall her down. She tried to make the hue and cry, but he closed her mouth by putting his hand upon it. He removed her nicker and his pant and committed forcible sexual intercourse. Thereafter, he worn his clothes and went away. The informant returned to home and she was crying at that time. Her mother-in-law asked her the reason of her crying. On asking she narrated the incident to her mother-in-law. She also narrated the same incident to her other in-laws. The said Subhash Deshmukh is belonging to 'Kunbi' community and she is belonging to 'Gond' community. Being aggrieved by the act of the said Subhash Deshmukh, she approached to the police and filed the report. The police wrote down the report.

3] On receiving the report the police started the investigation. The Deputy Superintendent of Police conducted the investigation. The police drew the spot panchanama. The police recorded statement of witnesses. The police obtained the caste certificate of the victim. The police arrested the accused and sent him for medical examination. The medical examination of the victim also carried out. During investigation it revealed to the police that the accused has committed the offence of rape and atrocity under Atrocities Act. After due investigation the police filed the charge-sheet before the Court.

4] The accused came to be summoned and he appeared before the Court. My predecessor framed the charge against the accused under Section 376 of the IPC and Section

3(1)(w)(i)(ii) and 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The accused pleaded not guilty and claimed tried. The prosecution examined 3 witnesses to substantiate the charge against the accused. The accused came to be examined under Section 313 of the Cr.P.C. in view of incriminatory evidence came in the examination of prosecution witnesses. The accused examined nobody for his defence. His defence was of total denial. The case came to be concluded with the arguments of both the sides.

5] Following points arise for my determination and I have recorded my findings subject to the reasons as mentioned hereinafter.

No.	<u>Points</u>	<u>Findings</u>
1.	Whether the prosecution proves that on 23.02.2019 in agricultural field at mouza Chambharda, Dist. Gadchiroli, the accused committed rape on the victim lady and thereby committed an offence punishable under Section 376 of the Indian Penal Code ?	..No..
2.	Whether the prosecution proves that on the aforesaid period and place the accused not being the member of the Scheduled Caste or Scheduled Tribe, intentionally touches, made acts and gestures of a sexual nature and without the consent of a victim lady belonging to a Scheduled Caste or Scheduled Tribe, knowing that	..No..

	she belongs to a Scheduled Caste or a Scheduled Tribe and thereby committed an offence punishable under Section 3(1)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 ?	
3.	Whether the prosecution proves that, during the above mentioned period and place, the accused not being the member of the Scheduled Castes or Scheduled Tribes, committed offence of rape covered under IPC knowing that she is a member of Scheduled Castes or Scheduled Tribes, and thereby committed an offence punishable under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ?	..No..
4.	Whether the prosecution proves that, during the above mentioned period and place, the accused committed sexual assault on the minor victim girl, and thereby committed an offence punishable under Sections 8 of the Protection of Children from Sexual Offences Act, 2012 ?	..No..
5.	What order ?	... Accused is acquitted

REASONS

As to Point Nos. 1 to 5 :-

6] The prosecution has examined three witnesses as mentioned above. P.W.1 turned enemical to the prosecution

case, therefore, prosecution could not derive any benefit from her evidence. She only submitted that she came to be examined under Section 164 of the Cr.P.C. by Magistrate and recorded her statement. The victim is belonging to 'Gond' community. P.W.2 deposed that he was acting as a SDPO, Gadchiroli and did the investigation. He obtained the caste certificate of victim and accused. Similarly, he recorded the statement of witnesses and seized the clothes of the accused. He prepared spot and seizure panchanamas before panchas and sent the samples for CA examination. He filed DNA report and he submitted charge-sheet before the Court. P.W.3 is a Medical Officer and he deposed that the victim was brought to him for medical examination. She depicted the history and he wrote down it. The victim stated that Subhash Deshmukh was the assailant. There was no external injury on her person. He opined that possibility of sexual violent cannot be ruled out. Accordingly, he issued medical certificate.

7] The witnesses came to be cross-examined by the other side. The cross-examination of P.W.1 is silent to some extent. But P.W.1 stated that doctor did not ask her about the incident. The portion mark 'A' in her report is not true and correct. P.W.2 remained stuck up during cross-examination. P.W.3 submitted that opinion expressed by her was only a possibility and it was not confirmed. He did not mention the age of abrasion.

8] The above mentioned evidence makes it clear that the prosecutrix turned enemical to the prosecution case. She

did not depose against the accused. The prosecutrix is a star witness of the prosecution and in case of her failure to depose against the accused, the whole prosecution case would be turned turtle. The evidence of Investigating Officer and Doctor could not prove the allegation of rape. Moreover, medical evidence is also weak. There is no exact opinion of the doctor regarding rape/sexual encounter. Also there is no evidence regarding atrocities committed under SC & ST Act, 1989. In such circumstances the ingredients of the offence cannot be proved. The prosecution left the ingredients unproved. The charge cannot be allowed to stand and it must fail. The accused is entitled to be acquitted. In consonance with the reasons stated my answer to point nos.1 to 4 are in negative and finally, I am inclined to pass following order resulting in acquittal of the accused. Hence, I am inclined to pass following order.

ORDER

1. The accused by name **Shubhash Hanumant Deshmukh** is hereby acquitted, vide Section 235(1) of the Code of Criminal Procedure for the offences punishable under Section 376 of the Indian Penal Code and Sections 3(1)(w)(i)(ii) and 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. The bail bonds of the accused stands cancelled.
3. The accused has already furnished the bail of Rs.50,000/- under Section 437-A of Cr.P.C./480 of the

BNSS, which shall remain in force for 6 months.

5. The property i.e. seized clothes and samples be destroyed after appeal period is over.
4. The proceedings stand closed.

Sd/-

(Vishwas S. Khot)
Ad-Hoc District Judge-1 and
Additional Sessions Judge,
Gadchiroli.

Gadchiroli
2nd April, 2026