


MHGO010003572020 	Presented on : 05.05.2020 Registered on : 05.05.2020 Decided on : 18.03.2026 Duration : 05Y. 10M. 13D.
<b><u>IN THE COURT OF SPECIAL JUDGE, GONDIA.</u></b> <b>(Presided over by R. N. Joshi)</b>	
<b><u>Date of Judgment : 18.03.2026.</u></b>	
<b><u>SPECIAL CASE NO.37/2020.</u></b> <span style="float: right;"><b><u>EXH. NO.</u></b></span>	
<b>(Crime No.35/2020 of Police Station, Dawaniwada)</b>	
<b><u>UNDER SECTIONS 341 R/W SECTION 34, 294 R/W SECTION 34, 323 R/W SECTION 34 AND 506 R/W SECTION 34 OF THE INDIAN PENAL CODE AND SECTIONS 3(1)(r)(s) AND 3(2)(va) OF THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989.</u></b>	
<b>Prosecution</b>	The State of Maharashtra, through Officer in charge of Police Station, Dawaniwada, Dist. Gondia.
<b>Represented by</b>	Mr. K. D. Pardhi, APP for the State.
<b>Accused</b>	1. <b>Dhumreshwar @ Baba S/o Pramod Deshbhratar,</b> Aged about 27 years, Occu.: Painting, R/o- Patiltola, Ratnara, Tah. & Dist. Gondia.
	2. <b>Kundan S/o Vijay Tighare,</b> Aged about 32 years, Occu.: Driver, R/o- Near Buddha Vihar, Kudwa, Tah. & Dist. Gondia.
	3. <b>Kunal @ Sonu S/o Umesh Rane,</b> Aged about 26 years, Occu.: Labour, R/o- Mata Chowk, Kudwa, Tah. & Dist. Gondia.

<b>Represented by</b>	Mr. S. K. Gadpayale, Advocate for accused No.1. Mr. V. L. Jani, Advocate for accused Nos.2 & 3.
-----------------------	--

Date of offence	:	02/02/2020
Date of FIR	:	06/02/2020
Date of Charge-sheet	:	05/05/2020
Date of framing of Charge	:	10/07/2025
Date of commencement of evidence	:	21/11/2025
Date on which judgment is reserved	:	18/03/2026
Date of Judgment	:	18/03/2026
Date of sentencing order if any	:	--

**Accused Details :**

Rank of the 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 the purpose of Sec. 428 of Cr. P. C.
1.	Dhumreshwar @ Baba S/o Pramod Deshbhratar.	06.03.2020	06.03.2020	Under Sections 341 r/w Section 34, 294 r/w Section 34, 323 r/w Section 34 and 506 r/w Section 34 of IPC & Sections 3(1)(r)(s) & 3(2)(va) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989.	<b>Acquitted</b>	--	The accused Nos.2 & 3 were arrested on date 06.03.2020. They were released on bail on date 07.03.2020. They were in custody for 01 day.
2.	Kundan S/o Vijay Tighare.	06.03.2020	07.03.2020				
3.	Kunal @ Sonu S/o Umesh Rane.	06.03.2020	07.03.2020				

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

Rank	Name	Nature of Evidence	Exh.
PW-1	Rakesh alias Pintu S/o Surajlal Kharole	Informant	P-5
PW-2	Nikhil S/o Arunlal Chikhlonde	Eyewitness	P-6
PW-3	Jaideep Vishnu Dalvi	PS.O.	P-19
PW-4	Nitin S/o Vinayak Yadav	I.O.	P-22

**B - Defence Witness, if any :** -- Nil

**C - Court Witness if any** -- Nil.

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

Sr. No.	Exhibit Number	Description
1.	Exh.06	Charge of accused.
2.	Exh.20	Report.
3.	Exh.21	Printed FIR.
4.	Exh.P-36	Order of the Superintendent of Police, Gondia dated 06.02.2020.
5.	Exh.P-37	Wireless Message.
6.	Exh.P-38	Seizure panchnama of the sticks.
7.	Exh.P-39	Copy of Caste Certificate of informant Rakesh Kharole.
8.	Exh.P-40	Copy of Caste Certificate of accused No.1 Dhumreshwar Deshbhratar.
9.	Exh.P-41	Copy of Caste Certificate of accused No.2 Kundan Tighare.
10.	Exh.P-42	Portion marked 'A' of the statement of informant Rakesh @ Pintu Kharole (PW-1).

11.	Exh.P-43	Portion marked 'A' of the statement of witness Nikhil Chikhlonde (PW-2).
12.	Exh.44	Evidence Close Pursis.

**B- Defence :**

Sr. No.	Exhibit Number	Description
1.	Exh.10	Medical Report of informant Rakesh Kharole (Admitted by defence).
2.	Exh.11	Spot panchnama (Admitted by defence).
3.	Exh.12	Seizure Panchnama of memory card (Admitted by defence).
4.	Exh.13	Arrest panchnama of accused No.1 Dhumreshwar @ Baba Pramod Deshbhratar (Admitted by defence).
5.	Exh.14	Arrest panchnama of accused No.2 Kundan Vijay Tighare (Admitted by defence).
6.	Exh.15	Arrest panchnama of accused No.3 Sonu @ Kunal Umesh Rane (Admitted by defence).
7.	Exh.16	Intimation about arrest of accused No.2 Kundan (Admitted by defence).
8.	Exh.17	Intimation letter to District & Sessions Judge, Gondia about arrest of accused No.2 Kundan Tighare (Admitted by defence).
9.	Exh.18	Intimation letter to District & Sessions Judge, Gondia about arrest of accused No.3 Kunal @ Sonu Rane (Admitted by defence).
10.	Exh.23	Letter to Gramsevak, Grampanchayat, Ratnara dated 07.02.2020 (Admitted by defence).
11.	Exh.24	Letter to Circle Officer, Ratnara dated 07.02.2020 (Admitted by defence).

12.	Exh.25	Intimation letter to panch dated 07.02.2020 (Admitted by defence).
13.	Exh.26	Intimation letter to panch dated 07.02.2020 (Admitted by defence).
14.	Exh.27	Query Report (Admitted by defence).
15.	Exh.28	Request letter to the J.M.F.C., Tirora for recording statements of witnesses under Section 164 of Cr.P.C. dated 19.02.2020 (Admitted by defence).
16.	Exh.29	Intimation about arrest of accused No.1 Dhumreshwar @ Baba Deshbhratar (Admitted by defence).
17.	Exh.30	Intimation about arrest of accused No.3 Sonu @ Kunal Rane (Admitted by defence).
18.	Exh.31	Intimation letter to District & Sessions Judge, Gondia about arrest of accused No.1 Dhumreshwar @ Baba Deshbhratar (Admitted by defence).
19.	Exh.32	Arrest panchnama of accused No.1 Dhumreshwar @ Baba Deshbhratar (Admitted by defence).
20.	Exh.33	Arrest panchnama of accused No.2 Kundan Tighare (Admitted by defence).
21.	Exh.34	Arrest panchnama of accused No.3 Sonu @ Kunal Rane (Admitted by defence).
22.	Exh.35	Letter to Tahsildar, Gondia dated 11.02.2020 for preparing map of the spot of incident (Admitted by defence).

**C- Court Exhibits :**

Sr. No.	Exhibit Number	Description
1.	Exhs.45 to 47	Statement of accused u/s 313 of Cr.P.C.

**D- Material Objects :**

Sr. No.	Material Object Number	Description
1.	Article-A	Caste Certificate of informant Rakesh (PW-1)

**J U D G M E N T**  
**(Delivered on 18<sup>th</sup> March, 2026)**

The accused Nos.1 to 3 are facing charge for the offences punishable under Sections 341 r/w Section 34, 294 r/w Section 34, 323 r/w Section 34 and 506 r/w Section 34 of the Indian Penal Code (In short 'IPC') and Sections 3(1)(r)(s) and 3(2)(va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'Atrocities Act'). This case is counter case to Special Case No.41/2020.

2] The prosecution case as per the report lodged by PW-1 Rakesh alias Pintu Surajlal Kharole is to the effect that, on 02.02.2020 at about 2:00 p.m. he along with his friend Nikhil Arunlal Chikhlonde on his motorcycle were proceeding to Dawaniwada for engagement. When they were at Phonetoli area, at that time, accused No.1 Dhumreshwar alias Baba Pramod Deshbhratar accompanied by his two friends Sonu Rane and Kundan Vijay Tighare were standing. At that time, his friend Nikhil while proceeding on the motorcycle, stated to Baba as

“Aur Baba” (“और बाबा”) and proceeded further. Immediately from backside, accused No.1 Baba Pramod Deshbhratar, accused No.2 Sonu Rane and accused No.3 Kundan Tighare came on one motorcycle near them, they abused them and asked to stop the vehicle. When their vehicle was stopped and after stopping vehicle, informant party asked accused persons as to why their vehicle was stopped, at that time, the accused persons Dhumreshwar alias Baba Pramod Deshbhratar, Kundan Tighare and Sonu Rane stated that informant and witness had abused them with words referring to their mother (तुमने हमे माँ की गाली दिये). The informant replied that, they did not abuse him and only said “Aur Baba”. At that time, the accused persons abused informant party in filthy language and humiliating on caste by saying “साले मादरचोद, चंभार तेरे माँ बहन की चुद”. While so abusing, accused No.2 Kundan Tighare brought the stick by breaking it from fencing of the nearby field. Accused Nos.1 to 3 assaulted him by sticks, slaps, fist on his legs, back and right hand. He further alleged that, the accused also assaulted his friend Nikhil Arunlal Chikhlonde by stick on his legs, back, left hand and neck. Therefore, there were abrasions to him. Thereafter, they threatened that they would enter their house and assault them and they should show by proceeding from Kudwa, they would kill them. At that time, Jitendra Lilhare, Rajesh Lilhare, Noharlal Chikhlonde and Ankit Bangre intervened the quarrel, due to

which they could escape. Thereafter, the accused persons left. They discussed with their parents at the house and thereafter lodged report belatedly. The report is lodged on 06.02.2020. On the basis of which, Crime No.35/2020 was registered for the offences punishable under Sections 294, 323, 506 r/w Section 34 of the IPC and Section 3(1)(r)(s) and 3(2)(va) of the Atrocities Act.

3] The investigation was conducted by PW-4 Nitin Vinayak Yadav then working as S.D.P.O. Tirora and in his jurisdiction, Police Station, Gangazari and Dawaniwada was also there. During investigation, as per order of Superintendent of Police at Exh.P-36 and wireless message at Exh.P-37, he on 07.02.2020 prepared spot panchnama in presence of panchas at Exh.11 and also conducted video shooting of the same and seized memory card of it as per Exh.12 seizure panchnama. He seized three sticks from informant Rakesh alias Pintu Surajlal Kharole (PW-1) in presence of panchas as per Exh.P-38. He obtained the Caste Certificate of informant as per Article-A/Exh.P-39. He also obtained Caste Certificates of accused No.1 Dhumreshwar Deshbhratar at Exh.P-40 and accused No.2 Kundan Tighare at Exh.P-41. He recorded the statements of the witnesses and also got their statements recorded under Section 164 of Cr.P.C. before the Magistrate. After completion of investigation, he filed the

final report popularly called as charge-sheet in the Special Court against the accused persons.

4] After complying with the mandatory provision of supplying copy of charge-sheet along with the documents to the accused persons under Section 208 of Cr.P.C. in the Special Court and after hearing the accused persons and the prosecution, upon opening of the case, the then Special Judge found that there are grounds to proceed against the accused persons and framed the charge against accused Nos.1 to 3 as per Exh.6 and explained the same to the accused Nos.1 to 3. The accused Nos.1 to 3 pleaded not guilty and claimed to be tried. The pleas in both languages English and Marathi of the accused No.1 Dhumreshwar Deshbhratar are at Exh.7 and 8, of the accused No.2 Kundan Tighare are at Exh.9 and 10 and of the accused No.3 Kunal Rane are at Exh.11 and 12.

5] The prosecution examined in all four witnesses.  
PW-1 Rakesh alias Pintu S/o Surajlal Kharole (Informant) at Exh.P-5,  
PW-2 Nikhil S/o Arunlal Chikhlonde (Eyewitness) at Exh.P-6,  
PW-3 Jaideep Vishnu Dalvi (P.S.O.) at Exh.P-19 and  
PW-4 Nitin S/o Vinayak Yadav (I.O.) at Exh.P-22.

6] The prosecution relied upon the documents as mentioned in the title. The accused persons have admitted the

documents as mentioned in the title. The prosecution closed the evidence by filing pursis at Exh.44.

7] The incriminating material was put to the accused persons under Section 313 of the Cr.P.C. to give an opportunity to explain the same. The case of the accused persons is of false implication and total denial from the cross-examination conducted and the answers to the questions under Section 313 of the Cr.P.C. of the accused Nos.1 to 3, which are at Exh.45 to 47.

8] I have heard Learned APP Shri. K. D. Pardhi for the State and Learned Advocate Shri. S. K. Gadpayale for accused No.1 and Learned Advocate Shri. V. L. Jani for accused Nos.2 and 3.

9] Perused the evidence adduced and documents produced on record along with the record in view of the rival submissions on the basis of which, following points arise for my determination, which I have answered for the reasons thereunder;

<u>Sr.</u> <u>No.</u>	<u>Points</u>	<u>Findings</u>
1.	Whether the prosecution proved that accused Nos.1 to 3 on 02.02.2020 in between 2:00 to 2:20 p.m. on Gondia to Dhapewada Road near Phonetoli, Tah. & ... Dist. Gondia, in furtherance of their	... Not proved.

common intention voluntarily obstructed victim/informant named Rakesh @ Pintu S/o Surajlal Kharole, aged about 31 years and his friend named Nikhil S/o Arun Chikhlonde, aged about 26 years, so as to prevent them from proceeding in any further direction in which they have a right to proceed, by stopping their motorcycle and thus wrongfully restrained informant and his friend and thereby committed an offence punishable under Section 341 r/w Section 34 of the Indian Penal Code ?

2. Whether the prosecution proved that on the same date, time and place, all accused in furtherance of their common intention abused in filthy language to victim/informant named Rakesh @ Pintu S/o Surajlal Kharole, by uttering obscene words at or near public place and thereby annoyed the informant and others and thereby committed an offence punishable ... **Not proved.**  
under Section 294 r/w Section 34 of the Indian Penal Code ?
3. Whether the prosecution proved that on the same date, time and place, all accused in furtherance of their common intention voluntarily caused hurt to victim/informant named Rakesh @ Pintu S/o ... **Not proved.**  
Surajlal Kharole, aged about 31 years and his friend named Nikhil S/o Arun

Chikhlonde, aged about 26 years and thereby committed an offence punishable under Section 323 r/w Section 34 of the Indian Penal Code ?

4. Whether the prosecution proved that on the same date, time and place, all accused in furtherance of their common intention threatened to kill victim/informant named Rakesh @ Pintu S/o Surajlal Kharole, aged about 31 years and his friend named Nikhil S/o Arun Chikhlonde, aged about 26 years with intent to cause alarm to ... **Not proved.** them and thereby committed an offence of criminal intimidation punishable under Section 506 r/w Section 34 of the Indian Penal Code ?
5. Whether the prosecution proved that on the same date, time and place, accused Nos.2 and 3 not being a member of Scheduled Caste or a Scheduled Tribes, being having knowledge that the victim/informant namely Rakesh @ Pintu S/o Surajlal Kharole belongs to Chambhar Caste, which is recognized as Scheduled Caste, intentionally insulted or with intent to humiliate him, abused by the name of ... **Not proved.** his caste within public view and thereby committed an offence punishable under Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ?

6. Whether the prosecution proved that on the same date, time and place, accused Nos.2 and 3 not being a member of Scheduled Caste or a Scheduled Tribes, committed an offence under Sections 323 and 341 of IPC against the victim/informant namely Rakesh @ Pintu S/o Surajlal Kharole, specified in the Schedule... **Not proved.**  
of the Act punishable under Section 3(2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ?
7. Whether any other offence is proved ... **No.**  
against the accused persons ?
8. What order ? ... **As per final order.**

**: REASONS :**

**AS TO ALL POINTS:**

10] As the present case and Special Case No.41/2020 are counter cases, though, they are tried separately, they are to be decided simultaneously on the same day. The evidence in each case has to be considered independently, on the basis of the material available on record of the particular case. Keeping the above principles in mind, I have perused the record. The evidence adduced by the prosecution in regard to all the points are common and they are interconnected with each other, therefore, taken for discussion under common caption.

11] The submissions on behalf of Learned APP are to the effect that, the witnesses did not support the prosecution for the reason that there is settlement between them. However, the Investigating Officer has proved the contents of the portion marked in their statements to have been narrated by them in the report as well as in their statements before the Police. From those statements as the contents are proved on record, the charge against the accused persons is established and prayed to convict them and hold them guilty. On the other hand, Learned Counsels for the accused persons argued that, mere proof of the fact that some statement is made by particular witness would be admissible only to the extent that such statement was made, but the truthfulness of such statement will have to be proved by leading evidence which is substantive evidence in respect of the incident itself, which is not on record and prayed to acquit the accused persons.

12] The witnesses on incident are only two witnesses PW-1 who is the injured witness and PW-2 the eyewitness. PW-3 and PW-4 are the Police witnesses, who are not witnesses of the incident.

13] Perusal of the testimony of the informant Rakesh alias Pintu Kharole (PW-1) is to the effect that, the incident is of 02.02.2020. According to him, on that day, he was going to

village Dawaniwada for engagement ceremony by motorcycle along with Nikhil Chikhlonde (PW-2) at about 11:30 to 12:00 in the morning hours. In the area at village Ratnara near Phonetoli, the work of road was going on where there were pit holes on the road, therefore, handle of his motorcycle touched to the handle of the motorcycle of Baba (Accused No.1) and two others. Therefore, they fell down. Therefore, he sustained various injuries. As he sustained number of injuries, they went to P.H.C., Dawaniwada. There Doctor asked to go to Police Station, therefore, he went to Police Station, Dawaniwada. He did not remember if he lodged the report or not, but he testified that Police obtained his signatures on 02 to 03 papers and recorded his statement. He also testified that, he belongs to Chambhar caste and identified his Caste Certificate at Article-A. He denied that, he showed any spot to the Police. When the questions in the nature of cross-examination were put to him by Learned APP though he stated that, he did go to the Police Station to lodge report, but he denied that, his friend Nikhil Chikhlonde on his motorcycle called Dhumreshwar by saying from the motorcycle that "Aur Baba" and proceeded ahead. He denied that, thereafter, the accused Nos.1 to 3 followed their motorcycle, came near them and stopped their motorcycle and the accused Nos.1 to 3 abused him by saying "Sale Madarchod, Chambhar Tere Maa Bahan Ki Chud". He denied that, accused persons assaulted him

in his friend by taking out a stick from fencing of the field and by slapping and by fists on his legs, back and right hand and also assaulted by stick to his friend Nikhil on his legs, back, left hand and neck, due to which he sustained bleeding injuries. He had admitted that, as accused persons lodged report against them, on that basis case is pending against him and his friend. He denied the contents of the report, though admitted his signature on the same. He also denied the contents of portion marked 'A' in his statement at Exh.42 of statement dated 11.02.2020. He denied that, there was any settlement between accused persons and him. In cross-examination, he admitted that, near the petrol pump of area at Ratnara, the work of construction of road was going on and there was Gitti and boulders on the road.

14] PW-2 Nikhil Chikhlonde also did not support the prosecution and gave half-hearted evidence in his testimony, in which he testified that, while going for an engagement with informant (PW-1) Rakesh Kharole on motorcycle to Dawaniwada while proceeding on motorcycle near Phonetoli, the work of road was going on. The motorcycle on which he was rider, dashed with the vehicle of accused No.1 Baba, therefore, they fell down. They sustained injuries on their hands and legs. He denied that, any further incident of assault or abusing occurred there. He denied that, any report was lodged by accused No.1 against the

informant and others, though he admitted that his statement was recorded by the Police as well as in the Court.

15] PW-3 Jaideep Vishnu Dalvi is the P.S.I. on diary duty on the date of incident, who testified that, the informant (PW-1) Rakesh alias Pintu Surajlal Kharole had come to the Police Station and he lodged report, which he reduced into writing as per narration of the informant, took printout of the same, read it over to him and as it was found correct by him, he signed on the report, which he identified, thus, the report was exhibited as per Exh.P-20, on the basis of which, he registered the crime as per printed FIR Exh.P-21 and handed over the investigation to S.D.P.O., Tirora, as there was offence charged for the offence punishable under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

16] In his cross-examination, he categorically admitted that, there is no signature of the informant on the printed FIR Exh.P-21.

17] PW-4 Nitin Vinayak Yadav is the Investigating Officer, who testified that, he received the investigation of the above Crime No.35/2020 of Police Station, Dawaniwada as per order of the then Superintendent of Police at Exh.P-36 and wireless message at Exh.P-37. He prepared the spot panchnama Exh.11 in presence of panchas and also seized the memory card of the

video shooting as per Exh.12. He seized sticks three in number from informant Rakesh alias Pintu Surajlal Kharole as per Exh.P-38. He obtained the Caste Certificate of the informant at Article-A/Exh.P-39. He also obtained the Caste Certificates of the accused No.1 Dhumreshwar Deshbhratar at Exh.P-40 and accused No.2 Kundan Tighare at Exh.P-41. He proved the contents of portion marked 'A' of the testimony of statement of informant at Exh.P-42 and the contents of portion marked 'A' of PW-2 Nikhil Chikhlonde at Exh.P-43 stating that the same was recorded as per their narration.

18] From the above testimony, it is crystal clear that, though the accused persons admitted medical report of the injured at Exh.10, however, except one contusion, nothing was found on his body.

19] The entire testimony of both the witnesses who are witnesses to the incident including that of informant even if portion marked 'A'/Exh.42, which is exhibited in the testimony of the Investigating Officer (PW-4) would be only in the form of conduct of the PW-1 and PW-2 at Exh.43 of having made such statements which cannot take place of substantive evidence to prove the truthfulness of the incident itself. At the most, these portions would be admissible to the extent only to prove the fact that the conduct of the witnesses is such that they had made

these statements to the extent of Section 8 of the Evidence Act. This would not lead to the proof of the contents of those statements in themselves as a fact.

20] Therefore, when the entire testimony of the informant as well as the witness is not leading the prosecution case any further to prove any of the fact of either any assault or abuses much less abuses on the caste, there is in fact no iota of evidence of the incident of assault or that of abuses as charged against the accused persons. There is no testimony in respect of illegal restraint by any of the witnesses, nor any substantial evidence in respect of abuses or assault or threat. In absence thereof, the further discussion in respect of the admitted documents is nothing but burdening the judgment. The submissions of Learned APP are liable to be rejected, as there is no testimony to prove the facts constituting the ingredients of the offences except the fact that the submissions of Learned APP can be accepted only to the limited extent about the conduct under Section 8 of the Evidence Act of having made such statement from the testimony of the Investigating Officer and nothing more.

21] When the witness categorically testified that they fell due to touch of the handle of the motorcycle of the accused persons to the motorcycle on which they were riding and as the construction was going on on the road, which was having Gitti

and boulders on the road as well as pits, therefore, they fell down and sustained injuries and nothing more. If such is the incident, I hold that, prosecution failed to prove the charge for the offences punishable under Sections 341 r/w 34, 294 r/w 34, 323 r/w 34, 506 r/w 34 of the IPC and Sections 3(1)(r)(s) and 3(2)(va) of the Atrocities Act.

22] The above conclusion further finds support from the fact that, the Caste Certificates are also not properly established. Moreover, the accused No.1 himself belongs to Scheduled Caste. Furthermore, the incident is dated 02.02.2020 in the morning to noon hours and the report is lodged much belatedly on 06.02.2020 after about four days. Therefore, it raises suspicion on the report itself. Therefore, answering the points in the negative, I hold that, accused persons deserve to be acquitted of all the charges. Hence, I proceed to pass following order.

### **ORDER**

1. The **accused No.1 Dhumreshwar @ Baba S/o Pramod Deshbhratar** is acquitted under Section 235(1) of the Code of Criminal Procedure of the offence punishable under Sections 341 r/w Section 34, 294 r/w Section 34, 323 r/w Section 34 and 506 r/w Section 34 of the Indian Penal Code.
2. The **accused No.2 Kundan S/o Vijay Tighare** and **accused No.3 Kunal @ Sonu S/o Umesh Rane** are acquitted under

Section 235(1) of the Code of Criminal Procedure of the offence punishable under Sections 341 r/w Section 34, 294 r/w Section 34, 323 r/w Section 34 and 506 r/w Section 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The bail bonds of the accused persons shall stand cancelled.
4. Muddemal property i.e. memory card and three sticks being worthless, be destroyed after appeal period is over.
5. The accused persons are directed to furnish P.R. Bond and Surety Bond of Rs.15,000/- **each** towards compliance of Section 437-A of the Code of Criminal Procedure, 1973/ 481 of Bharatiya Nagarik Suraksha Sanhita, 2023 to appear before the Hon'ble Appellate Court in case of appeal.
6. The accused Nos.2 and 3 were arrested on date 06.03.2020. They were released on bail on date 07.03.2020. They were in custody for 01 day. In case of appeal and reversal of the judgment, they would be entitled under Section 428 of Cr.P.C. for set off.

The judgment dictated and pronounced in open Court.  
Upon transcription, correction if any and signature, the same be uploaded.

Gondia.  
Date:18.03.2026.

(R. N. Joshi)  
Special Judge, **Gondia.**