Received on : 14/04/2024

Registered on : 14/04/2024

Decided on 11/03/2026

Duration : Y01,M-10,D-27

PART : 'A'

	BEFORE THE SPECIAL JUDGE, GONDIA, AT GONDIA. DIST- GONDIA (Presided over by M. T. Asim)		
	SPL. CASE NO.71/2024 ***(CNR No.: MHGO010005512024)***		**Exh. No. 27**
	Date of the Judgment	11-03-2026	
	Crime No.63/2024	Police Station, Amgaon District - Gondia	
PROSECUTION		**The State of Maharashtra,** Through Police Station Officer, Police Station, Amgaon, Dist. Gondia.	
Represented by		APP Shri P.S. Agashe for the State.	
ACCUSED		1. **Chandrashekhar Holiram Mandve** Aged 25 years, Occ. Labour 2. **Shubham Pandurang Bhalavi** Aged 28 years, Occ. Education 3. **Chunnilal Hemraj Bhalavi** Aged-53 years, Occ. Labour All R/o Manegaon, Tah. Amgaon, Dist. Gondia.	
Represented by		Adv. Shri. Bagde for accused Nos.1 to 3	

Part : 'B'

Date of Offence	:-	12-02-2024
Date of F.I.R	:-	13.02.2024
Date of Chargesheet	:-	16-04-2024
Dates of Framing of Charge	:-	15-01-2026
Date of commencement of evidence.	:-	09-03-2026
Date of which Judgment is reserved.	:-	-
Date of Judgment	:-	11-03-2026
Date of the Sentencing Order	:-	-

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 the purpose of Sec. 428 Cr.P.C.
1)	Chandrashekhar Holiram Mandve	13-02-2024	16-02-2024	S 294, 392, 394, 323, 504, 506 r/w s 34 of IPC, & S. 3(1)(r)(s), 3(2)(va) of Atrocities Act	acquitted	-	N.A
2)	Shubham Pandurang Bhalavi	13-02-2024	16-02-2024	do	acquitted	-	N.A
3)	Chunnilal Hemraj Bhalavi	13-02-2024	16-02-2024	do	acquitted	-	N.A

PART : 'C'

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES

A. Prosecution :

RANK	NAME	Exh. No.	NATURE OF EVIDENCE
P.W. 1	Prakash Dadu Meshram	11	Informant
P.W. 2	Manoj Ratanlal Funde	14	Witness
P.W. 3	Jyoti Prakash Meshram	15	Wife of informant
P.W. 4	Parmanand Dadu Meshram	16	Brother of informant

P.W.5	Surajlal Lahu Mankar	22	Witness

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE
-	-	-

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE
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LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	**Description**
1]	P-12	Signature on Report
2]	P-13	Printed FIR

B. Defence :

Sr. No.	Exhibit Number	**Description**
1	17	Crime Detail form
2	18	Seizure panchanama
3	19 to 21	Arrest panchanamas

C. Court Exhibits :

Sr. No.	Exhibit Number	**Description**
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D. Material Objects :

Sr. No.	Material Object Number	**Description**
-	-	-

Offence: Punishable under Sections 294, 392, 394, 323, 504 and 506 r/w section 34 of Indian Penal Code and Section 3(1)(r)(s), 3(2)(va)of SC & ST (Prevention of Atrocities) Act.

:: JUDGMENT ::

(Delivered on this 11th day of March 2026)

1] Accused No.1 is charge-sheeted by Police Station, Amgaon in Crime No.63/2024 for the offences punishable

under sections 394, 294, 323, 504 and 506 r/w section 34 of the Indian Penal Code ***(In short referred as IPC)***, sections 3(1)(r)(s), 3(2) (va) of The SC & ST (Prevention of Atrocities) Act (***in short referred as Atrocities Act***), accused No.2 is prosecuted under sections 394, 294, 323, 504 and 506 r/w section 34 of IPC and accused No.3 prosecuted under sections 504, 506 r/w section 34 of IPC.

2] Brief facts of the prosecution case are as under:

Informant Prakash Dadu Meshram lodged report with police station Amgaon alleging that since 2022 he is Sapranch of Manegaon Gram Panchayat. On 12-02-2024 at about 7.30 pm he was going to see a person in his village who died. At that time Shekhar Holiram Mandave (accused No.1) and Shubham Pandurang Bhalavi (accused No.2) met him on the way and they stopped him and asked him as to why street lights are off. Informant told to them that peon of Gram Panchayat told him that after switching on street lights sparking takes place. While he was saying both accused abused him by uttering words “sale tu kya batata hai dhedhya madarchod mahara kab tak Sarpanch rahega ham dekhate hai”. They also assaulted him by means of hand and legs and torn his shirt and took Rs.2000/- from his upper pocket of shirt. People were gathered there and separated the quarrel. When his brother and wife went to rescue him, they abused his brother and wife uttering words “dhel mahar amchya ithe yeun amhala shahanpan sangto.” Chunnilal Hemraj Bhalai (accused No.3) told “inko phasayenge”. Accused Nos.1 and 2

threatened by saying words “rat bhare me inka kam khatam kar denge.” So, he lodged report in Police Station Amgaon.

3] On the basis of report offence was registered against accused vide Crime No.63/2024 with police station Amgaon.

4] After registering offence investigation was carried out by Investigating Officer. I.O visited the spot of incident and prepared spot panchanama, arrested the accused persons, issued letter to M.O of Rural hospital Amgaon to examine informant and obtained medical certificate, issued letter to SDM Deori and obtained caste certificate of informant, seized memory card vide seizure panchanama and obtained certificate under section 65-B of Evidence Act, issued letter to Tahsildar requesting him to draw map of spot of incident, obtained caste certificate of accused persons, recorded statement of witnesses as per their say, made request to Magistrate to record statement under section 164 of Cr.P.C of informant and witnesses. From the investigation complicity of the accused is revealed so charge-sheet came to be filed against the accused for the offence under sections as referred above.

5] Charge (Exh.06) came to be framed against the accused No.1 under sections 294, 392, 394, 323 and 504 r/w section 34 of IPC and sections 3(1)(r)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), against accused No.2 under sections 294, 392,

394, 323 and 504 r/w section 34 of IPC and against accused No.3 under sections 392, 394, 504 and 506 r/w section 34 of IPC. The charge was read over and explained to accused in vernacular. Accused pleaded not guilty and claimed for trial.

6] As the prosecution closed its evidence, the statement of accused under Section 313 of Cr.P.C. came to be recorded at Exh.24 to 26. The defence of the accused is of denial and false implication.

7] At the conclusion of trial, I have heard learned APP Shri. Agashe and learned advocate Shri Bagde for accused Nos.1 to 3 at length.

8] In the light of charge against the accused, evidence on record, statement under section 313 of Cr.P.C. and the rival submissions at bar, the following points arise for my determination. I have recorded my findings on those points for the reasons recorded as under: -

	Points	**Findings**
1]	Whether prosecution proves that accused Nos.1 and 2 on 12-02-2024 at about 7.30 pm near house of Linta Mankar at village Manegaon, abused informant Prakash Dadu Meshram by uttering obscene words such as “sale tu kya batata hai, dhedya, madarchod mahara kab tak sarpanch rahega ham dekhate hai”, when he was going to house of Mulchand Kawale which is a public place and thereby annoyed the other?	***No.
2]	Whether prosecution proves that accused	

	No.1 on the same date, time and place not being a member of Scheduled Caste or a Scheduled Tribe, being having knowledge that the victim Prakash Dadu Meshram belongs to Mahar caste which is recognized as Scheduled Caste, abused him by his caste name and uttered obscene words such as “dhedya madarchod mahara kab tak sarpanch rahega ham dekhate hai” when he was going to house of Mulchand Kawale which is within public view?	*** No.
3]	Whether prosecution proves that accused Nos.1 to 3 on the same date, time and place in furtherance of your common intention removed Rs.2000/- from the packet of victim namely Prakash Dadu Meshram without his consent and knowledge and thereby committed an offence of robbery?	*** No.
4]	Whether prosecution proves that accused Nos.1 to 3 on the same date, time and place in furtherance of your common intention by committing robbery voluntarily caused hurt to victim namely Prakash Dadu Meshram by means of fist and kicks?	*** No.
5]	Whether prosecution proves that accused Nos.1 and 2 on the same date, time and place in furtherance of your common intention by abusing the victim namely Prakash Dadu Meshram belongs to Mahar caste which is recognized as Scheduled Caste, you accused No.2 caught hold the victim and you both assaulted him by means of fist and kick?	*** No.

6]	Whether prosecution proves that accused Nos.1 to 3 in furtherance of your common intention on the same date, time and place by abusing the informant Prakash Dadu Meshram belongs to Mahar caste which is recognized as Scheduled Caste on his caste, gave provocation to him knowing that such provocation will cause him to break public peace by uttering words?	*** No.
7]	Whether prosecution proves that accused No.3 on the same date, time and place by abusing the informant Prakash Dadu Meshram belongs to Mahar which is recognized as Scheduled Caste when he was going to house of Mulchand Kawale gave threats of killing to him, thereby committed an offence of criminal intimidation?	*** No.
8]	Whether prosecution proves that accused No.1 on the same date, time and place not being a member of Scheduled Caste or Scheduled Tribe, in furtherance of your common intention, being having knowledge that the victim Prakash Dadu Meshram belongs to Mahar caste which is recognized as scheduled caste, abused, assaulted and threatened him, on the ground that he belongs to scheduled caste, which are offences punishable under section 294, 394, 504 and 506 of IPC?	*** No.
9]	What order?	*** As per final order.

R E A S O N S.

9] In order to prove the guilt of accused prosecution has examined in all five witnesses as mentioned in Table-C of

Part-III. They are P.W.1 Prakash Dadu Meshram an informant, P.W.2 Manoj Ratanlal Funde, P.W.3 Jyoti Prakash Meshram wife of informant, P.W.4 Parmanand Dadu Meshram brother of informant and P.W.5 Surajlal Mankar witness on incident. Prosecution has closed their side vide purshis Exh.23. Heard learned APP Agashe and learned Advocate Shri Bagde for accused.

10] **AS TO POINT NOS.1 TO 8** :-

As the facts of all the points are inter-related, they are being taken together for common discussion.

So far caste of informant P.W.1 Prakash Meshram is concern, he stated that he belongs to Mahar caste which falls under Scheduled Caste. His evidence in that respect remained unchallenged in cross-examination. There is no reason to disbelieve his version in that respect. Therefore, I hold that prosecution has established that informant belongs to Mahar caste which falls under Scheduled Caste category.

11] Now, I analyse evidence of prosecution witnesses on the point of incident.

Evidence of informant Prakash Meshram shows that incident took place before one year in the evening. Accused Shekhar and Shubham asked him as to why street lights are off. Peon of Gram Panchayat told him that after switching on street light sparking takes place. On that verbal altercation had taken place between him and Shekhar, Shubham. He stated that except this nothing was happened.

He denied that Shekhar and Shubham abused him in filthy words and on his caste. Although he admitted that he had lodged report about incident in police station but it is clear that he remained silent about contents of the report. Therefore, report is not proved. It is apparent that on material point informant has not supported to the case of prosecution. Nothing incriminating against the accused persons has come out from his mouth in cross-examination. Therefore, his evidence is not of much help to the prosecution.

12] P.W.2 Manoj Funde who is peon of the Gram Panchayat Manegaon only stated that incident took place in the year 2024. But he did not state anything to link accused with the alleged crime. Nothing is elucidated from his cross-examination to connect accused with the aforesaid crime.

13] P.W.3 Jyoti Meshram is wife of informant. She only stated that quarrel had taken place between her husband and accused and at that time she was present in her house. She denied that accused abused her and her brother-in-law Parmanand. Even in cross-examination by learned APP nothing has come out to link accused with the crime.

14] P.W.4 Parmanand Meshram is brother of informant. He shown his lack of knowledge about incident. He denied that accused abused to his brother in filthy words and on caste and also denied that accused abused him and wife of his brother by uttering “dhed mahar ale yethe yeun amhala shahanpan sangto kay” and that accused Chunnilal told “inko

phasayenge". Thus, it is clear that he has not supported to the case of prosecution.

15] P.W.5 Surajlal stated that incident took place before one year at Hanuman Square of the village. Verbal altercation had taken place between accused and informant. He denied that Chandrashekhar and Shubhham assaulted informant by kicking him and accused Chandrashekhar abused him on caste. Thus, his evidence is not sufficient to prove the guilt of accused for offences for which they are charged.

16] Although informant has stated that verbal altercation had taken place between him and Shekhar and Shubham, and P.W.3 Jyoti had stated that quarrel had taken place between her husband and accused and P.W.5 Surajlal stated that verbal altercation had taken place between informant and accused but their evidence is not sufficient to bring home guilt of accused.

17] In view of discussion made above prosecution has failed to prove that you accused No.1 to 2 abused informant in filthy words and accused No.3 told inko phasayenge. Further prosecution also failed to prove that accused No.1 not being member of Scheduled Caste abused informant on his caste by uttering "sale tu kya batata hai, dhedya, madarchod mahara kab tak sarpanch rahega ham dekhate hai" in public view. Prosecution also failed to prove that accused voluntarily caused hurt to informant by giving fist and kick blows and

removed Rs.2000/- from the packet of informant without his consent and knowledge and committed robbery and also threatened informant to kill him. Therefore, I answer point Nos.1 to 8 in negative.

AS TO POINT NO.9:-

18] In view of my findings to point Nos.1 to 8 in negative, the accused deserves to be acquitted. Hence, I pass following order.

O R D E R

1] Accused No.1 is hereby acquitted of the offence punishable under sections 294, 392, 394, 323 and 504 r/w section 34 of IPC and sections 3(1)(r)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act) as per Section 235(1) of Cr.P.C. (Now section 258(1) of BNSS), registered with Police Station, Amgaon, Dist. Gondia.

2] Accused No.2 is hereby acquitted of the offence punishable under sections 294, 392, 394, 323 and 504 r/w section 34 of IPC as per Section 235(1) of Cr.P.C. (Now section 258(1) of BNSS), registered with Police Station, Amgaon, Dist. Gondia.

3] Accused No.3 is hereby acquitted of the offence punishable under sections 392, 394, 504 and 506 r/w section 34 of IPC as per Section 235(1) of Cr.P.C. (Now section 258(1) of BNSS), registered with Police Station, Amgaon, Dist. Gondia.

4] Accused are on bail. Their bail bonds stand cancelled.

5] Muddemal property i.e. memory card of 8 GB and clothes of shirt of informant being worthless be destroyed after appeal period is over.

6] Accused to execute PR Bond of Rs.15,000/- each and furnish one surety in the like amount in compliance of the provision of Section 437-A of the Cr.P.C. (Now section 481 of BNSS) for his appearance in appeal, if it is preferred.

7] Case is disposed of accordingly.

Digitally signed by MOHAMMAD TANVIR ASIM MOHD IQBAL AHMAD
Date: 2026.03.12 17:42:24 +0530

Gondia.
Dated: -11/03/2026.

(M. T. Asim)
Special Judge, Gondia.

IN THE COURT OF SPECIAL JUDGE, GONDIA.
SPL. CASE NO.71/2024

STATE VS CHANDRASHEKHAR AND OTHER

OPERATIVE O R D E R

1] Accused No.1 is hereby acquitted of the offence punishable under sections 294, 392, 394, 323 and 504 r/w section 34 of IPC and sections 3(1)(r)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act) as per Section 235(1) of Cr.P.C. (Now section 258(1) of BNSS), registered with Police Station, Amgaon, Dist. Gondia.

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3] Accused No.3 is hereby acquitted of the offence punishable under sections 392, 394, 504 and 506 r/w section 34 of IPC as per Section 235(1) of Cr.P.C. (Now section 258(1) of BNSS), registered with Police Station, Amgaon, Dist. Gondia.

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7] Case is disposed of accordingly.

Gondia.
Dated: -11/03/2026.

(M. T. Asim)
Special Judge, Gondia.