



Received on : 29/09/2020

Registered on : 29/09/2020

Decided on 01/04/2026

Duration : Y05,M-06,D-03

PART : 'A'

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| <u>BEFORE THE SPECIAL JUDGE, GONDIA, AT GONDIA. DIST- GONDIA</u> (Presided over by M. T. Asim) | |
| <u>SPL. CASE NO.106/2020</u> (CNR No.: MHGO010007932020) | <u>Exh. No.40</u> |
| Date of the Judgment | 01-04-2026 |
| Crime No.209/2020 | Police Station, Arjuni Morgaon, District - Gondia |
| <u>PROSECUTION</u> | The State of Maharashtra, Through Police Station Officer, Police Station, Arjuni Morgaon, Dist. Gondia. |
| Represented by | APP Shri Chute for the State. |
| <u>ACCUSED</u> | Ramu @ Dipesh Pratapbhai Jivani Aged-39 years, Occ. Business R/o Ward No.5 Arjuni Morgaon, Tah. Arjuni Morgaon, Dist. Gondia. |
| Represented by | Adv. Shri. Awchate for accused |

Part : 'B'

| | | |
|-----------------|----|------------|
| Date of Offence | :- | 03-08-2020 |
| Date of F.I.R | :- | 03-08-2020 |

| | | |
|-------------------------------------|----|------------|
| Date of Chargesheet | :- | 29-09-2020 |
| Dates of Framing of Charge | :- | 13-01-2025 |
| Date of commencement of evidence. | :- | 10-07-2025 |
| Date of which Judgment is reserved. | :- | 27-03-2026 |
| Date of Judgment | :- | 01-04-2026 |
| 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) | Ramu @ Dipesh Jivani | 04-08-2020 | 05-07-2020 | S294, 506 of IPC, & S. 3(1)(r)(s), 3(2)(va) of Atrocities Act | acquitted | - | N.A |

PART : 'C'

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES

A. Prosecution :

| RANK | NAME | Exh. No. | NATURE OF EVIDENCE |
|--------|---------------------------|----------|---------------------------------|
| P.W. 1 | Nilkanth Shyamrao Ghanade | 08 | Informant |
| P.W. 2 | Deepak Chopram Barde | 13 | Panch witness of spot panchnama |
| P.W. 3 | Dilip Bodku Yawalkar | 17 | Witness |
| P.W. 4 | Rajkumar Urkuda Gahane | 19 | Witness |
| P.W.5 | Ramu Abhiman Kuthare | 21 | Witness |
| P.W.6 | Dilip Nilkanth Ghanade | 23 | Son of informant |
| P.W.7 | Jageshwar Shrawan Gaikwad | 26 | Witness |
| P.W.8 | Prashant Babaso Dhole | 28 | I.O |

B. Defence Witnesses, if any :

| RANK | NAME | NATURE OF EVIDENCE |
|------|------|--------------------|
| - | - | - |

C. Court Witnesses, if any :

| RANK | NAME | NATURE OF EVIDENCE |
|------|------|--------------------|
| --- | --- | -- |

LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

A. Prosecution :

| Sr. No. | Exhibit Number | Description |
|---------|----------------|--|
| 1] | P-09 | Copy of Report |
| 2] | P-10 | Copy Printed FIR |
| 3] | P-11 | Statement under section 164 of Cr.P.C |
| 4] | P-12 | Photocopy of caste certificate of informant |
| 5] | P-14 | Letter to Forest Officer |
| 6] | P-15 | Spot panchnama |
| 7] | P-18 | Statement under section 164 of Cr.P.C |
| 8] | P-20 | Statement under section 164 of Cr.P.C |
| 9] | P-24 | Statement under section 164 of Cr.P.C |
| 10] | P-29 | Letter |
| 11] | P-30 | Letter to PSO Arjuni Morgaon |
| 12] | P-31 | Arrest panchnama |
| 13] | P-32 | Portion Mark A of statement of witness Rajkumar |
| 14] | P-33 | Portion Mark A of statement of witness Ramu |
| 15] | P-34 | Portion Mark A of statement of witness Jageshwar |
| 16] | P-35 | Notice under section 91 of Cr.P.C |
| 17] | P-36 | Attested copy of leaving certificate |
| 18] | P-37 | Letter to JMFC Arjuni Morgaon |

B. Defence :

| Sr. No. | Exhibit Number | Description |
|---------|----------------|-------------|
| - | - | - |

C. Court Exhibits :

| Sr. No. | Exhibit Number | Description |
|---------|----------------|-------------|
| - | - | -- |

D. Material Objects :

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

Offence: Punishable under Sections 294 and 506 of Indian Penal Code and Section 3(1)(r)(s), 3(2)(va)of SC & ST (Prevention of Atrocities) Act.

:: JUDGMENT ::

(Delivered on this 1st day of April 2026)

1] Accused is charge-sheeted by Police Station, Arjuni Morgaon in Crime No.209/2020 for the offences punishable under sections 294 and 506 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*).

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

Informant Nilkanth Shyamrao Ghanade lodged report with police Arjuni Morgaon alleging that he encroached government land and constructed his house on Government land. Said land bearing Gat No.148 area 0.60 HR out of 6.24 HR is in possession of father of informant since 1981-82. His father possessed said land by committing encroachment and his name recorded on 7/12 extract. Accused is rich person and tried to prepare fabricated document in respect of above land and tried to take possession of said land. Informant belongs to

Khatik caste which falls under Scheduled Caste category. Accused abused informant on his caste uttering words “nich jaticha ahes amcha kay bighadvu shakto”. As per map there is Pandan way adjoining to his encroached land. Beside the Pandan way there is agricultural land of accused. On 03-08-2020 accused tried to construct cement road (pakka rasta) on Pandan way. Informant tried to give understanding to accused. But accused abused him by uttering words “sale madarchod tu nich jat ha, tere ko mai jinda nahi sodenge, tu nich hai, salle mahare, tere ko aur tere pure pariwar ke logo ko ham jinda jala denge aur tum nich jat ke ho tumhare taraf se koi nahi bolenge aur jo bhi bolenge unhe bhi naho chhodenge, sale madarchod khatik nich tere bap ki jaga hai kya aur teri bap ki waha koi samadhi nahi hai”. He also abused him by saying “sale ham tere ko zute case me phasayenge, hamare police wale hai, hamara koi kuch nahi bigal shakta, tu hamari report bhi denge to bhi hamko koi andar nahi karenge ham sab ko kharid lenge”. He also threatened to see him. So, he lodged report in Police Station Arjuni Morgaon.

3] On the basis of report offence under sections 294, 506 of IPC and sections 3(1)(r)(s), 3(2) (va) of Atrocities Act was registered against accused vide Crime No.209/2020 with police station Arjuni Morgaon.

4] After registering offence investigation was carried out by Investigating Officer. I.O visited the spot of incident

and drawn spot panchanama in presence of panchas, videography was made of proceeding of spot panchanama, seized memory card of such videography, recorded statement of informant, his son Dilip and other witnesses, arrested accused and filled arrest form, issued notice to accused under section 91 of Cr.P.C to produce copy of his caste certificate and Adhar card, obtained leaving certificate of accused, given letter to JMFC Arjuni Morgaon requesting to record statement of witnesses under section 164 of Cr.P.C. From the investigation complicity of the accused is revealed so charge-sheet came to be filed against the accused for the offence under sections referred above.

5] Charge (Exh.04) came to be framed against the accused for the offence punishable under sections 294 and 506 of IPC and sections 3(1)(r)(s), 3(2)(va) of Atrocities Act. The charge was read over and explained to the accused in vernacular. Accused pleaded not guilty and claimed for trial.

6] As the prosecution closed its evidence vide Exh.38, the statement of accused under Section 313 of Cr.P.C. came to be recorded at Exh.39. The defence of the accused is of denial and false implication.

7] At the conclusion of trial, I have heard learned APP Shri. Chute and learned advocate Shri Awchate for accused 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: -

| <u>Points</u> | <u>Findings</u> |
|--|-----------------|
| <p>1] Whether prosecution proves that on or about 03-08-2020 at about 9.30 to 10.00 am on the agricultural field in possession of informant Nilkanth Shyamrao Ghanade aged 57 years, R/o Arjuni Morgaon, Dist. Gondia accused not being the member of Scheduled Caste or Scheduled Tribe, being having knowledge that the informant namely Nilkanth who belongs to Khatik Caste which is recognized as Scheduled Caste intentionally to insult or with intent to humiliate him abused him by his caste name and uttered words such as “साले मादरचोद तु निच जात है, तेरे को मै जिंदा नही सोडेंगे, तु निच है साले मैहयरे, तेरे को और तेरे पुरे परिवार के लोगो का हम जिंदा जला देंगे और तुम निच जात के हो तुम्हारे तरफसे कोई नही बोलेंगे और जो भी बोलेंगे उन्हे भी नही छोडेंगे साले मादरचोद खटीक निच तेरे बाप की जगह है क्या और तेरे बाप की वहा कोई समाधी नही है” which is within public view and public place?</p> | <p>***No.</p> |
| <p>2] Whether prosecution proves that on the same date, time and place accused to insult or with intent to humiliate the informant namely Nilkanth Shyamrao Ghanade aged 57 years belongs to Khatik Caste which is recognized as Scheduled Caste abused by uttering obscene words “साले मादरचोद तु निच जात है, साले मादरचोद खटीक निच तेरे बाप की जगह है क्या और तेरे बाप की वहा समाधी नही है” which</p> | <p>*** No.</p> |

is within public view?

- 3] Whether prosecution proves that accused *** No.
on the same date, time and place
threatened informant Nilkanth Shyamrao
Ghanade to kill him and thereby
committed an offence of criminal
intimidation ?
- 4] Whether prosecution proves that accused *** No.
on the same date, time and place, not
being a member of Scheduled Caste or a
Scheduled Tribe, being having knowledge
that the informant Nilkanth Ghanade
belongs to Khatik Caste which is
recognized as Scheduled Caste while
insulting, humiliating, voluntarily causing
hurt, gave threat of killing him and his
family committed an offence under
sections 294 & 506 of IPC ?
- 5] What order? *** As per final order.

REASONS.

9] In order to prove the guilt of accused prosecution has examined in all eight witnesses as mentioned in Table-C of Part-III. They are P.W.1 Nilkanth Shyamrao Ghanade informant, P.W.2 Deepak Chopram Barde panch witness on spot panchanama, P.W.3 Dilip Yawalkar an eye-witness, P.W.4 Rajkumar Urkuda Gahane an eye-witness, P.W.5 Ramu Abhiman Kuthare an eye witness, P.W.6 Dilip Nilkanth Ghanade son of informant, P.W.7 Jageshwar Shrawan Gaikwad an eye-witness and P.W.8 Prashant Babaso Dhole an

Investigating Officer. Prosecution has closed their side vide purshis Exh.38.

10] **AS TO POINT NOS.1 TO 4 :-**

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

So far as caste of informant P.W.1 Nilkanth Shyamrao Ghanade is concern, he stated that he belongs to Khatik caste which comes under Scheduled Caste. He had given photocopy of his caste certificate Exh.P-12 to police which is duly verified with original caste certificate brought by him at the time of evidence. His version in that respect remained unchallenged in cross-examination. I have gone through caste certificate at Exh.P-12 which shows that P.W.1 Nilkanth belongs to Khatik caste which is recognized as Scheduled Caste. Even P.W.6 Dilip Ghanade son of informant stated that he belongs to Khatik caste which falls under Scheduled Caste. P.W.8 Prashant Dhole I.O has stated that informant belongs to Khatik caste. He further stated that while lodging report informant had filed copy of caste certificate. His evidence in that respect is not shaken in cross-examination. Considering above discussed evidence I hold that prosecution has established that informant belongs to Khatik caste which falls under Scheduled Caste category.

11] P.W.6 Dilip Ghanade stated that accused belongs to Gujarati community. So also P.W.8 Prashant Dhole I.O deposed

that accused belongs to Gujarati caste and it comes under open category. Their evidence in above respect is not challenged by the accused. He also admitted in his statement under section 313 of Cr.P.C that he is member of Gujarati community which falls under open category. Thus, prosecution has established that accused is member of open category. Resultantly, prosecution has proved that accused is not member of either Scheduled Castes or Scheduled Tribes category.

12] Now, I analyze evidence of prosecution witnesses. Firstly I deal with evidence on drawing of spot panchanama. P.W.2 Deepak Barde is shown as witness on spot panchanama Exh.P.15. P.W.8 Prashant Dhole is an Investigating Officer who has drawn spot panchanama.

13] As per P.W.2 Deepak Barde on 04-08-2020 Forest Office Arjuni Morgaon had received letter vide Exh.P-14 from police station for providing panchas and in pursuance of said letter RFO had given oral direction to him and Mandhare to go to police station Arjuni Morgaon to act as panch. His evidence shows that on 04-08-2020 he went to P.S. Arjuni Morgaon. From there he, panch Mandhare alongwith police went to Singaltoli of Arjuni Morgaon on road from Arjuni Morgaon to Navegaonbandh. He stated that informant Nilkanth had shown spot of incident to them and police had drawn spot panchanama as per Exh.P-15. His evidence also shows that

police had made video-graphy of said proceeding. It is to be noted that as per spot panchanama Exh.P-15 spot of incident is not of Arjuni Morgaon to Navegaonbandh road. But it is of the place at some distance from the said road. P.W.8 Prashant Dhole I.O corroborated version of P.W.2 Deepak Barde. His evidence shows that he alongwith panchas went to spot of incident near vicinity of Singaltoli beside Navegaonbandh to Arjuni Morgaon road. Informant had shown said spot where he had committed encroachment over the land. He had drawn spot panchanama of spot of incident vide Exh.P-15. He identified his signature on it. He further stated that videography was made of the proceedings of spot panchanama through PHC Radheshyam Gate and its memory card was sealed and seized in presence of panchas. Considering the oral evidence of P.W.2 Deepak and P.W.8 Prashant which is supported by spot panchanama Exh.P-15, I hold that prosecution has duly proved drawing of spot panchanama by the I.O in presence of panchas.

14] Now I examine the evidence of prosecution witnesses on the point of occurrence of alleged incident. Before doing that it is necessary to mention certain facts which revealed from evidence of P.W.1 Nilkanth an informant. P.W.1 Nilkanth in cross-examination admitted that he had lodged report against Chandidan Paliwal, Purshottam Ghatbandhe, Moreshwar Saundarkar, Arvind Paliwal and Rajkumar Gautam about uttering caste based abuses to him

by them in Arjuni Morgaon police station. He also admitted that in the year 2015 he had lodged report against Vijay Maroti Khune, Pawan Dayaram Khune and Rajesh Dayaram Landage in police station Arjuni Morgaon that they uttered caste based abuses to him. Keeping in view above evidence it is necessary to scrutinise evidence of informant cautiously.

15] As per PW.1 Nilkanth Ghanade incident took place on 03-08-2020. Quarrel had taken place between him and accused on the count of subject of agricultural land. Accused abused him by saying “sale madarchod tere ko jinda nahi chhodunga. He also abused to him “sale nich mehare tere ko aur tere pariwar ko jinda jala dunga”. He also abused him that “tum nich ho tumare taraf se koi nahi bolenga, jo bolenga unko bhi nahi chhodenge”. He also abused him “sale madharchod khatik waha tere bap ki koi jagah nahi hai aur koi samadhi nahi hai”. His evidence also shows that accused also abused him that “sale madharchod tere ko zuti case me phasayenge, hamara koi kuch nahi bighad sakata, policewale kuch nahi kar sakte, report bhi denge to hamko koi andar nahi marenga, ham sabko kharid lenge”. In report Exh.P-9 informant mentioned that accused was saying to him “sale madarchod tu nich jat hai, tere ko mai jinda nahi chhodenge, tu nich hai sale mehare tere ko aur tere pure pariwar ke logo ham jinda jala denge aur tum nich jat ke ho tumhare taraf se koi nahi bolenge aur jo bhi bolenge unhe bhi nahi chhodenge, sale madarchod khatik nich tere bap ki jagah hai kya aur tere

bap ki waha koi samadhi nahi hai”. While in statement recorded under section 164 of Cr.PC Exh.P-11 informant has stated that accused abused him by uttering “sale madarchod tu nich hai, tu nich jat ka hai, sale khatik tere ko aur tere khandan ko jinda jala denge, sale tere bap jagah nahi aur tere bap ki samadhi nahi hai, tere ko aur tere khandan ko jinda mar denge, tere ko ham zute case me phasayenge, hamara koi kuch bighad nahi sakta, policewale bhi hamara kuch bighad nahi sakte sale mahare dhede”. No doubt evidence of informant to some extent is corroborated on particulars of abuses allegedly uttered by accused by his report Exh.P-9 and statement under section 164 of Cr.PC Exh.P-11 but sequence of particulars of abuses of alleged utterances made by accused as stated in evidence by informant is not in consonance with report Exh.P-9 and statement Exh.P-11 partially.

16] P.W.6 Dilip Ghanade son of informant stated that on 03-08-2020 at 9.30 am incident took place. He alongwith his father was proceeding to the house of his sister at Singaltoli. They went to their encroached land. He saw that at that place accused was making new Pandhan way with the help of some persons. His father restrained accused from making Pandhan way from that place. Accused caught hold collar of shirt of his father and pushed him and abused him. Accused uttered to his father “sale madharchod teri yaha koi jagah nahi hai, tere bap ki yaha koi samadhi nahi hai, sale tere ko ham jinda jala denge marenge, sale khatik yaha teri

koi jagah nahi”. He also uttered to his father “sale mahire tu nich jat ka hai tuze zute case me fasa denge”. He further deposed that accused told to his father that “koi policewala hamara kuch bighad nahi sakate”. Thereafter his father calmly sat under the tree. The narration about incident stated by P.W.1 Nilkanth and P.W.6 Dilip is not consistent. So also their evidence on the point of manner of happening of incident is at variance. Nowhere P.W.1 Nilkanth stated that accused was making new Pandan way alongwith some person and he restrained accused from making Pandan way from that place. He did not state that accused caught hold collar of his shirt and pushed him.

17] It is to be noted that as per P.W.1 Nilkhanth accused abused him by saying that “sale madarchod khatik waha tere bap ki koi jagah nahi hai aur koi samadhi nahi hai” but in statement under section 164 of Cr.PC Exh.P-11 he stated that accused uttered “sale madarchod tu nich hai, tu nich jat ka hai, sale khatik tere ko aur tere khandan ko jinda jala denge, sale tere bap ki jagah nahi hai aur tere bap ki samadhi bhi nahi hai”. While in report Exh.P-9 it is mentioned that accused had uttered “sale madarchod khatik nich tere bap ki jagah hai kya aur tere bap ki waha koi samadhi nahi hai”. Thus, it is apparent that there is variance in the evidence of informant with report Exh.P-9 and statement at Exh.P-11.

18] It is to be noted that P.W.6 Dilip Ghanade son of informant admitted that Mahere is not his caste. If informant and P.W.6 Dilip do not belong to Mahar caste and if accused was and is aware about their caste then why accused would address to the informant as Mahire. This fact cast shadow over the testimony of informant and P.W.6 Dilip.

19] It is established through the evidence of P.W.8 Prashant Dhole an I.O that P.W.6 Dilip Ghanade while recording his statement did not state that accused uttered to his father “sale khatik teri yaha koi jagah nahi hai”. This omission is material and cannot be ignored and it raises reasonable doubt upon his testimony about uttering caste based abuses by accused.

20] It is to be noted that P.W.3 Dilip Yawalkar has not supported to the case of prosecution in all particulars. He only stated that on 03-08-2020 at about 9.00 to 9.30 am quarrel had taken place between accused and informant pertaining to land and accused and informant abused each other. He stated that accused abused informant by saying “madharchod khatik”. It is to be noted that in cross-examination he stated that quarrel was going on between accused and informant on the count of agricultural land and accused and informant were abusing each other. But he did not hear as to who uttered what abuses to each other. He further deposed that he did not state before Magistrate as to who stated what. In view

of his admission in cross-examination that he did not hear as to who uttered what abuses, his version that accused abused informant by saying “madarchod khatik” cannot be believed. I have gone through his statement under section 164 of Cr.PC at Exh.P-18 wherein he stated that Nilkanth Ghanade and son of Ambikawala were saying to each other “sale sule”. His statement in that respect even does not corroborate his testimony. Therefore, his version as to what accused uttered to informant cannot be considered.

21] It is clear from evidence of P.W.4 Rajkumar Gahane that he has not supported to the prosecution on material aspect. He only stated that incident took place before four to five years and while he was returning from forest verbal altercation was going on between accused and informant. He further stated that dispute had taken place between them on the count of land. However, he denied that accused had abused informant and uttered caste based abuses to informant. Nothing incriminating against accused has come out from his mouth in cross-examination by learned APP.

22] P.W.5 Ramu Kuthare and P.W.7 Jageshwar Gaikwad are shown as eye-witnesses but it is clear that they have not supported to the prosecution. Nothing is elucidated from their cross-examination conducted by learned APP to establish guilt of accused. Therefore, their evidence is not of much help to the prosecution.

23] It is not in dispute that informant and his brothers had sold land of gat No.59/2 to the father of accused and it is also not in dispute that land of gat No.59/1 is adjoining to aforesaid land. Informant also admitted that land of gat No.59/1 belongs to State Government. It has also come on record through evidence of P.W.1 Nilkanth and P.W.6 Dilip Ghanade that informant has filed suit against Nagar Panchayat Arjuni Morgaon restraining them from creating way from gat No.59/1 and that in said suit an application was filed for getting temporary injunction which was rejected. They also admitted that Nagar Panchayat Arjuni Morgaon had made cement way from land of gat No.59/1 to approach crematorium. It is pertinent to note that although P.W.1 Nilkanth admitted that Officer and Office bearer of Nagar panchayat Arjuni Morgaon came to spot for inspection of land for the purposes of allotting way from the land of gat No.59/1 to approach cremation ground but he denied that officer of Nagar Panchayat had placed marking in the land of gat No.59/1 for way to approach crematorium ground. However, P.W.6 Dilip Ghanade son of informant admitted that employees of Nagar Panchayat came to the Government land to prepare way from the said land to approach crematorium and their understanding was that Raju Jiwani had compelled to Nagar Panchayat to construct said way. In this background possibility of implication of accused in present case by the informant cannot be ruled out. So it is unsafe to place reliance upon testimony of informant and his son which is not corroborated

on material particulars by the independent witnesses. Moreso P.W.8 Prashant Dhole I.O. admitted that in investigation it revealed that on 03-08-2020 employees of Nagar Panchayat made cleaning at the spot of incident and at that time of members of Nagar Panchayat and other persons were present there. He admitted that he did not record statement of those persons. When it is the case of prosecution that at the time of making of way alleged incident had occurred and it revealed in investigation that members of Nagar Panchayat and other persons were present there at that time then why their statements were not recorded and why they were not cited as witnesses and examined before the court. In my view in the light of circumstances as pointed earlier non-examination of such witnesses gave blow to the case of prosecution. In facts of matter the inconsistencies as pointed in the evidence of informant and his son cannot be ignored.

24] As per prosecution alleged incident had taken place on 03-08-2020 in between 9.00 am to 10.00 am. P.W.1 Nilkanth has stated that he lodged report against accused vide Exh.P-9. He identified his signature on report Exh.P-9 and printed FIR Exh.P-10. Even P.W.6 Dilip son of informant stated that his father had lodged report in police station Arjuni Morgaon. No doubt prosecution has established the fact of lodging of report by informant against the accused. But it is to be noted that report was lodged on 03-08-2020 at about 17.27 hours. Incident is shown to have occurred on 03-8-2020

in between 9.00 hours to 10.00 hours. Thus there is delay of about seven and half hours in lodging of report. The informant in his evidence remained silent about reason for delay in lodging of report. Even in report Exh.P-9 he has not explained why delay was caused to him in lodging of report. In printed FIR Exh.P-10 in column No.8 no reason is mentioned for delay in reporting by the informant. As per column 5-A of Printed FIR Exh.P-10 spot of incident is at the distance of about 1 km from police station Arjuni Morgaon. That being so informant could have reached police station Arjuni Morgaon from the spot of incident hardly in 30 minutes. But he did not lodge report promptly. It seems that report was lodged after due deliberation. So possibility of it being after thought cannot be ruled out. In absence of explanation for delay caused in lodging of report, reasonable doubt arises over the story put-forth by informant and his son in their evidence. Certainly, prompt lodging of report gives credence to the testimony of prosecution witnesses. In present case there is delay of about seven and half hours in lodging of report and that delay is not explained which cast shadow over the version of informant and his son. In view of this fact also it is unsafe to place reliance upon testimony of informant and his son which is not corroborated by independent witnesses.

25] In light of above discussion I hold that prosecution has failed to prove beyond reasonable doubt that on or about 03-08-2020 at about 9.30 to 10.00 am on the agricultural

field in possession of informant Nilkanth Shyamrao Ghanade aged 57 years, R/o Arjuni Morgaon, Dist. Gondia accused not being the member of Scheduled Caste or Scheduled Tribe, being having knowledge that the informant namely Nilkanth who belongs to Khatik Caste which is recognized as Scheduled Caste intentionally to insult or with intent to humiliate him abused him by his caste name and uttered words such as “साले मादरचोद तु निच जात है, तेरे को मै जिंदा नही सोडेंगे, तु निच है साले मैहयरे, तेरे को और तेरे पुरे परिवार के लोगो का हम जिंदा जला देंगे और तुम निच जात के हो तुम्हारे तरफसे कोई नही बोलेंगे और जो भी बोलेंगे उन्हे भी नही छोडेंगे साले मादरचोद खटीक निच तेरे बाप की जगह है क्या और तेरे बाप की वहा कोई समाधी नही है” which is within public view and also threatened informant to see him and uttered obscene abuses at or near public place. Therefore, I answer point Nos.1 to 4 in negative.

AS TO POINT NO.5:-

26] In view of my findings to point Nos.1 to 4 in negative, the accused deserves to be acquitted. Hence, this order.

ORDER

- 1] Accused **Ramu @ Dipesh Pratapbhai Jiwani** is hereby acquitted of the offence punishable under sections 294 and 506 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.PC. (Now section 258(1) of BNSS), registered with Police Station,

Arjuni Morgaon, Dist. Gondia.

- 2] Accused is on bail. His bail bonds stand cancelled.
- 3] Muddemal property i.e. memory card of 4 GB being worthless be destroyed after appeal period is over.
- 4] Accused to execute PR Bond of Rs.25,000/- 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.
- 5] Case is disposed of accordingly.

Gondia.

Dated: - 01/04/2026.

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