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FORM NO.XXXII Part 'A' (Title Page of Judgment) [Para 44 (I) of Chapter VI of Criminal Manual]
<u>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, COURT NO.1 AMBAD, DISTRICT JALNA.</u> (Presided over by Smt. S. S. Jain)

R.C.C. NO. 374/2022**EXH- 57**

Date of Judgment:	08/06/2026
FIR/Crime No.	646/2022
Police Station	Ambad Police station.

Prosecution	State of Maharashtra Through Ambad Police Station, Taluka Ambad, District Jalna
Represented by	Learned APP Shri B. E. Nikam
Accused	1. Chandrajit Marotirao Gilche, Age-40 yrs. R/o. Signal No.2 Tirupati Society, Taluka Udgir, District Latur 2. Vilas Baburao Jadhav, Age-50 yrs. R/o. Rohilagad, Taluka Ambad District Jalna
Represented by	For Accused No.1 - Adv. M. G. Khedkar, For Accused No.2- Adv. K. N. Sharma,

Part 'B'

Date of offence	22/09/2022
Date of FIR	22/09/2022
Date of Charge sheet	07/10/2022
Date of framing Charge	08/08/2024
Date of commencement of evidence	10/03/2025
Date of which judgment is reserved	06/06/2026
Date of the Judgment	08/06/2026
Date of the Sentencing order, if any	Nil

Accused Detail

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 detention undergone during Trial for purpose of Sec.428
1.	Chandrajit Marotirao Gilche,	Notice u/s. 41 (1) of Cr.P.C.	--	Sec. 504, 506 r/w 34 IPC	Accused is acquitted	--	--
2.	Vilas Baburao Jadhav	Notice u/s. 41 (1) of Cr.P.C.	--	Sec. 354, 354-a, 294, 504, 506 r/w 34 IPC	Accused is acquitted	--	--

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 Witnesses, Police Witness, Medical Witness, Panch Witness)
PW 1	XXXXXX (Exh-24)	Informant/victim
PW 2	Ganesh Subhash Sarode (Exh-36)	witness
PW 3	Seema Swaruprao Nikam (Exh-37)	witness
PW 4	Yogendrasinh @ Yogesh Ganeshsinha Chavan (Exh.38)	Panch witness
PW 5	XXXXXXXX (Exh.40)	Husband of Informant
PW 6	Tatyasaheb Labaji Pandhare (Exh.45)	Investigating officer

B. DEFENCE WITNESS, IF ANY

Rank	Name	Nature of Evidence (Eye witnesses, Police witness, Medical witness, Panch witness)
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C. COURT WITNESSES, IF ANY

Rank	Name	Nature of Evidence (Eye witnesses, Police witness, Medical witness, Panch witness)
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. PROSECUTION**

Sr.No.	Exhibit	Description
1	Exh-25	Complaint
2	Exh-26	F.I.R.
3	Exh.46	Spot Panchnama
4	Exh-47 & 48	Statement of witnesses
5	Exh-49	Letter to S.T. Depot to obtain CCTV Footage
6	Exh-50	Letter to S.T. Depot Office, Ambad Informing registration of FIR against accused.

B. DEFENCE

Sr.No.	Exhibit	Description
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C. Court Exhibits:

Sr.No.	Exhibit	Description
1.	Exh-21	Charge
2.	Exh-22 & 23	Statement on charge
3.	Exh-51 & 52	Statements of accused under section 313 (1) (b) of the Cr. P. C.

D. Material Objects:

Sr.No.	Material Object Number	Description
1	--	--

JUDGMENT

(Delivered on 08th day of June 2026)

PROSECUTION'S CASE IN BRIEF –

1. The Informant is working as a conductor in Maharashtra State Road Transport Corporation (MSRTC), Ambad Depot. Accused No.1 is serving as Assistant Traffic Superintendent and accused No.2 is serving as conductor in the same depot.

2. On 22.09.2022 at about 5.30 p.m., when the Informant was on duty in bus bearing No.MH-06-S-8772 stationed at Platform No.5 of Ambad Bus Stand, accused No.2 entered the bus and, with an intention to outrage her modesty, caught hold of her right hand and pulled her towards him. It is further alleged that accused No.2 uttered obscene and sexually coloured remarks against the informant, insulted her modesty and threatened to kill her, if she lodged any complaint against him.

3. It is further alleged that accused No.1, who was accompanying accused No.2, abused the informant and threatened that he would see how she continues her service and would not allow her to perform her duties. Thus, according to the prosecution, both accused intentionally insulted and criminally intimidated the Informant in furtherance of their common intention.

4. On the basis of the report, Crime No.646/2022 came to be registered with Ambad Police Station for offences punishable under Sections 354, 354A, 294, 504 and 506 r/w 34 of the Indian Penal Code. During the course of investigation, statements of witnesses were recorded, spot panchanama was prepared and other necessary investigation was carried out. Upon completion of investigation, charge-sheet came to be filed against the accused persons.

5. Charge has been framed at Exh-21 for the offences punishable under Section 354, 354-a, 294, 504, 506 r/w 34 of IPC. The contents of the charge were read over and explained to the accused, who pleaded not guilty and claimed to be tried.

6. To prove its case, the prosecution has examined 6 witnesses and relied upon documents as mentioned above. On the contrary, the accused did not adduce oral or documentary evidence. The statements of the accused under section 313 of the Code of Criminal Procedure, 1973 is recorded at Exh-51 & 52. In their statements, the accused denied all allegations.

7. Heard both sides. Learned advocate for accused cited two judgments of Hon'ble Bombay High Court. Following points arose for my determination. I recorded my findings in respect of each point for the reasons given below.

S.No.	<u>Points</u>	<u>Findings</u>
1.	Does the prosecution prove that on 22.09.2022 at about 5:30 p.m. at Bus stand, Ambad Taluka Ambad District Jalna accused No.2 assaulted or used criminal force against the Informant/victim by holding her right hand and pulling her towards him with intent to outrage (or knowing it to be likely that he will outrage) her modesty and thereby committed an offence punishable under Section 354 of the Indian Penal Code, 1860?	Not proved
2.	Does the prosecution prove that on the aforesaid date, time, and place, accused No.2 tried to make physical contact with the Informant/victim passed sexually coloured remarks and thereby committed the offence of sexual harassment punishable under Section 354-A of the Indian Penal Code, 1860?	Not proved

3.	Does the prosecution prove that on the aforesaid date, time, and place, accused No.2 did an obscene act by uttering obscene words “तू छिन्नल आहेस, तु लोकांखाली झोपते” to the Informant/victim and uttered ballad words in a public place and thereby committed an offence punishable under Section 294 of the Indian Penal Code, 1860?	Not proved
4.	Does the prosecution prove that on the aforesaid date, time, and place, the accused in furtherance of their common intention, intentionally insulted the Informant/victim to provoke her, knowing that such provocation was likely to cause a breach of the public peace and thereby committed an offence punishable under Section 504 r/w 34 of the Indian Penal Code, 1860?	Not proved
5.	Does the prosecution prove that on the aforesaid date, time, and place, the accused in furtherance of their common intention, committed criminal intimidation by threatening the Informant/victim and thereby committed criminal intimidation, punishable under Section 506 r/w 34 of the Indian Penal Code, 1860?	Not proved
6.	What order?	Accused are acquitted.

- REASONS -

AS TO POINT NO. 1 TO 3:-

8. The burden lies upon the prosecution to prove beyond reasonable doubt that accused No.2 used criminal force against the informant with intent to outrage her modesty, sexually harassed her and uttered obscene words in a public place. Thus, proof of assault or use of criminal force is the foundational requirement for attracting Section 354 IPC.

Similarly, to constitute an offence under Section 354-A of IPC, the prosecution must establish one of the acts specified in the provision, namely physical contact and advances involving unwelcome and explicit sexual overtures, demand or request for sexual favours, showing pornography against the will of a woman or making sexually coloured remarks.

9. The prosecution has mainly relied upon the evidence of PW-1, (the Informant). PW-1 has deposed that on 22.09.2022, at about 5.30 p.m., while she was on duty in bus bearing No.MH-06-S-8772 stationed at Platform No.5 of Ambad Bus Stand, accused No.2 came inside the bus, caught hold of her right hand and pulled her towards him. According to her, accused No.2 uttered words "तू छिनाल आहेस, तू लोकांखाली झोपतेस" and further threatened her. She has identified the First Information Report (Exh.25) and printed FIR (Exh.26).

10. The prosecution has examined PW-2 Ganesh Sarode, driver of the bus, and PW-3 Seema Nikam, who was serving as conductor for other bus. Both these witnesses have not supported the prosecution. PW-2 & 3 have denied knowledge regarding the alleged act of catching hold of the hand, abuse or threats. PW-4 (being witness to the spot Panchnama) has also not supported the prosecution version. Therefore, the testimony of PW-1 does not receive support from the natural witnesses available at the spot.

11. The prosecution has also examined PW-5, who is the husband of the informant. His evidence reveals that he had no personal knowledge of the alleged incident and that he came to know about it only from the informant after the occurrence. Thus, his testimony is essentially hearsay in nature so far as the actual incident

is concerned. At the most, his evidence establishes that the informant narrated the incident to him subsequently. However, his testimony cannot be treated as substantive evidence to prove the occurrence or the involvement of the accused in the alleged offences.

12. At this juncture, Ld. APP argued that Sole testimony of the victim can be relied upon if it is consistent. It is true that conviction can be based upon the sole testimony of the victim if her evidence is found to be wholly reliable and inspires confidence. Corroboration is not a rule of law. However, where the evidence suffers from material infirmities or where the best available evidence is withheld without explanation, the Court is required to scrutinize such testimony in view of the surrounding circumstances.

13. It is pertinent to note PW-1 has admitted that at the relevant time the bus was crowded with passengers and school students. She has further admitted that several passengers were present in the bus and some of them had intervened in the incident. Thus, according to the prosecution itself, a number of independent witnesses were available at the spot.

14. However, admittedly no passenger travelling in the bus has been examined. PW-6, the Investigating Officer, has specifically admitted that he did not record the statement of any passenger. He has further admitted that he did not record statements of vendors, stall holders or any other independent persons present at the bus stand. Thus, though independent witnesses were available, none has been brought before the Court.

15. PW-1 has further stated in her cross-examination that due to the alleged act of accused No.2, marks had appeared on her hand and she had sustained pain. She has also stated that she had shown

those marks to the police. Despite such assertion, no medical examination was conducted, and no injury certificate has been produced before the Court. Though medical evidence may not be indispensable in every case under Section 354 IPC, the omission assumes significance when the witness herself asserts that visible marks had appeared due to the alleged use of force.

16. Another important circumstance is regarding CCTV footage. PW-1 has admitted that CCTV cameras installed at the bus stand were functioning and that the incident was captured therein. PW-6 has proved the letter issued for obtaining CCTV footage at Exh.49. However, he has admitted that the CCTV footage was not collected and the same is not produced before the Court. Consequently, the best available electronic evidence which could have thrown considerable light on the occurrence has been withheld from consideration.

17. The defence has also brought on record that accused No.1 was working as Assistant Traffic Superintendent and had supervisory powers regarding the duties of conductors. PW-1 has admitted such position of accused No.1. The defence has further suggested existence of prior official disputes and departmental proceedings. Though such circumstances by themselves do not establish false implication, they are relevant while appreciating whether the prosecution has succeeded in proving the charge beyond reasonable doubt.

18. Learned counsel for the accused has relied upon the judgment of the Hon'ble Bombay High Court in *Mayur Babarao Yelore Vs. State of Maharashtra, Criminal Revision Application No.49 of 2022 and Mohammed Ejaj Shaikh Ismail Vs. State of Maharashtra, Criminal Revision Application No.178 of 2023*. The ratio emerging from the

said decisions is that every physical contact or altercation with a woman would not ipso facto amount to an offence under Section 354 IPC. The prosecution must establish the essential ingredients of the offence, namely assault or use of criminal force coupled with the requisite intention or knowledge of outraging the modesty of a woman. Unless these ingredients are proved beyond reasonable doubt, conviction cannot be sustained.

19. Applying the aforesaid principles to the facts of the present case, this Court finds that the very fact of use of criminal force alleged by PW-1 do not stand established beyond reasonable doubt. The prosecution has failed to examine any independent passenger despite their admitted presence. PW-2 and PW-3, who were natural witnesses, have not supported the prosecution. The CCTV footage, though admittedly available, has not been produced. No medical evidence is forthcoming despite the allegation that marks had appeared on the hand of PW-1.

20. Even for the sake of argument that some altercation had taken place between PW-1 and accused No.2, the evidence on record falls short of establishing beyond reasonable doubt that accused No.2 acted with the intention of outraging the modesty of the informant or with the knowledge that such consequence was likely to ensue. Likewise, the ingredients of sexual harassment as contemplated under Section 354A IPC are not satisfactorily established by reliable and convincing evidence.

21. As regards Section 294 IPC, except the bare testimony of PW-1, there is no evidence that accused No.2 uttered obscene words in a public place causing annoyance to others. No independent witness has supported the prosecution on this aspect. In criminal

jurisprudence, suspicion, however strong, cannot take the place of proof. The deficiencies in the prosecution evidence create a reasonable doubt regarding the prosecution version.

22. Accordingly, I hold that the prosecution has failed to prove beyond reasonable doubt that accused No.2 committed offences punishable under Sections 354, 354A and 294 of the Indian Penal Code.

Hence, Point Nos.1 to 3 are answered in the Negative.

AS TO POINT NO. 4 & 5 : -

23. To establish an offence punishable under Section 504 IPC, the prosecution must prove that the accused intentionally insulted the informant and that such insult was of such a nature as to give provocation intending or knowing it to be likely that the informant would break the public peace or commit any other offence. Similarly, for an offence punishable under Section 506 IPC, the prosecution must prove that the accused threatened the informant with injury to her person, reputation or property and that such threat was intended to cause alarm to the informant. Mere utterance of words of threat is not sufficient unless the evidence establishes the requisite intention and the consequential alarm contemplated by the section.

24. In the present case, the prosecution principally relies upon the testimony of PW-1. According to PW-1, accused No.2 abused her in filthy language and threatened to kill her if she lodged a complaint against him. PW-1 has further deposed that accused No.1 stated that he would see how she performed her duties and would not allow her to continue her work. However, the testimony of PW-1 does not receive corroboration from any independent source. PW-1 herself has admitted in her cross-examination that at the relevant time the

bus was crowded with passengers and students and that some passengers had intervened in the incident. Despite availability of such independent witnesses, the prosecution has not examined a single passenger in support of its case.

25. The prosecution has examined PW-2 Ganesh Sarode and PW-3 Seema Nikam, who were natural witnesses available at the spot. However, both these witnesses have not supported the prosecution version regarding the alleged abuses, insults or threats. Their evidence does not lend any support to the testimony of PW-1 on these aspects.

26. PW-6 Investigating Officer has also admitted that no passenger, vendor or any other independent person present at the bus stand was examined during the course of investigation. He has further admitted that though efforts were made to obtain CCTV footage by issuing letter Exh.49, the footage was not collected and the same is not produced before the Court. Thus, the best available independent evidence has not been brought before the Court.

27. So far as accused No.1 is concerned, PW-1 has admitted that accused No.1 was serving as Assistant Traffic Superintendent and possessed authority to inspect buses and supervise the work of conductors. The alleged statement attributed to accused No.1 that he would see how she performed her duties and would not permit her to work is required to be appreciated in the backdrop of the admitted official relationship between the parties. In the absence of reliable independent corroboration, it would not be justified to conclude that the said words amounted to intentional insult within the meaning of Section 504 Indian Penal Code or criminal intimidation within the meaning of Section 506 Indian Penal Code.

28. Even regarding accused No.2, except the solitary testimony of PW-1, there is no reliable evidence establishing the alleged threat beyond reasonable doubt. The subsequent conduct of PW-1 also assumes significance. PW-1 has admitted in her cross-examination that after the alleged incident, she completed her scheduled duty, took the bus to its destination at Wadigodri and only thereafter approached the police station for lodging the report. Though every victim may react differently and no adverse inference can be drawn merely on the basis of such conduct, it nevertheless remains a relevant circumstance while examining whether the prosecution has succeeded in proving the ingredient of “*alarm*” contemplated under Section 506 IPC.

29. The prosecution has further failed to establish any common intention between accused Nos.1 and 2. Except the bare allegation that both accused participated in the incident, no evidence has been adduced to demonstrate any prior meeting of minds or pre-arranged plan so as to attract Section 34 IPC.

30. Thus, upon careful scrutiny of the entire evidence on record, this Court finds that the prosecution has failed to establish beyond reasonable doubt that the accused intentionally insulted the informant with such intention or knowledge as contemplated under Section 504 IPC. Likewise, the prosecution has failed to prove beyond reasonable doubt that the accused criminally intimidated the informant with intent to cause alarm so as to constitute an offence under Section 506 IPC.

31. Accordingly, I hold that the prosecution has failed to prove beyond reasonable doubt that accused Nos.1 and 2, in furtherance of their common intention, committed offences punishable

under Sections 504 and 506 read with Section 34 of the Indian Penal Code.

Hence, Point Nos.4 and 5 are answered in the Negative.

AS TO POINT NO.6 : –

32. Thus, on an overall appreciation of the oral and documentary evidence on record, this Court finds that the prosecution has failed to establish the guilt of the accused beyond reasonable doubt. The evidence adduced by the prosecution suffers from material deficiencies and falls short of the standard required for recording a conviction in a criminal trial. Consequently, accused Nos.1 and 2 are entitled to the benefit of doubt and deserve to be acquitted of the offences with which they are charged.

Accordingly, to answer point No.6, following order is passed.

ORDER

1. Accused No.1 Chandrajeet Marotirao Gilche and accused No.2 Vilas Baburao Jadhav are acquitted of the offence punishable under Sections 354, 354-A, 294, 504, 506 r/34 of the Indian Penal Code as per section 248 (1) of the Code of Criminal Procedure, 1973.
2. Bail bonds of accused are cancelled.
3. Accused to furnish P.R. Bond and surety bond of Rs. 15,000/- each, in compliance of Section 437-A of the Code of Criminal Procedure, 1973.

Dictated and pronounced in open Court.

Date : 08-06-2026

Judicial Magistrate First Class,
Court No.1, Ambad.

CERTIFICATE

I affirm that, this PDF file is word to word as per original Judgment.

Judgment Delivered on : 08.06.2026

PDF uploaded Date : 08.06.2026

Sd/-
(S.M.Sapkal)
Stenographer (Grade-3)