

MHKO080004662021 	Received On	:	08/10/2021,
	Registered On	:	08/10/2021,
	Decided On	:	11/08/2026,
	Duration	:	Ys. Ms. Ds. 04 10 03

Part 'A'

<u>IN THE COURT OF JUDGE, SPECIAL COURT, GADHINGLAJ,</u> <u>AT - GADHINGLAJ</u> (Presided over by Amit Anant Laulkar) (Judge, Special Court, Gadhinglaj) <u>J U D G M E N T</u> (Delivered on this 11th Day of August, 2026) IN <u>Special Case No. 23/2021</u> Exh.No. 43/A	
Details of FIR C.R.No.318/2021 Gadhinglaj Police Station, Dist. Kolhapur.	
PROSECUTION	The State of Maharashtra Through Police Station Officer, Police Station Gadhinglaj, Dist. - Kolhapur.
REPRESENTED BY	Shri. S.A. Teli, Additional Public Prosecutor for the State.
ACCUSED	1] Ashwini Sachin Khot, Age 37 Years, Occu. - Beauty Parlor, R/o. Nakshatra Plaza Apartment, Bhadgaon Road, Gadhinglaj, Tal. Gadhinglaj, Dist. Kolhapur. 2] Sachin Shankarrao Khot, <i>(Case Abated)</i>
REPRESENTED BY	Adv. Sou. S. S. Pawar,

Part 'B'

Date of offence	18/08/2021
Date of FIR	19/08/2021
Date of Charge-sheet	23/09/2021
Date of Framing of Charges	06/07/2024
Date of commencement of evidence	29/09/2025
Date on which judgment is reserved	11/08/2026
Date of the Judgment	11/08/2026
Date of the Sentencing Order, if any	--

Accused Details

Rank of the accused	Name of accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.PC.
1)	Ashwini Sachin Khot	26/08/2021	26/08/2021	U/s.323, 325 of IPC, U/s.3(1)(r)(s), 3(2)(va) of Atrocities Act.	Acquitted	--	--

Part 'C'**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution:-**

RANK	NAME	NATURE OF EVIDENCE
Exh.17 / PW-1	Madhuri Santosh Bhopale	The Informant
Exh.34/ PW-2	Rupali Nilesh Shelake	Injured
Exh.36 / PW-3	Surekha Parasharam Patil	Injured

B. Defence Witnesses, if any :-

RANK	NAME	NATURE OF EVIDENCE
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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)	22	Statement of Informant recorded U/s.164 of Cr.PC.
2)	23	Identification form of accused no.1
3)	24	Identification form of accused no.2
4)	25	Spot panchnama
5)	26	Cast Certificate of Informant
6)	27	Muddemal receipt
7)	28	Hard disk and pen-drive recovery panchanama
8)	29	Muddemal receipt
9)	30	Muddemal recovery panchanama
10)	31	CD recovery panchanama
11)	32	Hash Value Screen Shot
12)	35	Statement of witness Rupali Nilesh Shelake recorded U/s.164 of Cr.PC.
13)	37	Statement of witness Surekha Parasharam Patil recorded U/s.164 of Cr.PC.
14)	38 to 40	Injury Certificates of Informant and witnesses

B. Defence:-

SR.NO.	Exhibit Number	Description
-	-	-

C. Court Exhibits:-

SR.NO.	Exhibit Number	Description
-	-	-

D. Material Objects:-

SR.NO.	Exhibit Number	Description
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J U D G M E N T(Delivered on this 11th Day of August, 2026)

1. Accused engulfed for causing grievous hurt to Rupali Nilesh Shelake and Surekha Parasharam Patil and insulting to the informant, who being the member of a Scheduled Caste, thereby punishable vide Sections 323, 325 of The Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Bonsai facts of the Prosecution are as follows -

2. The informant hails from Gadhinglaj. She is member of Scheduled Caste. Accused No.1 is widow of accused no.2 and as such she belongs to Non-Scheduled Caste. Accused no.2, now deceased, being developer did not comply with certain facilities and therefore, the informant and other occupants of Building Nakshatra Plaza had raised their grievance before him. In the backdrop of such grievances, on 18/08/2021 at about 07.00 p.m., the informant observed that accused no.1 was abusing her neighbourer Rupali Shelake and Surekha Patil. The informant intervened whereupon accused no.1 voluntarily gave fist and kick blows to Rupali Shelake and also assaulted Surekha Patil by means of Chappal. While the informant was resolving the quarrel, the accused hurled casteist abuses to her. Finally, the dispute was resolved by others.

Injured were referred to the Government hospital. Eventually, the informant rushed to Gadhinglaj Police Station and lodged detail report about the incident. On the *caudex* of said report, crime was registered and criminal machinery was set into motion.

3. Post registration of crime, investigation was ensued. Spot Panchnama was drawn. Statements of witnesses were recoded. Caste certificate of the informant and accused were procured and placed in the investigation papers. Accused were arrested. The alleged weapon was recovered. Statement of the informant and injured was recorded before the Court vide Section 164 of Cr.PC.. They were placed on record. Post winding up of investigation, detail charge-sheet came to be placed before this court.

4. Afterwards cognizance, Presence of accused persons was secured before this Court. Amid hearing, the accused no.2 breathed his last, therefore, instant case was abated against him. The case proceeded further against accused no.1.

5. Charge against accused no.1 is framed by my learned predecessor below Exh.12. Gravamen of the charges were read over to her to which she pleaded innocence and opt for trial.

6. To fortify their version, the prosecution examined witnesses detailed here-in-before. Finally, the prosecution evidence was closed vide order below Exh.01.

7. While answering incriminating circumstances appeared against the accused, vide section 313 of Code of Criminal Procedure, below Exh.42, the accused claimed false implication.

8. In view of accusation, following points arose for determination, my finding thereon are as follows :-

Sr. No.	Points	Findings
(1)	Does the prosecution prove that, accused no.1 alongwith deceased accused no.2 voluntarily caused hurt to witness Rupali Nilesh Shelake by means of fist and kick blows and voluntarily caused hurt to Surekha Parasharam Patil by means of Chappal ?	No.
(2)	Does the prosecution prove that, accused no.1 alongwith deceased accused no.2 voluntarily caused grievous hurt to witness Rupali Nilesh Shelake by means of fist and kick blows and voluntarily caused grievous hurt to Surekha Parasharam Patil by means of Chappal ?	No.
(3)	Does the prosecution prove that, accused not being member of SC or ST category, insulted with intent to humiliate the informant by uttering abuses over her caste and who being member of SC ?	No.
(4)	Does the prosecution prove that, accused not being member of SC or ST category, intentionally insulted with intent to humiliate the informant, who being member of SC ?	No.
(5)	What Order?	Accused is Acquitted.

9. Heard learned APP *S. A. Teli* on behalf of the prosecution and learned Adv. *S. S. Pawar* for the accused, at deep length. I have mused over entire record cum evidence minutely.

REASONS

As to Point Nos. 1 to 5 :-

10. All above points are interlinked and interconnected, therefore, they are taken up together for due deliberation.

11. Offence punishable under Sections 323, 325 of The Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are precisely alleged against the accused. It is specific case of the prosecution that accused No.1 assaulted hurled abuses and assaulted the injured witnesses. To buttress their claim the prosecution has examined in all three witnesses. Their careful evaluation is required for analysis of the guilt of the accused persons beyond reasonable doubt.

12. Having explored entire evidence on record it evinces that none has supported the case of the prosecution. The informant Madhuri (PW1) and injured Rupali (PW3) cum Surekha (PW3) nowhere unfolded any incident as narrated by the prosecution. The informant proved Report and FIR but declined its contents. They could not bring anything on record so as to raise confidence upon their testimony. They were subjected to marathon cross-examination at the instance of the prosecution but nothing could come on record. Precisely they put stamp of confirmation upon the building grievances but loudly denied the assault incident. They have declined that accused was the assailant and she caused the entire incident. The informant and victim injured, being utmost crucial witnesses are not supporting the case of the prosecution. Ultimately, F.I.R itself is not proved in its true sense. With their hostile attitude the informant and victim injured testified nothing against the accused persons. The fact remains the same that, vital witness like victim injured and informant themselves not corroborating to the prosecution.

Thus, even if incident is presumingly proved before the Court it's *nexus* with present accused is not established outrightly. Despite opportunity no other witness have been examined, rather even after examining them noting fruitful could have come before the court.

13. Since medical report and injury certificate of injured are admitted by accused, but ultimately, with aforesaid evidence, it cannot be inferred that, the accused is the author of those injuries sustained by the injured. The victim injured declined the fact that the accused has caused such injuries on their person. Thus, even if injury certificates are proved before the Court it's *nexus* with present accused is not established loudly.

14. Besides that, the informant conceded to the version that the accused nowhere hurled casteist abuses to her. Though caste of the informant being SC is proved but she herself declined having any incident where present accused abused her over her caste. Such aspect wipes off the accusations vide Atrocities act.

15. Owing to the circumstances manifested above it is crystalline that, there is no reliable and trustworthy evidence before this Court to infer that, the accused assaulted the victim injured and uttered casteist abuses towards the informant. The prosecution made efforts by taking marathon cross-examination of the witnesses but nothing could come on record sounding fruitful. There is complete lack of cogent evidence. In absence of reliable evidence, the accused deserves exoneration from the accusations. Upshot of all above facts, speaks in clarion manner that material ingredients of all offences posed against the accused are not squarely proved beyond all probable doubts. Having deep scrutiny and critically examining the facts of this case in the light of the settled legal cannons the conclusion becomes obvious that no offence can be legally sustained without any credible evidence against the accused. By no stretch

of imagination it can be said that the accused have committed any other offence too. Therefore, while summing up, I answer point No. 1 to 4 in the negative and point No. 5 accordingly. To pen down omega, I pass the following order.

ORDER

- 1) Accused **Ashwini Sachin Khot** is hereby Acquitted of the offences punishable under sections 323, 325 of The Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989, vide section 235(1) of the Code of Criminal Procedure, 1973.
- 2) Her bail bonds are canceled.
- 3) Accused shall furnish fresh P.B. Rs.15,000/- vide section 437-A of the Code of Criminal Procedure.
- 4) Article at G.M.R. No.01/2025 being worthless, be destroyed, after appeal period is over.
- 5) Article at V.M.R. No.02/2025 be returned to original owner i.e. Mr. Rohan Ramchandra Patil, R/o. Ainapur, Tal. Gadhinglaj, after appeal period is over.

Place: Gadhinglaj.
Date: 11/08/2026.

(Amit Anant Laulkar)
Judge, Special Court,
Gadhinglaj.