


<u>MHKO190002702016</u> 	Presented On	:	25/05/2016
	Registered On	:	25/05/2016
	Decided On	:	16/03/2026
	Duration	:	Y. M. D.

REGULAR CRIMINAL CASE NO. 1600030/2016

EXH. NO. 68/B

FORM No. XXXII

Part 'A'

(Para 44(i) of Chapter VI of Criminal Manual)

<p><u>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,</u>  <u>RADHANAGARI, TAL. RADHANAGARI, DIST. KOLHAPUR.</u></p> <p>(Presided over by N. P. Kakade)          (Date: 16/03/2026)          (Regular Criminal Case No. 1600030/2016)</p>		
<p>(FIR / Crime No. 127/2015, Under Sec.354-A,341,447,323, 504 r.w. 34          of IPC , Police Station, Radhanagari.)</p>		
<p>COMPLAINANT          (PROSECUTION)</p>		<p>The State of Maharashtra,          Through Police Inspector,          Police Station, Radhanagari.</p>
<p>APP for Prosecution</p>		<p>Shri. S. B. Kamble</p>
<p>ACCUSED</p>		<p>1. Shri. Vilas Piraji Sabale          Age : 40          Occu : Service</p>

		<b>2. Shri. Baban Piraji Sabale</b> Occu : Agri Both are residing at : Turambe, Tal. Radhanagari, Dist. Kolhapur.
<b>Advocate for Accused</b>		<b>Adv. Shri. C. S. Bongarde</b>

**PART – B****[Para 44(ii) of Chapter VI of Criminal Manual]**

Date of Offence	:-	31/05/2015
Date of FIR	:-	14/10/2015
Date of Charge-sheet	:-	25/05/2016
Date of Framing of Charges	:-	27/03/2018
Date of commencement of evidence	:-	31/01/2020
Date on which judgment is reserved	:-	13/03/2026
Date of the Judgment	:-	16/03/2026
Date of the Sentencing order, if any,	:-	<b>NA</b>

**Accused Details**

Rank	Name	Date of Arrest	Date of Release on Bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
1.	<b>Vilas Piraji Sabale</b>	19/01/2016	19/01/2016	Under Sec. 354-A, 341,447,323,	Acquitted	Nil	NA

				504 r.w. 34 of IPC			
2.	<b>Baban Piraji Sabale</b>	--	--	-II-	-II-	-II-	-II-

### J U D G M E N T

*(Delivered On 16<sup>th</sup> March, 2026)*

Accused stand prosecuted for offences punishable under sec. 354-A, 341, 447, 323, 504 of Indian Penal Code (in-short IPC) r.w. 34 of IPC.

**Prosecution case, in brief, as follows :-**

2. The accused persons, in furtherance of their common intention, obstructed the passage leading to the lavatory used by the informant and her family members by placing *chire* bricks in the said pathway thereby preventing them from using the same. Being aggrieved by such obstruction, the informant approached the police station and lodged a report against the accused persons. It is the further case of the prosecution that when the informant informed the accused persons about the lodging of the said report, both the accused persons with an intention to insult and provoke her, uttered abusive words. It is alleged that they caught hold of her hand by saying “हिला आता सोडायचे नाही” and committed acts involving unwelcome and explicit sexual overtures towards her, intending to outrage her modesty and caused embarrassment to her sense of dignity. Therefore, she lodged report against the accused persons.

3. In pursuance of said report Police Station Radhanagari registered crime bearing No.127/2015 for offence punishable under sec.

354-A, 341, 447, 323, 504 of IPC r.w. 34 of IPC. The investigation of above crime was handed over to the investigating officer. He has recorded statement of witnesses, prepared spot panchnama and after completing investigation filed charge sheet in this court.

4. Thereafter, Ld. Predecessor Magistrate has framed charge at Exh.13. The charge was read over and explained to accused in vernacular. They pleaded not guilty to it as per **Exh. 14** and **15** and claimed to be tried, hence, present trial.

**Examination of Accused under Section 313 of Cr.PC :**

5. At the end of prosecution evidence, statement of accused u/sec.313 of Code of Criminal Procedure (in-short Cr.PC.) was recorded vide **Exh.66** and **67**. Accused have denied all evidence and stated that, a false case is registered. Accused have not examined any witness in their defence.

6. On the basis of submissions made, arguments advanced by Ld. APP, Ld. Advocate for accused, considering facts, circumstances and evidence on record following points arise for my determination and by findings are against the said points for the reasons mentioned below:

Sr.No.	POINTS FOR DETERMINATION	FINDING
1.	Whether the prosecution proves the accused persons, in furtherance of their common intention,	No

	wrongfully restrained the informant and thereby committed an offence punishable under Section 341 read with Section 34 of the Indian Penal Code?	
2.	Whether the prosecution further proves that the accused persons in furtherance of their common intention, committed criminal trespass in respect of the property in possession of the informant and thereby committed an offence punishable under Section 447 read with Section 34 of the Indian Penal Code?	<b>No</b>
3.	Whether the prosecution proves that the accused persons, in furtherance of their common intention, caught hold of the hand of the informant and committed acts amounting to sexual harassment and thereby committed an offence punishable under Section 354-A read with Section 34 of the Indian Penal Code?	<b>No</b>
4.	Whether the prosecution proves that the accused persons in furtherance of their common intention, voluntarily caused hurt to the informant and thereby committed an offence punishable under Section 323 read with Section 34 of the Indian Penal Code?	<b>No</b>
5.	Whether the prosecution proves that the accused persons in furtherance of their common intention, intentionally insulted the informant with intent or	<b>No</b>

	knowledge that such provocation would cause her to break the public peace, thereby committing an offence punishable under Section 504 read with Section 34 of the Indian Penal Code?	
6.	What order ?	<b>Accused are Acquitted</b>

### REASONS

#### As to point Nos. 1 to 5 -

As point Nos. 1 to 5 are interconnected, they are taken simultaneously for discussion.

#### Arguments advanced-

7. The learned Special Public Prosecutor submitted that the incident in question occurred on 31/05/2015. It is argued that after the incident, efforts were made by the villagers to amicably resolve the dispute between the parties. However, despite such attempts, the accused persons did not adhere to the terms of the proposed compromise. As the dispute remained unresolved, the informant ultimately approached the police station and lodged the complaint on 18/08/2015, which is at Exh. 28. Therefore, according to the learned Special Public Prosecutor, the delay in lodging the First Information Report stands reasonably explained.

8. It is further submitted that the testimony of the informant is natural and trustworthy and finds corroboration from the evidence of her mother-in-law, examined as PW-7. According to the prosecution, the oral and documentary evidence on record sufficiently establishes the acts attributed to the accused persons, and the essential ingredients of the offences punishable under Sections 354-A, 341, 447, 323 and 504 read with Section 34 of the Indian Penal Code are duly proved. Hence, it is urged that the accused persons deserve to be held guilty.

9. On the contrary, the learned advocate appearing for the accused persons submitted that the case of the prosecution is false and motivated. It is contended that there exists a boundary dispute between Kundalik (PW-2) and the accused persons, and that he is the person who has instigated the present proceedings. According to the defence, PW-2, being the brother-in-law of the informant, has set the criminal law in motion by putting forward the informant to lodge a false report against the accused persons.

10. The learned advocate for the accused further argued that there is an inordinate delay in lodging the report, and the explanation offered by the prosecution is neither convincing nor plausible. It is also contended that the prosecution has failed to establish that the alleged place of incident was owned or possessed by the informant. In this regard, reliance is placed on the cross-examination of PW-7, who has admitted that there is no sale deed or documentary evidence showing the informant's ownership over the property. PW-7 has also admitted that in the year 2015 the house in question was locked, which according to the defence renders the prosecution version doubtful.

11. On these grounds, the learned advocate for the accused submitted that the prosecution has failed to prove the alleged offences beyond reasonable doubt. Consequently, it is urged that the accused persons are entitled to the benefit of doubt and acquittal.

12. Perused the record. Heard Ld. Special PP and Ld. Advocate for accused. Considered the submissions.

13. The informant is examined as PW-1. In her examination-in-chief, she deposed that on 18/08/2015 both the accused persons were placing *chira* bricks near the lavatory and Gobar Gas plant situated near her house. According to her, she informed them that the said place belonged to her family. Thereupon, both the accused persons assaulted her by fist and blows. She further stated that she and her mother-in-law thereafter went to the police station and lodged a complaint. When they returned from the police station, the accused persons were still placing the bricks at the said place. She then informed them that she had lodged a complaint against them. At that time, according to her version, accused No.1 pulled the pallu of her saree, while accused No.2 twisted her right hand. It is further her case that both the accused uttered the words “केस करून येते आता तुला सोडणार नाही” and laughed loudly. She has stated that Piraji Kumbhar, Bhairu Hatkar and her mother-in-law intervened and helped her to free herself from their clutches. She has further deposed that on 18/08/2015 she submitted a complaint application to the police, which is produced at Exh. 28, and that thereafter on 13/10/2015 she lodged the First Information Report, which is produced at Exh. 29.

14. During her cross-examination, the informant admitted that she has her house in *Kumbhar Galli*. She further admitted that the eastern portion of the house belongs to her family and the western portion belongs to Kundalik Hatkar (PW-2). She has further admitted that the *verandah*/open platform in front of the house is common to both portions and that a lavatory used by her family is situated in that area. She has also admitted that the accused persons reside in the same *galli*. She further deposed that the western portion of the house was purchased by her mother-in-law (PW-7). She expressed ignorance as to whether measurement was carried out in the year 2013 and it was shown that they had encroached upon the portion belonging to the accused. She also deposed that she informed the incident to her husband over a phone call and that her husband returned home after about fifteen days. She further stated that it was decided that the matter should first be taken before the *Tantamukti* Committee. She has denied the suggestion that the FIR was lodged at the instance of Kundalik (PW-2). She has also denied that after recording the FIR it was read over to Kundalik.

15. However, a perusal of the First Information Report (Exh.29) reveals that the contents of the report were read over to the informant as well as to Kundalik (PW-2) for verification. Further, the complaint application at Exh. 28 shows that on 18/08/2015 the informant reported that the incident had actually occurred on 31/05/2015, when the accused persons were allegedly placing *chira* bricks upon her Gobar Gas plant. She had asked them not to do so, but they did not listen. According to the contents of the said complaint application, after she informed them about lodging the complaint, the accused persons said “ही आमचेवर केस करते काय, हिला सोडायचे नाही .. धर” and thereafter approached her, caught hold of the pallu of her saree and pulled it from side to side, they twisted her hand

and started touching her body at various places, laughing and taunting her for filing a case against them.

16. The complaint application (Exh.28) further discloses that after the first complaint she waited at home expecting the police to come for inquiry. It is also stated that on 10/06/2015 she was called to the police station, where in the presence of members of the *Tantamukti* Committee, including Shri. Shetake and other respected villagers, it was agreed that the accused would remove the bricks, and if they claimed ownership over the place they would obtain appropriate orders from the court. It is mentioned that Shri. Shetake advised the informant not to lodge an FIR at that stage as the dispute was being resolved and warned the accused to remove the bricks within two days, failing which an FIR would be registered. According to the complaint, since the accused did not remove the bricks, she thereafter submitted the written complaint application (Exh. 28) to the police station on 18/08/2015.

17. At this stage, the testimony of PW-1 requires careful scrutiny. The prosecution case is that the alleged incident took place on 31/05/2015. However, in her examination-in-chief the informant has deposed as if the incident occurred on 18/08/2015, which creates a material inconsistency with the prosecution case as reflected in the complaint application and the FIR.

18. Further, the explanation offered for the delay in lodging the FIR does not inspire confidence. According to the prosecution, the incident occurred on 31/05/2015, whereas the written complaint application

(Exh.28) came to be submitted on 18/08/2015, and the FIR (Exh.29) was ultimately registered on 14/10/2015. Thus, there is a considerable lapse of time between the date of the alleged incident and the registration of the FIR. The reason suggested by the informant is that she was waiting for the accused persons to remove the bricks pursuant to the understanding arrived at before the *Tantamukti* Committee. However, it appears difficult to accept that after an alleged incident involving sexual harassment and outraging of modesty, a victim would remain silent for such a prolonged period merely because the accused had assured removal of bricks from the disputed place. Even assuming for a moment that the compromise was being explored, the record indicates that the accused were allegedly given only two days' time after 10/06/2015 to remove the bricks. Despite this, the complaint application itself was filed only on 18/08/2015, which remains unexplained.

19. It is also significant that the FIR (Exh.29) came to be registered almost two months after the complaint application (Exh.28). Such delay in setting the criminal law in motion, particularly in relation to allegations of sexual harassment, ordinarily requires a convincing and satisfactory explanation. In the present case, the explanation offered does not appear to be wholly satisfactory and creates doubt about the spontaneity and genuineness of the allegations.

20. Thus, the inconsistencies regarding the date of incident, the substantial delay in lodging the FIR, collectively cast a shadow of doubt upon the prosecution version at this stage. The testimony of the informant, therefore, requires cautious evaluation and corroboration from other evidence on record.

21. In this context, it becomes necessary to examine the evidence of Kundalik Hatkar (PW-2), who is a material witness and whose role is also highlighted in the defence version.

22. The prosecution has examined Kundalik Hatkar (PW-2) at Exh.37. He deposed that the informant is his sister-in-law and that their houses are adjoining to each other. According to him, as the said house was not required by him, he had given it to the mother-in-law of the informant by executing an agreement.

23. He further deposed that on 31/05/2015 he had gone to Pandharpur. While he was there, the informant telephoned him and informed that the accused persons were placing *chira* bricks at the place where their lavatory and Gobar Gas plant were situated. According to him, she told that when she obstructed them, the accused intentionally insulted her and assaulted her by fist and blows. PW-2 stated that he advised her to immediately lodge a complaint with the police. Thereafter, she allegedly went to the police station and lodged a complaint and returned home. According to him, the accused persons were still continuing to place the bricks at the said place. When she informed them about the complaint, they caught hold of her hand, twisted it and pulled her saree. She then shouted loudly, upon which Vijaymala (PW-7), Piraji (PW-6) and Ananda (PW-3) came there and rescued her. PW-2 further stated that the informant narrated the said incident to him over the phone.

24. He further deposed that he advised the informant to inform the police about the subsequent incident when they would come for

investigation in respect of the earlier complaint. According to him, on a later date he returned from Pandharpur and saw that the bricks were still lying at the said place. He further stated that on 10/06/2015 he and the informant received a letter from the police station and accordingly they went there. According to him, member of the *Tantamukti* Committee Shri. Shetake and other villagers suggested that the matter be amicably settled. However, according to his version, the accused persons did not act in accordance with the understanding. Therefore, on 18/08/2015 the informant again submitted a complaint application to the police station.

25. During his cross-examination, PW-2 stated that he is serving as a teacher in a Zilla Parishad school and that he also holds a degree in law. He admitted that he had executed an agreement to sell in favour of Vijaymala (PW-7), the mother-in-law of the informant. He denied the suggestion that the said agreement was executed after the alleged incident. He further stated that he was not aware whether the accused had carried out measurement of their land in the year 2013. He denied that there existed any dispute between him and the accused persons.

26. PW-2 specifically denied that he was present on 13/10/2015 at the time of recording the FIR. When his attention was drawn to the underlined portion in the FIR showing that the report was read over to him for verification, he stated that he did not know why such a statement was recorded in the FIR when he was not present. He further denied that he was ever externed. However, he admitted that he was an accused in Sessions Case No. 61 of 1991, in which the charges were in respect of an offence of murder. He denied the suggestion that while granting bail he was ordered to be externed. He further denied the suggestion that due to

boundary dispute with the accused he had instigated the informant and falsely implicated the accused persons.

27. Upon careful scrutiny of the evidence of PW-2, it becomes evident that his testimony with regard to the actual incident is not based on his personal knowledge. By his own admission, he was at Pandharpur on the date of the alleged incident and whatever he has deposed regarding the acts allegedly committed by the accused is based upon the information conveyed to him by the informant over the phone. Therefore, his evidence regarding the occurrence is purely hearsay in nature and does not constitute direct evidence of the incident. The narration of the incident by PW-2 is merely a repetition of what the informant allegedly told him and therefore it cannot be treated as substantive evidence to establish the acts attributed to the accused.

28. The testimony of PW-2 is therefore relevant only to the limited extent of explaining the subsequent conduct of the informant or the background of the dispute. It does not materially advance the prosecution case in proving the alleged acts of wrongful restraint, trespass or sexual harassment.

29. Another aspect which assumes significance is the defence contention that PW-2 is the person who instigated the informant to lodge a false case against the accused persons. During cross-examination, certain circumstances were brought on record suggesting that PW-2 had prior disputes with the accused persons in relation to the property. It has also come on record that PW-2 had earlier faced prosecution in a sessions case

involving serious charges. On the strength of these circumstances, the learned advocate for the accused has contended that PW-2 is a person of questionable character and that his testimony should not be relied upon.

30. In the present case, the question before the Court is not the character of PW-2 but the reliability of his testimony. While previous conduct or background of a witness may be brought on record in cross-examination to test his credibility, conviction or involvement in another case by itself does not automatically render his evidence unacceptable. The court must assess whether his testimony inspires confidence and whether it is corroborated by other reliable evidence on record.

31. Nevertheless, in the case at hand, the evidentiary value of PW-2's testimony is inherently limited, for the reason that he is not an eyewitness to the alleged occurrence. His evidence merely reproduces what was allegedly narrated to him by the informant. Furthermore, the record shows his close relationship with the informant and her family and the existence of a background dispute with the accused persons relating to the property. These circumstances require the Court to approach his testimony with caution.

32. Therefore, while the evidence of PW-2 may provide certain background to the dispute between the parties, it cannot be treated as substantive proof of the alleged incident. The prosecution case must therefore primarily stand or fall on the strength of the testimony of the informant and the other alleged eyewitnesses, whose evidence requires independent evaluation.

33. According to the prosecution case, after the alleged incident the informant raised shouts, upon which Vijaymala (PW-7), Ananda (PW-3) and Piraji (PW-6) came to the spot and rescued her from the accused persons. Therefore, the evidence of these witnesses assumes importance as they are projected as eyewitnesses to the occurrence.

34. Ananda (PW-3) deposed that on 31/05/2015 there was a quarrel going on between the informant and the accused persons. According to him, he remained there for about five minutes and thereafter left the place to attend his work. He further stated that he does not know what transpired thereafter.

35. Piraji (PW-6) deposed that on 31/05/2015 there was a marriage function at his place. At that time, he heard some commotion from the side of the informant's house. According to him, some persons had gathered there and were trying to pacify the dispute. He stated that the informant told him that she intended to lodge a complaint. Accordingly, he accompanied her to the police station and dropped her there. He stated that he waited outside the police station and thereafter took her back home. He then returned to attend the marriage function. Importantly, he has specifically stated that after returning from the police station and leaving the informant at her house, no dispute took place in his presence.

36. Since the testimony of both these witnesses did not support the prosecution case as expected, the prosecution sought permission of the Court to put questions to them in the nature of cross-examination.

However, even during such questioning, both the witnesses denied the material portions of the prosecution story and did not support the allegations made against the accused persons.

37. A careful consideration of the testimony of these witnesses reveals that neither of them supports the prosecution version regarding the alleged acts of assault or sexual harassment.

38. The evidence of PW-3 Ananda merely indicates that there was a quarrel between the parties. He has categorically stated that he stayed at the spot for a short duration and thereafter left the place, and he is not aware of what happened thereafter. Thus, his testimony does not corroborate the prosecution case regarding the alleged acts attributed to the accused persons.

39. Similarly, Piraji (PW-6) does not support the prosecution version of the alleged incident. His evidence only shows that he heard commotion and that some people had gathered to pacify the dispute. His testimony further indicates that the informant expressed her intention to lodge a complaint and that he accompanied her to the police station. However, he has clearly stated that no dispute occurred in his presence after returning from the police station, which materially contradicts the prosecution case that the accused thereafter caught hold of the informant, twisted her hand and pulled her saree.

40. In criminal jurisprudence, when the prosecution relies upon independent eyewitnesses but such witnesses do not support the prosecution case on the material particulars, the court is required to scrutinize the remaining evidence with greater caution. In the present case, the evidence of PW-3 and PW-6 does not lend any substantive support to the allegations made by the informant. On the contrary, their testimony tends to indicate that the incident was at best a quarrel relating to the placement of bricks, and they do not speak about any act amounting to sexual harassment, intentional insult or assault as alleged by the prosecution.

41. In this background, it now becomes necessary to examine the evidence of Vijaymala (PW-7), who is stated to be the mother-in-law of the informant and another witness to the alleged occurrence.

42. Vijaymala (PW-7) deposed that on the day of the incident the accused persons were placing bricks at the place near the lavatory. When they objected to the same, the accused persons abused them. According to her, thereafter she and the informant went to the police station and lodged a complaint and returned home. She further deposed that when they returned home, the accused persons asked them whether they had lodged a complaint against them and started quarrelling with them. According to her, accused persons pulled the pallu of the saree of the informant and twisted her hand. Upon hearing the shouting of the informant, she rushed to the spot. She further stated that the accused persons were scuffling with her daughter-in-law. Thereafter, they intervened and rescued the informant. She further stated that she does not remember what happened thereafter.

43. During cross-examination, PW-7 admitted that in the year 2013 the accused persons had got their land measured, and in the said measurement it was revealed that Kundalik (PW-2) had encroached upon a portion of the land belonging to the accused. She further admitted that the bricks were being kept by the accused persons in that very portion which was allegedly encroached upon by Kundalik. She has also categorically admitted that there exists a dispute between Kundalik (PW-2) and the accused persons regarding the said portion of land. She again admitted that Kundalik had encroached upon the portion belonging to the accused persons and since then disputes have been continuing between them. However, she denied the suggestion that the present complaint has been lodged falsely at the instance of Kundalik.

44. PW-7 is a closely related witness, being the mother-in-law of the informant. It is well settled that the testimony of a related witness cannot be discarded merely on the ground of relationship. However, such evidence requires careful scrutiny, particularly when there exists a background dispute between the parties.

45. In the present case, the testimony of PW-7 does support the informant to the extent that she speaks about the accused allegedly pulling the saree of the informant and twisting her hand. However, certain aspects emerging from her cross-examination assume considerable significance.

46. Firstly, PW-7 has clearly admitted that in the year 2013 the accused persons had got their land measured and in that measurement it was revealed that Kundalik (PW-2) had encroached upon a portion of their

land. She has further admitted that the accused persons were placing bricks in that very portion which was allegedly encroached upon by Kundalik. She has also admitted that due to this encroachment a dispute has been continuing between Kundalik and the accused persons. These admissions bring on record a pre-existing property dispute between the parties. The prosecution itself suggests that the quarrel started when the accused persons were placing bricks at the disputed place. Therefore, the possibility that the incident arose out of a property dispute cannot be ruled out.

47. Secondly, the testimony of PW-7 also does not receive support from the independent witnesses examined by the prosecution. As already discussed, PW-3 Ananda and PW-6 Piraji, who were cited as eyewitnesses, have not supported the prosecution version regarding the alleged acts attributed to the accused persons. Their testimony only indicates the existence of a quarrel and does not corroborate the allegation of sexual harassment.

48. Thus, the version of the incident ultimately rests substantially upon the testimony of the informant and her mother-in-law (PW-7). Both of them are interested witnesses and their testimony requires careful evaluation, particularly in view of the admitted property dispute involving Kundalik (PW-2).

49. The admissions made by PW-7 regarding the encroachment and the dispute between Kundalik and the accused persons lend some support to the defence contention that the incident might have been an

outcome of the property dispute. When these circumstances are considered together with the delay in lodging the FIR, the inconsistencies regarding the date of incident, and the absence of corroboration from independent witnesses, the prosecution version becomes doubtful.

50. Therefore, the evidence of PW-7, though supporting the informant in part, does not appear sufficiently reliable to conclusively establish the allegations against the accused beyond reasonable doubt.

51. The prosecution has further examined Shri. Shetake (PW-4). He deposed that in the year 2015 he was a member of the *Tantamukti Samiti*. According to him, on 31/05/2015 the informant informed him that the accused persons were causing trouble to her and expressed her intention to lodge a complaint against them. He further deposed that on 10/06/2015 the Police Inspector advised the informant and the accused persons to resolve the dispute amicably. Thereafter, he left for his school. During cross-examination, PW-4 admitted that there exists a dispute between Kundalik (PW-2) and the accused persons.

52. To prove the photograph (Article 'B'), the prosecution has examined Mahesh (PW-5). He deposed that at the request of the mother-in-law of the informant he had taken the said photograph. However, during cross-examination he admitted that the negative of the photograph was not handed over to the police.

53. The prosecution has also examined Gopal (PW-8). He deposed that no panchnama was carried out in his presence. He did not support the prosecution case and denied the prosecution story.

54. Lastly, the prosecution has examined Mr. Bamne (PW-9), who deposed that during the relevant period he was serving as a police constable. According to him, he registered the FIR, carried out investigation of the case and prepared the spot panchnama (Exh. 63). His testimony is essentially formal in nature.

55. The evidence of these witnesses does not materially advance the prosecution case. The testimony of PW-4 Shri. Shetakeonly indicates that some attempt was made to resolve the dispute amicably through the *Tantamukti Samiti*. It does not throw any direct light on the alleged acts attributed to the accused.

56. Similarly, the evidence of PW-5 Mahesh regarding the photograph at Article 'B' is of limited evidentiary value, particularly when the negative of the photograph was not produced before the investigating agency, thereby affecting its authenticity.

57. The testimony of Gopal (PW-8) does not support the prosecution case, as he has denied that any panchnama was conducted in his presence.

58. The evidence of PW-9, being that of the investigating officer, is of a formal character, proving the registration of the FIR and the preparation of the spot panchnama. His evidence does not independently establish the occurrence of the alleged incident.

59. Thus, upon a cumulative assessment of the entire evidence on record, it emerges that the prosecution case rests substantially upon the testimony of the informant (PW-1) and her mother-in-law Vijaymala (PW-7). However, their testimony does not receive support from the independent witnesses examined by the prosecution. The witnesses Ananda (PW-3) and Piraji (PW-6), who were cited as eyewitnesses to the incident, have not supported the prosecution story on the material aspects. Their evidence only indicates that there was a quarrel between the parties and does not corroborate the allegation of assault or sexual harassment attributed to the accused.

60. Further, Kundalik (PW-2), who is closely related to the informant, is admittedly not an eyewitness to the incident and his testimony regarding the occurrence is based upon what was allegedly narrated to him by the informant. His evidence, therefore, remains in the nature of hearsay and cannot be treated as substantive evidence to establish the acts alleged against the accused.

61. Another circumstance which assumes significance is the considerable delay in lodging the FIR. As discussed earlier, the prosecution case itself shows that the alleged incident took place on 31/05/2015, whereas the written complaint was submitted much later and the FIR

ultimately came to be registered thereafter. The explanation offered by the prosecution that the parties were attempting to resolve the dispute through the *Tantamukti* Committee does not appear wholly convincing, particularly when the allegations involve a serious offence against a woman. This delay creates a doubt about the spontaneity of the prosecution version.

62. It is also pertinent to note that the evidence on record clearly reveals the existence of a prior property dispute between Kundalik (PW-2) and the accused persons. Even Vijaymala (PW-7) has admitted during cross-examination that in the year 2013 the land of the accused was measured and it was revealed that Kundalik had encroached upon a portion of their land. The evidence further indicates that the accused persons were placing bricks in that disputed portion. This background of a property dispute provides a possible motive for exaggeration or false implication and therefore the prosecution evidence requires careful scrutiny.

63. In criminal jurisprudence, the prosecution is required to prove the guilt of the accused beyond reasonable doubt. If two views are possible on the basis of the evidence on record, the view favourable to the accused must necessarily be adopted. In the present case, the inconsistencies regarding the date of incident, the delay in lodging the FIR, the lack of corroboration from independent witnesses, and the background property dispute between the parties collectively create a reasonable doubt regarding the prosecution version.

64. In view of these circumstances, this Court is of the considered opinion that the prosecution has failed to establish beyond reasonable doubt that the accused persons committed the acts alleged against them. Consequently, the prosecution has failed to prove the offences punishable under Sections 354-A, 341, 447, 323 and 504 read with Section 34 of the Indian Penal Code. Accordingly, **point Nos. 1 to 5** are answered in the **negative**.

**As to point No.6-**

65. In view of the foregoing discussion and the findings recorded on point Nos. 1 to 5, this Court has come to the conclusion that the prosecution has not succeeded in establishing the guilt of the accused beyond reasonable doubt. The evidence placed on record falls short of proving the essential ingredients of the offences alleged against the accused. In criminal jurisprudence, the benefit of doubt must necessarily enure to the accused when the prosecution case does not inspire full confidence. Therefore, the accused persons are entitled to be acquitted of the offences punishable under Sections 354A, 341, 447, 323 and 504 read with Section 34 of the Indian Penal Code. Consequently, the appropriate order of acquittal deserves to be passed. Hence, in answer to point No.6, the following order is passed-

**∴ ORDER ∴**

1)	<b>Accused No.1 Vilas Piraji Sabale and accused No.2 Baban Piraji Sabale</b> are hereby acquitted for the offence punishable under sections 354-A, 341, 447, 323, 504 of Indian Penal Code r.w. 34 of Indian Penal Code vide section 248(1) of the Code of Criminal Procedure, 1973.
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2)	Bail-bonds of accused are canceled and they are set at liberty.
3)	Each accused shall furnish bail bonds of amount of Rs. 15,000/- (Rupees Fifteen Thousand only) and surety of like amount in compliance of section 437-A of Criminal Procedure Code.

*(Pronounced and dictated in open Court.)*

Sd/-

(N. P. Kakade)

Place : Radhanagari

Date : 16/03/2026

Judicial Magistrate First Class,

(Court No.2) Radhanagari.

PART – C[Para 44(iii) of Chapter VI of Criminal Manual]LIST OF PROSECUTION/DEFENCE/COURT WITNESSES-**A. LIST OF PROSECUTION WITNESSES-**

<b>RANK</b>	<b>Name of the witness</b>	<b>Nature of witness</b>	<b>Exh. No.</b>
<b>PW.1</b>	Lata Mahadev Hatkar	Informant	<b>27</b>
<b>PW.2</b>	Kundalik Pandurang Hatkar	Witness	<b>37</b>
<b>PW.3</b>	Aandanda Bhairu Hatkar	Eye Witness	<b>45</b>
<b>PW.4</b>	Ashok Ganpati Shetke	Witness	<b>47</b>
<b>PW.5</b>	Mahesh Pandurang Devardekar	Witness	<b>50</b>
<b>PW.6</b>	Piraji Sadashiv Kumbhar	Eye Witness	<b>53</b>
<b>PW.7</b>	Vijaymala Ganpati Hatkar	Eye Witness	<b>58</b>
<b>PW.8</b>	Gopal Lakshman Bhoite	Panch Witness	<b>61</b>
<b>PW.9</b>	Shivaji Appa Bamane	Investigating Officer	<b>62</b>

**B. LIST OF DEFENCE WITNESSES :-NIL.****C. LIST OF COURT WITNESS :-NIL.**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS :**A.PROSECUTION :-**

<b>Sr.No.</b>	<b>Exh. No.</b>	<b>Nature of Document</b>	<b>Proved by</b>
<b>1.</b>	<b>28</b>	Complaint application	PW1
<b>2.</b>	<b>29</b>	FIR	PW1
<b>3.</b>	<b>63</b>	Spot Panchanama	PW9

**B. DEFENCE EXHIBITS:-NIL****C. COURT EXHIBITS:-**

Sr.No.	Exh. No.	Nature of Document
1.	1	Charge-sheet
2.	13 to 15	Charge and Statement of Accused
3.	66 and 67	Statement of Accused u/sec. 313 of Cr.P.C.

**D. MATERIAL OBJECTS :-**

Sr.No.	Material object No.	Nature of Document	Proved by
1.	Article-B	Photograph	PW5

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