


<u>CNR NO.MHLA040000052025</u>		<u>CNR No.: MHLA040000052025</u>	
	Presented on	:	01.01.2025
	Registered on	:	01.01.2025
	Decided on	:	18.05.2026
Duration		:	01-Y 04-M 17-D
<u>Exh.43</u>			

IN THE COURT OF SPECIAL JUDGE AT AHMEDPUR

(Presided over by S.U.Wadgaonkar)

(Date of Judgment 18.05.2026)

SPECIAL CASE (ATROCITY) NO.1/2025

Prosecution	:	The State of Maharashtra Through Police Station, Kingaon Crime No.297/2024
Represented by	:	Shri. M.K.Patil, Spl.P.P.
Accused	:	1) Dasrao Laxman Bhadade, Age: 32 Years, Occ.: Labour, R/o. Parchanda, Tq. Ahmedpur, Dist. Latur 2) Baliram Baban Jadhav, Age: 24 Years, Occ.: Labour, R/o. Parchanda, Tq. Ahmedpur, Dist. Latur
Represented by	:	Shri. S.R.Kamble, Advocate

SPECIAL CASE (ATROCITY) No.1/2025

Part B

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

Date of Offence	:	02.11.2024
Date of FIR	:	03.11.2024
Date of Charge-sheet	:	01.01.2025
Date of Framing of Charges	:	09.07.2025
Date of commencement of evidence	:	16.01.2026

Date on which judgment is reserved	:	06.05.2026
Date of the Judgment	:	18.05.2026
Date of Sentencing Order, if any	:	--

Accused Details

Rank of the accused	Name of the Accused	Date of Arrest/appearance	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec.468 B.N.S.S.
1	Dasrao Laxman Bhadade	09.07.2025	09.07.2025	Sec.74, 115 (2), r/w. 3(5) of B.N.S. and U/Sec.3(w)(i)(ii), 3(1)(r)(s) of Atrocities Act	Acquitted	--	--
2	Baliram Baban Jadhav	09.07.2025	09.07.2025	--do--	Acquitted	--	--

LIST OF WITNESSES**A) Prosecution:-**

Rank	Nature	Nature of Evidence
PW-1	Shubhangi Rameshwar Pitle	Informant
PW-2	Rameshwar Murlidhar Pitle	Eye Witness
PW-3	Kondabai Vyankati Kambalwad	Eye Witness
PW-4	Datta Babruwan Reddewad	Eye Witness
PW-5	Manish Madhukarrao Kalyankar	Investigation Officer

List of Prosecution/Exhibits/Articles

Sr.No.	Exhibit Number	Description
1	23	First Information Report
2	24	Statement U/s. 183 of B.N.S.S. of Shubhangi
3	25 & 26	Photos
4	38	Spot Panchnama
5	39	Evidence close pursis.

6	41	Caste Certificate
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J U D G M E N T
(Delivered on 18.05.2026)

The accused No.1 and 2 are charged and tried for the offence punishable under Sections 74, 115(2) r/w. 3(5) of Bharatiya Nyaya Sanhita and Section 3(w)(i)(ii) and 3(1)(r)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Brief facts of the case are as under :

2) Informant Shubhangi Rameshwar Pitale resident of Lambota, Tq. Nilanga A/p. Parchanda Pati alleged that, she came at her parental house at Parchanda. Her mother Kondabai Vyankati Kambalwad running hotel at Parchanda Pati. On 02.11.2024 at about 5.00 p.m. she, her mother and her husband were sat in the said hotel, at that time, accused No.1 Dasrao Bhadade and accused No.2 Baliram Jadhav came in hotel to take tea. They made demand of tea. Her mother stated, milk was finished, so she unable to prepare the tea, at that time, Dasrao Bhadade was making video shooting by the use of mobile. The informant asked accused Dasrao why he was making video of her mother. Accused Dasrao given abuses. Further he given abuses in the context of caste that, "तुम्ही आदीवासी लई माजलेत, आता तुला दाखवतो." Accused Dasrao with ill intention pulled her hand and twisted it, so bangles were broken, it was inserted in her hand. Accused Baliram came from backside and pulled her hairs. Informant, mother and husband tried to intervene, Baliram

given fist to them. Datta Reddewad and Vikas rescued the quarrel.

3) On the strength of above referred information crime bearing No.297/2024 is came to be registered on 03.11.2024 for the offence punishable under Section 74, 115, 352, 351(2) r/w. 3(5) of B.N.S. and Section 3(1)(w)(i), 3(1)(w)(ii), 3(1)(r), 3(1)(s). Investigation Officer collected the documents, drawn panchnama, recorded statement of witnesses, after completion of investigation placed charge against accused.

4) Charge (Exh.18) is framed and explained to accused No.1 and 2 of which they pleaded not guilty and claimed to be tried. The defence of accused No.1 and 2 is of false implication.

5) The following points arose for my determination and I have recorded findings thereon for the reasons referred below :

Sr. No.	POINTS	FINDINGS
1)	Whether the prosecution proves that, accused No.1 and 2 in furtherance of their common intention, accused No.1 hold hand and twisted of informant/victim who belongs to scheduled tribe with intend to outraged her modesty and caused hurt ?	No.
2)	Whether the prosecution proves that, accused intentionally insulted and humiliated victim being a member of scheduled tribe thereby given abuses in the context of caste "तुम्ही आदीवासी लई माजलेत" further they assaulted to	No.

	informant knowing that, she is member of scheduled tribe?	
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REASONS

POINT NO.1 AND 2:

6) Prosecution led the evidence of PW-1 Shubhangi Rameshwar Pitale, PW-2 Rameshwar Murlidhar Pitale, PW-3 Kondabai Vyankati Kambalwad. They testified on similar lines that, informant belongs to Mahadev Koli. On 02.11.2024 at about 5.00 p.m. informant and her mother were sat in the said hotel. Accused No.1 Dasrao and accused No.2 Baliram came in hotel to take tea. PW-3 Kondabai informed that, Milk was finished. Accused Dasrao was taking video shooting by mobile. Informant questioned about it. Accused Dasrao pulled the hand of informant and twisted it, given abuses in the context of Caste तुम्ही आदीवासी आहेत, लय माजलेत. Her bangles were broken. Accused Baliram pulled her hairs and assaulted. Her husband came to rescue, they are assaulted to her husband. Datta and Vikas rescued the quarrel. Informant proved First Information Report (Exh.23). The statement recorded under Section 183 of B.N.S.S. (Exh.24). The First Information Report and Statement recorded under Section 183 of B.N.S.S. consistent on material particulars.

7) PW-4 Datta Babruwan Reddewad testified that, he heard noise from the shop of Kondabai, so he went thereat. Quarrel was ongoing in between Shubhangi, her husband and Kondabai on one side and other side Dasrao Bhadade and Baliram Jadhav. Bangles were inserted in the hand of Shubhngi.

Dasrao caught hold her hand. Baliram hold hairs of Shubhangi. He rescued quarrel.

8) PW-5 Manish Kalyankar, Investigation Officer testified that, he has conducted the investigation. He visited the place of occurrence which is the hotel run by Kondabai located at Parchanda. He proved spot panchnama (Exh.38). He has collected Caste Certificate of relatives of informant which belongs to Mahadev Koli which came under the category of scheduled tribe. He referred Caste Certificate (Exh.41).

9) At the first place it is to be considered whether the prosecution proves that, informant Shubhangi Pitale belongs to Scheduled Tribes. Investigation Officer placed Caste Certificate of Pitale Ajit Shyam claiming to be relative of informant (Exh.41). The name of father of informant Shubhangi is Vyankati Kambalwad resident of Panchanda. The women caste is fundamentally determined by birth (her parental lineage) and cannot be altered by marriage. In the present case, no valid caste certificate is forthcoming of informant indicating she or her father belongs to scheduled tribe. The certificate forthcoming from the alleged relative of her husband is of no avail to prove caste of informant.

10) Learned A.P.P. for the State submits that, prosecution witnesses has categorically referred the mode and manner of incident. Accused No.1 Dasrao and Accused Baliram went to the hotel of informant's mother to take tea. The Dasrao was illegally taking video shooting by mobile. Informant

questioned about it. Dasrao with ill intention caught hold her hand and twisted it, given abuses in the context of Caste. Accused Baliram pulled her hairs. Both accused assaulted to the Kondabai. Rameshwar Pitale independent witness. Datta Reddewad rescued the incident. Datta Reddewad also supported the corroborated the mode and manner of incident. The prosecution has proved the commission of offence beyond reasonable doubt. Hence, claimed that, accused be convicted.

11) Learned Advocate for the accused submits that, the genesis of crime is inherently false one. Kondabai was running hotel which was covered by iron wire fencing. There was only one small window to provides snacks and liquor to the customers. The third party cannot entered into the hotel. The Kondabai was illegally selling the liquor from the hotel, which is adjacent to the agricultural land of Dasrao Bhadade. The customers who purchased liquor were doing mess and throwing plastic glasses in agricultural land of Dasrao. So, Dasrao requested Kondabai not to sell the illegal liquor. The informant family to take of revenge of Dasrao filed false case. None person can entered in the hotel to take tea or anything from hotel as it was covered with wire fencing. So entire story narrated by prosecution witnesses in regard to the mode and manner is false and concocted one. Hence, claimed for acquittal.

12) Reference is made to the admissions of informant. During the course of cross-examination of informant admitted the situation referred in four photographs (Exh.25 and 26). The informant admitted the hotel forthcoming in photographs was

run by her mother.

13) On perusal of those photographs the hotel as fully covered by iron fencing. There is only small window to give things to the customers. Further, informant also admitted in her cross-examination that, the third person cannot entered in the hotel. The photographs also indicates the mother of informant was selling liquor bottles to the customer. The Kondabai though at one place denied the police has filed prohibition cases against her but at another place she admitted she has obtained bail orders in the said cases. So referred circumstances are sufficient to indicate that, witness PW-3 Kondabai was running hotel thereby selling illicit liquor to the customer.

14) The theory put forth by the prosecution witnesses that, accused persons entered to the hotel to take Tea is inherently improbable one. The hotel was fully covered with iron fencing. Third party cannot entered into the hotel. It is not case of the prosecution that, the accused have entered in covered wire fence, then committed the offence. This factum is sufficient to infer that, the prosecution suppresses the true origin or genesis of an occurrence. The prosecution witnesses led evidence indicating the customers have full access in the hotel. The case forthcoming from cross-examination indicates third party cannot entered into the actual hotel. The customer has to take snacks and liquor from the small window. Thus, the entire mode and manner of incident narrated by the prosecution witnesses is inherently improbable.

15) Further almost of witnesses testified that, bangles were inserted in the hands of informant Shubhangi. When we perused injury certificate (Exh.32) then it indicates the sustaining of sole injury abrasion on left forearm, simple in nature and may be caused by hard and blunt object. When prosecution witnesses claiming bangles were inserted in her forehead then it ought to have reflects incise or cut injury but same is not forthcoming. So, referred medical certificate is of no avail to prove the bangle cut injury.

16) The evidence led by the investigation officer is of routine nature. He proved spot panchnama. Spot panchnama which is hotel of Kondabai. The spot panchnama by itself By itself is not sufficient to prove the guilt against accused. The basic evidence led by the prosecution witnesses is not wholly reliable in regard to the mode and manner of the occurrence. Further, defence raised by the accused that, the customer who purchased illicit liquor from the hotel of Kondabai causing nuisance to him as his agricultural land is adjacent to the hotel. He raised grievance with Kondabai, in turn to take revenge of it, the First Information Report is lodged. The evidence led by the prosecution witnesses inspires no confidence regarding the manner of occurrence and a strong doubt persist about its correctness. Benefit of doubt goes in favour of the accused. Accused are entitled for acquittal. Hence, following order.

ORDER

1)	Accused No.1 Dasrao Laxman Bhadade and accused No.2 Baliram Baban Jadhav are acquitted for the offence
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	punishable under Sections 74, 115(2) r/w. 3(5) of Bharatiya Nyaya Sanhita and Section 3(w)(i)(ii), 3(1)(r) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2)	Bail bond of accused No.1 & 2 stand cancelled and sureties are discharged.
3)	The accused No.1 and 2 to execute personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each in compliance to Section 481 of Bhartiya Nagrik Suraksha Sanhita, 2023 to require them to appear before next appellate court.

Date: 18.05.2026

(S.U. Wadgaonkar)
Special Judge, Ahmedpur