

MHNS100007342013



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Duration : 12Y04M12D

Form No.XXXII

Part 'A'

**IN THE COURT OF SPECIAL JUDGE UNDER S.C.S.T. ACT &
ADDITIONAL SESSIONS JUDGE, NIPHAD
AT NIPHAD.**

(Presided over by K.R . Joglekar)

J U D G M E N T

(Delivered on 10th March, 2026)

Atrocity Special Case No.04/2013

Exh.68

(Details of FIR/Crime and Police Station)	
Niphad Police Station First Information Report No.04/2013 dated 12/02/2013 under Sections 323, 506 r/w 34 of Indian Penal Code and under Section 3(1)(10) of The Scheduled Caste and The Scheduled Tribes (Prevention of Atrocities) Act, 1989.	
Complainant	- STATE OF MAHARASHTRA Through Niphad Police Station, Tal. Niphad, Dist. Nashik.
REPRESENTED BY	- A.PP. Shri. N.N. Jadhav
ACCUSED	- 1) Vikram Ramnath Karad Age-29 Years R/o. Jalgaon, Tal. Niphad, Dist. Nashik.
	2) Dattu Baburao Dhumal Age-38 Years R/o. Shivaji Nagar, Near Dagadi Imarat, Nashik. Originally from:-

		Shriram Nagar (Kolwadi), Tal. Niphad, Dist. Nashik.
	3)	Pralhad Baburao Dhumal Age-35 Years R/o. Ganesh Nagar, Duttkrupa Niwas,Niphad, Tal. Niphad, Dist. Nashik originally from:- Shriram Nagar (Kolwadi), Tal.Niphad, Dist.Nashik.
REPRESENTED BY	-	Advocate Shri. N.C. Kedar for Accused No.1 Advocate Shri.VJ. Mogal for Accused Nos.2 and 3

Part "B"**[Para 44(ii) of Chapter VI of Criminal Manual]**

1)	Date of Offence	:	12/02/2013
2)	Date of FIR	:	12/02/2013
3)	Date of Charge-sheet	:	04/04/2013 (before J.M.F.C., Niphad) and committed to Sessions Court on 26/08/2013
4)	Date of Framing of Charges	:	07/03/2026
5)	Date of commencement of evidence	:	10/03/2026
6)	Date on which judgment is reserved	:	---
7)	Date of Judgment	:	10/03/2026
8)	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
1)	Vikram Ramnath Karad	13/02/13	21/02/13 (now in MCR since 02/03/26)	U/s 323, 506 r/w 34 of Indian Penal Code and U/s 3(1)(r)(s) and 3(2)(5A) of S.C.S.T Act	acquitted	---
2)	Dattu Baburao Dhumal	06/03/13	06/03/13 (anticipatory bail)		acquitted	---
3)	Pralhad Baburao Dhumal	20/03/13	26/03/13 (now in MCR since 04/02/206)		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 WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W.1	Vikas Jairam Jagtap	Informant / Victim

B. Defence Witnesses, if any: nil

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
D.W.1	--	--

C. Court Witnesses, if any:nil

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
C.W.1	--	--

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution:**

Sr.No.	Exhibit Number	Description
1)	64 (only to the extent of signature)	Complaint (P.W. No.1)
2)	65 (only to the extent of signature)	F.I.R. (P.W. No.1)
3)	66	Caste Certificate (P.W. No.1)

B. Defence : Nil

Sr.No.	Exhibit Number	Description
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C. Court Exhibits: Nil

Sr.No.	Exhibit Number	Description
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D. Material Objects: -

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

All the accused stand prosecuted by Police Station Niphad in Crime No.4/2013 for the offences punishable under Section 323, 504, 506 r/w 34 of Indian Penal Code and under Section 3(1)(r) and (s) and 3(2)(5A) of The Scheduled Caste and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the basis of F.I.R. given by informant Vikas Jairam Jagtap.

2. It is the case of the prosecution as per F.I.R. that according to the informant he belongs to Mahar community. Accused

No.1 Vikram Karad is of Vanjari community and Accused No.2 Dattu and Accused No.3 Pralhad are of Maratha caste. On 12.02.2013 at about 7-30 p.m. when he along with his friend Anil More came out of Jain Hotel by taking tea and was proceeding on motorcycle by holding posters of Bahujan Samaj Party and started going towards village Naitale, all the accused came there, caught hold shirt collar of the informant, pulled him down from the motorcycle. Thereafter, Pralhad Dhumal assaulted him on his mouth with fighter and abused him on his caste. Thereafter, other accused assaulted him with kick and fist blows and accused Pralhad torn the posters of Bahujan Samaj Party and committed the above stated offences. Accordingly, F.I.R. is given.

3. On the basis of F.I.R., police registered the crime, started investigation, conducted panchanama. They recorded statements of witnesses and on completion of investigation, submitted charge-sheet bearing R.C.C. No.47/2013 before Ld. J.M.F.C., Niphad. As offences punishable under Section S.C.S.T. Act are triable by Special Court, Ld. J.M.F.C. Niphad vide order dated 23.08.2013 committed the matter to the Special Court. Accused then appeared in the Special Court.

4. The charge was framed against the accused by on 07.03.2026 at Exh.55. All the accused pleaded not guilty and claimed to be tried as per statements below Exh.56 to Exh.58 respectively. For want of any incriminating evidence, the statement of the accused under Section 313 of Criminal Procedure Code is dispensed with.

5. To prove the guilt of the accused, prosecution examined only one witness i.e. informant/ victim Vikas Jairam Jagtap at Exh.63. As he turned hostile and denied any incident. Another eye-witness Anil Kashinath More gave pursis at Exh.67 that he is not willing to give any evidence. Therefore, evidence of prosecution is ordered as closed.

6. From the available evidence and upon submissions of Ld. Advocate for the accused and Ld. A.P.P, following points arise for my determination to which I record my findings thereon for the reasons discussed below.

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
1)	Does prosecution prove that on 12.02.2013 at 7-15 p.m. in front of Jain Hotel, Niphad, Tal. Niphad, Dist. Nashik, all the accused not being member of Scheduled Castes or Scheduled Tribes, voluntarily caused hurt to informant and witnesses being member of Scheduled Castes or Scheduled Tribes and thereby committed an offence punishable under Section 323 r/w 34 of Indian Penal Code?	...In the Negative.
2)	Does prosecution further prove that on the aforesaid date, time and place, all the accused not being member of Scheduled Castes or Scheduled Tribes, intentionally insulted informant and other witnesses being members of Scheduled Caste and provoked them to commit breach of public peace and thereby committed and offence punishable under Section 504 r/w 34 of Indian Penal Code ?	...In the Negative.

- 3) Does prosecution further prove that on the aforesaid date, time and place, all the accused not being member of Scheduled Castes or Scheduled Tribes, committed criminal intimidation by threatening the informant and witnesses being members of Scheduled Caste with injury to their persons with intent to cause them alarm and thereby committed an offence punishable under Section 506 r/w 34 of the Indian Penal Code ...In the Negative.
- 4) Does prosecution further prove that all accused not being member of Scheduled Castes or Scheduled Tribes, on the aforesaid date, time and place, intentionally insulted and humiliated informant and witnesses by calling them “का रे महाराच्या, धेडपटा, तुझा बेतच पहातो. तू माझे बरोबर का बोलत नाही, महाराच्या”, who are member of scheduled caste within public view and at public place and thereby committed an offence punishable under Section 3 (1) (r) (s) of The Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989? ...In the Negative.
- 5) Does prosecution further prove that all the accused not being member of Scheduled Castes or Scheduled Tribes, on the aforesaid date, time and place, committed an offence punishable under Indian Penal Code with imprisonment against a member of Scheduled Caste to humiliate and insult them and thereby committed an offence punishable under Section 3 (2)(5A) of The Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989? ...In the Negative.
- 6) What order?As per final order.

REASONS

As to point Nos. 1 to 5 :-

7. As all the points are interlinked and interconnected with each other, they have taken for discussion together.

8. To prove the guilt of the accused, prosecution examined only one witness i.e. informant / victim Vikas Jairam Jagtap at Exh.63. His original caste certificate is at Exh.66. There is no dispute regarding his caste and caste of the accused. He submitted that on 12.02.2013, exchange of words took place between him and the accused on the issue of transaction of some vehicle but none of the accused assaulted him nor abused him on his caste nor torn posters of Bahujan Samaj Party. He admitted compromise outside the Court and filed compromise pursis at Exh.61. Eye-witness Anil More did not dispose but filed pursis at Exh.67 that he is not willing to give evidence.

9. In view of the same, as the only material witness i.e. victim himself is not supporting prosecution case and denied any of the incident at the hands of any of the accused as alleged in F.I.R., there is no evidence against the accused to hold them guilty for any of the charges. In the result, I record my findings in the negative so as to point nos.1 to 5 are concerned and proceed to pass the following order.

ORDER

- 1) Accused no.1-Vikram Ramnath Karad, accused no.2-Dattu Baburao Dhumal and accused no.3-Pralhad Baburao Dhumal are acquitted as per Section 235 (1) of Criminal Procedure Code of the offences punishable under Sections 323, 504, 506 r/w 34 of Indian Penal Code and under Section 3(1)((r) (s) and 3(2)(5A) of The Scheduled Castes The Scheduled Tribes (Prevention of Atrocities) Act, 1989.

- 2) Accused to furnish fresh bail in the sum of Rs.5,000/- (Rupees Five Thousand Only) each with one surety in the like amount each as per Section 437 (A) of Criminal Procedure Code.
- 3) Original Caste Certificate Exh.66 be returned to the informant on his due identification and verification by keeping xerox copy of the same on record after writ period is over.
- 4) Accused no.1 Vikram Ramnath Karad and Accused No.3 Pralhad Baburao Dhumal are in jail. They be released forthwith only from this case, if otherwise not required in any other crime / case.
- 5) Issue relieving letter accordingly.
- 6) Inform the concerned Jailer accordingly.

[Pronounced in the open Court.]

Date:- 10.03.2026

Place:-Niphad.

Special Judge &
Addl. Sessions Judge,
Niphad.