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	Duration	:	Y-06 M-06 D-13

IN THE COURT OF ADDL. SESSIONS JUDGE, OSMANABAD

(Presided over by : Dr.F.A.M. Khwaja, Special/Addl. Sessions Judge)

Date of the Judgment : 10.07.2026

Special (Atrocity) Case No. 106/2020
Exh. 92.

(Crime No. 161/2020 of Tuljapur Police Station)

Prosecution	STATE OF MAHARASHTRA Through: S.D.P.O. Tuljapur, Sub Division, Tuljapur, Dist. Osmanabad.
Represented by	Mr. J.V. Deshmukh, Addl.P.P. for the State
Accused	(1) Rajabhau Digamber Deshmukh. Age : 48 years, Occupation : Agriculture. (2) Ashok Babruwan Deshmukh. Age : 49 years, Occupation : Agriculture. (3) Ritesh Ashok Deshmukh Age : 21 years, Occupation : Education. (4) Sudarshan Rajabhau Deshmukh Age : Adult, Occupation : Agriculture. All R/o. Katri, Tq. Tuljapur, Dist. Osmanabad.
Represented by	Mr. P.P. Kasture, learned counsel for accused Nos. 1 & 2. Mr. A.H. Gund, Chief, Legal Aid Defence Counsel for accused Nos. 3 & 4.

Date of Offence	22.04.2020
Date of F.I.R.	23.04.2020

Date of Charge-sheet	12.11.2020
Date of framing charge	13.06.2022
Date of commencement of evidence	22.09.2022
Date on which judgment is reserved	06.07.2026
Date of Judgment	10.07.2026
Date of the sentencing order, if any	---

Accused details :

Rank of the accused	Name of Accused	Date of Arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of Sec.428 of Cr.P.C..
01.	Rajabhau Digambar Deshmukh.	23.04. 2020	05.05. 2020	354, 323, 504, 506 r/w.34 of I.P.C. and 3(1)(r)(s), 3(1)(W)(i) (ii) of SC & ST (Atrocities) Act.	Acquitted	---	---
02.	Ashok Babruwan Deshmukh.	24.04. 2020	05.05. 2020	--As Above--	Acquitted	---	---
03.	Ritesh Ashok Deshmukh	Accused has been summoned u/s.319 Cr.P.C.	09.06. 2026	--As Above--	Acquitted	---	---
04.	Sudarshan Rajabhau Deshmukh	--"--	09.06. 2026	--As Above--	Acquitted	---	---

LIST OF PROSECUTION/DEFENCE/COURT WITNESS**A - Prosecution :**

<u>Rank</u>	<u>Name</u>	<u>Nature of Evidence</u>
P.W.1	Victim. (Exh.13)	Informant.
P.W.2	Husband of the victim (Exh.21)	injured/Eye witness.
P.W.3	Nandu Baban Kshirsagar (Exh.22)	Panch witness on the Spot panchnama.
P.W.4	Son of the victim.(Exh.25)	Injured/Eyewitness.
P.W.5	Brother-in-law of the victim (Exh.27)	Eyewitness
P.W.6	Dr. Shridhar Annarao Jadhav. (Exh.30)	Medical Officer.
P.W.7	Rameshwar Chandar Shinde. (Exh.27)	Witness (adjacent land owner of the accused and victim)
P.W.8	Dilip Deorao Tiparse (Exh.38)	Investigating Officer.

B - Defence Witness :

<u>Rank</u>	<u>Name</u>	<u>Nature of Evidence</u>
D.W.1	Babasaheb Suresh Sonawane (Exh.45)	Police Patil.

C - Court Witness if any : Nil.**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS****A – Prosecution :**

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
01.	Exh.14/PW-1	Complaint.
02.	Exh.15/PW-1	Printed format of First Information Report.

03.	Exh.16/PW-1	Copy of Statement of the victim recorded under section 164 of Cr.P.C..
04.	Exh.17/PW-1	Copy of Caste Certificate of the victim.
05.	Exh.18/PW-1	Copy of Aadhar Card of victim.
06.	Exh.19/PW-1	Copy of Certificate issued by Tahsil office certifying residence proof and the family members of the victim.
07.	Exh.20/PW-1	Copy of the extract of Admission Register of the victim.
08.	Exh.23/PW-2	Spot panchanama.
09.	Exh.31/ PW-6	Medical Certificate of the husband of the victim.
10	Exh.32/PW-6	Medical Certificate of the victim.
11	Exh.35/PW-7	Copy of Statement of witness Rameshwar Chandar Shinde recorded U/sec. 164 of Cr.P.C.
12	Exh.39/PW-8	Copy of 7/12 extract of the spot of incident.
13	Exh.40/PW-8	Caste and domicile certificate of the accused issued by Grampanchayat Katri.
14	Exh.41 & 84	Evidence close pursis filed by the prosecution.

B – Documents submitted by Defence :

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
01.	Exh.46/ DW-1	Copy of Register maintained during Covid fro the period 15.3.2020 to 13.10.2020 of mouje Grampanchayat and Police Patil entry register.

C – Court Exhibits :

<u>Sr. No.</u>	<u>Court Exhibits</u>	<u>Description</u>
1	5	Charge framed against accused Nos. 1 and 2

2	6 and 7	Plea form of accused Nos. 1 and 2.
3	Exh.71	Charge framed against accused Nos. 3 and 4
4	Exh. 72 & 73	Plea form of accused Nos. 3 and 4.
5	42 and 43	Statements of accused Nos. 1 and 2 recorded u/s.313 of Cr.P.C.
6	86 and 87	Statements of accused Nos. 3 and 4 recorded u/s.313 of Cr.P.C.

D – Material Objects / Articles : NIL.

<u>Sr. No.</u>	<u>Article, MO-Number</u>	<u>Description</u>
1	Article ‘Z’	Photograph of the panchnama.

J U D G M E N T**(Delivered on this 10th July, 2026)**

(1) Accused are facing trial on the accusations of intentionally giving sexual abuse to the victim, knowing that she belongs to the Scheduled Castes or a Scheduled Tribe, such act of abusing is of a sexual nature and without her consent and accused not being the member of Scheduled Caste and Scheduled Tribe, intentionally insulted or intimidated with intent to humiliate the victim of Scheduled Caste or a Scheduled Tribe, in public place abusing her on their caste as, “ महारांच्या माणसांना शेतीची काय गरज आहे व तुला महाराला लय माज आला काय”, knowing that victim, belong to Scheduled Caste or a Scheduled Tribe and voluntarily assault or used criminal force to woman with intent to outrage her modesty and voluntarily caused hurt to informant by giving fist and kicks blows

and intentionally insulted the informant, her husband and son and thereby gave provocation to them, intending that the same would cause them to break public peace and committed criminal intimidation by threatening the informant, her husband and son, to be more specific, for the offences punishable under Sections 354, 323, 504, 506 r/w. 34 of the Indian Penal Code, 1860 and Section 3(1)(r) (s), 3(1)(W)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(2) The prosecution story barring unnecessary details is as under :

The informant/victim resident of village Katri, Tq. Tuljapur, District Osmanabad lodged complaint with Tuljapur Police Station alleging that, they possesses agricultural land at Katri. She is acquainted with accused as they possess neighboring agricultural land. On 22.04.2020 at about 8:30 a.m. her son was in the agricultural field. While he was doing harvesting work accused Ashok Patil was recording to work of her son on his mobile phone. Her son asked him why he was recording and removing photographs. Then accused Ashok took up quarrel with her son and started assaulting him and also abused in the name of their caste and threatened he would file false complaint against her son and her family members and spoil their future. They saw accused assaulting her son and therefore she and her husband soon went towards her son for rescue. Both the accused (father and son) started assaulting them also. Meantime accused Ashok called Rajabhau Deshmukh and his son. All the four accused started assaulting them by hand and fist

blows. All of them were abusing in filthy language and were saying तुझ्या आयची ढबरी पुच्ची, तुझ्या आयला झवल, महारांची आहेस म्हणुन डुकरावानी खावुन माजलीस काय, फळवे and humiliated her. All the accused assaulted her on her breast.

(3) After the incident on 23.04.2020 the victim and her son approached to the Tuljapur Taluka Police Station and lodged the report against the accused persons. On the basis of which, the Crime No. 161/2020 for the offences punishable under sections 354, 323, 504, 506 r/w. 34 of the Indian Penal Code and Section 3(1)(r)(s), 3(1)(W)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act came to be registered.

(4) The investigation was carried out by Sub Divisional Police Officer Dr. Dilip Deorao Tipsare, Sub-Division, Tuljapur. During course of investigation on 24.04.2020 he visited the spot of incident along with panchas and complaint and prepared spot panchnama. The spot was within the field of complainant. The photographs of the spot was snapped. He issued letter to the Magistrate for recording statement of witnesses under section 164 of Cr.P.C. and accordingly their statements were recorded. The medical certificate of the complainant and injured were also obtained. He was arrested both the accused on 23.04.2020 and 24.04.2020 respectively. He was also obtained caste certificate of complainant. The 7/12 extract of the spot of incident was also obtained, which is in the name of husband of the complainant. He also obtained medical certificate of the complainant. The caste and domicile certificate of accused were

obtained from Grampanchayat. Thereafter, SDPO Dilip Tipsare after completion of investigation submitted the charge-sheet in this Court.

(5) Firstly, my learned Predecessor have framed the Charge against accused Nos. 1 and 2 below Exh.5 for the offences punishable under Sections 354, 323, 504, 506 r/w. 34 of the Indian Penal Code and Section 3(1)(W)(i)(ii), 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act to which the accused pleaded not guilty and claimed to be tried. The defence of accused is that of total denial and false implication.

(6) On 24.03.2024 the prosecution has filed application at Exh.59 under section 319 of Cr.P.C. for summoning two individual Ritesh Ashok Deshmukh and Sudarshan Rajabhau Deshmukh as both the proposed accused are specifically mentioned in the complaint as they being main assailant and had caused injury to the victim. Said application is allowed by the Court and ordered that Ritesh Ashok Deshmukh and Sudarshan Rajabhau Deshmukh be impleaded as an additional accused in the present case.

So, on 09.06.2026 additional charge under Sections 354, 323, 504, 506 r/w. 34 of the Indian Penal Code and Section 3(1)(W)(i)(ii), 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act have been framed at Exh. 71 against accused Ritesh Ashok Deshmukh and Sudarshan Rajabhau Deshmukh to which the accused pleaded not guilty and claimed to be tried.

(7) On behalf of accused Nos. 3 and 4 application filed at Exh.80 under section 348 of B.N.S.S. for recalling witness Nos. 1, 2, 4

and 8. Said application is allowed and it is ordered that witness Nos. 1, 2, 4 and 8 be recalled as prayed. Accordingly, witness Nos. 1, 2, 4 and 8 have been cross-examined by the defence counsel.

(8) To bring home the guilt of the accused, prosecution has examined in all six witnesses and relied upon the documents details of which are given in the aforementioned chart. As against this, the statements of accused Nos. 1 and 2 under Section 313 of Cr.P.C. were recorded below Exh.42 and 43 and statements of accused Nos. 3 and 4 under Section 313 of Cr.P.C. were recorded below Exh.86 and 87.

(9) Heard Mr. J.V. Deshmukh, the learned Addl.P.P. for the State and Mr. P.P. Kasture, the learned Advocate for accused Nos. 1 and 2 and Mr. A.H. Gund, Chief Legal Aid Defence Counsel for accused Nos. 3 and 4. The following points arise for determination of this Court. The findings are recorded against the same followed by reasons :

<u>No.</u>	<u>POINTS</u>		<u>FINDINGS</u>
1	Whether the prosecution proves that on 22.04.2020 in between 8.30 a.m. in the land of Gat No. 166 situated at Shivar of Katri Tq. Tuljapur Dist. Osmanabad accused in furtherance of common intention given sexual abuse to the victim, knowing that she belongs to the Scheduled Castes or a Scheduled Tribe, such act abusing is of sexual nature and without her consent ?	---	Not Proved.
2	Whether the prosecution proves that on the aforesaid date, time and place, accused in	---	Not Proved.

<u>No.</u>	<u>POINTS</u>		<u>FINDINGS</u>
	furtherance of common intention insulted or intimidated with intent to humiliate the victim of Scheduled Castes or a Scheduled Tribe, in public place abusing her on their cast as “महारांच्या माणसांना शेतीची काय गरज आहे व तुला महाराला लय माज आला काय” knowing that she belongs to the Scheduled Castes or a Scheduled Tribe ?		
3	Whether the prosecution proves that on the aforesaid date, time and place and during course of same transaction, the accused in furtherance of their common intention, voluntarily assaulted or used criminal force to woman with intent to outrage her modesty ?	---	Not Proved.
4	Whether the prosecution proves that on the aforesaid date, time and place and during the course of same transaction, accused in furtherance of their common intention voluntarily caused hurt to informant by giving fist and blows ?	---	Not Proved.
5	Whether the prosecution proves that on the aforesaid date, time and place and during the course of same transaction, accused in furtherance of their common intention, intentionally insulted the informant and her husband and son and thereby gave provocation to them and prosecution witnesses, intending that such provocation will cause them to break public peace ?	---	Not Proved.
6	Whether the prosecution proves that on the aforesaid date, time and place and during the course of same transaction, accused in	---	Not Proved.

<u>No.</u>	<u>POINTS</u>		<u>FINDINGS</u>
	furtherance of their common intention, committed criminal intimidation by threatening to the informant, her husband and son to kill with intent to cause alarm ?		
7	What order ?	---	Accused are acquitted.

REASONS

(10) At the outset, let it be clear that initially the charge-sheet came to be filed against accused No.1 Rajabhau Digamber Deshmukh and accused No.2 Ashok Babruwan Deshmukh only under Sections 354, 323, 504, 506 r/w. 34 of the Indian Penal Code and Section 3(1)(W)(i)(ii), 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Thereafter, in view of the order Exh.59 after examining as many as eight witnesses the complainant has moved this Court under Section 319 of Cr.P.C. for summoning above two accused, namely, Ritesh Ashok Deshmukh and Sudarshan Rajabhau Deshmukh by contending that their names are specifically mentioned in her report and specific role has been attributed to them. Therefore, the learned predecessor was pleased to allow the said application and summoned them as proposed accused in view of Section 319 of Cr.P.C.

As to Point Nos. 1 and 2

(11) The accusations so far as the offences alleged under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)

Act are concerned are that on 22.4.2020 in between 8:30 a.m. in the land Gat No. 166, situated in the Katri Shivar, Tq. Tuljapur, Dist. Osmanabad, accused in furtherance of their common intention given sexual abuse to the victim, knowing that she belongs to the Scheduled Caste or a Scheduled Tribe, such act of abusing is of sexual nature and without her consent and accused not being the member of Scheduled Caste and Scheduled Tribe, intentionally insulted or intimidated with intent to humiliate the victim of Scheduled Caste or a Scheduled Tribe, in public place abusing her on their caste as “महारांच्या माणसांना शेतीची काय गरज आहे व तुला महाराला लय माज आला काय” knowing that victim belongs to the Scheduled Caste or a Scheduled Tribe.

(12) It will not be out of place to mention here that the direct evidence as regards to the sharing of common intention is seldom available and it has to be gathered whether there was sharing of intentions, here, to intentionally give sexual abuse to the victim knowing that she is belongs to Scheduled Caste and Scheduled Tribe and further in order to humiliate victim that too in a public place referring to her caste.

(13) On behalf of the defence it is canvassed by Mr. Kasture that the caste of the accused or the complainant is not mentioned in the F.I.R. to which the learned A.P.P. Mr.J.V.Deshmukh with equal vehemence canvassed that the accused and the complainant were known to each other. The accused had prior familiarity with the family of the complainant which satisfies requirements under section

3(2)(v) of S.C. S.T. Act. Nothing has been brought on record to rebut the presumption and as such section 3(2)(v) of SC ST Act is clearly attracted. Accused was well acquainted with the victim and her family prior to the incident and was fully aware of their caste status. Acquaintance of accused with family of victim is enough to presume that accused was aware of caste and identify of the victim.

(14) In support of his above submissions the learned A.P.P. relied on the judgment of Apex Court in the case of Shivkumar @ Baleshwar Yadav V/s. The State of Chhattisgarh – reported in CRIMINAL APPEAL NO.4502 OF 2025 (@ SPECIAL LEAVE PETITION (CRIMINAL) NO.14625 OF 2024) - 2025(4) Crimes 367 (SC) wherein it is held that, “Consistent statements of prosecution witnesses collectively demonstrate that accused had prior familiarity with the family and knowledge of their caste, which satisfies the requirement under Section 3(2)(v) of the SC/ST Act. Nothing has been brought on record to rebut the presumption and as such, Section 3(2)(v) of the SC/ST Act is clearly attracted. Accused was well acquainted with the victim and her family prior to incident and was fully aware of their caste status. Acquaintance of accused with family of victim is enough to presume that accused was aware of the caste and identity of the victim. No good reason to interfere with concurrent judgments convicting accused and sentencing him for the various offences”.

With fullest regards to the law laid down in above precedents by the Hon’ble Apex Court obviously in the case in hand the parties are in know of each other. There are litigation one after another, complaints and counter complaints nay hostilities for years

together. Therefore, it cannot be said that the accused were not aware of the caste of the informant, more particularly when they do not belong to the caste of the informant, then the next question remains whether accused had intention to intentionally gave sexual abuse to the victim or to humiliate her referring to her caste knowingly that she belongs to a Scheduled Caste.

(15) In that regard the learned Adv. Mr.A.H. Gund the learned advocate appearing for accused Nos.3 and 4 has very rightly canvassed that here the dispute between the parties is purely of civil nature i.e. about possession of the land or assertion of the title over the way and said dispute is not touching to the caste of the informant nor any motivations can be gathered either to outraging modesty of the informant knowingly that she belongs to the Scheduled Caste or to humiliate her referring to her caste. It is an admitted fact that the accused No.1 Rajabhau has purchased the field of brother of the informant which is adjacent to her land and there is a dispute of way from bund since the accused has purchased the said land. Admittedly, there is civil dispute pending between the parties and complaint and counter complaints in respect of said road. Thus, it is not the dispute of intentionally insult, intimidation with intent to humiliate a person of Scheduled Caste and Scheduled Tribe in any place within a public view.

He has placed his reliance on the observation of Hon'ble Supreme Court in the case of Hitesh Varma V/s. State of Uttarakhand and another – (2020) 10 SCC 710 dated 05.11.2020 wherein it is observed that, "there is a dispute about the possession of the land

which is the subject matter of civil dispute between the parties as per Respondent herself. Due to dispute, the appellant and others were not permitting Respondent to cultivate the land for the last six months. Since the matter is regarding possession of property pending before the civil court, any dispute arising on account of possession of the said property would not disclose an offence under the Act unless the victim is abused, intimidated or harassed only for the reason that she belongs to Scheduled Caste or Scheduled Tribe”.

(16) Further, it is reiterated that offence under 1989 Act I.e. S.C. S.T. Act can only be made out if the other ingredients therefor being satisfied, it was committed only because of the caste/tribe of the victim. In the case in hand, certainly it cannot be said that here the offence was committed only because of the caste, tribe of the victim, because it is very fairly admitted that since the accused No.1 has purchased the adjoining land a dispute is going on in between the complainant, her family and the accused over the use of common bund, way. Obviously, while discussing other issues the other allegations regarding assault and outraging of modesty will be discussed in sufficient details. However, there is no evidence convincing enough to conclude that there was sexual abuse, humiliation of the victim solely because she belongs to Scheduled Caste, moreover, the place where the alleged incident has taken place is the field, except both the families no one else was present to hold that it was a public place or place in public view. No members of the public were present there. Hence, point Nos. 1 and 2 are answered in the negative.

As to Point Nos.3 to 6 :

(17) The set of accusations set out against the accused are that accused persons during the course of same transaction in furtherance of their common intention voluntarily assaulted or used criminal force to victim with intent to outrage her modesty and voluntarily caused hurt to informant by giving fist and blows and intentionally insulted the informant and her husband and son and thereby gave provocation to them and prosecution witnesses to kill, intending that such provocation will cause them to break the public peace.

(18) All these points are arising out of the same incident and are made punishable under the Indian Penal Code, the major penal law enforce them, therefore to avoid repetition they are taken for common discussion.

The informant testified at Exh.13 in the light of accusations set out in the report Exh.14. She has stated the abusive words as mentioned in her report alleging that they have been uttered by the accused and further stated that the accused have assaulted her on her chest. However, in the cross-examination she has given glaring admissions and admitted that their field and field of the accused are adjacent to each other. The field of the accused Ashok is purchased from Suresh Sonwane, belonging to her family and some portion of the said land was purchased from Bhaskar Sonwane. Similarly, the father of Ashok Deshmukh also purchased the land from Sonwane family. One road passes from Katri to Vairag. One road from Vairag also connects her field. The said road further connects to Gaudgaon boundary. She has also admitted that there is

a long dispute in between accused persons and their family on the count of said road. The said dispute is also reported to the Police Station, Tahsil Office and Collector Office. It is also admitted that due to the said dispute the criminal proceedings and inquiries were being proceeded against the accused persons and her family members.

(19) She has also admitted that one injunction suit was filed by Ashok Deshmukh, Anil Deshmukh and Ritesh Deshmukh on 19.07.2019 in respect of the said road which connects their fields. The said suit was withdrawn by the accused. Thereafter, her family members has filed injunction suit against the accused Ashok Deshmukh and others on 14.06.2021. Thereafter, accused Ashok has also filed a suit for injunction against them pertaining to measurement. Both the said suits are pending before the respective Courts. It is also admitted that accused Ashok had filed one N.C.No.1000/19 against her husband and one Ankush Sonwane alleging threatening made by her husband to lodge false complaint. It is admitted that police had called them regarding the said N.C.. It is equally admitted that there are various complaints and cross complaints filed against each other and owing to same the police has taken preventive actions against both of them. It is admitted that there are property dispute between Ankush Sonwane and Anil Deshmukh. The Police Patil of the village Babasaheb Sonwane is her brother-in-law (brother of her husband). She is not knowing whether accused Ashok had deposited fees for measurement. It is admitted that Ashok Sonwane, Shahaji Sonwane, Ankush Sonwane and her husband Shatrughna Sonwane had opposed for measurement. She

has further deposed that the distance between her house and field is about 4 k.m. It is also admitted that during relevant period her daughters were quarantine in the field and therefore they were in the field. Arun Dahale is resident of Sindhphal, is husband of her sister-in-law. She does not remember the gat number of their agricultural field. On the relevant day and time of incident she and her husband were at a distance of around 20 meters. It is admitted that she could not hear the initial conversation between accused persons and her son. It is admitted that, on 22.04.2020 on the day of incident in the evening at 10:00 a.m. the complaint is lodged against her, her husband and sons for assaulting Ashok Deshmukh bearing Crime No. 162/2020 of Tuljapur Police Station for the offence punishable under section 323, 395 of I.P.C.

(20) P.W.No.2 Shatrughana Laxman Sonwane is her husband. He deposed in the line of the informant, however, admitted all what is admitted by his wife. There are material omissions which are brought on record like that accused No.1 was video shooting while her son was ploughing the land and therefore her son asked as to why he is taking video shooting and thereafter accused No.1 started beating and abusing her son by referring to his caste. He could not give any reason why it is not appearing in statement recorded by the Police. It is equally significant to note that informant has not whispered in the report Exh.14 that as to where her husband was at the time of alleged incident and P.W. No.2 in his statement has stated that he and his wife were in the field of grapes cutting the grass at about 8:30 a.m.

(21) P.W.No.3 Nandu Kshirsagar is the employee of Municipal Council, Tuljapur is the panch witness to the spot panchnama Exh.23. He has admitted that police did not told them where they have to visit nor the facts of the case were narrated to them. They did not verify the ownership of Gat No. 166 and were asked to sign on the spot panchnama. He has also stated that observations near the spot are always similar to other agricultural fields.

(22) P.W.No. 4 Karan Sonwane is the son of the informant. He also deposed in the light of what is mother and father have stated. However, he has admitted that at that time due to pandemic Covid -19 Police Patil Babasaheb Sonwane used to keep register about visitors who are entering in the village. He has also admitted at par with his parents that the case is registered against him and his family members on the same day for assaulting accused Ashok and that there were various NCs registered against each other and police had taken preventing actions against them and the accused. Needless to say that, he has also admitted that they are opposing to the measurement as prayed for by the accused.

(23) P.W.No. 5 Arun Gulab Dhale is the real brother of the informant. He has stated that he has pacified the quarrel. However, informant Kavita is silent about it, she nowhere states that her brother Arun Dhale has pacified the accused. She has also not stated anything that the accused was doing video shooting. He has admitted that due to pandemic of Corona nobody was allowed to enter in to the village and record is kept of those who are visiting the village.

The distance between village Sindhphal and Katri is 15 k.m. The roads were closed to entry and exit from the village. He could not tell the exact date of death of his mother-in-law for whose funeral he had been to the village where informant resides.

(24) P.W.No.7 Rameshwar Chandar Shinde, the adjacent land owner had simply stated that there had been quarrel in between Ashok Deshmukh and Shatrughana Sonwane on their common embankment. He has not whispered a single word about the abuses least abuses referring to the caste. On the contrary he has admitted that Ashok Deshmukh had sustained fracture injury on his hand due to quarrel with Shatrughana Sonwane, Kavita Sonwane and Karan Sonwane and he was taken to hospital by Rajabhau Deshmukh and beside the said fact he does not know about the incident nor knows the reason behind the quarrel.

(25) The Investigating Officer P.W.No. 8 unfolded the investigation formalities completed by him while drawing spot panchnama Exh.23, drawing photographs Article 'Z', recorded statements of the witnesses and requesting the learned Judicial Magistrate First Class for recording the statements of the witnesses, obtained Medico Legal Certificate, arrested the accuses, obtaining the caste certificate as per Exh.17, 7/12 extract Exh. 39, medical certificate Exh.32, obtaining caste and domicile certificate Exh.40 from Grampanchayat then filing of the charge-sheet. Admittedly, he has not made any inquiry about delay in lodging the FIR. It is admitted that it is not mentioned in the complaint as the accused

persons manhandled the complainant and acted in a such manner with intent to outrage her modesty. It is admitted that other witnesses have not stated about the fact that the accused manhandled the informant and therefore initially the complaint was not lodged for the offence punishable under section 354 of IPC.

(26) It is significant to note that the complaint though lodged against four persons, Investigating Officer has stated that accused namely Ritesh Deshmukh and Sudarshan Deshmukh were not charge-sheeted as their involvement in commission of the crime was not transpired. It is also admitted that none of the witnesses have said anything about the presence of these two accused at the spot of incident. It is also admitted by the Investigating Officer that there were dispute regarding property between complainant and accused. There were various NCs reported against each other. He did not make any inquiry whether the brother of the informant P.W. No.5 Arun Dhale has visited the village on the alleged day of incident. It is admitted that the accused persons have also filed FIR against the complainant, her husband and two sons alleging assault and Crime No.162 /2020 registered against them on 23.11.2020. He has admitted that witness P.W. No.2 Shatrughna Sonwane had not stated that Ashok Deshmukh was video recording while his son was ploughing in the field. P.W.No.5 Arun Dhale has not stated anything in his statement made to the police that he visited the village prior to four days due to death of his mother-in-law though he has stated '10 days prior'. He has further not stated as to accused persons abused as , 'तु काळी आहेस'.

(27) On behalf of the defence the village Police Patil of Katri is examined as a defence witness at Exh.45 to substantiate their defence nay to make it probable. He has specifically stated that he has taken entry from 15.03.2020 to 13.10.2020 of the persons, outsiders who entered in to the village Katri during pandemic Covid. He has also stated that he is acquainted with Arun Dhale, however, during the said period there is no entry of Arun Dhale to show that he has visited the village Katri during said period. The extract of the register duly compared with the original is at Exh.46. In the cross-examination he has denied that he has enmity with the informant and her relatives though he has denied that the mother-in-law of the complainant died on 19.3.2020.

(28) After evaluating the above evidence in the light of material contradictions, omissions now let us advert to the medical evidence.

P.W.No.6 Dr. Shridhar Annarao Jadhav testified at Exh.30 that on 24.04.2020 he was on duty as Medical Officer at Sub District Hospital, Tuljapur. At about 10.00 a.m. on 24.04.2020 one patient namely Shatrughna Laxman Sonwane was referred to the hospital by Tuljapur police with alleged history of assault. He medically examined him, however, he did not observe any external injury on his person. Accordingly, he issued injury certificate as per Exh.31. On perusing the hospital record on 23.04.2020 Dr. Palla was the medical officer on duty who examined Kavita Shatrughna Sonwane at about 9:20 p.m.. The patient was referred from the police Station. In the medical observation no external injuries were noted on her person.

Accordingly Dr. Palla issued injury certificate. He had brought original record of the Hospital and confirmed that the signature on the medical certificate Exh.32 is that of Dr. Palla (accordingly he has proved the same).

(29) It is needless to say that the medical evidence does not support, substantiate or corroborates the testimony of the informant or the injured since there is no single abrasion or any superficial visible injury either to the informant or her son or her husband, that itself goes to show that how the complaint is exaggerated and concocted one.

(30) The learned advocate for the accused Nos. 1 and 2 placed his reliance on the observations made by our own High Court in the case of Datta S/o. Lahanu Borude V/s. State of Maharashtra and others – 2024 GoJuris (BOM) 164 wherein it is observed that, the prosecution must prove charges beyond reasonable doubt for a conviction. Inconsistencies in witness testimonies can undermine the credibility of the prosecution's case. Further, the occurrence of an incident in a private place, away from public view, may affect the applicability of SCST Act. In the said case there was dispute between adjoining agriculturists. The testimonies of the complainant and eye witnesses was found inconsistent. The medical evidence does not corroborate the severity of the injuries claimed, delay in lodging the FIR raises doubt about the credibility of the complaint. The trial court found no merit in the charges due to lack of evidence proving the allegations beyond reasonable doubt. The appeal against acquittal

was dismissed as the trial court's findings were supported by sound reasoning and the evidence presented does not establish guilt.

Further, another judgment of our High Court in the case of Mirza Ejaj Baig S/o. Ahmad Baig V/s. State of Maharashtra – 2007 ALLMR (Cri.) 1613 wherein it is observed that, the prosecution must establish that the accused was not a member of the Scheduled Caste or Scheduled Tribe and that the aggrieved persons was a member of the Scheduled Caste and Scheduled Tribe to prove an offence under the Act of 1989. The evidence of the complainant must be corroborated by the independent witnesses or medical evidence to support allegations of assault and outraging modesty. In the above case prosecution failed to establish caste status of complainant and corroborate her testimony. Evidence of complainant deemed unreliable due to discrepancies and lack of medical support. The Trial Court's improper charge framing and examination of the accused under section 313 of Cr.P.C., the conviction set aside due to lack of credible evidence and procedural irregularities and the appellant was acquitted of all charges.

(31) With fullest regards to the law laid down in the above precedents even the facts in the case of Dattu S/o. Lahanu Borude V/s. State of Maharashtra (cited supra) and the case in hand are akin, so also the observations nay the dictum laid down therein is squarely applicable to the case in hand. Therefore, in view of the glaring admissions, material discrepancies and lack of medical support nay corroboration the evidence of complainant is unreliable more particularly in view of the long continuous hostilities, litigation after

litigation, complaints and counter complaints. Thus, the accused cannot be connected with the offences punishable under section 354, 323, 504, 506 r/w. 34 of the Indian Penal Code. Hence, the point Nos.3 to 6 are answered in the negative.

As to Point No.7 :

(32) In view of findings to the point Nos.1 to 6 in the negative, it can only be concluded that the prosecution has miserably failed to bring home the guilt of the accused beyond all shadows of doubts and therefore, the accused persons cannot be held guilty of the offences with which they are charged and tried, in result, they deserve acquittal. Hence, following order is passed :

ORDER

- (i) Accused Nos.(1) Rajabhau Digamber Deshmukh, (2) Ashok Babruwan Deshmukh, (3) Ritesh Ashok Deshmukh and (4) Sudarshan Rajabhau Deshmukh, are acquitted under Section 235(1) of the Code of Criminal Procedure, 1973, of the offences punishable under Sections 354, 323, 504, 506 r/w. 34 of the Indian Penal Code and Section 3(1)(r)(s), 3(1)(W) (i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
- (ii) Bail bonds of the accused stand cancelled.
- (iii) Accused Nos. 1 to 4 are directed to furnish P.B. & S.B. of Rs.50,000/-, with one or more surety in the like amount, in compliance with Section 437-A of

Cr.P.C., to appear before the Hon'ble High Court in case the Court issues notice to accused in respect of appeal against the acquittal of accused.

(Dictated and pronounced in open Court).

Osmanabad.

Date : 10.07.2026.

(Dr. F. A. M. Khwaja)
Special Judge, Osmanabad.

CERTIFICATE

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer	S.B. Ghodke (Grade-I)
Name of Court	Special Court, Osmanabad.
Date of order/Judgment	10.07.2026
Date of order/judgment signed by presiding officer.	10.07.2026
Judgment/Order uploaded on	10.07.2026