

CNR-MHOS160002482024



Received on : 02 – 07 – 2024

Registered on : 02 – 07 – 2024

Decided on : 17 – 08 – 2026

Duration : Y-02, M-01 & D-15

IN THE COURT OF SPECIAL JUDGE-1, KALLAM, AT KALLAM, DIST.
OSMANABAD

(Presided over by V.K. Mande, B.A.LLM.)

Special Case No. 14/2024**Exh.50****Prosecution****State of Maharashtra**Through- Shiradhon Police Station,
Tal. Kallam, Dist. Osmanabad.**Complainant**Mandakini Damu Edake,
Age 30 yrs., Occu.Labour
R/o Deolali, Tq.Kallam,
Dist.Osmanabad.**Represented
by Prosecution**Ld. A.P.P. Shri.A.S.Kulkarni
For the State of Maharashtra**Accused**

1. Ramhari Mohan Mundhe,
Age – 54 years, Occu. –Agri.,
R/o Uplai, Tq.Kallam,
Dist.Osmanabad.
2. Dipak Shivaji Tambade,
Age – 30 years, Occu. – Agri.,
R/o as above.

Represented by

Ld.Adv.Shri.V.V.Kawade,

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

Date of Offence	31/10/2023
Date of FIR	01/11/2023
Date of Charge-Sheet	02/07/2024
Date of Framing of Charge	11/06/2025
Date of Commencement of Evidence	15/07/2025
On which date statement of accused recorded U/s 351 of B.N.S.S.2023	10/08/2026
Date of Argument	12/08/2026
Date of Judgment	17/08/2026
Date of Sentencing Order, if any.	Acquitted

ACCUSED DETAILS

Rank of Accused	Name of Accused	Date of Arrest	Date of release on bail	Offence charge with	Whether acquitted or convicted	Sentence imposed	Period Of Detention Undergone during Trial for purpose of Section 428 Cr.PC.
1)	Ramhari Mohan Mundhe	Ant.Bail	24/11/2023	PU/s.324, 323,504, 506 r/w 34 of I.P.C. & sec.3(1)(r)(s) of S.C. & S.T. (Prevention of Atrocities) Act.	Acquitted	--	--

2)	Dipak Shivaji Tambade	--"--	--"--	--"--	--"--	--	--
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(Part "C" : Para 44 (iii) of Chapter VI of Criminal Manual)

List of Prosecution/Defence/Court Witnesses

A. Prosecution :

Rank	Name	Nature of Evidence
PW-1	Mandakini Damu Edke	Informant
PW-2	Nitin Pandurang Kamble	Panch
PW-3	Achyut Dnyanoba Edke	Eye witness
PW-4	Kalawati Damu Edke	Eye witness
PW-5	Damu Sambhaji Edke	Eye witness
PW-6	Sandip Suresh Deshmukh	Eye witness
PW-7	M.Ramesh	Investigation officer
PW-8	Dr.Dhananjay Bhausaheb Chalak	Medical officer

B. Defence Witnesses, if any :

Rank	Name	Nature of Evidence
-----Nil-----		

C. Court Witnesses, If any :

Rank	Name	Nature of Evidence
-----Nil-----		

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

S.Nos.	Exhibit Number	Description
1	P01/PW1	Complaint
2	P02/PW1	Copy of caste certificate
3	P03/PW1	Statement of informant u/sec. 183 of Cr.P.C.
4	P04/PW2	Spot panchnama
5	Exh.41	Portion mark 'A' in statement of Achyut Edke
6	Exh.45	Medical certificate of injured/informant
7	Exh.46	Letter issued by SDPO to M.O.

B) DEFENCE SIDE

S.Nos.	Exhibit Number	Description
-----Nil-----		

C) COURT EXHIBITS

S.Nos.	Exhibit Number	Description
-----Nil-----		

D) MATERIAL OBJECTS

S.Nos.	Material Object Number	Description
1.	MO-01/PW1	Wire

CHARGE :- Offences : PUS 324,323,504,506 r/w 34 of IPC and Sections 3(1)(r)(s) of S.C. & S.T.(Prevention of Atrocities) Act.

:: J U D G M E N T ::
(Delivered on 17th August-2026)

01. The accused Nos.1) **Ramhari Mohan Mundhe, Age – 54 years,** 2) **Dipak Shivaji Tambade, Age – 30 years,** are charged and tried for having committed an offence PUS 324,323,504,506 r/w 34 of the IPC and section 3(1)(r)(s) of S.C. & S.T.(Prevention of Atrocities) Act.

Brief facts of the prosecution case is as under :-

02. Informant Mandakini Damu Edke r/o Deolali tq.Kallam Dist.Dharashiv lodged complaint before Shiradhon police station on 01.11.2023 alleging therein she is residing at Deolali along with her parents. Her mother is helper in Anganwadi. She along with her parents doing labour work. On 31.1.2023 at about 10.00 am she had been to answering nature's call in the field at one Patil, when she reached in front of door of one Vilas Lomate, Hanumant Lomate was present near his she-buffalo. She stopped with him and asked him, Is any mistake on the part of her mother? then Hanumant stopped to her, so she sited from the some distance of Hanumant Lomate. At about 10.15 am, four persons had came from her backside, they assaulted to her by kick and hand blow. She told to them who are you, at that time they told Ramhari Mundhe who is brother of Surekha Dilip Bikkad and Dipak Tambade who is son of the sister of Surekha Bikkad r/o Uplali, Tq.Kallam. She asked to them why you are assaulting to her. They told why you are giving trouble to Surekha Bikkad. They abused to her in filthy language. Dipak Tambade assaulted to her by means of black wire on her backside,

neck, face and legs. Bhalchandra Ghadge, Vitthal Edke, Achyut Edke, Navalbai Ghadge, Tukaram Ghadge, Hanumant Lomate intervened the said quarrel. Then her mother Kalawati, father Damu Edke reached on spot and accused persons and other two persons used words "ए मांगट्यांनो तुला बघुन घेवु, तुम्ही लय माजलाव, तुला जीवे मारु" to her and her parents. So, they threatened to kill her and her parents. Then she had been towards village police patil and informed to him about the said incident, then she had been to Primary Health Center, Mangrul. Doctor examined to her. Then she lodged the complaint.

03. As per first information report, concerned PSO registered crime No.175/2023 for an offence punishable under sec. 324,323,504,506 r/w 34 of the IPC and section 3(1)(r)(s) of S.C. & S.T.(Prevention of Atrocities) Act and further investigation was handed over to Dy.S.P.Shri.Ramesh. During investigation I.O. visited spot, prepared spot panchanama, recorded statement of witnesses and after completion of investigation I.O. filed charge-sheet before this court.

04. On securing the presence of accused persons charge against them is framed below Exh.17 for an offences punishable under sec. 324,323,504,506 r/w 34 of the IPC and section 3(1)(r)(s) of S.C. & S.T.(Prevention of Atrocities) Act. The contents of charge were read over to accused persons in vernacular in which they understood the same and pleaded not guilty and claimed for trial.

05. The statement of accused persons under sec. 351 of BNSS,2023 is recorded. The defence of accused persons is total

denial, which transpires from the cross-examination of prosecution witnesses and their statements under sec.351 of BNSS,2023.

06. Considering the case of prosecution, following points arise for my determination and I have recorded my findings thereon for the reasons stated herein below:-

Sr.	<u>P O I N T S</u>	<u>FINDINGS</u>
Nos.		
1)	Does prosecution prove that on 31/10/2023 at about 10:15 am, at village Deolali, Tq.Kallam accused not being the members of Scheduled Castes and Scheduled Tribes, intentionally insulted to the complainant, who is the member of Scheduled Caste i.e. 'Mang' with intent to humiliate to them in a public place and within a public view : referring to her caste by saying "ये मांगटयानो तुला बघुन घेवुन, तुम्ही लय माजलाव, तुला जिवे मारु" and thereby committed an offence PUS 3(1) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989 ?	<u>In the Negative</u>
2)	Does prosecution prove that on the above date, time and place, accused in furtherance of their common intention, voluntarily caused hurt to informant and witness by using kicking the ball used as a weapon of offence, is likely to cause death and thereby committed an offence PUS 324 r/w sec.34 of the Indian Penal Code?	<u>In the Negative</u>
3)	Does prosecution prove that on the above date, time and place, accused in furtherance of their common intention, assaulted to the informant and voluntarily caused hurt to her and thereby committed an offence PUS 323 :	<u>In the Negative</u>

R/W sec.34 of the Indian Penal Code?

- 4) Does prosecution prove that on the above date, time and place, accused in furtherance of their common intention, intentionally insulted to the informant intending or knowing it to be likely that such provocation : **In the Negative** will cause her to break public peace or to commit any other offence and thereby committed an offence PUS 504 R/W sec.34 of the Indian Penal Code?
- 5) Does prosecution prove that on the above date, time and place, accused in furtherance of their common intention, committed criminal intimidation by threatening informant and witness to cause injury to : **In the Negative** their person with intent to cause alarm to the informant and thereby committed an offence PUS 506 R/W sec.34 of the Indian Penal Code?
- 6) Is any offence proved against any accused? : **No any offence is proved against any accused person.**
- 7) What order ? **As per final order**

REASONS

As to point Nos.1 to 7 :-

07. All these points are interlined to each other, so with a view to avoid repetition of facts and law, they are discussed and decided in common discussion.

08. Heard Ld. A.P.P. Shri.A.S.Kulkarni for State and Ld. Adv. V.V.Kawade appearing on behalf of accused persons, at length.

09. In order to prove the guilt of accused, very firstly prosecution has examined PW1 Mandakini Damu Edke who is informant of this case below Exh.26. Her evidence purports to show that she belongs to Mang community, her mother is helper in Anganwadi. His father is doing labour work, accused persons belongs to Vanjari community. Incident took place on 31.10.2023 at about 10.00 am. Further her evidence purports to show that for answering nature's call she was going towards field of Patil from the front side of the house of Hanumant Lomate and Vilas Lomate. Hanumant was present in front of his house, she told to Hanumant is any offence committed by her mother. So he stopped to her for some distance, at that time Ramhari Munde, Dipak and other 04 persons had came from backside and assaulted to her by means of wire, kick and hand blow. When she seen on her backside, she seen to the accused persons. So, she told why you are assaulting, at that time accused told to her why you are giving trouble to his sister Surekha. They assaulted to her on her shoulder, backside, thigh. Thereafter Bhalchandra Ghadge, Vitthal Edke, Achyut Edke, Naval Ghadge reached on spot, they intervened the said quarrel. At that time accused persons told "मांगट्याने लय माजलात काय, तुम्हाला बघायचे आहे" and they threatened to kill her.

10. Further her evidence purports to show that thereafter she had been at the house of Sandip Deshmukh who is police patil narrated said incident, then she had been at Shiradhon police

station. She was sent to Primary Health Center, Mangrul and she lodged complaint against accused persons. Then some photographs were taken on spot and she identified said photograph.

11. Prosecution has examined PW2 Nitin Pandurang Kamble below Exh.27 who is village Talathi. His evidence purports to show that on 02.11.2023 he was called by Shiradhon police station for panchanama. They had been on spot, informant was present and spot panchanama was prepared in his presence, same is below Exh.P04/PW1. Photographs also drawn on spot, same is at Article no.1.

12. Prosecution has examined PW3 Achyut Dnyanoba Edke who is one of the eye witness examined below Exh.32. But he turn hostile and has not supported to the case of prosecution. The prosecution has examined PW4 Kalawati Damu Edke below Exh.35 who is mother of informant. Her evidence purports to show that she belongs to Matang community, informant is her daughter, incident took place 02 years back when her daughter was going towards nature's call, then she had been towards her house and she was assaulted by means of wire, she was present in her house and she narrated the said incident to her, then her daughter had been to police station, lodged complaint, she knows to accused persons they are present before the court.

13. Prosecution has examined PW5 Damu Sambhaji Edke below Exh.36 who is father of informant. His evidence purports to show that he belongs to Matang community, informant is his daughter.

Incident took place before 2 years back when his daughter was going towards nature's call at about 10.00 am. At that time Dipak Tambe and Ramhari assaulted to her daughter by wire, at that time he was present in his house, incident narrated by his daughter. She was beaten with the help of wire without any reason.

14. Prosecution has examined PW6 Sandip Deshmukh below Exh.38. His evidence purports to show that since 2018 he is village police patil. He knows informant Mandakini. Incident took place in the month of October 2023. At that time he was present in his house. Informant told to him she was assaulted by 03 persons, they were out of village and 01 was one Mundhe. Said incident took place near the school, so he told to her you proceed towards police station and lodge the complaint.

15. Prosecution has examined PW7 M.Ramesh below Exh.40 who is investigation officer of this case. His evidence purports to show that investigation of crime no.175/2023 was handed over to him, he verified complaint, had been on spot and prepared spot panchanama in presence of two panch witnesses. Same is below Exh.P04/PW2. Then he recorded statement of 08 witnesses, then further investigation was handed over towards Dy.S.P.Hiremath and charge-sheet is filed by Dy.S.P.Sanjay Pawar. During investigation it was found that accused assaulted to informant by wire and abused her on her caste.

16. Prosecution has examined PW8 Dr.Dhananjay Bhausahab Chalak below Exh.44. His evidence purports to show that in the year

2023 he was attached to Primary Health Center, Mangrul. On 31.10.2023 Mandakini Edake had come towards his hospital, he examined to her and found following injuries.

- a) Abrasion : On left scapular region :
size : 15 x 10cm approx.; simple in nature
 - b) Abrasion : On right scapular region :
Size : 10 x 5 cm. Approx.; simple in nature
 - c) Abrasion : over Back at level of C7-T1 :
Size : 15 x 4 cm. Approx.; simple in nature
 - d) Abrasion : On right Thigh :
Size : 10 x 4 cm. Approx.; simple in nature
- All injuries were caused within 24 hours.

17. Thereafter his evidence purports to show that he issued injury certificate below Exh.45. He knows to the injured, he received letter for submitting medical certificate, said letter is below Exh.46 and according to his opinion these injuries are possible if person assaulted by means of wire MO1. He knows the injured on the basis of identification marks. Except these witnesses, prosecution has not examined remaining witnesses and filed evidence close pursis below Exh.47.

18. On scrupulous scanning the evidence of prosecution which is on record very firstly, on perusal of FIR it appears that informant on perusal of complaint it appears incident took place on 31.10.2023 at about 10.00 to 10.30 am at village Deolali Tq.Kallam. Complaint is lodged on 01.11.2023 at about 16.20 hours. So, there is one day delay for lodging the complaint and same is not explained by the

informant. Secondly it appears that informant Mandakini stated in her complaint on 31.10.2023 when she was proceeding towards answering nature's call in field of Patil at that time she reached near the door of Vilas Lomate, one Hanumant Lomate was present and she asked to Hanumant Lomate, Is any mistake of her mother? At about 10.15 pm she specifically stated 04 persons had came on backside and assaulted to her by kick and hand blow, when she turn she found 04 persons and one of the accused told he is brother of Surekha Bikkad and another accused told he is son of the sister of Surekha. Further she stated in her complaint Dipak assaulted to her by black yellow wire on her backside, neck and mouth and legs.

19. Further she deposed that when she was present in front of the house at that time Ramhari Mundhe, Dipak and other 04 persons assaulted to her by means of wire, they also assaulted to her by means of kick and hand blow on her backside legs and hand. So in complaint it is stated 04 persons assaulted to her including present accused persons, charge-sheet is filed only against accused no.1 and 2, other 02 to 04 persons as per complaint are not traced out by the I.O. as she deposed present two accused alongwith other 04 persons assaulted to her, she have not known who actually beat to her by wire. So, the testimony of informant is mostly inconsistent with her complaint.

20. Secondly, it appears that in the complaint she stated thereafter her parents had came on spot, at that time accused Ramhari, Dipak and other persons abused to her and her parents used word "ए मांगट्यांनो तुला बघुन घेवु तुम्ही लय माजलाव, तुला जीवे मारु" But

complainant stated that when she was present in front of house of Patil, accused Ramhari, Dipak and other 04 persons had came towards her, they assaulted to her by wire, it means as per her testimony total in all 06 persons including 02 accused assaulted to her by means of kick and hand blow and wire. At that time Bhalchandra Ghadge, Vitthal Edke, Achyut Edke, Navalbai Ghadge, Tukaram Ghadge, Hanumant Edke reached on spot, they intervened the said quarrel, at that time accused used words, “हिला पेट्रोल टाकू जाळा, हिला गाडीखाली घाला, फेकून द्या, हिला आज सोडायचे नाही, ए मांगाडांनो तुम्ही लय माजलाव का? तु जर या गावातील माणसांना बोलली तर तुला भर शिवाजी पुतळ्याजवळ पेटवून टाकू, आमचे कोणीच काय वाकडे करू शकत नाही.” So, it clearly appears that her statement before Ld.JMFC u/sec. 164 of the Cr.P.C. is also inconsistent with her complaint.

21. Thirdly, it appears that the prosecution has examined PW2 Nitin Kamble who is spot panch witness in whose presence I.O. prepared spot panchanama on 02.11.2023 and the said panchnama is below Exh.P04/PW1. Also proved photographs at Article no.1. So the spot panchanama is duly proved by the prosecution. Further it appears that the prosecution has examined PW3 Achyut Edke who is one of the eye witness, but he turn hostile and has not supported to the case of prosecution. Not only this during his cross-examination by Ld.APP he has not given any kind of admission in favour of prosecution.

22. Fourthly, it appears that prosecution has examined PW4 Kalawati Edke, she deposed that in a morning before 02 years back

her daughter had been for answering nature's call, she was present in her house, then her daughter return towards house and she narrated some of the persons assaulted to her on her backside. So, it is pertinent to note that PW4 has not deposed name of the accused persons as narrated by her daughter, so her testimony is totally hearsay and she has not deposed anything against present accused persons.

23. Fifthly, it appears that prosecution has examined PW5 Damu Edke who is father of informant, he also not present on spot at the time of incident, but his daughter narrated to him accused persons assaulted to her by wire. At the time of incident, he was present in his house. But she has not deposed the name of accused who used obscene words to the informant on her caste. So, the testimony of PW5 is hearsay one, he has not deposed other persons were also assaulted to his daughter. Therefore testimony of PW5 is also not helpful to the case of prosecution.

24. Sixthly, it appears that prosecution has examined PW6 Sandip who is police patil, only he deposed in October 2023 informant had came towards him and narrated she was assaulted by the persons and one person was Mundhe. Then he told to her to go to the police station and lodge the complaint. So, PW6 is also not eye witness and he has not deposed the name of accused no.1 and 2 as narrated by the informant. He also not deposed present accused and other 04 unknown persons assaulted to informant. Therefore testimony of PW6 is also not helpful to the case of prosecution.

25. Seventhly, it appears that the prosecution has examined PW8 Dr.Chalak who examined to the informant on 31.10.2023. She herself had been towards hospital. On examination he found 04 abrasion injuries, out of two injuties, injury no.1 and 2 on left and right scapular region, injury no.3 on backside and injury no.4 is on right thigh. All injuries are simple in nature caused within 24 hours. Accordingly he issued medical certificate vide Exh.45. During his cross-examination he admitted that in column no.5 of injury certificate it is mentioned patient had came by herself. He also admitted that he had not sent MLC to police station prior to receiving letter. Further he admitted that in injury certificate history of assault is not mentioned. As per said injury certificate she sustained injuries on left scapular region, right scapular region, from backside and on right thigh. But some of the injuries are not found as she stated in her complaint as well as she deposed before this court.

26. Eighthly, it appears that PW7 M.Ramesh who is investigating officer of this case. He visited to spot, prepared spot panchanama, recorded statement of witnesses and after completion of investigation charge-sheet was filed by Dy.S.P. Sanjay Pawar. So, on perusal of entire evidence which is on record there is no any eye witness to the case of prosecution. Testimony of informant is mostly inconsistent with her complaint and her statement u/sec. 164 of Cr.P.C. she stated her parents came later on, but parents specifically deposed at the time of incident they were in their house and not on spot. However as per complaint only Hanumant Lomate was present on the spot. Thereafter Bhalchandra Ghadge, Vitthal Edke, Achyut Edke, Navalbai Ghadge, Tukaram Ghadge were present on spot. But

prosecution has examined only PW3 Achyut Edke but he also turn hostile and has not supported to the case of prosecution. Other alleged eye witnesses are not examined by prosecution and it's best reason knows to the prosecution. So, as per complaint only Hanumant Lomate was present on spot, so no any other persons were present, other 04 accused are not traced out. So under such circumstances prosecution has not proved the guilt of accused persons beyond all reasonable doubts. So, I answer point Nos.1 to 5 in negative accordingly and no any offence is proved against any accused persons. Hence, I answer to point no.6 accordingly and I proceed to pass the following order :

ORDER

- 1) The accused Nos.1) **Ramhari Mohan Mundhe, Age – 54 years, 2) Dipak Shivaji Tambade, Age – 30 years**, are hereby acquitted of the offences PUS 324,323,504,506 r/w 34 of the IPC and section 3(1)(r)(s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, as per Section 258 (1) of the B.N.S.S.2023.
- 2) Bail bonds of accused persons are stands cancelled.
- 3) Muddemal property i.e. black colour wire being worthless be destroyed after appeal period is over.
- 4) In terms of Section 481 of B.N.S.S.2023, accused shall furnish personal bond of **Rs. 50,000/- each** with a surety in the like amount each in order to secure their presence before Appellate Court.

- 5) One copy of Judgment be given to District Collector, Osmanabad to supply to the complainant.
(Dictated and pronounced in Open Court)

Date : 17/08/2026.

(V.K. Mande)
Special Judge, Kallam.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment/order are same, word to word, as per the original Judgment/order.

Name of Stenographer : S.R.Ghadge, Stenographer(Grade-I)
Court Name : Addl. Sessions/Special Court, Kallam.
Date : 17.08.2026
Order signed by PO. on : 17.08.2026
Order uploaded on : 17.08.2026