

(Judgment Exh.77)

R.C.C. No. 246/2019
State Vs. Nagesh Karale and Ors

CNR No. MHPU-2300-1204-2019 Received on : 28/03/2019

Registered on : 29/03/2019

Decided on : 22/07/2026

Duration : 07 Y 03 M 26D

REGULAR CRIMINAL CASE NO.246/2019Exh.77FORM No. XXXIIPart 'A' (Title Page of Judgment)(Para 44) (i) of Chapter VI of Criminal Manual)

<u>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, COURT NO.3, KHED-RAJGURUNAGAR, TAL - KHED, DIST- PUNE</u> <u>(Presided over by Smt. J. C. Gupta)</u> <u>(Dated - 22/07/2026)</u>	
COMPLAINANT/ PROSECUTION	State of Maharashtra Through, Police Station, Chakan, Tal - Khed - Rajgurunagar, Dist- Pune.
Advocate for State	Smt A. S. Chavan Thorat
ACCUSED	1) Nagesh Subhash Karale (Dead) Age : - Yrs, Occu : -, 2) Girish Babaji Karale Age : - Yrs, Occu : -, 3) Naresh Subhash Karale Age : - Yrs, Occu : -, R/o. Ambethan, Tal-Khed, Dist-Pune.
Advocate for Accused	Shri. A. A. Shete

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

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Date of Offence	11/09/2018 to 17/09/2018
Date of Filing complaint	18/09/2018
Date of Framing of Charges	20/01/2020
Date of commencement of evidence	19/01/2024
Date on which judgment is reserved	N.A.
Date of the Judgment	22/07/2026
Date of the Sentencing order, if any,	Accused are acquitted.

Accused Details

R a n k	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.
2	Girish Babaji Karale	25/03/2019	-	Section 354-A, 354-D, 504, 506 r/w. Section 34 of	Acquitted	N.A.	N.A.

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				I.P.C.			
3	Naresh Subhash Karale	25/03/2019	-	Section 354-A, 354-D, 504, 506 r/w. Section 34 of I.P.C.	Acquitted	N.A	N.A.

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

RANK	Name of the witness	Nature of witness	Exh. No
PW.1	Kavita Bajirao Daundkar	Informant	56
PW.2	Shital Yogesh Daundkar	Witness	69
PW.3	Tukaram Waman Daundkar	Panch	71
PW.4	Sudam Ramchandra Hargude	I.O.	73

B. LIST OF PROSECUTION/DEFENCE/COURT WITNESSES:- NIL.**C. COURT WITNESS IF ANY:- NIL.****D. LIST OF DOCUMENTS PROVED BY PROSECUTION :-**

RANK	Document	Exh. No.
1	The police report	57
2	First Information Report	58
3	Order Copy dated 30/10/2018	67
4	Spot Panchnama	72
5	Photograph	Article - A

J U D G M E N T
(Delivered On 22/07/2026)

Accused has faced trial for the offences punishable under Section 354-A, 354-D, 504, 506 r/w. Section 34 of Indian Penal Code. (Hereinafter referred to as "I.P.C." for the sake of brevity).

2. It is the case of the prosecution that, the informant is a practicing lawyer at Shivajinagar Court, Pune. She resides with her family at Shel-Pimpalgaon, Tal-Khed. On 11/09/2018 at around 07.30 a.m., when she was going to her home from the Court on her activa motorcycle bearing no. MH14 DR-9322, three persons came on a motorcycle from the Shel-Pimpalgaon bridge. They told her "you look very beautiful, we will pick you one day and take you away." Then they took a u-turn and went ahead of her towards Shel-Pimpalgaon Chowk and stopped there. The names of those persons are Nagesh Subhash Karale, Girish Subhash Karale and Naresh Subhash Karale. They were following her and harassing her. She narrated the aforesaid incident to her mother namely Nandabai Bajirao Daundkar. Thereafter, her father started dropping her till Alandi.

3. It is the further contention of informant that, on 17/09/2018 at around 08.00 a.m. when she was sitting in front of the shutter of her house, three persons came there. Their name is Naresh Karale, Nagesh Karale and Girish Karale. They all came near the shutter. Girish Karale held her right hand and Nagesh Karale touched her and started molesting her. They also used filthy language. At that time, the informant shouted and her mother and sister in law Shital Daundkar came there. All three persons were also started abusing to informant's mother and her sister in law. Thereafter, they all ran away from there. They also threatened to kill them. Therefore, the informant lodged a complaint

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against all accused.

4. On the basis of the report, the Crime No.833/2018 was registered with Chakan police station against accused for the offences punishable under section 354-A, 354-D, 504, 506 r/w. Section 34 of Indian Penal Code. The investigation was carried out by S. R. Hargude, A.S.I of Chakan Police Station. After completion of investigation, he had filed charge-sheet against accused for aforesaid offences punishable u/s.354-A, 354-D, 504, 506 r/w. Section 34 of Indian Penal Code.

5. My Ld. Predecessor framed the charge against accused no. 2 and 3 at Exh.16. The charge was explained to accused in vernacular to which they have pleaded not guilty as per their statement below Exh. 17 and 18 respectively and claimed to be tried. As prosecution has examined all four material witnesses, evidence of prosecution was closed. The statement of accused number 2 and 3 were under Section 313 of Criminal Procedure Code below Exh. 75 and 76 respectively. The accused has not examined any witness in their defence. It appears that, their defence is of total denial and false implication.

6. On the basis of submissions made, arguments advanced by both parties, considering the facts and circumstances and evidence available on record, following points arose for my determination and I have recorded them with my findings thereon for the reasons as under.

Sr. No	POINTS	FINDINGS
1.	Does prosecution prove that, on 11/09/2018 at about 19.30 hrs. and 17/09/2018 at about 09.30 hrs at in front of informant's house	In the Negative.

	Shel-Pimpalgaon, Tal-Khed, Dist-Pune accused persons in prosecution of their common intention used criminal force against the informant a women intending to outrage her modesty and thereby committed an offence punishable under section <u>354-A</u> <u>r/w. Section 34 of I.P.C. ?</u>	
2.	Does prosecution prove that, on above said date, time and place accused persons in prosecution of their common intention stalking informant and thereby committed an offence punishable under section <u>354-D r/w.</u> <u>Section 34 of I.P.C. ?</u>	In the Negative.
3.	Does prosecution prove that, on aforesaid date, time and place accused persons in prosecution of their common intention, intentionally insulted the informant and thereby committed an offence punishable under section <u>504 r/w. Section 34 of I.P.C. ?</u>	In the Negative.
4.	Does prosecution prove that, on aforesaid date, time and place accused persons in prosecution of their common intention, threatened the informant and thereby committed an offence punishable under section <u>506 r/w. Section 34 of I.P.C. ?</u>	In the Negative.
5.	What Order ?	Accused are

		acquitted.
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REASONS

AS TO POINT NOS. 1 TO 4 :-

7. As these points are inter-connected with each other, I have taken them together for discussion in order to avoid repetition of facts and evidence.

8. As per the prosecution, the prosecution witness namely Kavita Bajirao Daundkar (P.W.1), Shital Yogesh Daundkar (P.W.2), Tukaram Waman Daundkar (P.W.3) and Sudam Ramchandra Hargude (P.W.4) are witnesses to the alleged incident and they are direct witnesses.

9. Kavita Bajirao Daundkar (P.W.1) has deposed that, the incident in the present case occurred on 17/09/2018 at 08.00 p.m in Shel-Pimpalgaon on 17/09/2018, she was sitting near the shutter in front of her house. Thereafter, Nagesh Karale, Girish Karale and Naresh Karale came there. At that time, she was sitting there. Thereafter, Girish Karale held her left hand and Nagesh Karale and Naresh Karale tried to touch her body at inappropriate places and used abusive language calling her 'Randi'. After that, they started abusing her and tried to molest her. Thereafter, she shouted. Hearing that, her mother Nandabai Bajirao Daundkar and Sister-in-law Shital Yogesh Daundkar came to that place and tried to stop Nagesh Karale, Girish and Naresh Karale. However, those three also abused her mother and her sister-in-law. After that, all three of them left from there.

10. She has further deposed earlier on 11/09/2018 at around 07.30 p.m., she left from Shivaji Nagar Court by bus and reached Alandi. In Alandi, she had parked her Activa Vehicle Bearing no. MH-14 DR 9322. Thereafter, she took her Activa Vehicle from Alandi and came near Shelgaon bridge on the way from Alandi Ghat towards Shel-Pimpalgaon. She has further deposed that, thereafter she realised that three persons were following her and they told her, “You look very beautiful, don’t act pricey because you are a Lawyer, become friends with us, otherwise consequences will be very bad and we will kidnap you and take you away”. After that, she got very scared. Thereafter, she crossed and came to the Chowk in Shel-Pimpalgaon and stopped the vehicle and looked back. At that time, she saw Nagesh Karale, Girish Karale and Naresh Karale from her village following her. Thereafter, she told her mother Nandabai about the incident that had occurred. Thereafter, her father Bajirao used to come to drop her till Alandi. She has filed complaint vide Exh.57 and F.I.R. vide Exh.58.

11. In her cross examination, she has admitted that, accused Nagesh and Naresh are real brothers and accused Girish is their nephew. They resided in the Main Chowk of Shel-Pimpalgaon. She has further deposed that, there are many Hotels, Dhabas and Shops on the Chakan-Shikrapur Road, the place of incident on 17/09/2018 is in a populated area. She has further admitted that, there is heavy traffic on Chakan-Shikrapur Road. Prior to the incident there was no personal enmity between the present witness and the accused, nor had she ever spoken to them. She has further admitted that, she used to go daily from Alandi to Shel-Pimpalgaon on her Activa, so she is familiar with that area. She has further admitted that, the Chowk where she reside is a businessmen’s Chowk, Divekar’s Hotel was next to her house, also Shabir Shaikh Chicken Shop is next to her house.

She has further admitted that, her house is in a populated area, at the time of incident her father had erected two tin-Shades in the vacant space between her house and the Chakan-Shikrapur Road.

12. She has denied that, she reside in the Main Chowk of Shel-Pimpalgaon, all the shop i.e Hotels, Dhaba etc. are at a stone's throw distance. She has further denied that, the Chowk of the house where she resides is crowded, the Alandi Ghat is not big. She has admitted that, she has not mentioned in her complaint as to which one of those three persons said "You look very beautiful, don't act pricey because you are a Lawyer, become friends with us, otherwise consequences will be very bad and we will kidnap you and take you away" said to her. She has denied that, she has not mentioned in her complaint by which vehicle and how those three persons were following her.

13. She has further deposed in her cross examination that, she cannot state the exact distance the accused reside from her house, nor can she state how much time it take to go their house on foot from her house. She has further deposed that, MH-14 AZ-851 is a J.C.B. machine owned by her father. She does not know Sanjay Dattatray Mohite. There was no monitoring transaction between him, her father and them in their lifetime. She does not stated wheather sand was lifted from the riverbed on 13/08/2018 by using J.C.B. She has also not stated say wheather the said sand was seized on the complaint of accused Girish and Naresh. She has not stated wheather any action was taken against her father, Sanjay Dattatray Mohite and Rohan Mohite in the said sand case.

14. She has further deposed that, she has completed her legal education from law college, Khed. The founder of the said college is M.L.A. Dilip Dattatray Mohite. She hails from her village Shel-Pimpalgaon.

She does not know wheather Dilip Dattatray Mohite is the real brother of Sanjay Mohite was the sarpanch of Shel-Pimpalgaon. She does not know Sanjay Mohite was also the Chairman of the Tanta-Mukti Samiti of her village. She has started her legal practice in the year 2016. She took the Advocate's oath in the year 2016. She has been practicing law for the last four and five years. At present she is not practicing law. During the time of incident, she was practicing law in the Pune Court. She practised law in the Pune Court for three to four years. She did not practice any other Court during that period. During that period, to go to the Pune Court, she used to go from Shel-Pimpalgaon to Alandi on her Two Wheeler Activa and from Alandi to Pune Court by Bus. That was her daily routine. While staying at her father's place she had one Activa, One J.C.B and One Scorpio Vehicle etc. While coming from Alandi towards Shel-Pimpalgaon, the villagers of Vadgaon-Ghenand and Shelgaon come on the way. Also, there are houses and offices on both sides of the road. This is the only road to go to Alandi. She has further deposed that, the road in front of her house is the Chakan Shikrapur Road and it is an East-West road. The road connected to the said road going North-South is the Alandi Road. The Chowk where the Alandi Road meets the Chakan - Shikrapur road is called Shelgaon Chowk. There are four to five shades near Rasika Garden and Alandi Phata adjacent to that Chowk. There are small and big shops in the said shades. This entire area refers to the Chakan-Shikrapur road and the surrounding area of Shelgaon Chowk.

15. She has further deposed in her cross examination, that there is a bridge on the Chakan-Shikrapur road adjacent to the Shelgaon Chowk. After crossing that bridge, Shel-Pimpalgaon lies to the West and her house is there. Adjacent to the road in front of her house there is a Tea-Shop and

a Photo Studio. There are separate shops on both sides of the said road. The Two Tin-Shades face towards the North towards the road. The said Tin-Shades and her house are visible from the road. The Tin Shades are visible from the road but her house is not visible. She has further deposed that, the statement “you look.....and take away” was told by her to the police while giving her complaint. The police first wrote down her statement and thereafter typed it. She doesn’t remember wheather she signed the hand written statement or the typed statement. The police typed it based on her rough complaint. She had read both the rough statement and the typed statement. She had told the police about the important points mentioned above, but they are not mentioned in her rough and typed statment. She had asked the police about this. Police told her, that they had noted it down. Apart from this, she doesn’t know anything.

16. She has further deposed that, due to the incident of 11/09/2018, she was angry with the accused. She did not file a complaint on the same day nor on the second or third day. There was no difficulty for her in filing a police complaint regarding that incident. At the time of the incident, her parents, her brother and her sister-in-law were residing together.

17. She has further deposed that, her father had paid Rs.10,000/- as a penalty. She has admitted at Exh.67 a copy of the order dated 30/10/2018. She has denied that, the accused had filed a complaint against her father, Sanjay Mohite and Rohan Mohite for illegal sand extraction and that she filed a false complaint in retaliation. She has admitted that, her elder brother named Yogesh was in Jail in the murder case involving accused no.1 Nagesh Karale. She has further admitted that,

her brother's bail application was not granted and he died in Jail itself. She has further deposed that, while giving her statement to the police, she had told them, " on 11/09/2018 in the evening between 07.30 p.m., I left from Shivaji Nagar Court by Bus and came up to Alandi." She has admitted that, Tukaram Daundkar and Vilas Daundkar are her cousins and were panch witnesses to the spot panchnama. The police took 15 to 20 minutes to record her complaint. The process of writing the First Information Report took 15 to 20 minutes.

18. The prosecution has examined Shital Yogesh Daundkar, sister-in-law of the complainant vide Exh.69. She has deposed that, the complainant is her sister-in-law. At the time when the incident, her in laws, her husband and the complainant were residing together. On the day of the incident i.e on 11/09/2018 when complainant came home from Court, she told her and her mother in law that, "While I was coming from Alandi Ghat towards Shelgaon Bridge, the accused Nagesh Karale, Girish Karale and Naresh Karale followed me and said, you look very beautiful, don't act pricey because you are a lawyer, we will pick you up and take you away'. At that time, her sister-in-law was scared, and therefore her father in law later used to drop her till Alandi. On 17/09/2018 around 08.00 p.m. in the evening when the complainant was sitting in front of the shutter of the shop attached to her house, at that time Girish Karale held her left hand and abused her calling her a 'Randi'. Similarly, the other two also abused her. Further, all three of them scuffled with her sister in law and abused her in obscene language. At that time, when present witness and her mother in law went there, they also abused them and then left from there. After that, her sister in law filed a complaint at Chakan Police Station. The police had recorded her statement.

19. In a cross examination, she has admitted that, the only relation between Daundkar and Karale is that they reside in the same village. There is no dispute between them regarding land or for any other reason. Apart from farming they have the business of giving J.C.B Machines on rent, her sister-in-law and mother-in-law have never spoken to the accused, there is a tin-Shade in front of her house and in front of the Shade is the Chakan Shikrapur Road, the said road is a busy road with continues traffic of till late night, due to the traffic the police vehicles are always present till 12.00 a.m. at night, people in her village are agitated, there is a 20 feet road in front of her house and there are shops of lawyer relatives and other peoples, usually 500 to 600 peoples are present there, approximately 100 to 150 vehicles pass on the road, her shop is at a shouting distance from the road, her shop is visible from the road, there is a Ghat to the west of the bridge and this is the only road to go to Alandi, there are many shops there, if any incident occurs people can gather on the road easily, accused Nagesh Karale was murdered and her husband was in Jail and died in Jail.

20. She has further admitted that, they got angry when the accused were harassing her sister-in-law, there was no difficulty in filing a complaint regarding the said harassment. She has denied that, she is deposing falsely usually 500 to 600 people are present there, while coming from Alandi Ghat towards Shelgaon Bridge, the accused Nagesh Karale, Girish Karale and Naresh Karale had followed her sister-in-law and said “you look.....take you away” and that, is why her my sister-in-law got scared. She further denied that, on 17/09/2018 around 08.00 p.m. in the evening her sister-in-law was not sitting in front of the shop attached to her house, no such incident took place on 17/09/2018, no such incident occurred on 17/09/2018 and 11/09/2018. She has further denied that,

action was taken against their J.C.B. Machine on the complaint of the accused and because they were arrested for that, her family bore a grudge and filed this false case against the accused.

21. The prosecution has examined P.W.No.3 Tukaram Waman Daundkar vide Exh.71. He is the panch witness to the spot panchnama at Exh.72. He has also admitted photograph Article - A.

22. He has admitted that, he and the other panch Vilas Daundkar are real brothers, the complainant in the present case is the daughter of his real elder brother Bajirao, since he used to visit her brother's house regularly he know the scene of incident very well, from Bajirao's house the houses of all four of brothers are near Shradhaa Bear Bar. He has further admitted that, Shradhaa Bear Bar is at a distance of 10 minutes from Bajirao's house, there are shops on both sides. He has denied that, he did prior acquaintance with Mr. Hargude. Mr. Hargude did not come to his house to call him. He had gone to buy a milk packet when he met Mr. Hargude at that time. There was no one else with him at that time. He did not tell how many people were present there when he had gone to buy the milk packet. He did not tell Mr. Hargude that he is the real uncle of the complainant because Mr. Hargude did not asked him about it. He denied that, on 19/09/2018 at 11.00 a.m. Mr. Hargude call him, conduct the panchnama in his presence and the other panch was also present is what he stating falsely.

23. P.W.No.4 Sudam Ramchandra Hargude I.O. has deposed that, the C.R. No. 833/2018 was given to him for investigation. At the time of investigation he has prepared panchnama vide Exh.72. He has admitted Article-A. On 19/09/2018 he has recorded the statement of four witnesses. He has arrested the accused on 28/03/2018. Thereafter, he has

presented chargesheet before the Court.

24. During cross examination he has admitted that, he was in contact with the police patil of Shel-Pimpalgaon village and the Chairman of Tanta-Mukti Committee. During investigation he has received copy of complaint on 18/09/2018 between 08.00 a.m. to 09.00 a.m. He has admitted that, the complaint was filed regarding the incident of dated 11/09/2018 and 17/09/2018, he conducted a joint investigation of both incidents, the scene of offence for the incident dated 11/09/2018 is Alandi Phata, Shelgaon Chowk and the scene of offence for the incident dated 17/09/2018 is in front of the complainant's house, near Chakan-Shikrapur highway, he doesn't visit the scene of offence at Alandi Phata, Shelgaon Chowk for the incident dated 11/09/2018 during investigation, nor he did prepare the panchnama of the scene of offence at Alandi Phata, Shelgaon Chowk, he came to Shel-Pimpalgaon, Alandi Phata Shelgaon Chowk two to three times, he was familiar with and had seen the said road, there is a Rasika Garden Hotel Chowk, the said hotel is quite big, there are three to four shops at the Chowk. He has further deposed that, those shops are also hotels. He has further admitted that, the only and busy road to go towards Alandi is this one, regarding the incident of dated 11/09/2018, he did not record the statement of any independent witnesses etc. He did not asked for the CCTV Footage from Rasika Garden Hotel. He did not consider it necessary to go to Rasika Garden Hotel and investigate or to check CCTV Footage.

25. He has further admitted that, regarding the incident of dated 11/09/2018, there is no other independent witness except the complainant. He has denied that, regarding the incident of dated 11/09/2018. He has admitted that, the distance from Alandi Phata to

Chowk is two to three Kilometer, in that distance there are the village of Vadgaon and Shelgaon, on both sides of the road in those villages there are houses and shops, the road is also busy. He has further admitted that, in the F.I.R it is mentioned that, "On dated 11/09/2018 the complainant suspected that, three unknown persons were following her, the complainant came to her house from Alandi on her Activa Two Wheeler." He has further admitted that, in the F.I.R there is no mentioned that, those were unknown persons were following her on foot, on a two wheeler or on a four wheeler. He did not investigate regarding the same. He has further admitted that, in the F.I.R it is mentioned " you look very beautiful.....the consequences will be bad" and he threatened her. He further deposed that, complainant did not tell him as to which one of them had spoken to the complainant and also did not investigate that, at Sandip Krushi Seva Kendra the Chakan Police Station has installed CCTV at their own expences, the complainant's house is at a distance of 90 Feet from Sandip Krushi Seva Kendra. He has denied that, the said camera was installed at 360 degrees.

26. He has further admitted that, the complaint regarding the incident of dated 11/09/2018 was given after 7 to 8 days, the complainant did not tell him the reason for the delay in filing the complaint. He also did not investigation about that. He has further admitted that, no plausible reason for the delay has been mentioned in her investigation. He has further deposed that, whenever such a complaint regarding an incident is received, the information is first brought to the notice of the senior officers. He has admitted that, if anyone come to lodge a complaint with police station, they do not make them wait. F.I.R and complaint and one are the same. The complaint was given at 02.41 minutes. He has admitted that, the complainant's statement should also

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have been recorded at that very time, the complaint is dated 17/09/2018. The witness further states that, the complaint is taken promptly. However, if the server is down then the entry is made late.

27. He has further deposed that, the incident dated 17/09/2018 took place in a crowded area. He has admitted that, there are shops on both side, all the witnesses for the incident dated 17/09/2018 are relatives of the complainant, regarding the incident dated 17/09/2018 he did not take statement of nearby people at the scene of offence i.e shopkeepers and resident, he did not investigate the incident with independent witnesses. He has admitted that, he himself has filed the chargesheet in crime registered no.748/2018, F.I.R. about the said crime was given on 21/08/2018, the statement of Dilip Narhari Khomane, Mandal Officer of Shel-Pimpalgaon was recorded on dated 21/08/2018.

28. He had admitted that, the complaint regarding the said incident was given by Girish Karale and Naresh Karale, in the said case the offence was registered against Sanjay Dattatray Mohite and his own nephew Rohan Mohite, Sanjay Mohite is the own brother and own nephew of Ex. M.L.A. Dilip Mohite, he prepared the panchnama dated 22/08/2018, he filed a letter stating that the J.C.B. Machine involved in the said offence is in the custody of the Forest Range Officer, there is also a complaint that, the J.C.B Vehicle belongs to the complainant's father, the statement of the witnesses in the said cases namely Nilesh Karale, Naresh Karale and Girish Karale was recorded on 23/08/2018, the statement of witnesses, panchnama etc. in the filed chargesheet are all correct. All documents along with chargesheet are given below Exh.74. He has further admitted that, the investigation of the complaint dated 21/08/2018 was completed by 23/08/2018, the name of the accused were found in the said offence,

the accused was arrested in the year 2019. He has denied that, no such incident took place on dated 11/09/2018 and 17/09/2018 only to put pressure on the witnesses of the offence dated 21/08/2018, was put forward as the complainant to file the said false complaint.

29. The prosecution case is based on F.I.R Exh.58, complaint Exh.57. The F.I.R Exh.58 dated 17/09/2018 lodged by P.W. No.1 Kavita Bajirao Daundkar. It is alleged that, on 11/09/2018 at about 07.30 p.m. near Shelgaon Chowk, the three accused followed the complainant on a motorcycle and threatened her. It is further alleged that, on 17/09/2018 at about 08.00 p.m. at different places in Shel-Pimpalgaon, the accused Girish Karale held her hand, while accused Nagesh and Naresh molested her and abused her in filthy language. P.W. no. 2. Shital Yogesh Daundkar is the eye witness to the evening incident of 17/09/2018. P.W.no.3 Tukaram Daundkar is the panch witness on spot panchnama and P.W. no. 4 Sudam Ramchandra Hargude is the Investigation Officer.

30. In respect of prosecution case, I have appreciated the evidence of all four witnesses and the documents on record. As regards the evidence of P.W. No.1 Kavita Daundkar, she is the complainant and the victim. She has deposed about two incidents. However, in her cross examination she has made material admissions. She has admitted that, the place of incident on 17/09/2018 is a very busy area on Chakan Shikrapur Road with Hotels, Dhabas, Shops and with 500 to 600 people present. She has also admitted that, she travels on this route daily and is familiar with the area. Despite this, she has not named any independent person who witnessed the incident. She has further admitted that, there was a prior dispute between her family and accused family. She admitted that, her father's J.C.B was involved in a sand cases dated 13/08/2018. Wherein complaint

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was filed by accused Girish and Nagesh against her father, Sanjay Mohite and Rohan Mohite. She also admitted that, her brother Yogesh was accused in murder of relative of the accused and he died in Jail.

31. Further, she has also admitted that in the F.I.R. she did not state as to which accused said which words and by which vehicle the accused followed her. She further admitted that, she did not lodged complaint on 11/09/2018 itself though she was allegedly threatened on that day. Thus, her evidence lack independent corroboration and contempt omissions.

32. P.W. No.2 Shital Yogesh Daundkar is the sister in law of complainant. She has corroborated the incident of 17/09/2018. In cross examination she has admitted that her only relation with accused is that they belong to the same village. She is also a related witness and her evidence requires independent corroboration.

33. Further, P.W. No.3 Tukaram Daundkar is the panch witness on spot panchnama in cross he has admitted that, he and the other panch Vilas Daundkar are real brothers. He has further admitted that, the complainant Kavita is the daughter of his elder brother Bajirao. Thus, the panch witnesses are also close relatives of the complainant. The very purpose of having panch witnesses is defeated when they are relatives.

34. Further, the most crucial evidence of P.W. No.4 Sudam Hargude is the Investigation Officer. In his cross examination he has made several admissions which go to the route of the prosecution case. He has admitted that, he did not visit the spot of incident dated 11/09/2018 at Alandi Phata, Shelgaon Chowk. He has admitted that, He did not prepare any spot panchnama for the said incident. He has admitted that, he did not record statements of any independent witnesses for the incident of

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11/09/2018. He has admitted that, he did not collect CCTV footage from Rasika Garden Hotel though the place is a busy Chowk. He has further admitted that, Sandip Krushi Seva Kendra which is only 90 feet from the house of complainant has CCTV installed by Chakan Police at their own cost, but he did not seized the said CCTV. He has admitted that, the complaint for incident of 11/09/2018 was lodged after 7 to 8 days and the complainant did not give any reason for the delay and he also did not investigate the reason for delay. He has admitted that, in the F.I.R. It is not mentioned wheather accused followed on foot or on two wheeler or four wheeler and he did not investigate the same.

35. Most importantly, the I.O. has admitted that, he himself had filed chargesheet in C.R. No. 748/2018. The said information was dated 21/08/2018 and complaint was given by Girish Karale and Naresh Karale against Sanjay Dattatray Mohite and Rohan Mohite. He admitted that, Sanjay Mohite is the own brother and own nephew of Ex. M.L.A. Dilip Mohite. He admitted that, the J.C.B. Involved in that case belongs to the father of complainant. He admitted that, panchnama was prepared on 22/08/2018 and statement of witnesses were recorded on 23/08/2018. He admitted that, all documents of that case are filed on record as Exh.74. He admitted that, accused in that case were arrested in 2019. Thus, it is clear that, just 18 to 20 days prior to the present F.I.R the accused side had filed a criminal case against the complainant's family members regarding J.C.B and sand. This establish a strong motive for that complainant side to file a counter false case. Though the I.O. has denied the suggestion that present case is false. He has not been able to explain the above timeline and motive.

36. On perusal of above prosecution evidence it is seen that, the

investigation conducted by I.O. is defective in material particulars. In a case where incident is alleged to have taken place in a crowded public place. Failure to examine even a single independent witness is fatal to the prosecution case. Failure to collect CCTV footage which was available within 90 feet of the spot shows lack of proper investigation for her, the I.O. failed to prepare spot panchnama for the incident occurred on 11/09/2018, which further weakens the case. The delay of 7 to 8 days in lodging F.I.R for the first incident is also not explained. More than that, the presence of prior C.R. between the same parties gives strong support to the defence of false implication and counter blast. All witnesses including panch witness are relatives.

37. The prosecution has failed to prove the ingredients U/s.354-A of I.P.C. i.e accused committed criminal force with intent to outrage modesty of informant. Also, the ingredients U/s.354-D of I.P.C is not proved by prosecution. There is no evidence of stalking or repeated following/contact. From the above reasons, it invariably infers that, the oral and documentary evidence of prosecution on record is not cogent, consistent and corroborated with each other to prove the guilt of the accused beyond all reasonable doubt. Thereby, the prosecution has failed to establish its case. Hence, I answer **point no. 1 to 4 in negative.**

As to point No. 5:-

38. From negative findings of point no. 1 to 4, it is clear that the prosecution has failed to prove the ingredients of offence punishable under section 354-A, 354-D, 504, 506 r/w. Section 34 of Indian Penal Code., as to **point no. 5** I proceed to pass following order :-

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<u>ORDER</u>	
1.	The accused no.2. Girish Babaji Karale and no.3. Naresh Subhash Karale are here by acquitted vide Section 248(1) of the Code of Criminal Procedure, 1973 for the offence punishable under Section 354-A, 354-D, 504, 506 r/w. Section 34 of Indian Penal Code.
2.	Previous bail bonds furnished by accused no. 2 and 3 are cancelled
3.	Bail bond furnished by accused in view of provisions of section 437-A of Cr.P.C. will cancelled, after appeal period.
(Dictated and Pronounced in Open Court.)	

Date: 22/07/2026

(Smt. J. C. Gupta)
Judicial Magistrate, First Class,
(Court No.3), Khed-Rajgurunagar.

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

Name of Stenographer	Shri. G.S. Raskotwar
Court Name	Smt. J. C. Gupta 3 rd Jt. CJJD and JMFC Khed-Rajgurunagar, Dist-Pune.
Date	22/07/2026
Order signed by the Presiding Officer on	22/07/2026
Order/Judgment uploaded on	22/07/2026