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	Duration :	Year	Month	Days
		07	09	21

<u>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, MAHAD</u> [Presided over by : Smt. P. S. Mali]	
<u>R.C.C. No. 81/2018</u> Exh. No. 55	
Prosecution, Police Station and Crime Register No.	State of Maharashtra through Mahad M.I.D.C. Police Station, Crime Register No. 42/2018
Prosecution through Assistant Public Prosecutor	Shri. K. V. Kadam, Assistant Public Prosecutor
Accused	Rajaram Dagadu Mane, Age : 64 years, Occupation : --, R/at : Akale Gaothan, Post Akale, Tal. Mahad, Dist. Raigad
Advocate for the accused.	Shri. S. S. Bhise

Part – ‘B’
[Criminal Manual, Chapter 4, Paragraph No. 44(ii)]

Date of Incidence	28/04/2018
Date of First Information Report	31/05/2018
Date of filling of Charge-sheet	30/08/2018
Date of framing of Charge	05/02/2019

Commencement of evidence	02/04/2019
Date of reservation of judgment	Nil
Date of pronouncement of judgment	20/06/2026
Date, if sentenced	Nil

[Hon'ble High Court of Judicature at Bombay Government Resolution no. 0801/2022 dated 14/07/2022]

Details of Accused

Accused no.	Name of Accused	Date of Arrest	Date of Release on bail	Sections for Offences	Acquittal or Conviction	Punishment	During trial period of Magistrate Custody of accused u/s. 428 of the Code of Criminal Procedure
1.	Rajaram Dagadu Mane	Notice Under Section 41(1) (A) of Cr. P. C.	Nil	Section 354 of the Indian Penal Code	Acquittal	Nil	Nil

Part – 'C'
List of Witness

A. Prosecution -

Sr. No.	Witness no.	Name of witness	Exhibit no.	Role of witness
1.	Witness no. 1	Victim	16	Informant
2.	Witness no. 2	Nathuram Tatu Bandal	21	Panch
3.	Witness no. 3	Kishor Chandrakant Pawar	24	Panch
4.	Witness no. 4	Vaishali Santosh Shedge	28	Witness
5.	Witness no. 5	Jayesh Madhukar Pawar	31	Witness
6.	Witness no. 6	Santosh Gangaram	36	Witness

		Shedge		
7.	Witness no. 7	Sangita Madhukar Pawar	40	Witness
8.	Witness no. 8	Savita Tukaram Sawant	42	Investigating Officer

B. Defense Witness (if any)-

Sr. No.	Witness no.	Name of witness	Exhibit no.	Role of witnesses
1.	Witness no. 1	Rajaram Dagadu Mane	50	Accused

C. Court witness (If any) -

Sr. No.	Witness no.	Name of witness	Exhibit no.	Role of witnesses
1.	Nil	Nil	Nil	Nil

List of exhibit given by the Prosecution/Accused/Court**A. Document Exhibited by the Prosecution -**

Sr. No.	Document	Exhibit number
1.	Complaint	17
2.	First Information Report	18
3.	Statement of the informant Under Section 164 of the Code of Criminal Procedure	19
4.	Marriage Invitation card	20
5.	Spot Panchnama	25
6.	Notice Under Section 41-A of the Code of Criminal Procedure	43

B. Document Exhibited by defense/accused -

Sr. No.	Document	Exhibit number
1.	Original copy of Complaint with acknowledgment on it dated 02/05/2018	51
2.	Original copy of notice received	

	from the Sub Divisional Officer and Sub Divisional Magistrate Office, Mahad Division, Mahad	52
3.	Original Copy of notice to proceed matter as per Section 107 of the Code of Criminal Procedure	53

C. Document Exhibited by Court -

Sr. No.	Document	Exhibit number
1.	Nil	Nil

D. Seized Property/Muddemal -

Sr. No.	Number	Description
1.	Nil	Nil

J U D G M E N T**[Delivered on 20th day of June 2026]**

1. The accused is booked for offence punishable Under Section 354 of the Indian Penal Code.
2. **The case of prosecution in brief is as follows :-**

The Informant/the victim and the accused are relatives of each other. The accused is brother of the father-in-law of the informant. It means accused is also father-in-law of the informant. The informant is police patil of the village Akale since 2016. On 28/04/2018 there was marriage ceremony of son of Ramesh Salunkhe at village Akale. The informant was eating food at about 12.30 p.m. at the said place of marriage. At that time Ashok Salunkhe and Jayesh Pawar had an argument over the food. The informant being police patil of the village went to settle quarrel. At

the same time the accused had also come to intervene the quarrel. While that time the accused had intentionally for 3 to 4 times touched the breast of the informant/the victim. Firstly, she ignored. But again the accused intentionally for 2 to 3 times touched the breast of the informant. Due the act of the accused, the informant felt ashamed and she pushed away the accused away by her hands. Even then the accused again come over the informant and again intentionally touched the breast of the informant.

The informant not told anybody about the said incidence being afraid for a month. She kept silence. Thereafter, after a month it became intolerable for her to keep silence. The informant then told about the said incidence to her mother. The mother of the informant asked her earlier but she did not tell anything to her. Hence, the report against the accused filed.

3. On the basis of this report, Crime Register No. 42/2018 for offence punishable Under Sections 354 of the Indian Penal Code registered against the accused. The papers in charge-sheet shows that, the Investigating Officer S. T. Sawant, Lady Police Naik/178, Mahad M.I.D.C. Police Station did investigation and presented charge-sheet against the accused on completion of investigation. During investigation she visited the spot of incidence in presence of panchas and prepared spot panchanama, collected other documents. She has recorded the statement of witnesses and arrested the accused.
4. My Ld. Predecessor has framed charge at Exh. 8 against the accused for offence punishable Under Section 354 of the Indian Penal Code,

which was read over and explained to the accused in vernacular. He pleaded not guilty and claimed to be tried vide plea at Exh. 9. I have recorded statement of the accused under Section 313 of the Code of Criminal Procedure vide Exh. 46. The accused has examined himself vide Exh. 50. The defence of the accused is of false implication, however, he has not examined any other defence witness in addition.

5. Considering the prosecution case and defence of the accused following points arose for my determination to which I record my findings thereon for reasons as follows :

<u>Points.</u>		<u>Findings.</u>
1]	Does the prosecution prove that on 28/04/2018 at about 12.30 p.m. at village Akale in the <i>mandaps</i> arranged for marriage event the accused used criminal force to the victim/informant and touched the breast for 3 to 4 times and again for 2 to 3 times with intention to outrage her modesty and thereby committed an offence punishable under section 354 of the Indian Penal Code ?	No.
2]	What order ?	As per final order.

REASONS

6. Heard arguments of both sides at the length. Assistant Public Prosecutor Shri. K. V. Kadam submitted in his final argument that, the act of the accused was intentional. He has touched breast of the victim which outrage her modesty. To prove the guilt of the accused Prosecution has examined in all 8 witnesses. Prosecution stated that, there is a delay in filing First Information Report under section

154 of the Code of Criminal Procedure. There can be a delay if the accused is relative. In the present matter the accused is relative of the victim and delay caused due to social and cultural reasons. The victim was afraid and for a month she was under depression. As pointed out by the defence copies were taken out by the victim to refresh her memories. After 6 years their statements are recorded in Court. Therefore, they cannot remember without refreshing it. The accused has two houses. One is near by house of the informant/the victim and another one in the village. This fact is brought by defence himself on record.

7. Assistant Public Prosecutor Shri. K. V. Kadam submitted further in his final argument that, Prosecution Witness no. 3 is panch witness. He has properly explain in panchnama. Photographs are not exhibited because not primary evidence. Prosecution Witness no. 3 deposed as it is, therefore, it is exhibited. Defence tried to bring political angle to the case. But not related, not proved to this case. Witness also denied being so. Prosecution Witness no. 4 is a eye witness. In his cross examination deposed that, he does not know after the evidence. It means he knows what happened at the time of evidence. He was present on the spot of incidence.
8. Assistant Public Prosecutor Shri. K. V. Kadam submitted further in his final argument that, Prosecution Witness no. 5 deposed that accused has two houses. 'झाडे लावले होते', this statement is brought by defence himself on record, therefore, no need to prove. Prosecution Witness no. 6 Shedge is also an eye witness. Defence themselves taken on record that the witness was present on the spot of incidence. This was not the question of Prosecution. Prosecution

Witness no. 7 deposed that there two different *mandaps*. Therefore, it means people were divided at two different places. Prosecution Witness no. 8 is Investigating Officer. Defence has failed to ask questions and ask reason for typographical mistake. Therefore, defence cannot take benefit of it. The Prosecution has raised question that why defence has not examine other witness and brought before Court even if they were given opportunity. The accused being in Police and as he is a retired Police has played by filing applications. If in case bond is taken it does not mean person has committed crime. The informant/the victim is a star witness, there are two eye witnesses. Defence was also admitted presence of accused on the spot of incidence. Therefore, prayed for conviction of the accused.

9. On the other hand Learned Advocate Shri. S. S. Bhise, for the accused submitted in argument that, it is a case under section 354 of the Indian Penal Code. There must be Actus plus Mensrea. It is a case of false implication. Allegation is made on the accused by the victim that the accused used to insult the modesty of the victim by making gestures which can be seen intrudes upon the privacy of the informant/the victim. But it is not proved by the Prosecution by filing any document. The said village is maternal and matrimonial house of the victim. There are many relatives of her. She has not told to anybody about 3 to 4 times touched to her breast by the accused. There is a delay of one month. Therefore, it is clear that it is a false case. Victim being on a post have knowledge of the law. Then why there is delay of one month. She has told to her mother on the day of filing First Information Report. Date on Exh. 16

deposition is 18/05/2018 and on First Information Report 31/05/2018. Marriage card at Exh. 20 discloses date as 28/04/2018 along with time of marriage 12.30 p.m.

10. Learned Advocate Shri. S. S. Bhise, for the accused further submitted in argument that, if witnesses are deposing truth then there is no need of reading or refreshing the memory. If the person is taking false he need to memorise it. If her copying application is perused it has different signature and First Information Report has different signature. Prosecution Witness no. 1 Exh. 16, her cross-examination paragraph no. 4 is important in which marriage, events after marriage like *aher*, and then food are important sequences. Paragraph no. 6 discloses 500 and more people presence. If such a big incidence happens why there are no parents, mother, sister, brother were not present because it is a false story. Prosecution Witness no. 1 stated that, her husband was not with her. In paragraph no. 7 and 8 of the Exh. 16 victim has given admission that the accused has given complaint on 02/05/2018. In that statement stated that, he has not touched breast of the victim.
11. Learned Advocate Shri. S. S. Bhise, for the accused further submitted in argument that, Prosecution Witness no. 1 in cross-examination at Exh. 16 in paragraph no. 11 admitted previous enmity. In paragraph no. 12 important admission about repeated witness summons is given. Prosecution Witness no. 7 is mother of the victim. Victim states that, at the incidence mother was not present and mother states that she was present at the incidence. As per depositions whether the accused did touch breast of the victim for 2 to 3 times or 7 to 8 times. It is a substantial evidence.

Paragraph no. 2 of the Prosecution Witness no. 7 clears that, husband of the victim and victim went to Police. But the victim says her husband was not with her. 500 plus people were present but nobody complain. Victim is jealous of prestige of the accused in the village. Panch witness are hostile. Two concocted stories are merged by every witness. Witnesses are tutted. Place of incidence, land of the Suresh Baban Kambale, but his statement was not recorded by the Police. No evidence, no primary evidence is recorded by Prosecution on record. In the statement before Police of the Prosecution Witness no. 5 there is a over writing of the date but there are no initials made. Ashok has slapped Prosecution Witness no. 5 but he has not reported the incidence. Moreover, Investigating Officer has also not investigated the said incidence. Mother of the victim states, victim told about the incidence to her husband and Prosecution Witness no. 5 states, not told to anybody about the incidence. Being brother he has not reported. Whether he was counting how many times the accused touched breast of the victim instead of reporting. He is a interested witness.

12. Learned Advocate Shri. S. S. Bhise, for the accused further submitted in argument that, Prosecution Witness no. 3 is husband of the victim's friend. He admitted that, from the *mandap* towards south there is no direct view. He was engaged in serving food and making food. Therefore, he is not a eye witness, he is a hear say witness. Investigating Officer, Prosecution Witness no. 8 not investigated properly, not investigated on delay. The informant says husband was not with her at the time of First Information Report and Investigating Officer says while reporting husband of victim was

with her. On his table work no entry is station diary. Victim has played woman card to harass the accused. Therefore, Ld. Advocate for accused prayed that, the accused be acquitted.

AS TO POINT NO. 1 :-

13. In the matter like under section 354 of the Indian Penal Code testimony of the informant or woman, is of at most important. It has to be scrutinized properly. In the present matter in my hands prosecution examined in all 8 witnesses. Almost all witnesses are from the family and close relatives of the informant. Perusal of available evidence reveals that, the incidence took at the place of the event of the marriage, where food was arranged for guests. Admittedly, the places where marriage took place and where the food was arranged for guests after marriage ceremony are different. Different places having only small road crossing in between. There were many people who were eating food who attended marriage. Prosecution had no story of isolated place. Therefore, spot of incidence is not an isolated place. As per marriage card at Exh. 20 and deposition, F. I. R. at Exh. 18, statement under section 164 of Criminal Procedure Code at Exh. 19 of the informant, marriage time was 12.35 p.m. It is admittedly deposed by every witness that after the event of marriage, guests started having food arranged for them. Victim has deposed differently from her story in her deposition and in her statement under Section 164 of the Code of Criminal Procedure.
14. The informant that is Prosecution Witness no. 1 is a respectable person of the village. When the food serving was not even started first question arises that, before the event of marriage

how did she have food, even before guests. Prosecution Witness no. 5 Jayesh is brother of the informant and he deposed in his examination-in-chief that the villagers were present there and settled the quarrel. Basic quarrel was between Jayesh Pawar and Ashok Salunke. Then, Ashok Salunke would have been present there. Ashok Salunke has not been examined by the Prosecution. Prosecution is silent about the presence of Ashok Salunke. When many villagers were present at the time of the quarrel, then it is not believable that the Investigating Officer had not find a single independent witness in the matter.

15. Prosecution Witness no. 5 Jayesh has deposed in his examination-in-chief that he saw that the accused had touched breast of the informant for 3 times intentionally. If the Prosecution Witness no. 5 being brother has gathered intention of the accused then question arises why did he not ask his sister/the informant about the said act of the accused. He has not lodged any report against accused about the act of the accused, question arises why Prosecution Witness no. 5 had not did single attempt to make her talk or why he had not to the other members of the family. What made him shut his mouth. The villagers also had not done anything for it. All these questions remained unanswered. Therefore, the intention of the accused for sexual favour from the victim or to outrage her modesty is not proved.

16. Every other witness belonging to victim stated that, the husband of the victim was with her while lodging First Information Report. But on contrary victim herself stated two different statements that, her husband was not with her while lodging First

Information Report in the deposition and contrary in the statement before Court under Section 164 of the Code of Criminal Procedure. Original copy of marriage card is filed on record is exhibited as Exh. 20, at the time of deposition of Prosecution Witness no. 1. Perusal of the marriage card at Exh. 20 reveals that date of marriage is 28/04/2018 and time of marriage event at about 12.35 p.m. It clearly means that marriage event was about 12.35 p.m. On the other hand there is no such statement by a single witness that at the time of event, food was offered to guests. But on the contrary witness deposed that, after marriage event at about 1.30 p.m. food started. But Prosecution has not proved as to whether the Prosecution Witness no. 1 was specially treated to have food even before at the time of marriage event and in what contingencies. Accordingly, to Prosecution story and facts of the case later the quarrel started after the event of marriage when guests were served with food.

17. Prosecution Witness no. 7 mother of victim, stated in her examination-in-chief that, “paragraph no. 2 राजाराम माने पिडीत हिला म्हणाले होते की, तुला समजतं का कोणत्या व्यक्तीशी तु बोलतसे, ते जिल्ह्याचे अध्यक्ष आहेत. त्यावर पिडीत त्यांना बोलली होती की, भानगड कोणाची व माझे छातीवर हात का टाकता”, is a addition in the form of contraction. On the contrary Prosecution Witness no. 7 admitted presence of husband of the victim at place of incidence. Prosecution Witness no. 7 admitted that, food was served to guests after event of marriage. Prosecution Witness no. 7 denied that after One Month of incidence the victim told about incidence to Prosecution Witness no. 7. Ld. Advocate for the accused through leading questions brought on record that the Criminal case was

lodged against the father of the victim by woman in village and he is acquitted from the case. But in present case it is not relevant in any manner.

18. Defence has examined accused on oath. In which the accused has stated in examination-in-chief at Exh. 50 that, after the event of marriage at about 1.30 p.m. food was started. Quarrel started upon food counter. The accused interfere and settled quarrel between Jayesh Pawar and Ashok Salunke. He stated that, victim came after incidence and started abusing. The accused tried to calm her being relative. At that time 30-35 people Ramesh Rambhau Sondkar, Reshma Ashok Salunke, Sandhya Ashok Salunke are present on the spot. Victim holded the collar of the accused, assaulted and used abused language him. After the said incidence the accused went to Police to lodge his complaint but Police refused to file.
19. The accused has produced on record original copy of Complaint dated 02/05/2018 at Exh. 51. He has shown received/acknowledgment. He forwarded copies of complaint at Exh. 51 to Mahad M. I. D. C. Police Station, Deputy Superintendent of Police Office and Collector. The accused has filed notice from Sub Divisional Office, Mahad to him and victim at Exh. 52. Tahsil document copy at Exh. 53.
20. Prosecution Witness no. 2 spot panch has not supported Prosecution. It can be gathered from the deposition of Prosecution Witness no. 3 that the spot of incidence was not a isolated place. During the cross-examination of the Prosecution Witness no. 3, he has deposed that for the first time he heard name of Smt. S. T. Sawant and he does not know full name of that person. After

perusal of panchnama at Exh. 25 reveals that, he seen signature of another panch named Bandal and witness Police Investigating Officer. Prosecution failed to produce on record primary evidence as to photograph according note taken by my Ld. Predecessor. Till date Prosecution has not produced primary evidence regarding photograph. Therefore, photographs are not proved and therefore cannot be considered. It is also not proved by Prosecution that panch witnesses were independent and respectful persons as per provisions in law.

21. Prosecution Witness no. 4 is childhood friend of the informant. Just because she is childhood friend and resides in same village cannot be said interested witness. But Prosecution Witness no. 4 has admitted in her cross that, no case filed regarding quarrel between Jayesh Pawar and Ashok Salunkhe. Prosecution Witness no. 4 has not clearly stated that she was present on spot and saw incidence. She failed in Court to depose about intentional act of the accused rather she contended about the act and not about intention. Prosecution Witness no. 4 also admitted that, there were 2 mandap and she was busy in food as a caterers.

22. In the case under section 354 of the Indian Penal Code for outraging modesty, Court can convict an accused base solely on the victim's testimony, even without corroborating witnesses, provided her statement is trustworthy. If the victim makes contradictory statements, her credibility drop and the Court will likely require independent evidence to support her claims. When statement of victim contradict each other example between her First Information Report, her statement under Section 164 of the Code of Criminal

Procedure and her testimony in the Court evaluates the situation with caution. Due to contradiction, the Court will no longer rely solely on her words. Admittedly there is a delay of one month in lodging First Information Report. Even if Court take it liberally, victim's testimony due to contrary statements according to situations is not worthy. Delay reason after pointing out explained as a period of depression for the victim. If the victim was in depression for a month Prosecution has failed to bring on record documentary proof as to her medical treatments, absence from her work. Prosecution has also failed to file on record documentary proof as to residence of accused and documentary proof of his two houses.

23. Prosecution Witness no. 5 is a Jayesh Pawar. He is as per facts of the case person who's quarrel was first incidence. He as one of the villagers was serving food to guests. Victim is sister of the Prosecution Witness no. 5. He deposed in examination-in-chief that, he saw accused touched intentionally breast of the victim for 3 times. People were present in crowd at the place of incidence. Prosecution Witness no. 5 in his cross-examination admitted that he has not filed any report or complaint regarding slap to him by Ashok Salunke. Prosecution Witness no. 5 admitted his addition of "4th paragraph lines" as contradiction. Prosecution Witness no. 5 added word "intention" before Court for the first time. He also admitted that he not told the word "intentionally" to Police. This is need to be consider, as the present case moves around the word "intention". If Prosecution Witness no. 5 saw the act of the accused, he did not lodge complaint. Prosecution Witness no. 5 admitted presence of

parents at the marriage event and presence of 300 to 400 people, also presence at the time of food.

24. Prosecution Witness no. 6 stated that food was started at place at about 1.00 p.m. He saw the accused touching victim's breast for 3 times and then the accused pushed the victim. He is caterer and was having order of food in said marriage. In his cross examination he deposed that, there are 2 different mandaps, one of food and other on for marriage event, there was one road distance between them. Distance by which place or person cannot see or know situation in other mandap. In Examination-in-chief of Prosecution Witness no. 6 stated that, Police recorded his statement and in cross-examination admitted that, Police has not recorded his statement. He admitted presence of 500 to 600 people presence for event. He also admitted that everyone except husband of victim were present for marriage.
25. Prosecution Witness no. 8 is Investigating Officer. Prosecution Witness no. 8 admitted in her cross-examination that, she has not investigated about the delay in lodging First Information Report though it is impactful and most important point to be investigated. Investigating Officer has failed to record statements of people at who's house marriage event and people in *varat*. She has also not given any reason for such failure. Prosecution Witness no. 8 stated that she does not know the complaint of accused in respect of criminal assault to the accused by the victim. Being Investigating Officer, it is expected from Prosecution Witness no. 8, she would have knowledge about it. Prosecution Witness no. 8 Investigating Officer has not filed copy of case diary in the matter. Prosecution

Witness no. 8 Investigating Officer admitted that, after the event of marriage it took 2 to 3 hours to start food. Prosecution Witness no. 8 being Investigating Officer has not investigated about the “intention” of the accused and delay reason for First Information Report.

AS TO POINT NO. 2 :-

26. It seems as after thought story. Intention is not proved. Case seems to be a concocted story. The prosecution has failed to bring evidence on record to prove guilt of the accused beyond reasonable doubt. Thus, being consistent with my above reasoning, the accused is entitle for acquittal. Hence, I proceed to pass order as follows :-

:: ORDER ::

1. The accused Rajaram Dagadu Mane is acquitted for the offence punishable Under section 354 of the Indian Penal Code vide section 248 (1) of the Code of Criminal Procedure, 1973.
2. Bail bonds of the accused stand cancelled.
3. The accused is directed to furnish P B. & S. B. of Rs. 10,000/- in compliance of Section 437-A of the Criminal Procedure Code.

Mahad
Date – 20/06/2026

(Smt. P S. Mali)
Judicial Magistrate First Class,
Mahad

CERTIFICATE

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

(a)	Name of the Stenographer	:	Smt. P B. Ringe
(b)	Presiding Officer	:	Smt. P S. Mali Jt. Civil Judge J. D. & J.M.F.C., Mahad
(c)	Judgment /Order signed by P. O. on	:	20/06/2026
(d)	Judgment /Order uploaded on	:	20/06/2026