

MHSO050010632017



Received on : 18.08.2017

Registered on : 18.08.2017

Decided on : 20.06.2026

Duration : 08Y, 10M, 02D

Special Case (Atrocities) No.40/2017

Exh.45

Form No.XXXII

Part 'A'

(Title Page of Judgment)

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

	IN THE COURT OF SPECIAL JUDGE (ATROCITIES), AT PANDHARPUR, DISTRICT - SOLAPUR Present : Smt. T. G. Mitkari Special Judge (Atrocities) (Special Case (Atrocities) No.40/2017) Date of the Judgment – 20.06.2026 (FIR No.226/2017 punishable under Sec.153(a), 338 Read With Sec.34 of Indian Penal Code and Sec.3(1) (u), 3(1)(y), 3(2)(va) & 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Sec.7(1)(d) of Protection of Civil Right Act, 1955 registered with Police Station Taluka, Pandharpur)
COMPLAINANT	: The State of Maharashtra, Through police station officer Taluka, Pandharpur Police Station
REPRESENTED BY	: Shri. Wangikar & Shaikh Learned Public Prosecutor for the State
ACCUSED	: 1 Birudev Shivaji Saptal, Age – 21 years, Occ. Labour, 2 Bhagwan Vitthal Palase, Age – 29 years, Occ. Agri. 3 Audumbar Pandurang Patil, Age – 36 years, Occ. Agri. R/o.Tapkirishetphal, Tal. Pandharpur, Dist. Solapur
REPRESENTED BY	: Advocate Shri.T. U. Sardar

Part 'B'

(Para 44(ii) of C of the Scheduled Castes & Scheduled Tribes
(Prevention of Atrocities) Act, Chapter VI of Criminal Manual)

Date of Offence	30.04.2017
Date of FIR	01.05.2017
Date of Charge-sheet	14.08.2017
Date of Framing of Charge	09.06.2026 as per pursis Exh.44
Date of commencement of evidence	11.04.2022
Date on which judgment is reserved	20.06.2026
Date of the Judgment	20.06.2026
Date of the Sentencing Order, if any	--

Accused Details

Rank of the Accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
1	Birudev Shivaji Saptal, Age – 21 years, Occ. Labour, R/o.Tapkiri shetphal, Tal.Pandharpur, Dist. Solapur	01.05.2017	12.05.2017	Sec.153(a), 338 r.w. Sec.34 of IPC & Sec.3(1)(u), 3(1)(y), 3(2)(va) & 3(2)(v) of SC and ST (P of A) Act, 1989 & Sec.7(1)(d) of Protection of Civil Right Act, 1955	Acquitted	--	--
2	Bhagwan Vitthal Palase, Age – 29 years, Occ. Agri. R/o.as above	01.05.2017	12.05.2017	As above	Acquitted	--	--
3	Audumbar Pandurang Patil, Age – 36 years, Occ. Agri. R/o.as above	01.05.2017	12.05.2017	As above	Acquitted	--	--

Part 'C'

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

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

RANK	NAME	EXH.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
1	Annasaheb Damodar Kamble	5	Informant
2	Subhash Shrimant Pawar	7	
3	Jagannath Aagatrao Kamble	12	
4	Bapu Tukaram Sonwale	14	
5	Mahindra Haridas Kamble	15	
6	PC Vinod Sitaram Chougule	17	Police Official
7	Dr. Yogeshwari Uddhav Mane	19	Medical Officer
8	Shabnam Salim Shaikh	23	Police official
9	Nikhil Nandkumar Pingale	27	Investigating Officer

B. Defence Witnesses, if any :

RANK	NAME	EXH.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW-1	Nil.	----	----

C. Court Witnesses, if any :

RANK	NAME	EXH.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW-1	Nil.	---	---

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

Sr. No.	Exhibit Number	Description
1	6	Report
2	6	Caste Certificate
3	8	Spot Panchanama
4	20	Medical Certificate of Bapu Sonwane
5	28	Authority letter to investigate crime
6	29 & 30	Letter to Collected by I. O.
7	31	Letter to Tahsildar by I. O.
8	32 to 34	Arrest panchanamas
9	32	Letter to Gramsevak by I. O.

B. Documents admitted under section 294 of the Code of Criminal Procedure, 1973 :-

Sr. No.	Exhibit Number Admitted by Defence	Description
1	--	--

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	37 to 39	Statement u.Sec.313 of Cr.P.C.

D. Material Objects :

Sr. No.	Material Object No.	Description
1	Article A	Caste Certificate of Bhagwant Palase
2	Article B	Caste Certificate of Saptal Birudev
3	Article C	School Leaving Certificate of Audumbar Pandurang Patil
4	Article D	Caste Certificate of Sonawale Daji Tukaram

JUDGMENT

(Delivered on 20.06.2026)

Case of prosecution which gave rise against accused of this Special Case based on the report lodged by informant Annasaheb Damodar Kamble on 01.05.2017 giving rise to registration of crime No.226/2017 for the offence punishable under Sec.153(a), 338 Read With Sec.34 of Indian Penal Code and Sec.3(1)(u), 3(1)(y), 3(2)(va) and 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Sec.7(1)(d) of Protection of Civil Right Act, 1955.

2 The informant in the report lodged claimed that on 30.04.2017, the informant along with Maruti Babu Gade, Grampanchayat peon Jagannath Kamble, Mahendra Kamble were cutting the tree branches for scheduled village procession of Dr. Babasaheb Ambedkar at about 11.00 a.m., near the house of Bhagwan Palashe, accused No.1 Birudev threatened them that he would not allow to pass

procession from his place. The informant and others cutting the tree branches of the trees standing in front of house of Birudev Saptal, as per allegations of report lodged, Birudev abused to the member of Grampanchayat i.e. sarpanch and Gramsevak. That Birudev asked them who permitted them for cutting the trees. He further threatened informant and others that he will see how the procession proceeds. This incident was reported to the President, of committee for celebration of Dr. Babasaheb Ambedkar Anniversary.

3 It is further alleged that at about 4.00 p.m. the villagers Audumbar Patil, Khandu Mane, Ramchandra Aldar came in Shivaji chour. At that time Audumbar Patil by pointing out to the informant threatened that how can they proceed procession and will attack by sticks on procession and made abuses on caste looking at the Photo Frame of Dr. Babasaheb Ambedkar.

4 It is further alleged that at about 6.00 p.m. the procession was started under police vigilance. It reached in front of house of Birudev Saptal at about 8.30 p.m., at that time from the direction of barren land of Khandekar one stone pelted and it cause head injury to Bapu Sonwane. Police and others took search of the person who pelted the stone but could not trace him.

5 The prosecution case is that after completion of procession, informant and others upon discussion as to find out who thrown the stone which cause injury to Bapu Sonwane, the discussion concluded which suspicion that Birudev Saptal, Bhagwan Palashe, Audumbar Patil

by taking disadvantage of darkness had pelted the stone, on its basis, lodged report, accused were arrested in the crime.

6 On registration of offence the Investigating Officer, injured witness was referred for medical examination, spot panchanama was effected and Investigating Officer recorded statement of witnesses, obtained Caste Certificate, other documents of the informant. On completion of investigation, charge-sheet came to be filed before Special Court.

7 The recorded pleas of accused No.1 to 3 was part of record but the Charge framed against accused was not available on record to fill this lacuna, of the record, this Court prepared the charge vide Exh.40 and particulars against accused No.1 to 3 for the offence punishable under Sec.153(a), 338 Read With Sec.34 of Indian Penal Code and Sec.3(1)(u), 3(1)(y), 3(2)(va), 6, 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Sec.7(1)(d) of Protection of Civil Right Act, 1955. The accused have denied the charges levelled against them and claimed to be tried. Learned APP and Learned Advocate for the accused No.1 to 3 filed joint pursis to the effect that they do not want to adduce additional evidence on correction of record i.e. preparation of charge in the trial at this fag end of the litigation.

8 Prosecution adduced evidence of informant and eye witnesses in support of charge framed which was challenged in the cross-examination as per the defence raised, the evidence and cross-examination conducted were the part of arguments on fact as well as

submissions on law point. The thoughtful consideration to the arguments of the Learned APP and Learned Advocate for the accused gave rise to frame following points for my determination along with the findings thereon.

Sr. No.	POINTS	FINDINGS
1	Whether the prosecution proved that the accused No.1 to 3 promoted the feelings of enmity against members of scheduled Caste ?	In the negative
2	Whether prosecution proved that accused Number 1 to 3 had denied customary right of passage to the place of public resort to member of Scheduled Caste ?	In the negative
3	Whether the prosecution proved that accused Number 1 to 3 had knowledge that the informant and others member of Scheduled Caste even that they committed the offence under Provision of Indian Penal Code ?	In the negative
4	Whether the prosecution proved that accused Number 1 to 3 gave provocation to cause riot ?	In the negative
5	Whether the accused No.1 to 3 caused hurt of endangering life and personal safety of others ?	In the negative
6	What order ?	As per final order.

REASONS

As to point No.1 to 6 :

9 The offence and sections attracted in the crime falls within continuation of incidents dated 30.04.2017 at different time but it needs

appreciation of facts and evidence in common, therefore, to avoid the repetition of discussion on evidence as to the facts alleged point No.1 to 6 are taken together for discussion.

10 The prosecution has relief on the evidence adduced on record prosecution witnesses No.1 to 9.

11 The evidence of PW1 Annasaheb Damodar Kamble informant of the crime. PW3 Jagannath Aagatrao Kamble, and Mahindra Haridas Kamble PW5 are cited as eye witness of the crime. The evidence of these witness on the point that on 30.04.2017, they had been near the house of Bhagwan Palase. That time he obstructed them from cutting the branches of the trees nearby road to clear the road for the proposed procession of Dr. Babasaheb Ambedkar Anniversary. It is evidence of these witnesses that accused Bhagwan had stated that he will not allow the procession to proceed. Further evidence on record of these witnesses, reveals that they had been to near the house of Birudev Saptal, however, he came and abused to them and also to the Sarpanch and other member of Gram panchayat. He also said that he will not allow to proceed the procession.

12 On this first part of the fact, PW1 informant had narrated the incident occurred in front of both accused persons No.1 and 2 but PW3 and 5 had narrated the incident occurred near the house of accused No.1, these two witnesses had not narrated the role of accused No.2 as regard to the first incident alleged to have occurred on 30.04.2017 in front of house of accused No.2 Bhagwan in regard to obstruction to cut the branches of tree for procession.

13 The second set of facts is as per deposition had occurred in between at about 8.30 p.m. when the procession reached in front of house of accused No.1 Birudev Saptal at that time as per evidence of informant stones were pelted from the side of old house of accused No.1 which cause injury to Bapu Sonwane. Witness Bapu Sonwane is PW4 supported the informant to that effect and he affirmed that he sustained injury due to stone. However, PW4 had not disclose the name of assailant in his evidence recorded vide Exh.14.

14 On this part of stone pelting prosecution witness No.3 has not supported and corroborated the version of informant however, the PW5 had supported the version of informant on this point. So also PW7 Dr. Yogeshwari Mane had deposed on record to prove the injury certificate of Bapu Sonwane at Exh.20 and it is expert evidence that simple injury sustained to the injured can be caused by the stone.

15 The informant in his evidence proved the contents of FIR Exh.6, his supplementary statement was recorded by police gave rise to police to registration of crime under the Special Act.

16 The allegations as to the Special Act are supported by prosecution by adducing the evidence of informant to which informant supported in his examination in chief and had proved the caste certificate at Exh.6. In this regard the evidence of PW2 panch witness Subhash Shrimant Pawar is adduced to prove the spot of incident with spot panchanama Exh.8. The eye witness PW3 has disputed his presence on

the spot. The evidence of PW4 is limited to point of sustaining injury. PW5 had not uttered any incriminating evidence as to the proof of charges framed against the accused for commission of offences under Provisions of SC / ST Act.

17 PW6 Vinod Sitaram Chougule and Nikhil Nandkumar Pingale (PW9) are police witnesses. PW6 were present on the spot however, his evidence is silent as to the incriminating part of the evidence against the accused. Though it is supported the prosecution only to the extent that procession was continued and at about 8.00 p.m. when he reached to Biroba Mandir, one stone came and beat to Bapu Sonwane.

18 The Investigating Officer who had registered the crime before the sections of Special Act were attracted had admitted that informant has lodged report as per Exh.6. Nikhil Nandkumar Pingale PW9 had conducted the investigation of the crime since 02.05.2017 after addition of sections, he collected the caste certificate of the informant and accused, sketch map of the spot exhibit 31 and arrested the accused vide arrest panchanama Exh.32, 33 and 34. This incriminating evidence on record challenged in cross-examination.

19 In cross-examination of the informant and other witnesses, it is brought on record that prior permission for the procession was obtained and one police inspector and seven to eight police constable were present during the procession wherein 500 to 600 villagers were participated but however, he had not made complaint at that time alleged

to have occurred about 4.00 p.m. in Shivaji chowk that accused No.1 to 3 had hurled abuses by looking at Photo frame of Dr. Babasaheb Ambedkar and also threatened to informant and others and thereby had committed offences under Special Act.

20 In reference to the alleged act of pelting stone, it is admitted to the informant that many houses in the village are in dilapidated condition but still it is use for residence. In cross-examination of PW5 it is brought on record that Birudev Saptal resides in Gurav Galli, it is at distance from Birudev Mandir.

21 In the arguments advanced on behalf of accused No.1 to 3 that the material admissions extracted from cross-examination of the informant and other witnesses are highlighted. In further argument, it is raised that admittedly, it is not case of the prosecution that at the time of incident that objection to the cutting trees the abuses were on caste or religion to humiliate the member of Scheduled Caste. The incident alleged to have occurred at about 4.00 p.m. is challenged first on the point that at first instance of lodging report by the informant before recording his supplementary statement on 01.05.2017 after lodging of report at Exh.6 creates doubt on the intention of informant which reflects his grudge against accused persons to implicate them in the crime under Special Act.

22 These arguments of the Learned Advocate for the accused if tasted on the quality of evidence adduced on record, then it is evident that at first instance even when police were present in the village,

informant had not lodged report either of obstruction for cutting trees or abuses on caste to humiliate the members of Scheduled Caste. Moreover, there is no corroborative and material evidence available on record to support the contention of informant. Though as per the story of prosecution allegations of the informant that more than 300 to 400 person were present for procession as well as eye witnesses was present at the time of occurrence of incident in the morning at 4.00 p.m. on the day of incident then also those witnesses have not come forward to adduce evidence. Thus none of the eye witness who adduced evidence on record is supporting to the informants evidence in material evidence as to bring out the proof of fact in support of charge framed either for commission of offence under sections of IPC or for establishing the proof of fact beyond all reasonable doubt for commission of offences under the Special Act.

23 The discussion based on alleged facts, incident occurred and evidence adduced on record the appreciation thereof leads to conclusion that prosecution evidence is not sufficient to prove the guilt of accused No.1 to 3 for commission alleged act to promote the feelings of enmity against members of scheduled Caste, denied customary right of passage to the place of public resort, to member of Scheduled Caste i.e. the informant and others, and they committed the offence under Provision of Indian Penal Code, to cause riot, with hurt of endangering life and personal safety of others.

24 In conclusion of the discussion, it leads to findings on point No.1 to 5 in the negative and in answer to point No.6, I proceed to pass following order.

ORDER

- 1 The accused No.1 Birudev Shivaji Saptal, No.2 Bhagwan Vitthal Palase and No.3 Audumbar Pandurang Patil, All R/o.Tapkirishetphal, Tal. Pandharpur, Dist. Solapur stands acquitted in Crime No.226/2017 registered with Police Station Taluka Pandharpur for the offences punishable under Sections 153(a), 338 Read With Sec.34 of Indian Penal Code and Sec.3(1)(u), 3(1)(y), 3(2)(va), 6, 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Sec.7(1)(d) of Protection of Civil Right Act, 1955 vide Section 235(1) of Code of Criminal Procedure.
- 2 Bail bonds of accused No.1 to 3 stands cancelled and surety discharged.
- 3 The accused No.1 to 3 shall execute the bail bond of Rs.50,000/- (Rs. Fifty Thousand) each and shall furnish surety of like amount each to appear before the Appellate Court in compliance of Section 437(A) of Code of Criminal Procedure for six months.
- 6 The judgment dictated and pronounced in open Court.

Date – 20.06.2026

(Smt. T. G. Mitkari)
Special Judge (Atrocities), Pandharpur

CERTIFICATE

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

- a) Name of the Stenographer : S. A. B. Shaikh, Steno, Grade - I
- b) Court :Additional Sessions Judge, Pandharpur
- c) Date of Order : 20.06.2026
- d) Order signed by the : 20.06.2026
Presiding Officer on
- e) Order uploaded on : 20.06.2026