

MHYA010022122025



Received on : 15/10/2025

Registered on : 17/10/2025

Decided on : 08/04/2026

Duration : 00Y 05M 23D

Exh. No. 10

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, YAVATMAL,
DISTRICT YAVATMAL.**

(Presided over by S.U. Baghele)

Criminal Appeal No.37/2025

Niranjan @ Virendra Maroti Parache,
Aged about 32 years,
Occupation : Labourer,
R/o : Rajegaon, Tq. Ghatanji,
District Yavatmal.

**.....Appellant/
Original accused**

..Vs.

The State of Maharashtra,
Through Police-station
Ghatanji, Tq. Ghatanji,
District Yavatmal.

**.....Respondent/
Original prosecution.**

Learned advocate for the appellant : Shri Rajesh Chavhan.

Learned PP. for the respondent : Sau. N.N. Dave.

ORAL JUDGMENT
[Delivered on 08/04/2026]

1. This appeal came to be preferred against the judgment and order, delivered and passed in Regular Criminal Case No. 522/2020, on 08.10.2025, by the learned Judicial Magistrate, First Class, Ghatanji, District Yavatmal, whereby the learned Magistrate convicted the appellant/original accused of the offence punishable under Section 354 of the Indian Penal Code, 1860 (Hereinafter referred to as 'the IPC' for sake of brevity), and sentenced him to undergo rigorous imprisonment for a term of one year, apart from the sentence of fine of Rs. 3,000/-, together with a default clause. The parties herein are being referred to hereinafter, as per their original designations before the learned trial court, as 'the prosecution' or 'the accused', as the case may be, for the sake of convenience. With a view to suppress the identity of the victim, the names of the victim / informant and her husband are being suppressed herein, and they are being referred to hereinafter as 'the victim' or 'the informant' and 'PW2 husband', as the case may be.

2. The factual matrix, which has not been disputed to, is to the extent that the accused and the victim are the residents of village Rajegaon, Tq. Ghatanji, District Yavatmal, and are known to each other.

3. According to the prosecution, on the fateful day of incident, i.e. on 13.01.2020, around 01.00 p.m., the victim proceeded to her agricultural land with her son, who was holding a pair bullocks. The victim proceeded by a pathway, whereas her son proceeded by a

cart road. The pathway was passing through a canal (Nala). While the victim was crossing the canal, the accused appeared over there all of a sudden, and he embarrassed the victim and pressed her breast. The victim raised an alarm, whereupon the accused fled away therefrom. The victim rushed to her daughter-in-law, who was plucking cotton at an adjacent land. The victim narrated the incident to her. The son of the victim approached her, noticing that she had not reached her agricultural land. Thereafter, the victim returned back to her residence, with her son. After her husband returned back to home, she apprised him of the entire episode, by unveiling her ordeal. Thereafter, the law was set into motion, by lodging a report with police-station Ghatanji at 07.30 p.m. on the same day, although the police-station was situated at the distance of 30 kms. from the scene of occurrence. On the strength of the said report, an offence came to be registered against the accused, bearing crime No. 14/2020, for the offences punishable under sections 354, 354(b) and 506 of the IPC. Investigation officer Ramesh Bandedar recorded the statements of witnesses. He got the statement of the victim recorded by a judicial magistrate. He arrested the accused. He prepared a spot panchanama in the presence of panchas. Upon the completion of the investigation, the accused came to be charge-sheeted before the court of JMFC, Ghatanji, for the offences punishable under sections 354, 354(b) and 506 of the IPC. Charge came to be framed against the accused for the offences punishable under sections 354, 354(b) and 506 of the IPC. The contents therein came to be read over and explained to the accused in vernacular, whereupon he pleaded to be not guilty, and preferred to face the trial.

4. The defence taken by the accused, in the suggestions put to the prosecution witnesses and the statement of the accused, recorded under Section 313 of the Code of Criminal Procedure, 1973, (Hereinafter referred to as 'the Cr.P.C.' for short) was that of total denial. It was his specific defence that the Bachat Gat work of the victim went to the wife of the accused. There was an old enmity between the victim and the wife of the accused. Consequently, the accused came to be falsely implicated.

5. Upon considering the respective contentions of the parties, the oral and the documentary evidence, and upon hearing the arguments advanced, the learned trial court convicted and sentenced the accused, as mentioned hereinbefore, vide the impugned judgment and order, which is impugned in this appeal, *inter alia* on the grounds that the learned trial court failed to appreciate the facts, the evidence and the legal provisions, in proper perspective. The accused was acquitted of the offences punishable under sections 354(b) and 506 of the IPC.

6. Looking to the contrary contentions, the evidence led and the arguments advanced, on behalf of both the parties, the following points cropped up for my determination, and I record my findings thereon, with the reasons to follow thereunder.

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
(1)	Whether the prosecution proved that the accused assaulted or used criminal force to a woman, intending to outrage her modesty or knowing it to be likely that he will thereby outrage her modesty ?	In the affirmative.

- (2) Whether the impugned judgment and order warrants any interference ? In the negative.
- (3) What order? As per the final order

: REASONS :

AS TO THE POINT NOS.1 TO 3 :-

7. Heard Shri Chavhan, the learned counsel for the appellant/original accused, and Sau. Dave, the learned P.P for the respondent/original prosecution.

8. It is submitted by Shri. Chavhan, the learned counsel for the appellant/original accused, that there is inordinate delay in the lodging of the FIR, which is not explained. PW2 is an interested witness, being the husband of the victim. The other two witnesses did not support the prosecution, due to which, the spot panchanama is not proved. The investigating officer is not examined. There are material omissions and contradictions. There is an omission in the statement of the victim that her daughter-in-law offered water to her. Her daughter-in-law is not examined, although she was the best witness. No independent witness came to be examined, to prove assault or use of criminal force. There is no medical evidence to show the use of criminal force. There must have been the signs of violence on the body of the victim. Abstention from medical examination casts a serious doubt. As the accused is acquitted of the other offences, it is not proper to convict him under section 354 of the IPC. A false report came to be lodged against the accused to take revenge, due to the loss

of work of Bachat Gat. The evidence of the victim is not supported by any oral, documentary or medical evidence. No fair and proper trial was held. A wrong conclusion has been arrived at by the learned trial court. The witnesses are interested witnesses. The guilt of the accused is not established beyond reasonable doubt, due to which, the accused may be acquitted.

9. *Per contra*, it is submitted by the learned PP for the respondent/original prosecution, that the victim deposed about the incident and denied the suggestions put to her. There was no reason for her to implicate the accused, falsely. Her husband also denied the adverse suggestions put to him. Conviction can be based upon the sole testimony of the victim, in sexual offences. There is no material omission. The report was lodged without delay. She submitted that the appeal may be dismissed.

10. PW3 Ratnakar Ghode, the police Patil cum spot panch, testified in his examination-in-chief that the contents of the spot panchanama Exh.37 are correct. However, he admitted in his cross-examination that he merely signed the spot panchanama, and that, he was not possessed of the knowledge regarding the contents therein. In an identical manner, PW4 Santosh Todsam echoed to the extent that the spot panchanama bears his signature, but he is not aware of the contents therein. The efforts taken by the learned PP to put leading questions to him also proved to be futile, as nothing material could be elicited through him. Thus, it is seen that neither of the spot panchas supported the prosecution. Notwithstanding the fact that the spot panchanama could not be proved by the prosecution, as none of the

panch witnesses supported the same and as the investigating officer could not be examined, the same cannot be fatal to the case of the prosecution in any manner, for the simple reason that the proof or otherwise of the scene of occurrence cannot be said to be *sine qua non* for the proof of *factum* of the commission of the crime.

11. Regarding the question of examination or otherwise of the investigating officer, the learned trial court appears to have taken note of the death certificate Exh.40, whereby the investigating officer appears to have been reported to be dead. Hence, there was absolutely no question of the investigating officer being examined, as sought to be impressed upon, by the learned counsel appearing for the accused.

12. PW1 victim / informant is the star witness, examined by the prosecution. She deposed in her examination-in-chief that on 13.01.2020, around 01.00 p.m., her son proceeded with a pair of bullocks by a cart road, whereas she herself proceeded by a pathway. While she was crossing a canal, on the way, the accused approached in front of her and pressed her breast and embarrassed her, and attempted to cause her to fall down. When she raised an alarm, the accused left the scene of occurrence. The victim got frightened, and she rushed to her daughter-in-law, who was plucking cotton at an adjacent agricultural land. The victim narrated the incident to her daughter-in-law. Her daughter-in-law offered water to the victim. The son of the victim reached over there, in search of the victim, whereafter the duo left for their residence. After the husband of the victim reached home, the victim apprised him of the entire episode, she was subjected to. Thereafter, the report Exh.30 and the FIR Exh.31

came to be lodged with the police. Her statement Exh.32 was recorded by the learned magistrate.

She admitted in her cross-examination that her Bachat Gat work went to the wife of the accused. She denied the other suggestion that there was quarrel *inter se* the victim and the wife of the accused. She denied the suggestion that as there was old enmity *inter se* the victim and the wife of the accused, the victim lodged a false report with the police.

13. It is seen from the testimony of PW1 victim that she narrated the incident in quite a natural manner. Her testimony is clear and convincing. Except the *factum* of there being the loss of work of Bachat Gat, she did not admit any of the other adverse suggestions, as sought to be put to her, thereby denying the existence of any enmity *inter se* her and the wife of the accused. The fact, which cannot be lost sight of, is that a woman would not ordinarily put forth her honour and dignity as a tool, for the purpose of taking any revenge, in relation to enmity. The other facet of the scenario, that has also to be paid attention to, is that there is absolutely no suggestion put to the victim on behalf of the accused that there was the existence of any enmity between the victim and the accused, directly, *de hors* the defence that there was enmity *inter se* the victim and the wife of the accused. It would not be out of the context to pen down here that a human being is not expected to falsely implicate the spouse of her enemy, by sparing her enemy, *in toto*. Here is the case, wherein the victim did not level any allegation *qua* the wife of the accused, with a view to implicate her, notwithstanding the existence of the alleged enmity *inter se* the duo. In the light of this factual matrix, the only unequivocal inference,

that can be arrived at, is that the defence taken by the accused is not probable, at all, apart from the foregoing observations, that a woman would not think of setting the law into motion by putting her honour and dignity at stake. The testimony of the victim inspires the confidence of this court. She appears to be a truthful witness, thereby demanding credence. Apart from the same, the fact, which deserves to be taken note of, is that the report Exh.31 was lodged by the victim within six hours from the time of occurrence, although the police-station appears to have been situated at the distance of 30 kms. from the scene of occurrence. The testimony of the victim further appears to have been corroborated by the report lodged by her at Exh.31 and her statement recorded by the learned magistrate at Exh.32, as to the material particulars deposed to by her.

14. PW2 husband corroborated the testimony of PW1 victim, to certain extent, by testifying in his examination in chief that the victim narrated him, on the fateful day of the incident, that the accused established a touch between his body and the body of the victim and attempted to make her fall down on the ground. He denied the relevant suggestions put to him in the cross-examination, as regards the alleged enmity. His testimony remained to be unshattered in the cross-examination.

15. The learned magistrate, vide the impugned judgment, appears to have taken into consideration the *factum* of the lodging of the report, promptly. It further appears to have observed that the victim cannot put her character at stake, at the cost of her reputation. It further appears to have observed that the victim was firm on her

own stand, and that, corroboration to her testimony was not warranted. This court does not find any error, having been committed by the learned magistrate, while making these observations, nor this court finds any error in the ultimate conclusion arrived at by the learned magistrate, that the commission of the offence punishable under section 354 of the IPC is duly proved against the accused.

16. There is absolutely no substance in the submission made by Shri Chavhan, the learned counsel for the appellant / original accused, that there was unexplained inordinate delay in the lodging of the FIR, for the simple reason that there was absolutely no delay in the lodging of the FIR. *Per contra*, the FIR appears to have been lodged promptly, on the very day of the incident. There is no substance in the submission that the witnesses are interested witnesses, for the simple reason that there is absolutely no reason forthcoming for the victim or her husband to implicate the accused falsely, so as to brand them as interested witnesses. Regarding the submission that there is a material omission, as to whether the daughter in law of the victim offered her water or not, it has to be observed that the said omission is totally trifle in nature, which does not at all reach to the root of the case, muchless to displace the case of the prosecution. There is no substance in his next submission that the daughter in law of the victim was the best witness, for the simple reason that she was not the witness to the incident, although she could have been examined by the prosecution, for enabling her to depose before the court, as to what was narrated by the victim to her, soon after the incident. However, the *factum* of her non examination cannot *per se* displace the case of the prosecution. There is no

substance in his next submission that independent witnesses should have been examined, for the simple reason that there was absolutely no independent witness available, relating to the incident. There is no substance in his next submission that there must have been the signs of violence on the body of the victim, more particularly, in the circumstances that the violence was not of a such gravity, as to leave any sign of violence on the person of the victim. There is no substance in his next submission that the accused should not have been convicted of the offence punishable under section 354 of the IPC, only because the commission of the other offences could not be established against him. There is no substance in his next submission that there should have been corroboration to the testimony of the victim. It is no more *res integra* that a single testimony, which inspires the confidence of the court can *per se* be sufficient to warrant conviction, without any further corroboration thereto. There is no substance in his next submission that a fair and proper trial is not held or that, the guilt of the accused is not established. I am in agreement with the submission made by the learned PP that conviction can be based upon the sole testimony, more particularly, in the sexual offences. I am in agreement with her further submission that there was no reason for the victim to implicate the accused, falsely.

17. In the light of the foregoing observations, I do not find any error having been committed by the learned magistrate in convicting the accused. Insofar as the sentence, as awarded by the learned magistrate, is concerned, the learned magistrate appears to have sentenced the accused to undergo rigorous imprisonment for a term of one year, apart from the direction to pay fine of Rs.3,000/-, together

with a default clause, relating thereto. Considering the nature and gravity of the crime in question, the sentence, as awarded, does not warrant any interference.

18. In the light of the foregoing observations, I answered the point No.1 in the affirmative and the point No. 2 in the negative, and I proceed to pass the following order.

: ORDER :

- 1] The appeal is hereby dismissed, with costs.
- 2] The bail bonds of the accused are hereby cancelled, and he is hereby taken into custody forthwith, to serve the remaining sentence.
- 3] An authenticated copy of this judgment be provided to the appellant / original accused, free of cost, immediately.
- 4] The record and proceedings be sent back, together with an authenticated copy of this judgment.

Date: 08/04/2026
Place: Yavatmal.

(S.U. Baghele)
Additional Sessions Judge,
Yavatmal.