

UPET010006602017



**In the Court of special Judge [Scheduled caste and scheduled tribe
(prevention of atrocities act) Act]**

Present: Ashok Kumar XIII (J.O. Code – UP2392)

Session Trial No. - 07/2017

State of Uttar Pradesh

Vs.

1. Premchandra Nai S/o Baburam, R/o Sauhar, P.S. Malawan, District Etah
2. Smt. Kanti Devi W/o Premchandra, R/o Sauhar, P.S. Malawan, District Etah

... Accused

u/s – 323 and 3(1)(x) of the Indian Penal Code, 1860 and Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Police Station – Malawan, District – Etah

CCN - 202/2016.

Prosecutor	State of Uttar Pradesh
Represented by	Ld. ADGC (Criminal)
Accused	Premchandra Nai, Smt. Kanti Devi
Represented by	Ld. Advocate Shri Sushil Babu
Date of Incident	22.08.2016
Date of FIR Registration	29.08.2016
Date of Charge Framing	19.07.2017
Date of Evidence Commencement	13.07.2018
Date of Statement u/s 313 Cr.P.C.	23.02.2026
Date of Judgment	11.03.2026
Judgment Result	Acquittal

Judgement

1. The present sessions case arises out of the committal of the case by the competent Magistrate, upon taking cognizance of the police report submitted under Section 173 of the Code of Criminal Procedure, 1973, concerning the accused persons namely Premchandra Nai son of Baburam and Smt. Kanti Devi wife of Premchandra. The accused persons are facing trial for the commission of offenses punishable under Section 323 of the Indian Penal Code, 1860, and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Malawan, District Etah, arising from Case Crime Number 202 of 2016. The jurisdiction of this Special Court was invoked following the committal proceedings, and the accused were summoned to face trial for the aforementioned charges.
2. The factual matrix of the prosecution case, as unwrapped in the written report (Tahrir) preferred by the complainant, is that on the date 22.08.2016 at about 5:00 PM in the evening, the complainant Awadhesh Kumar and his son Pradeep were returning home after cutting grass. As soon as they passed in front of the door of Premchandra son of Baburam, resident of Sauhar, caste Nai, Police Station Malawan, Etah, the persons standing there namely Premchandra son of Baburam, Rajpal son of Premchandra, and Kanti daughter of Premchandra, who are residents of the same village, surrounded his son Pradeep who was coming behind him, beat him severely, injured him grievously, and attempted to strangle his neck. Upon the cries of the complainant and his son, many people gathered, seeing whom the aforementioned three persons ran away. His son Pradeep sustained significant injuries on his head and right hand. The incident is stated to be without any cause, and it was further mentioned that Rajpal had a 'Khurpi' in his hand, praying for registration of the report and strict action.
3. Following the registration of the First Information Report on the basis of the aforementioned written report, the investigation of the present crime was entrusted to the competent Investigating Officer. During the course of the investigation, the Investigating Officer inspected the place of occurrence and prepared the site plan (Naksha Nazri). The medical examination of the injured Pradeep Kumar was duly conducted. The statements of the complainant, the injured person, and the witnesses were recorded under Section 161 of the Code of Criminal Procedure, 1973. Upon the culmination of the investigation and finding sufficient evidence, the Investigating Officer found the naming of the accused Rajpal to be incorrect,

and accordingly, a charge sheet was forwarded to the Court against the accused persons Premchandra Nai and Smt. Kanti Devi for the offenses under Section 323 of the Indian Penal Code, 1860, and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Court took cognizance upon the same. The accused persons appeared before the Court on bail, and the copies of the prosecution documents were supplied to them under the mandate of Section 207 of the Code of Criminal Procedure, 1973. Subsequently, on 19.07.2017, the Court framed charges against the accused persons Premchandra Nai and Smt. Kanti Devi under Section 323 of the Indian Penal Code, 1860, and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, to which they pleaded not guilty and claimed to be tried.

4. During the trial of this case, prosecution examined the following witnesses to prove its case –

S.No.	Witness Designation	Name of Witness	Nature of Witness
1.	PW-1	Awadhesh Kumar	Complainant/Eyewitness
2.	PW-2	Smt. Rajkumari	Eyewitness
3.	PW-3	Pradeep Kumar	Injured Witness
4.	PW-4	Kumari Bobby	Eyewitness
5.	PW-5	C.O. Parshuram	Investigating Officer
6.	PW-6	Dr. Rajeev Modi	Medical Officer

5. The prosecution proved the following exhibitions –

S.No.	Exhibit No.	Document Description
1.	Ex. Ka-1	Written Report (Tahrir) of Complainant
2.	Ex. Ka-2	Site Plan (Naksha Nazri)
3.	Ex. Ka-3	Charge Sheet
4.	Ex. Ka-4	Chik FIR
5.	Ex. Ka-5	Copy of General Diary (GD)
6.	Ex. Ka-6	Medical Examination Report of Injured Pradeep Kumar

6. The prosecution, in order to prove the charges leveled against the accused persons, has examined PW-1 Awadhesh Kumar, who states in his examination-in-chief that on 22.08.2016 at about 5:00 PM in the evening, he and his son Pradeep were coming home after cutting grass. As soon as he and his son Pradeep came in front of the house of Premchandra, there Premchandra, Rajpal, and Kanti Devi caught hold of his son Pradeep, who was walking behind him, and started beating him. Rajpal had a Khurpi in his hand and Premchandra had a sickle (Darati). His son sustained considerable injuries due to the beating by the accused persons. Upon his and his son's cries, his wife Rajkumari, daughter Bobby, and many people of the

village arrived, seeing whom the accused fled towards the fields. He took his injured son to Police Station Malawan. The medical examination of his son was conducted the next day after the incident at the District Hospital Etah. His wife Rajkumari had been the former village head (Pradhan). He had purchased a field. The accused persons dishonestly took that field. During the beating of his son, the accused persons attempted to strangle his neck. The accused persons insulted him and his son by hurling caste-indicative abuses. He himself had written the report of this incident and submitted it at Police Station Malawan. After reading and seeing paper number 5A on the file, he stated that this is the same report which he had written and given at the time of the incident. It is in his handwriting and bears his signature, upon which Exhibit Ka-1 was marked. The C.O. had recorded his statement.

7. During cross-examination by the defense counsel, PW-1 Awadhesh Kumar stated that he is educated up to High School. He is a native resident of Sauhar. Then he stated his maternal grandparents' home (Nanihal) is in Sauhar, where he resides. He has lived there since his birth. At the time of the incident, he was present on the spot. He was at a distance of 50 meters from the place of occurrence. He was in the northern direction from the place of occurrence. They had come from the southern direction of the place of occurrence and were going towards the eastern direction, then stated they were going towards the northern direction. The place of occurrence is the maize field of Premchandra, the number of which he does not know. This is the same field regarding which his dispute with Premchandra is ongoing. This field is in the name of Premchandra's son Rajnarayan. He did not want to take this field. He and Premchandra had purchased this field jointly, the money for which Premchandra returned to him after 08 years. The place of the house and the place of the field are separate. While coming from the village, first Premchandra's house falls. Then the field falls. They were coming from the direction of the fields. The path is right through the middle of Premchandra's field. Premchandra's field and house are facing each other. There is a street in front of Premchandra's house and adjacent to it is the house of Pappu son of Premdas. The grass was kept solely on his head. His son was empty-handed. As soon as his son passed in front of their house, these people came out of the house. At the time he passed in front of their house, these people were inside the house. About two minutes after his passing, his son passed in front of their house. As soon as his son passed in front of their house, these people came out of the house and started beating his son. He reached about 05 minutes after his son shouted. When he

reached the place of occurrence, these people were beating his son. These people must have beaten his son for about 5-6 minutes. Premchandra had a Khurpi and Rajpal had a sickle (Darati). He could come five minutes after the beating. Therefore, he could not save him. After the quarrel happened, upon the noise, Rajkumari and Bobby etc. people arrived at the spot. Rajkumari is his wife and Bobby is his daughter. Ramesh and Phool Singh had arrived at their place of occurrence. As soon as they reached the place of occurrence, all three accused ran away from the spot. He had no conversation with the accused persons. Paper number 5A on the file is written by him. In his report, he had written the names of eyewitnesses Rajkumari and Bobby, which is not written in paper number 5A. The accused persons went away hurling abuses. This fact is also not written in his report. The matter regarding caste-indicative words is also not written in his report. He was not present on the spot at the time of the beating. Rajpal had a Khurpi in his hand. This fact was added later in the report. It is written in his own handwriting. One week after the beating, he had given the written report in his own hand at the police station. The police station is about 5 km away from his village. The report was written after the medical examination was done. There is no date mentioned on the report. After committing the beating, the accused ran towards the eastern direction. About 15 days after the report was registered, the C.O. Sir went to inspect the spot, only then his statement was taken. He had not mentioned the name of any witness of the spot in his statement given to the C.O. Sir, this fact is correct. He had also not stated the matter regarding abuse and caste-indicative words in his statement under Section 161 Cr.P.C.. Five injuries had come on Pradeep's body. A civil suit of theirs with the accused persons had also proceeded, in which he did not appear on the date and the suit was decided in favor of the accused persons. He has no enmity due to this reason. It is incorrect to say that the accused persons did not beat his son and a false case has been registered against the accused persons due to enmity.

8. The prosecution examined PW-2 Smt. Rajkumari, who states in her examination-in-chief that the incident is of about two years ago today, that at around 5:00 PM in the evening, her husband Awadhesh and son Pradeep were returning home after cutting grass from the fields, as soon as her husband and son came in front of Premchandra's house, her son Pradeep was caught by Premchandra, Rajpal, and Kanti Devi and they started beating him. Upon the cries of her son, she and her daughter Bobby ran and reached the spot, the accused persons were beating him. Seeing them, they ran towards the fields. Her son Pradeep sustained substantial

injuries on his head, hand, and body. Her husband told her that Rajpal had a Khurpi and Premchandra had a sickle (Darati). The medical examination of her son was conducted at the government hospital. The C.O. had recorded her statement.

9. During cross-examination by the defense counsel, PW-2 Smt. Rajkumari stated that she is completely uneducated, she uses a thumb impression. She has knowledge of directions. At the time the quarrel happened, she was not present on the spot, she came later. By the time she reached, the accused persons had committed the beating and hidden in the maize field. Ten minutes after the quarrel happened, she had reached the spot. The quarrel took place at the door in front of Premchandra's house. At the time she reached the spot, her son was lying in an injured state in front of Premchandra's house. At the time she reached, there was no one at the place of occurrence. Everyone had run away out of fear that they might get implicated. Bobby, who is her daughter, had reached the spot along with her. Injuries had come on her son's head and right hand. Apart from this, there were no injuries. She went to the police station on a bicycle. Her husband Awadhesh, son Pradeep, and daughter Bobby went to the police station on a motorcycle. The report was not written immediately. The Captain Sir had given an order, then her report was registered at the police station. The medical examination of her son was done the next day of the incident at the government hospital. The matter regarding this beating was told to her by her husband Awadhesh, and her son Pradeep also told her. Immediately after the beating happened, her son Pradeep and Awadhesh told her and her daughter that the beating was committed by Premchandra, Rajpal, and Kanti Devi. She has no land dispute enmity with the accused persons. No civil case of hers proceeded. What is there in the eastern direction of Premchandra's house, she does not have knowledge. She only knows this much that their house is on the left side of the street. There is no unpaved road at the place of occurrence. Before Premchandra's house, there is Premchandra's own field. It is incorrect to say that the beating happened in Premchandra's field, rather it happened in front of Premchandra's house. She does not know the name of the person whose land is situated in front of Premchandra's house. The C.O. Sir went to her village Sauhar to inquire about this incident. Where she got the spot inspection done by the C.O. Sir, and he prepared the site plan, then stated when the C.O. Sir went to the village, she had not met him. 6-7 days after the incident, she went to the C.O. Sir's office in Etah. Her statement was recorded. She had told the C.O. Sir in her statement the place of beating as in front of Premchandra's house. Her husband and son had come bringing grass from the southern direction, only then the quarrel took place

on the way. It is incorrect to say that her son was not beaten and she is giving false evidence due to land enmity.

10. The prosecution examined PW-3 Pradeep, who states in his examination-in-chief that on 22.08.2016 at about 5:00 PM in the evening, he and his father were coming home after cutting grass. His father was walking ahead. He was walking behind. As soon as they came in front of Premchandra's door, there Premchandra, Rampal, and Kanti Devi caught hold of him. Rampal had a Khurpi in his hand, Premchandra had a sickle (Darati) in his hand. These three persons committed beating with him, due to which he sustained injuries. Upon his father's and his noise, his mother Rajkumari, sister Bobby, etc. people arrived at the spot. These people saved him. His medical examination was conducted the next day at District Hospital Etah. His mother has been the former village head. His father had purchased a field, which the accused persons dishonestly took. During the beating, the accused persons hurled caste-indicative abuses. They insulted him by giving abuses. The report of this incident was lodged by his father. The C.O. Sir had recorded his statement.
11. During cross-examination by the defense counsel, PW-3 Pradeep stated that he is educated. He is educated up to Intermediate. He had gone to fetch grass with his father on the day of the incident. It took one to one and a half hours to cut the grass. He can only tell this much that from which direction they were coming after cutting grass. He also cannot tell that in which direction is Premchandra's house from the unpaved path. They were coming after cutting grass from the side of Malawan. The grass was with his father, in that itself there was a sickle. Which was with his father. At the time of the incident, he had undergone an operation. Due to that reason, he was also physically weak. At the time of the incident, he could not do heavy manual labor. He cannot tell that at the time of the incident, how far behind he was from his father. From the direction he went taking grass with his father, there before Premchandra's house is Premchandra's field. Regarding this field itself, a dispute had run earlier. Their civil case never proceeded. His father never purchased any field. If any such thing is written in his statement, then the lawyer Sir must have got it written. Neither did Premchandra commit any dishonesty regarding his field. His father was coming ahead, he was coming behind. As soon as they reached the maize field, Rajpal started abusing him. There Premchandra, Kanti Devi, and Rajpal caught hold of him. First they abused, later they committed beating. The abuse was given by all three persons. When he objected to the abuse, Rajpal hit him with a Khurpi. Premchandra hit him with a

sickle and Kanti Devi hit him with a stick (Danda). He cannot tell for how long the accused persons committed his beating. At the time his beating was going on, then he shouted. Hearing the noise, many people of the village and locality arrived, whose names he cannot tell. No person of the village saved him. He cannot tell how long after the arrival of the villagers did his sister and mother arrive. After that his father had come. Upon the noise raised by both of them, the villagers arrived and his mother and sister arrived. At the time of his beating, his father was with him. Substantial injuries were inflicted on his head. The sickle was struck on his head by Premchandra. His head was cut. He cannot tell how long the wound was. He did not become unconscious, then stated that he became unconscious. He cannot tell in how much time he regained consciousness. When he regained consciousness, by then these accused persons had run away. When he regained consciousness, at that time his mother Rajkumari and his sister Bobby were present near him. No person from the village or locality was near him. In his statement, the Sub-Inspector (Darogaji) has written this that many people of the village and locality had gathered. How he wrote it, he cannot tell the reason for this. From the place of occurrence, his father took him straight to the police station. A policeman brought him for the medical examination. He has no land enmity with the accused persons. His mother Rajkumari has been the village head of his village. He cannot tell if the accused persons opposed during the village head elections. In his statement, it is written that his father had purchased a field, which the accused persons have dishonestly taken, this fact he did not record in his statement. He cannot tell how long after the beating his sister and his mother arrived. At the time of the incident, he used to remain continuously sick. Due to the illness, he did not have weakness. As soon as he came face-to-face with the accused persons, these people started beating and assaulting. After this case, the C.O. Sir had interrogated him. At the spot itself, the C.O. Sir had interrogated him. It is incorrect to say that due to having land enmity with the accused persons, a false case has been instituted.

12. The prosecution examined PW-4 Kumari Bobby, who states in her examination-in-chief that this incident is of 22.08.2016 evening around 5:00 PM, that her brother Pradeep was returning home after cutting grass, that as soon as he passed in front of Premchandra brother's door, there the standing Premchandra, Rampal, and Kanti surrounded her brother and beat him brutally, due to which he sustained grievous injuries and became blood-soaked. The aforementioned persons had sickle (Darati) and Khurpi in their hands. Upon her brother's cries, she and her mother and many

persons of the village arrived, who saved her brother. While leaving, these people ran away giving threats to kill.

13. During cross-examination by the defense counsel, PW-4 Kumari Bobby stated that she is Intermediate pass. The incident is of the year 2016. She does not remember the date and month. In relation to this case, she never gave any statement prior to today. The C.O. Sir had gone to her house. He had inquired from her about this case. The day the quarrel took place, on the same day the C.O. Sir went to the field and inquired from her. The field belonged to Premchandra. At the time the beating happened, she was not present on the spot. She reached the spot 2-3 minutes after the beating upon hearing the cries. Apart from her, many people of her village and locality gathered and went along with her to the spot. Around 50-100 people gathered and went with her, whose names she cannot tell. Because she does not know them. At the time she was at the place of occurrence, at that time her brother was lying in an injured state in Premchandra's field. Blood was oozing from 05 places on his body. Blood was oozing from the head, arm, leg, hand, and shoulder. Before her arrival, the accused persons had committed the beating and ran away, she could not see them. She picked up her brother Pradeep in an injured state and brought him home. At that time her father Shri Awadhesh Kumar was not with her. About half an hour later, her father reached home from the field. She and her mother and her father brought her brother Pradeep to the District Hospital by ambulance, where Pradeep's treatment took place. Her brother Pradeep remained admitted in the government hospital for 8-10 days. After that, getting him discharged, they took Pradeep to their home. Her brother's injuries healed in about 02 months. Until then her brother's treatment continued in the government hospital, because her brother is a heart patient. After the incident, till today she did not come face-to-face with the accused persons. Her mother Rajkumari had been the head (Pradhan) of village Sauhar. She did not know Rajnarayan. He is Premchandra's son. She had no field dispute with him. In her presence, the accused persons never hurled any abuses or caste-indicative words. It is incorrect to say that due to enmity over land and the village head position, she is giving false testimony.
14. The prosecution examined PW-5 Circle Officer Parshuram (Investigating Officer), who states in his examination-in-chief that on 29.08.2016, he was posted on the post of C.O. Sakeet. He received the investigation of crime number 202/2016 under section 323 IPC and 3(1)(x) SC/ST Act on the same date. On the same date, he perused the copy of chik, copy of rapat. He recorded the medical examination of injured Pradeep Kumar showing 05 simple injuries. He recorded the statements of

the complainant supporting the FIR, the injured eyewitness of the incident, and on the same date he recorded the statements of the witnesses Awadhesh Kumar and Pradeep Kumar, and on the same date prepared the site plan, which is present on file as paper number 8A, upon which Exhibit Ka-2 was marked. He recorded the statement of Surendra Singh and statement of Ramu. On date 08.09.2016 in Parcha Number-02, he recorded the statements of Smt. Rajkumari and Kumari Boby. On date 11.09.2016 in Parcha No-02, got the notice served. On date 25.09.2016 in Parcha No-04, recorded the statements of independent witnesses Shyamveer Sharma and Brajesh Kumar. On date 01.10.2016 in Parcha Number-05, recorded the statement of Jagdish, statement of Shrikrishnalal. On date 08.10.2016 in Parcha No-06, recorded the statement of accused Premchandra Nai and recorded the statement of accused Smt. Kanti Devi. On date 10.10.2016 in Parcha No-07, completing the investigation, he submitted the charge sheet under section 323 IPC and 3(1)(x) SC/ST Act against Premchandra Nai and Kanti Devi before the Court, which is present on the file from 3A/1 to 3A/8, upon which Exhibit Ka-3 was marked. He was present on the post of C.O. Sakeet. He was well acquainted with C.C. 669 posted at Police Station Malawan. He had seen him writing, reading, and typing. On date 29.08.2016, the First Information Report crime number 202/2016 was typed by him, which is present on the file from 4A/1 to 4A/3, upon which Exhibit Ka-4 was marked, and the copy of rapat GD was prepared in his handwriting, prepared on date 29.08.2016, which is present on the file as 7A, which is in his handwriting, upon which Exhibit Ka-5 was marked.

15. During cross-examination by the defense counsel, PW-5 C.O. Parshuram stated that the incident is stated to be of date 22.08.2016 evening 5:00 PM. The distance of the police station from the place of occurrence is 5 kilometers. Its report was registered about 07 days later on date 29.08.2016 at 9:50 PM at the police station. The complainant did not state any reason for the delay of seven days in his defense in his statement. The complainant belongs to Khatik caste, related to which caste the complainant did not show him any document nor did he include it in his case diary. The date is not present on the Tahrir, upon which the complainant's signature is not there. Immediately after the report was written, he started the investigation. He has not shown the use of caste-indicative words by the complainant in Parcha No-01 in his case diary. The complainant in his statement under section 161 Cr.P.C. has shown himself raising noise, and upon hearing the noise, the arrival of wife Rajkumari and daughter Boby. He has not shown the arrival of anyone else besides them. Many people have been shown seeing the incident at the place of occurrence.

The statements of complainant Awadhesh and injured Pradeep were taken by him in the complainant's village. At the place of occurrence, the injured has shown himself falling on the ground after becoming unconscious. The site plan of the place of occurrence was prepared by him on the pointing out of the complainant on the same day. He has shown the occurrence taking place in Premchandra's maize field at the place of occurrence on the pointing out of the complainant in his site plan. He has not shown the arrival of the complainant and the victim in his site plan. He has only shown running away. The field of Premchandra which is shown as the place of occurrence, in it the maize crop was standing one to one and a half feet high. He has not shown the maize crop at the place of occurrence in his site plan. Going to village Sauhar, they recorded the statements of witnesses Rajkumari and Bobby on date 08.09.2016. He cannot tell the distance between the house of the complainant and the witnesses. Witnesses Rajkumari and Bobby did not state in their statements that how long after the incident they reached the spot. He did not record the statement of anyone from the fields of the place of occurrence and the surrounding houses. In Parcha No-04, witness Shyam Veer Sharma has shown stating about money and land enmity. This same fact has been stated by Brajesh Kumar in his statement. In Parcha No-05, in the statements of Jagdish Singh and Krishnalal, it has not been shown that any injury was caused to the injured by the accused persons.

16. The prosecution examined PW-6 Dr. Rajeev Modi, who states in his examination-in-chief that on date 23.08.2016, his duty was in the emergency of District Male Hospital Etah. At 04:05 PM in the evening, Pradeep Kumar, 21 years old male, son of Awadhesh Kumar, resident of Sauhar, Police Station Malawan, District Etah, appeared accompanied by Home Guard number 1064 Ram Naik to get the medical examination of the injured done. As a mark of identification of the injured, a black mole which was marked on the face 1.5 cm ahead from the right ear. The injured was a person of average medium build. After examination, the following injuries were found:

1. An abrasion of 1x0.5 cm was on the head 11cm above the left ear. Blood was oozing from the abrasion and the edges of the abrasion were irregular and the shape of the abrasion was also irregular.
2. An abrasion of 10x0.2 cm was on the left side of the neck. Its shape was linear and edges were irregular and a blood clot was formed on the abrasion.

3. In an area of 7x2cm, there were marks of several abrasions on the straight (right) arm. Both the edges and shape of the abrasions were irregular and blood clots were formed on the abrasions.

4. A contusion of 5x3 cm was on the left hand. Whose edges and shape were irregular. Blood was not oozing from the contusion.

The injured was complaining of pain on both sides of the chest. The nature of the injuries was simple. Out of the injuries, injury number 01 was fresh. Injury numbers 2, 3, 4 were about one day old. Regarding injury number 5, no opinion can be given. The above injuries are possible to be caused by a Hard Blunt Object. This report was prepared by him in his handwriting upon which his signature is present, which is present on file as 9A upon which Exhibit Ka-6 was marked.

17. During cross-examination by the defense counsel, PW-6 Dr. Rajeev Modi stated that there was no injury of any sharp edged weapon on the body of the injured. He cannot give any such information that if the injured falls on any rough ground, such injuries can occur or not. The injuries on the body of the injured were caused by a Hard and Blunt object. He does not remember whether any relative of the injured was with him or not. The injured must have told him about the incident, he does not remember. He also does not remember whether the condition of the injured was like a sick person or not. Injury No-01 is an abrasion and injury No 02 and 03 are also abrasions, he cannot even tell whether injury No 01, 02 and 03 can occur upon being rubbed against something. Injury number 01 was fresh from which blood was oozing. A blood clot was formed on injury number 02 and 03, it was not fresh, possibly it was one day old. Injury No- 04 can also be one day old. Regarding injury No-05, no opinion can be given.

18. Upon the conclusion of the prosecution evidence, the statements of the accused persons Premchandra and Smt. Kanti Devi were recorded under the mandate of Section 313 of the Code of Criminal Procedure, 1973. The accused persons emphatically denied the prosecution story and termed it entirely false. In their statements, they asserted that the testimony of PW-1 Awadhesh Kumar was given falsely owing to preexisting enmity. Similarly, they contended that the testimony of PW-2 Smt. Rajkumari was furnished due to enmity. The evidence of PW-3 Pradeep and PW-4 Kumari Bobby was also stated to be given out of enmity. Regarding the testimony of PW-5 C.O. Parshuram, the accused persons submitted that the Investigating Officer conducted an erroneous and flawed investigation. With respect to the evidence of PW-6 Dr. Rajeev Modi, they claimed that the medical examination was conducted incorrectly and the report is false. They reiterated that

the entire prosecution case is running purely on the basis of enmity. They declined to lead any defense evidence and stated nothing further in their defense.

19. The Learned Additional District Government Counsel (Criminal) appearing on behalf of the State of Uttar Pradesh vehemently argued that the prosecution has successfully established the guilt of the accused persons beyond all reasonable doubt. The prosecution contended that the testimonies of the injured witness (PW-3) and the eyewitnesses (PW-1, PW-2, and PW-4) are highly consistent regarding the core facts of the occurrence, the date, time, and the specific roles assigned to the accused persons. It was further pressed that the medical evidence adduced through PW-6 corroborates the ocular testimony, proving the injuries sustained by the victim during the incident. The prosecution placed reliance on established legal principles that minor contradictions or discrepancies in the statements of witnesses do not strike at the root of the prosecution case, especially when the presence of the witnesses at the spot is natural and the injured witness has supported the incident. The prosecution urged that the delay in lodging the FIR, if any, is not fatal as the victim was undergoing medical treatment and a plausible explanation is deductible from the facts. It was submitted that the common intention to assault the victim is apparent from the coherent evidence on record.
20. Per contra, the Learned Defense Counsel ardently argued that the prosecution story is riddled with material contradictions and fatal flaws. The defense primarily challenged the case on the ground of an unexplained inordinate delay of seven days in lodging the First Information Report, arguing that the delay was utilized for deliberation and false implication of the accused persons due to previous land disputes and political rivalry - village head elections. The defense strongly pointed out the material contradictions in the testimonies regarding the exact place of occurrence; while some witnesses stated it happened in front of the house, others and the Investigating Officer noted it happened in the maize field. The defense further emphasized the incongruity between the ocular evidence and the medical evidence; the witnesses alleged assault with a sickle (sharp weapon) and a Khurpi, whereas the medical officer (PW-6) categorically stated the injuries were caused by a hard and blunt object and there was no sharp weapon injury. It was also argued that independent witnesses from the locality, despite allegedly being present, were deliberately not examined by the prosecution. The defense highlighted that the initial report did not contain allegations of caste-indicative words, which were later concocted to invoke the provisions of the SC/ST Act. Resting on settled legal propositions, the defense submitted that the prosecution must prove its case beyond

a reasonable doubt, and the benefit of the severe infirmities and reasonable doubts emerging from the evidence must accrue to the accused persons, entitling them to an acquittal.

21. The foremost document to set the criminal law into motion is the First Information Report, the prompt lodging of which is considered a vital safeguard against the fabrication, embellishment, and concoction of the prosecution narrative. The incident allegedly took place on 22.08.2016 at about 5:00 PM. However, the First Information Report was registered at the police station on 29.08.2016 at 9:50 PM, marking an inordinate delay of seven days. The distance from the place of occurrence to the police station is a mere 5 kilometers, a distance easily traversable within a fraction of an hour. The complainant, examined as PW-1 Awadhesh Kumar, miserably failed to provide any plausible or legally acceptable explanation for this monumental delay in his written report or during his substantive testimony before this Court. While it is a settled principle of criminal jurisprudence that mere delay in lodging the First Information Report is not necessarily fatal to the prosecution case if properly explained by circumstances such as trauma, the need for immediate medical attention to the victim, or lack of transport, no such compelling circumstances have been successfully demonstrated here. Although the injured was taken to the hospital, the complainant Awadhesh Kumar (PW-1) was physically unharmed and fully capable of reporting the matter to the police promptly. The defense has forcefully argued, and rightfully so, that this seven-day hiatus was deliberately utilized for consultations, deliberations, and the calculated false implication of the accused persons due to an admitted pre-existing enmity over agricultural land and village head elections. The admission by PW-1 during his cross-examination that "One week after the beating, he had given the written report in his own hand at the police station" and that "The report was written after the medical examination was done" without specifying any date on the written report itself, casts a heavy cloud of suspicion over the spontaneity and truthfulness of the initial version. In cases marred by previous enmity, which is inherently a double-edged sword providing both a motive for the crime and a motive for false implication, an unexplained delay of this magnitude creates a gaping hole in the prosecution's credibility, making it highly unsafe to rely upon the First Information Report as an unvarnished account of the incident.
22. The appreciation of the prosecution evidence necessitates a meticulous and witness-wise evaluation to ascertain the trustworthiness and reliability of the deponents. PW-1 Awadhesh Kumar, the complainant and the father of the injured,

was examined as an eyewitness. A careful reading of his testimony reveals profound and irreconcilable contradictions that severely undermine his evidentiary value. In his examination-in-chief, he painted a picture of a sudden assault where the accused persons surrounded his son. However, during cross-examination, he admitted, "He was not present on the spot at the time of the beating." He further conceded, "He reached about 05 minutes after his son shouted. When he reached the place of occurrence, these people were beating his son." This shifts his status from an eyewitness of the commencement of the assault to someone who arrived later. More fatally, he admitted to substantial embellishments in his written report, stating, "Rajpal had a Khurpi in his hand. This fact was added later in the report." Regarding the grave charge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, PW-1 made a devastating admission: "The matter regarding caste-indicative words is also not written in his report" and "He had also not stated the matter regarding abuse and caste-indicative words in his statement under Section 161 Cr.P.C." This unequivocal admission establishes beyond a shadow of a doubt that the allegation of caste-based humiliation was a pure afterthought, maliciously inserted later to invoke stringent penal provisions. His testimony regarding the place of occurrence also vacillates dangerously between the front of the accused's house and the maize field. The inherent contradictions, admitted improvements, and his status as a highly interested witness entangled in a land dispute with the accused render his testimony highly unsafe for recording a conviction.

23. PW-2 Smt. Rajkumari, the mother of the injured and the former village head, was presented as another eyewitness. Her testimony, however, demolishes the prosecution narrative from another angle. In her cross-examination, she explicitly admitted, "At the time the quarrel happened, she was not present on the spot, she came later." She categorically stated, "By the time she reached, the accused persons had committed the beating and hidden in the maize field. Ten minutes after the quarrel happened, she had reached the spot." This admission unequivocally strips her of the status of an eyewitness to the actual assault. She further deposed, "The matter regarding this beating was told to her by her husband Awadhesh, and her son Pradeep also told her." Therefore, her knowledge of the incident is derived and hearsay in nature regarding the actual act of beating. Furthermore, she contradicts the Investigating Officer and PW-1 regarding the exact place of occurrence, adamantly maintaining, "It is incorrect to say that the beating happened in Premchandra's field, rather it happened in front of Premchandra's

house." Given her absence during the actual assault and the material contradictions regarding the topography of the crime scene, her testimony fails to offer any substantive corroboration to the core allegations against the accused persons and appears to be heavily influenced by the familial bond and the background of political and land rivalry.

24. The testimony of PW-3 Pradeep Kumar, the injured victim, requires the most rigorous scrutiny, as the law attaches great premium to the testimony of an injured witness, presuming their presence at the spot. However, this presumption does not absolve the Court from testing the truthfulness of the narrative. PW-3 stated that accused Rajpal hit him with a Khurpi, Premchandra with a sickle (Darati), and Kanti Devi with a stick. He specifically claimed, "The sickle was struck on his head by Premchandra. His head was cut." This ocular assertion is in direct, irreconcilable conflict with the definitive medical evidence provided by PW-6 Dr. Rajeev Modi, who categorically stated that all injuries were caused by a "Hard and Blunt object" and there was "no injury of any sharp edged weapon on the body of the injured." When the ocular testimony of the injured witness alleges repeated assaults with specific sharp-edged agricultural implements (sickle and khurpi), and the medical evidence entirely rules out the possibility of any sharp weapon injury, the ocular testimony becomes fundamentally suspect. The law is well-settled that when medical evidence completely belies the ocular evidence, it strikes at the core of the prosecution story, suggesting that the witnesses are not truthful about the manner of the incident or the weapons used. Furthermore, PW-3 admitted during cross-examination that "In his statement, it is written that his father had purchased a field, which the accused persons have dishonestly taken, this fact he did not record in his statement." He also stated, "His father never purchased any field. If any such thing is written in his statement, then the lawyer Sir must have got it written." This reveals that the witness has been tutored and the prosecution script has been drafted by legal minds rather than being a natural narration of true events. His testimony is deeply tainted by exaggerations and falsehoods regarding the weapons used, making it impossible to separate the grain from the chaff.
25. PW-4 Kumari Bobby, the sister of the injured, was examined to further fortify the prosecution's case. Similar to PW-2, her testimony crumbled under the weight of cross-examination. She admitted, "At the time the beating happened, she was not present on the spot. She reached the spot 2-3 minutes after the beating upon hearing the cries." She further confessed, "Before her arrival, the accused persons had committed the beating and ran away, she could not see them." Consequently,

she is completely divested of the character of an eyewitness. Her testimony is solely limited to seeing her brother in an injured state after the perpetrators had allegedly fled. She also contradicted PW-1 and PW-3 regarding the presence of the father, stating, "At that time her father Shri Awadhesh Kumar was not with her. About half an hour later, her father reached home from the field." This directly contradicts PW-1 and PW-3 who claimed Awadhesh was present during or immediately after the assault. Her testimony, therefore, not only fails to prove the assault by the accused but also severely weakens the credibility of the presence of the complainant (PW-1) at the time of the incident.

26. PW-5 Circle Officer Parshuram, the Investigating Officer, detailed the steps taken during the investigation. His testimony exposes severe lacunae and a mechanical approach to the investigation. He admitted in cross-examination that "The distance of the police station from the place of occurrence is 5 kilometers. Its report was registered about 07 days later... The complainant did not state any reason for the delay of seven days." He failed to ask the complainant for any explanation regarding this fatal delay. Furthermore, he admitted, "He has not shown the use of caste-indicative words by the complainant in Parcha No-01 in his case diary." He also did not collect any caste certificate of the complainant, which is a foundational requirement for a prosecution under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. His preparation of the site plan (Naksha Nazri) is equally flawed; he admitted, "He has shown the occurrence taking place in Premchandra's maize field... The field of Premchandra which is shown as the place of occurrence, in it the maize crop was standing one to one and a half feet high. He has not shown the maize crop at the place of occurrence in his site plan." He also failed to record the statements of independent witnesses from the surrounding houses, despite acknowledging their presence in the case diary. The investigation appears to be a mere paperwork exercise, blindly following the delayed and concocted script provided by the complainant without conducting an independent, objective inquiry to unearth the truth.
27. PW-6 Dr. Rajeev Modi, the Medical Officer who examined the injured Pradeep Kumar, provided vital objective evidence. He found five injuries on the person of the injured, comprising abrasions, a contusion, and complaint of pain. He unequivocally opined that "The above injuries are possible to be caused by a Hard Blunt Object." In his cross-examination, he dealt a fatal blow to the prosecution's ocular narrative by stating, "There was no injury of any sharp-edged weapon on the body of the injured." He further clarified that injury numbers 2, 3, and 4 were

about one day old, and only injury number 1 was fresh, whereas the prosecution case is of a single continuous assault. He also stated, "Injury No-1 is an abrasion and injury No 2 and 3 are also abrasions, he cannot even tell whether injury No 1, 2 and 3 can occur upon being rubbed against something." This medical testimony completely shatters the detailed account given by PW-1 and PW-3 regarding the use of a sickle (Darati) and Khurpi. The medical evidence stands as a towering contradiction to the ocular evidence, demonstrating that the witnesses have brazenly lied about the weapons used and the manner of the assault, thereby rendering the entire genesis of the prosecution case highly suspicious and unworthy of credit.

28. An overall assessment of the prosecution evidence reveals a narrative built on a foundation of sand. The witnesses, all closely related family members, have contradicted each other on material particulars including the exact place of occurrence, the presence of the complainant at the time of the incident, and the sequence of events. The most glaring and insurmountable defect is the absolute contradiction between the ocular testimonies claiming assault with sharp-edged weapons (sickle and khurpi) and the medical evidence which emphatically rules out any sharp weapon injury, classifying all injuries as caused by hard and blunt objects. Added to this is the unexplained, inordinate delay of seven days in lodging the First Information Report, against a backdrop of admitted pre-existing enmity related to land disputes and village politics. The prosecution has failed to examine a single independent witness from the locality, despite the incident allegedly occurring in broad daylight in front of houses where people had gathered. The deliberate introduction of false allegations, such as the use of caste-indicative words which were admittedly not present in the initial report or Section 161 Cr.P.C. statements, further exposes the malicious intent behind the prosecution.
29. The prosecution firmly alleges that the incident took place on 22.08.2016 at approximately 5:00 PM. PW-1, PW-2, PW-3, and PW-4 have all parroted this specific date and time in their examination-in-chief. However, the medical evidence introduces a significant element of doubt regarding the exact timing. PW-6 Dr. Rajeev Modi examined the injured on 23.08.2016 at 4:05 PM. He opined that while injury number 1 was fresh, injury numbers 2, 3, and 4 were "approximately one day old" and blood clots were formed on them. While "one day old" can roughly correlate with an incident occurring 24 hours prior, the doctor's inability to precisely align all injuries to a single time frame, combined with the delayed medical examination (nearly 23 hours after the alleged incident despite the police

station being only 5 km away), casts a shadow over the exact timing. More importantly, the seven-day delay in lodging the FIR on 29.08.2016 strips the date and time of the incident of any immediate documentary corroboration. Given the overall nature of the case, the date and time of the occurrence as alleged by the prosecution cannot be accepted as an established fact beyond reasonable doubt, as it appears to have been retroactively fixed to suit the medical examination that was belatedly conducted.

30. The FIR alleges the incident occurred "in front of the door of Premchandra." PW-1 Awadhesh Kumar in his cross-examination stated, "The place of occurrence is the maize field of Premchandra... They were coming from the direction of the fields." Conversely, PW-2 Smt. Rajkumari emphatically denied this, stating, "It is incorrect to say that the beating happened in Premchandra's field, rather it happened in front of Premchandra's house." PW-4 Kumari Bobby contradicted both, stating she found her brother "lying in an injured state in Premchandra's field." The Investigating Officer, PW-5, prepared the site plan showing the maize field as the place of occurrence, but bizarrely failed to depict the standing maize crop in the map. This shifting topography of the crime scene—from the front door, to the street, to the maize field—demonstrates that the witnesses did not actually see the incident and are giving tutored, conflicting accounts. The prosecution has utterly failed to definitively establish the specific place where the alleged offense was committed, which is a fatal flaw in a case based on direct eyewitness testimony.
31. Regarding the presence of the accused persons and the complainant at the time and place of the offense is deeply contested by the evidence on record. While it is admitted that Pradeep Kumar sustained some injuries, whether those injuries were inflicted by the accused persons at the alleged time and place is highly suspect. PW-1 Awadhesh Kumar initially claimed to be an eyewitness, but under cross-examination admitted he reached the spot 5 minutes after his son shouted, rendering his presence during the actual commencement of the assault a nullity. PW-2 and PW-4 explicitly admitted they arrived after the accused had allegedly fled. PW-3 Pradeep is the sole witness who claims the presence of the accused, but his testimony is thoroughly discredited by the medical evidence regarding the weapons used. Furthermore, PW-1 admitted that when his son passed the house, the accused "were inside the house." It is highly unnatural that persons sitting inside their house would suddenly rush out in a coordinated manner to launch a brutal assault without any immediate provocation or altercation. The defense's argument that the injuries could have been sustained elsewhere, possibly by a fall

on rough ground (as the doctor could not rule out abrasions by rubbing), and that the accused were conveniently named due to enmity, carries substantial weight. The prosecution has failed to establish the physical presence and participation of the accused Premchandra and Kanti Devi at the crime scene beyond a reasonable doubt.

32. In the present factual matrix, there is an absolute absence of any recovery of any material, article, or weapon of offense from the possession of the accused persons or on their pointing out. The prosecution has alleged the use of a sickle (Darati) by Premchandra and a Khurpi by Rajpal (who is not charge-sheeted). The Investigating Officer (PW-5) made no efforts to recover these alleged weapons. The law dictates that while recovery of a weapon is not a sine qua non for conviction if the ocular evidence is unimpeachable, the absence of recovery becomes a significant missing link when the ocular evidence itself is tainted and contradicted by medical evidence. In this case, where the medical officer categorically ruled out injuries by sharp-edged weapons, the failure of the police to recover the alleged sickle or Khurpi further deepens the suspicion that these weapons existed only in the fertile imagination of the complainant. The complete lack of any corroborative recovery evidence legally weakens the prosecution's narrative and operates heavily in favor of the accused persons.
33. The analysis of the medical evidence presented through PW-6 Dr. Rajeev Modi is the pivot upon which the prosecution case collapses. The medical examination report Exhibit Ka-6 details five injuries: two abrasions (1x0.5 cm and 10x0.2 cm), multiple abrasions in a 7x2 cm area, a contusion (5x3 cm), and a complaint of pain. The fundamental flaw in the prosecution's case is the glaring incongruity between the manner of assault described by the eyewitnesses and the medical findings. The injured (PW-3) and the complainant (PW-1) unequivocally testified that a sickle (a sharp cutting weapon) was used, with PW-3 specifically claiming his head was "cut" by the sickle. However, Dr. Modi firmly testified that "There was no injury of any sharp edged weapon on the body of the injured" and that all injuries were caused by a "Hard and Blunt object." Settled legal principles dictate that the medical evidence is the touchstone upon which the veracity of the ocular testimony is tested. When the medical evidence completely negates the use of the specific weapons vehemently alleged by the eyewitnesses, it leads to the inescapable conclusion that the witnesses are suppressing the true genesis of the incident and have woven a false narrative to exaggerate the severity of the crime. The medical

evidence in this case does not support the prosecution narrative; rather, it actively destroys it.

34. Establishing a direct, legally proven link between the injuries caused to the victim and the actions of the accused is the primary burden of the prosecution. In the instant case, this link is completely severed. The prosecution attempted to link the injuries to the accused by alleging assault with a sickle, a Khurpi, and a stick. The medical evidence entirely disproved the use of the sickle and Khurpi. With the primary weapons of assault disproved, the entire edifice of the alleged coordinated attack crumbles. The court cannot perform a process of judicial guesswork to separate the truth from falsehood when the core of the testimony is proven false. The injuries sustained by Pradeep Kumar are simple abrasions and a contusion, which, as admitted by the medical officer, could potentially be caused by friction or a fall on rough surfaces. Given the profound contradictions regarding the place of occurrence, the weapons used, and the delayed FIR, the prosecution has failed to legally prove that it was the accused persons, and no one else, who inflicted these specific injuries upon the victim. The chain of causation between the accused's alleged actions and the victim's injuries remains unproven.
35. The analysis of motive and intention is critical, especially in cases heavily reliant on interested witnesses. The prosecution has openly admitted to a deep-seated prior enmity. PW-1 testified, "I had purchased a field. The accused persons dishonestly took that field." He also admitted to a civil suit running between them which was decided in favor of the accused. Furthermore, PW-2 admitted she was the former village head, and defense cross-examination highlighted political rivalry. While motive is a double-edged sword, here it cuts deep into the prosecution's case. Instead of providing a reason for the accused to suddenly attack without immediate provocation, the established enmity provides a powerful, documented motive for the complainant to falsely implicate the accused persons. As for the intention (*mens rea*), the prosecution alleged the accused attempted to strangle the victim and kill him. However, the medical evidence shows only simple superficial abrasions and a contusion. The actions alleged - use of lethal agricultural tools, do not align with the minor injuries found, negating the presence of any requisite intention to cause grievous hurt or death. The evidence strongly suggests that the intention was not of the accused to commit the crime, but of the complainant to falsely implicate his rivals.
36. Although the prosecution has heavily relied on direct eyewitness testimony, which has been found to be entirely unreliable and contradictory, it is pertinent to state

that there is no chain of circumstantial evidence whatsoever to support the charges. In cases where direct evidence fails, circumstantial evidence must form a complete and unbroken chain pointing unerringly to the guilt of the accused, excluding every hypothesis of innocence. Here, there are no corroborating circumstances: no immediate FIR, no recovery of weapons, no independent witnesses from a populated area, and no medical corroboration of the alleged weapon type. The fundamental legal principle regarding circumstantial evidence—that the circumstances must be conclusive in nature and fully established—is entirely unmet. Therefore, neither direct nor circumstantial evidence operates to prove the guilt of the accused.

37. Based on the exhaustive evaluation of the testimonies and documents on record, a detailed narration of the facts proved and not proved is imperative. Firstly, the prosecution has utterly failed to prove that the incident occurred in the manner, at the time, and at the place alleged. The contradictions regarding whether the assault happened at the front door or in the maize field remain unresolved. Secondly, the prosecution has not proved the presence of PW-1, PW-2, and PW-4 at the time of the actual assault. Their own admissions during cross-examination establish that they arrived after the alleged incident had concluded, rendering them post-incident witnesses rather than eyewitnesses to the factum of assault. Thirdly, the prosecution has miserably failed to prove the use of sharp-edged weapons (sickle and khurpi). The definitive medical testimony of PW-6 completely negates the presence of any sharp weapon injury on the victim. Fourthly, the prosecution has failed to prove that the accused persons hurled any caste-indicative abuses at the victim or the complainant in public view. This fact is demolished by the admission of PW-1 that this crucial allegation was neither in his initial written report (Tahrir) nor in his statement recorded under Section 161 of the Code of Criminal Procedure, proving it to be a legal afterthought. Fifthly, the prosecution has not proved any immediate provocation or sequence of events that led to the alleged sudden assault.
38. Facts Proved by the Defense/Record are firstly, it is proved beyond doubt that there was an inordinate, unexplained delay of seven days in lodging the First Information Report. Secondly, it is proved that intense enmity existed between the parties regarding agricultural land and village head elections, providing a strong motive for false implication. Thirdly, it is proved that the injuries sustained by the victim were simple in nature, caused by a hard and blunt object, entirely contradicting the ocular narrative. Fourthly, it is proved that the investigation was

highly defective, mechanical, and carried out without application of mind, failing to collect essential documents like the caste certificate or to notice the glaring medical contradiction. The entire prosecution case is an edifice of legally inadmissible embellishments and proven falsehoods.

39. For Charge under Section 323 of the Indian Penal Code, 1860 the essential ingredients to constitute an offense under Section 323 IPC are that the accused caused hurt to a person, and that such hurt was caused voluntarily. The prosecution attempted to map this charge against the accused Premchandra and Kanti Devi by fielding PW-1, PW-2, PW-3, and PW-4. However, as meticulously analyzed above, the testimonies of the supposed eyewitnesses are riddled with fatal contradictions regarding the place of occurrence and the weapons used. The injured witness (PW-3) claimed he was assaulted with a sickle, which is medically disproved by PW-6. The principle of *falsus in uno, falsus in omnibus* (false in one thing, false in everything), though not strictly applicable in India as a rule of law, requires the court to separate the truth from falsehood. Here, the falsehood regarding the weapon is so deeply intertwined with the core of the assault narrative that separation is impossible. The delayed FIR further snaps the link between the accused and the injuries. The prosecution has failed to establish beyond reasonable doubt that the simple injuries found on the victim were voluntarily caused by the present accused persons. Therefore, the charge under Section 323 IPC is not proved.
40. For charge under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 the essential legal ingredients of this specialized offense are that the accused must not be a member of a Scheduled Caste or Scheduled Tribe; the victim must be a member of a Scheduled Caste or Scheduled Tribe; and the accused must intentionally insult or intimidate with intent to humiliate the victim in any place within public view. The evidence mapping for this charge is an absolute failure. Firstly, the Investigating Officer PW-5 admitted he collected no documentary proof (caste certificate) to legally establish the caste of the complainant or the victim, which is a fundamental prerequisite. Secondly, the core allegation of using caste-indicative words to humiliate was admittedly an afterthought. PW-1 (complainant) explicitly admitted in his cross-examination that "The matter regarding caste-indicative words is also not written in his report" and he did not state it in his Section 161 Cr.P.C. statement. A conviction under this stringent special statute cannot be founded upon allegations that are proven to be later concoctions and improvements made during the trial stage. The necessary

mens rea to humiliate based on caste identity in public view is entirely missing from the initial, untutored version of the prosecution. Hence, the charge under Section 3(1)(x) SC/ST Act falls flat and is not proved against either accused.

19. The Court is deeply constrained to evaluate the quality of the police investigation conducted in this matter, keeping in mind the mandate of the Hon'ble Supreme Court in *State of Gujarat v. Kishanbhai And Others, 2014 INSC 14*. The investigation conducted by PW-5, Circle Officer Parshuram, displays a shocking level of sheer negligence and blameworthy lapses. The concerned police officer mechanically registered a delayed FIR without seeking any explanation for the seven-day hiatus. The I.O. prepared a site plan that contradicted the eyewitnesses and failed to depict the physical realities of the scene (maize crop). Most egregiously, he proceeded to file a charge sheet under the stringent SC/ST Act without even collecting the foundational caste certificate of the victim, and entirely ignored the fact that the medical report (hard and blunt object) completely belied the FIR narrative (sharp weapons). This is not an innocent lapse; it is a culpable failure to conduct an objective, impartial, and lawful investigation, leading to the prolonged harassment of the accused persons and wasting the precious time of the judicial system. It is a fit case where the mandate of the Hon'ble Supreme Court must be enforced.
20. Furthermore, the conduct of the prosecution witnesses, specifically PW-1 Awadhesh Kumar and PW-3 Pradeep, warrants serious judicial notice. This Court expresses a definitive opinion that PW-1 and PW-3 have knowingly and willfully given false evidence and fabricated false evidence with the intention that such evidence should be used in this judicial proceeding. They deliberately concocted the story of assault by specific sharp-edged weapons (sickle and khurpi) which was conclusively proven false by objective medical science. They further maliciously fabricated the allegation of caste-indicative abuse during the trial stage, admitting it was absent from their initial reports, solely to attract the severe provisions of the SC/ST Act.
21. Based on the exhaustive and meticulous evaluation of the evidence on record, the arguments advanced by both sides, and the applicable legal principles, this Court arrives at the following definitive findings: First, the charge under Section 323 of the Indian Penal Code, 1860, is not proved against the accused Premchandra Nai and Smt. Kanti Devi. The prosecution evidence is marred by fatal contradictions, a heavily delayed FIR, and is completely negated by the medical evidence, failing

the test of proof beyond a reasonable doubt. Second, the charge under Section 3(1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is NOT PROVED against the accused Premchandra Nai and Smt. Kanti Devi. The allegation of caste-based humiliation is a proven afterthought and fabrication, lacking both documentary foundation and initial corroboration. Therefore, based on the foregoing discussion, analysis, and findings, accused Premchandra Nai and Smt. Kanti Devi are found not guilty and are entitled to acquittal of all the charges leveled against them.

Order

Based upon the detailed analysis and findings recorded hereinabove, Accused Premchandra Nai S/o Baburam, R/o Sauhar, P.S. Malawan, District Etah, and Accused Smt. Kanti Devi W/o Premchandra, R/o Sauhar, P.S. Malawan, District Etah, are hereby acquitted of the charges under Sections 323 of the Indian Penal Code, 1860, and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, relating to Case Crime No. 202/2016 of Police Station Malawan.

The accused are on bail. Their personal bonds are cancelled and sureties are discharged. The accused shall furnish personal bonds and sureties in compliance with Section 437-A of the Code of Criminal Procedure, 1973, to the satisfaction of this court, for their appearance before the higher court in the event an appeal or petition for leave to appeal is filed against this judgment of acquittal.

As a blameworthy lapse has been found on the part of the Investigating Officer as discussed in the judgment, let a copy of this judgment be forwarded to the Senior Superintendent of Police (SSP), Etah, with a specific direction to initiate a departmental inquiry against Investigating Officer Parshuram (the then Circle Officer, Sakeet) for conducting a negligent, perfunctory, and legally flawed investigation, in light of the directions of the Hon'ble Supreme Court in ***State of Gujarat v. Kishanbhai***.

Date: 11-03-2026

(Ashok Kumar XIII)
Special Judge [SC/ST (PA) Act]
Etah

This judgment was signed and pronounced by me in the open court today.

Date: 11-03-2026

(Ashok Kumar XIII)
Special Judge [SC/ST (PA) Act]
Etah