

IN THE COURT OF
SPECIAL JUDGE S.C./S.T. ACT,
ADDITIONAL DISTRICT & SESSIONS JUDGE, COURT NO:- 2, UNNAO
(PRESIDED OVER BY ANKITA SHUKLA)

UPUN010000422025



E.R. NO.- 3/2025

VANDANA

V/S

RAVI SHANKAR @ LODHE

Case Crime No:- 217/2024,

Sections:- 74, 352 B.N.S. & 3(2)(va) S.C./S.T. Act,

Police Station:- Hasanganj, District:- Unnao

Date:- 28.07.2026

Case called out. File was presented. The file is scheduled for order today.

Aforesaid Miscellaneous Case No:- 3/2025 of First Information Report in Case Crime No:- 217/2024, under Sections:- 74, 352 B.N.S. & 3(2)(va) S.C./S.T. Act of Police Station:- Hasanganj, District:- Unnao has been instituted on the filing of the Final Report No:- 50/2024 Dated:- 28.11.2024 by the police.

Notice was issued to the complainant Sarita Verma to present the Protest Application/Objection against the filed final report. The complainant appeared in the court and pressed her Objection on 09.01.2025, in which it has been stated that the applicant, Vandana, W/o Satendra, is a resident of Village Pilkhana Rasidpur, Police Station Hasanganj Kotwali, District Unnao. The applicant is a woman belonging to the Scheduled Caste (Chamar) community and is 28 years of age. The incident took place on 13.09.2024 at about 6:00 a.m. The applicant was returning home after her usual morning walk through her agricultural field. At that time, Ravishankar @ Lodhe S/o Ram Kishan, along with one another unknown person, both residents of the aforesaid village, who had already lain in wait, on seeing the applicant alone, abused her by using caste-based derogatory remarks, saying, "You Chamaar woman, you have become too arrogant; we will teach you a lesson now." When the applicant protested, the accused persons tore her clothes and with the intention of committing sexual assault, outraged her modesty by molesting her. The applicant raised loud cries for help, but no one was present there. Somehow, she managed to escape to save her life. Due to the assault and misbehaviour committed by the accused persons, the applicant sustained serious injuries on her body. Immediately after the incident, the applicant dialled 112 and informed the police. The police reached the spot, conducted a preliminary inquiry and advised her to visit the police station for registration of the case. On the following day, the applicant went to Police Station Hasanganj,

where her report was registered as Case Crime No. 217/2024 under Sections 74 and 352 B.N.S. and 3(2)(va) S.C./S.T. Act. Thereafter, she was sent for medical examination. The Investigating Officer recorded the statement of the applicant in an arbitrary and perfunctory manner. However, he neither recorded the statements of the material prosecution witnesses, namely Ramkaran, Sunil, Satendra, and Kallu, nor prepared the site plan (Naksha Nazri) of the place of occurrence. The witnesses relied upon by the Investigating Officer during the course of the investigation are all associates and supporters of the accused persons. Instead of conducting a fair, proper, and impartial investigation into the incident, the Investigating Officer completed the investigation while remaining at the police station and, in an arbitrary manner, with the intention of extending undue benefit to the accused persons. The applicant had specifically stated in her statement that she had informed Dial 112 from the mobile phone of her neighbour, bearing Mobile No. 8887724802, between 6:00 a.m. and 8:00 a.m. on the date of the incident. However, the Investigating Officer neither mentioned the said mobile number in the investigation nor obtained its Call Detail Records (CDR). Had the CDR of the said mobile number dated 13.09.2024 been collected, the entire incident would have been clearly established. The Investigating Officer deliberately ignored this important piece of evidence and, by conducting an arbitrary investigation, submitted the Final Report. Considering the seriousness of the case, the Investigating Officer ought to have conducted a fair and impartial investigation and recorded the statements of independent witnesses. Instead, he ignored the material facts of the case without proper inquiry and submitted the Final Report after conducting an arbitrary investigation. The present case relates to a cognizable offence. However, the Investigating Officer did not conduct any further detailed interrogation of the accused persons. On this ground also, the investigation is defective and incomplete. The Investigating Officer has referred to a milk dairy during the course of the investigation, but no documentary evidence has been produced to establish that the said dairy belongs to Ravishankar @ Lodhe. The true facts are that the milk dairy in question, namely Namaste India Milk Dairy, is registered in the name of Sudan Dwivedi, who is the actual proprietor and operator of the said dairy. The above facts clearly establish that the entire investigation was conducted under the influence of the accused persons. The Investigating Officer distorted the true facts and submitted the Final Report while completely ignoring the grave incident suffered by the applicant/victim, thereby seriously diminishing her chances of obtaining justice. The Investigating Officer made no sincere effort to investigate the case from any other perspective and being biased in favour of the accused persons, submitted the Final Report without considering the evidence produced by the prosecution. In view of the facts and circumstances stated above, and in the interest of justice, it is necessary that the Final Report submitted by the Investigating Officer in Case Crime No. 217/2024, under Sections 74 and 352 B.N.S. & 3(2)(va) S.C./S.T. Act, be set aside and the matter be directed for further investigation/re-investigation. Therefore it has been prayed to reject/set aside the Final Report submitted in Case Crime No. 217/2024 under Sections 74 and 352 B.N.S. & 3(2)(va) S.C./S.T. Act and be

further pleased to direct re-investigation/further investigation of the case, in the interest of justice.

An affidavit in support of protest application has been submitted by the applicant.

Heard and perused the file.

From the perusal of the file it has been mentioned by the I.O. in his final report that upon completion of the entire investigation, the alleged incident has not been found to be substantiated. The alleged occurrence has been found to be entirely false and baseless. Accordingly, the offence alleged in the present case is liable to be closed. Hence, the case is being dismissed and Final Report No.- 50/2024 dated 28.11.2024 was closed against which objection has been filed by the complainant.

For considering the final report, the court has the following options:-

1. If the Court finds it appropriate and there is prima facie evidence on the file to prove that the defendants/accused should be summoned for trial, then it may cancel the final report and directly summon the defendants/accused for trial.
2. If the Court feels that there is a need for further investigation in the case then it can order the investigating officer to conduct further investigation.
3. If the Court deems it appropriate and the complainant has evidence, then it can register the case as a complaint and after examining the evidence of the complainant under Section 200 Cr.P.C. and the evidence of his witnesses under Section 202 Cr.P.C., and further action can be taken.
4. If the Court does not find any mistake in the investigation conducted by the investigating officer, then it can accept the final report and end the proceedings.

According to the complainant, it has been alleged that although the applicant disclosed the names of material witnesses, namely Ramkaran, Sunil and Kallu still their statements were not recorded during the course of investigation. It has further been alleged by her that no site plan (Naksha Nazri) of the place of occurrence was prepared, despite the same being a material step in the investigation. She has also asserted that the Investigating Officer relied upon witnesses who are allegedly associated with the accused persons, without making any sincere effort to collect independent evidence. Further she has also pointed out that she had specifically informed the Investigating Officer that the information regarding the incident was given to Dial 112 from Mobile No. 8887724802 immediately after the occurrence. However, no attempt appears to have been made to obtain or examine the Call Detail Records (CDRs) of the said mobile number, which could have been relevant for corroborating the prosecution version. It has also been alleged by her that the Investigating Officer made no proper inquiry regarding certain material facts referred to in the investigation, including the ownership and operation of the milk dairy mentioned in the case.

A perusal of the case diary and the Final Report indicates that the aforesaid aspects do not appear to have been adequately investigated or addressed. The investigation does not disclose any satisfactory reason for the omission to examine the material witnesses

named by the informant or for not collecting the relevant electronic evidence, if available. Such omissions assume significance in view of the nature of the allegations made in the First Information Report. Along with it, it is also explicit from the perusal of the case diary that the statement of witness Satendra has been recorded in which he has deposed in the favour of complainant supporting complainant's version. At this stage, this Court is not required to record any finding regarding the truth or falsity of the allegations made by the either side. The question for consideration is whether the investigation has been fair, complete, and in accordance with law. On the basis of the material placed before the Court, it appears that certain material aspects of the matter remain uninvestigated and the investigation cannot be said to be complete or satisfactory.

Consequently, this Court is of the considered opinion that the Final Report submitted by the Investigating Officer cannot be accepted at this stage. The interests of justice require that the matter be subjected to a fair, impartial, and comprehensive further investigation so that all relevant evidence, whether in favour of the prosecution or the accused is collected and considered before any final opinion is formed.

Accordingly, this Court hereby rejects the Final Report and orders Further Investigation into the matter by submitting a supplementary status report or supplementary final report before this Court.

ORDER

The Final Report No:- 50/2024 Dated:- 28.11.2024 sent by police in F.R. No:- 3/2025 of First Information Report in Case Crime No:- 217/2024 under Sections:- 74, 352 B.N.S. & 3(2)(va) S.C./S.T. Act, Police Station:- Hasanganj, District:- Unnao is hereby **rejected**. This Court orders the concerned investigating officer for **Further Investigation into the matter** by submitting a supplementary status report or supplementary final report before this Court.

Date:- 28.07.2026

(Ankita Shukla)
Special Judge S.C./S.T. Act/
Additional District & Sessions Judge,
Court No:- 2, Unnao